

city of saint paul
planning commission resolution
file number
date

WHEREAS, Rene & Kim Lerma, in File # 17-060-690, have appealed a Zoning Administrator similar use determination for Listening House to provide services at First Lutheran Church under the provisions of §61.106; §61.202; and §61.701(b-c) of the Saint Paul Legislative Code, on property located at 464 Maria Ave., Parcel Identification Number (PIN) 322922130011, legally described as Block 2 Lyman Dayton Addition, and northeasterly 1/2 of vacated Maria Ave accruing; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 3, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. On July 13, 2017, Rene & Kim Lerna filed an appeal of the zoning administrator decision to conditionally permit Listening House as an accessory use at First Lutheran Church, as detailed in a March 20, 2017 Statement of Clarification from DSI. The Listening House use occurs at 464 Maria Ave. in the sanctuary building of the First Lutheran Church campus.
2. In the March 20, 2017 Statement of Clarification, the proposed Listening House use of the site "to provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professionals, and maintaining a food shelf" was evaluated under the four required findings for a similar use determination in §61.106. The use was approved subject to the following conditions:
 1. The nonprofit tenant is limited to uses that are low profile, generate limited traffic, are compatible with the church's presence in the community, and have the potential to complement the activities of the church.
 2. Tenants shall meet the standards and conditions for "home occupation" as listed in Section 65.141 b, c, g and h of the Zoning Code, except that the use is accessory to a church rather than a dwelling unit (and therefore the person conducting the activity need not live on the premises), and that some limited classes may be offered.
 - (b) A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair.

moved by _____
seconded by _____
in favor _____
against _____

- (c) A home occupation shall be carried on whole within the main building. No occupation shall be allowed in detached accessory structures or garages.
 - (g) There shall be no exterior storage of equipment, supplies, or overweight commercial vehicles, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except one business car, pickup truck or small van, nor any additional vehicles except those for permitted employees associated with the home business.
 - (h) There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance resulting from the home occupation.
3. The church shall work with Listening House to prevent scheduling of multiple events that, taken together, would generate considerable traffic and congest neighborhood streets.
3. In 2004, the Planning Commission approved a similar use determination for St. Mary's Episcopal Church at 1895 Laurel Ave. (ZF #04-175-573), which was referred to in the March 20, 2017 Statement of Clarification. The 2004 approval found that leasing space to civic, educational, social, cultural, service, healing arts, performing arts, and studio arts organizations is similar to other accessory church uses, subject to five (5) conditions, including that the tenants meet the standards and conditions for a "home occupation" (except that it's for a church rather than a dwelling unit), and that some limited classes may be offered with no more than 10 persons. Accessory uses noted during a 2008 inspection include a yoga studio, a home health care office, a non-profit travel organization, a massage therapist, a psychologist, a piano teacher, and a counselor.
4. §61.106 states: When a specific use is not listed in the zoning code, ... the planning commission shall determine if a use is or is not similar to other uses permitted in each district. The ... planning commission shall make the following findings in determining one use is similar to another:
- (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* This finding is not met. It has become apparent since the use has become established that it does not operate like the accessory uses permitted via Planning Commission action in ZF #04-175-573, nor like any other uses permitted in the RT1 zoning district. The use has not operated like a home occupation because of its detrimental effect on the neighborhood, with an increase in issues such as littering, public urination, and sleeping in outdoor public and private spaces causing such detriment, including during hours when the facility is closed. The use has not been compatible with the church's presence in the community. With no homeless shelter nearby, and the use's hours limited to 9:00 AM to 5:00 PM Monday through Friday, there is no reliable means to control the problem activities during other hours. Some problem activities have been exacerbated by the proximity to Swede Hollow Park.
 - (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding is met. The property is on a corner lot and has two parking lots available for church and for Listening House staff/customers. The parking lots consist of one with 49 parking spaces of which Listening House will be using 11 parking spaces, and one with 24 parking spaces. The Church primarily uses the parking lot on Sundays with occasional evenings or special events. The lease limits Listening House to Monday through Friday, 9:00 AM to 5:00 PM. The traffic generated is similar to that of a church

with the same programs

- (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is met. The use has been classified as an accessory use, which is permitted in all zoning districts.
- (d) *That the use is consistent with the comprehensive plan.* This finding is not met. The Comprehensive Plan in Housing Strategy H-3.4 calls for supportive housing for homeless, and generally commits the City to work to end homelessness (such as through programs like Listening House). Though the use is consistent with the Comprehensive Plan's general direction to provide support services to homeless, it is not consistent with the Plan's Land Use policies. The Comprehensive Plan designates the site as part of a Mixed Use Corridor centered on E. 7th Street and, in Strategy LU-1.48, calls for compatible mixed uses in such areas whether within buildings or on adjacent properties. As noted in Finding 4(a) above, the use has proven to not be compatible with adjacent properties, and therefore is not consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal of Rene & Kim Lerma of a Zoning Administrator similar use determination for Listening House to provide services at First Lutheran Church at 464 Maria Ave. is hereby granted, thereby reversing the Zoning Administrator's decision to permit the proposed services.

September 28, 2017

To: Zoning Committee Members

From: Peter W. Warner, Assistant City Attorney

RE: Listening House: PED Zoning File 17-060-690

The initial issue before you is the appeal from a “similar use” decision by the Zoning Administrator that the Listening House operations are “similar to other accessory church based uses.” I advise that this issue be resolved first.

The following zoning code sections may be useful for your deliberations.

I. The ordinance provision under which the Zoning Administrator acted:

Sec. 61.106. - Similar use determination.

When a specific use is not listed in the zoning code, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated herein. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If the zoning administrator finds that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code, any person proposing such use may file an application for the planning commission to determine if a use is or is not similar to other uses permitted in each district. The zoning administrator or planning commission shall make the following findings in determining one (1) use is similar to another:

- (a) That the use is similar in character to one (1) or more of the principal uses permitted.
- (b) That the traffic generated by such use is similar to one (1) or more of the principal uses permitted.
- (c) That the use is not first permitted in a less restrictive zoning district.
- (d) That the use is consistent with the comprehensive plan.

II. The Code's “accessory use” definition applicable here:

• **Sec. 65.910. - Accessory use or accessory.**

A building, structure or use which is clearly incidental to, customarily found in connection with, and . . . [inapplicable parking lot regulations] . . . located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

- (h) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex; greenhouses accessory and incidental to a florist; and auto rental accessory and incidental to a hotel or railroad passenger station.

III. The Code's Home Occupation definition with respect to condition No. 2: "tenants shall meet the standards and conditions for 'home occupation' as listed in Section 65.141 b, c, g, and h except that the use is accessory to a church rather than a dwelling unit [to wit: the person conducting the activity need not live on the premises] and that some limited classes may be offered."

- **Sec. 65.141. - Home occupation.**

An occupation carried on in a dwelling unit by a resident thereof, provided that the use is limited in extent, incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Standards and conditions:

- (a) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit. Such home occupations shall involve only limited retailing, by appointment only, associated with fine arts, crafts or personal services as allowed in the B1 local business district.
- (b) A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property, and shall not involve retailing except as noted in paragraph (a).
- (c) A home occupation shall be carried on wholly within the main building. No home occupation shall be allowed in detached accessory buildings or garages.
- (d) All home occupation activities in dwelling units of less than four thousand (4,000) square feet of total living area, excluding a cellar and attic, shall be conducted by no more than two (2) persons, for one (1) of whom the dwelling unit shall be the principal residence. All home occupation activities in dwelling units of four thousand (4,000) or more square feet of total living area, excluding a cellar and attic, shall be conducted by no more than three (3) persons, for one (1) of whom the dwelling unit shall be the principal residence.

- (e) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
- (f) Service and teaching occupations shall serve no more than one party per employee at a time and shall not serve groups or classes.
- (g) There shall be no exterior storage of equipment, supplies or commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van, nor any additional vehicles except those for permitted employees identified under paragraph (d).
- (h) There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation or any other annoyance resulting from the home occupation.
- (i) A home occupation may have an identification sign no larger than two (2) square feet in area, which shall not be located in a required yard.
- (j) Home occupations for handicapped persons that do not meet these conditions may be reviewed by the board of zoning appeals, which may modify or waive requirements (a) through (g).
- (k) For the purposes of this section, "principal residence" shall mean the dwelling where a person has established a permanent home from which the person has no present intention of moving. A principal residence is not established if the person has only a temporary physical presence in the dwelling unit.

IV: The Code's provision allowing the imposition of reasonable conditions when granting zoning approvals.

- **Sec. 61.107. - Conditions of approval.**

The planning commission, planning or zoning administrator, board of zoning appeals, or city council may impose such reasonable conditions and limitations in granting approval of a site plan, conditional use permit, similar use determination or other zoning approval as are determined to be necessary to fulfill the intent and purpose of the zoning code, to ensure compliance, and to protect adjacent properties and additionally, when approving a variance, as are directly related to and roughly proportionate to the impact of the variance.

September 28, 2017

To: Zoning Committee Members

From: Peter W. Warner, Assistant City Attorney

RE: Listening House: PED Zoning File 17-060-690

Please find attached a “document that summarizes and prioritizes neighborhood concerns and proposed conditions, the response of L[istening] H[ouse] and final status.”

The document is based upon a matrix initially drafted by Nancy Homans in response to the Committees request for exploration of resolvable issues.

Warner, Peter (CI-StPaul)

From: Homans, Nancy (CI-StPaul)
Sent: Thursday, September 28, 2017 8:10 AM
To: renelemajr@gmail.com; rjlerma@comcast.net; Warner, Peter (CI-StPaul); Dermody, Bill (CI-StPaul)
Cc: cheryl@listeninghouse.org
Subject: FW: Draft Document
Attachments: Swede Hollow Residents to zoning committee 9.28.17.docx

Rene,
By this e-mail, I am forwarding your document in its entirety to the City Attorney working with the Planning Commission.
N.



Nancy Homans
Office of Mayor Christopher B. Coleman
390 City Hall
Saint Paul, MN 55102
651-266-8568
Nancy.Homans@ci.stpaul.mn.us



The Most Livable
City in America

From: Rene Lerma [<mailto:renelemajr@gmail.com>]
Sent: Thursday, September 28, 2017 7:47 AM
To: Homans, Nancy (CI-StPaul); Dermody, Bill (CI-StPaul)
Cc: rjlerma@comcast.net
Subject: Re: Draft Document

Nancy, attached you will find a document that summarizes and prioritizes neighborhood concerns and proposed conditions, the LH response and final status.

We have placed so much effort into working with LH and 1st Lutheran and as such, feel that the attached document and format represents those efforts and results in a clearer manner.

Please review and consider this an official request to have the attached document submitted to the City Attorney. We have reviewed the draft you sent and cannot and do not authorize this to be representative of our position.

Please acknowledge receipt with your response and also please acknowledge/verify that the city attorney will receive our attached document (word file: Swede Hollow Residents to zoning committee 9.28.17.docx) prior to the Zoning hearing this afternoon (28 Sep. 2017).

Please advise on what happens next, and if you have questions, please let me know.

Rene' Lerma

On Wed, Sep 27, 2017 at 4:06 PM, Homans, Nancy (CI-StPaul) <nancy.homans@ci.stpaul.mn.us> wrote:

Rene—and neighbors,

First of all I want to thank you all for the time you have devoted over the past several weeks to working with me and Listening House to try and forge a path forward. It is tough, but important, work.

I've attached my draft of where I think things were left at the end of the evening. If I missed or misunderstood anything about your positions (outlined in the last column alongside Listening House's positions), please feel free to edit the language.

It would be helpful if I could have this to share with the City Attorney tomorrow morning.

Best,

Nancy



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Summary of Discussions: Listening House/First Lutheran Church/Dayton's Bluff Neighbors participating in appeal

Swede Hollow Residents' Proposed Condition	Listening House Response
<p><u>Listening House (LH) to adopt screening procedures for visitors</u></p> <p>LH will adopt the same screening procedures/criteria utilized by Catholic Charities and the Union Gospel Mission for users of their respective services/facilities.</p>	<p>Neighbors interpret this as no.</p>
<p><u>There shall be no detriments to the residential character of the neighborhood due to noise, odor, smoke, traffic congestion, hours of operation or any other annoyance resulting from the use.</u></p> <p>Zoning Staff Report (File #17-060-690) Section I: FINDINGS: 2.2.(g)</p> <p><u>LH and First Lutheran (FL) will control nuisance behavior by LH visitors</u></p>	<p>LH is open to all who visit unless we previously established they couldn't enter. To our knowledge this is the same policy that Catholic Charities applies. Listening House does not agree to screening all its guests for a number of reasons. It requires that guests have ID cards which many do not. One of the services LH provides is helping guests obtain IDs, which are a prerequisite for shelter. It is inconsistent with LH's mission of welcoming all to conduct an intake process which would be frightening to some of their most fragile guests. It is in relationship with those fragile guests that we eventually build trust and get them connected to needed services.</p> <p>The conversation touched on alternative ways of screening for Level 3 sex offenders. LH has reviewed the current list of Level 3 sex offenders in Ramsey County and indicates that none are or have been Listening House guests.</p> <p>Listening House staff is willing to work with Ramsey County Corrections to develop an appropriate protocol for restricting people under their supervision from Listening House.</p>
<p>LH and FL will be responsible to prevent, mitigate, and manage nuisance behavior by Listening House visitors, as defined by the Saint Paul Zoning Code Sec 60.215.</p>	<p>Neighbors did not receive a response to this condition.</p> <p>Neighbors do not believe this commitment adequately addresses the impact of LH on the community. It limits LH responsibility to behaviors of LH guests to those committed on site and within business hours. As has been the topic of much discussion and</p>

Summary of Discussions: Listening House/First Lutheran Church/Dayton's Bluff Neighbors participating in appeal

<p>Sec. 60.215. Nuisance. A substantial unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious or offensive.</p> <p>LH will develop and post employee and visitor policies, procedures, and implementation plans which outline specific direction for ongoing compliance to rules with enforceable penalties and sanctions.</p> <p><u>LH will maintain a safe environment for its visitors and the surrounding community by providing on-site security and adopting other safety measures</u></p> <p>LH will provide qualified security/response staff on-site from the hours of 7:00am to 12:00 a.m. (midnight). Staff will be responsible to address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors on-site and in the nearby vicinity.</p> <p>LH will not accept visitors who are intoxicated or impaired by drug use, and will not allow the consumption of alcohol or controlled substances on site.</p> <p>LH will call police when a person is intoxicated or impaired by drug use to transport the individual to detox or to remove the individual from the facility and surrounding area.</p> <p>LH will call police and file reports on violent or illegal offenses (i.e. assault, fighting, indecent exposure, other dangerous acts), committed on-site or in the immediate vicinity. LH will notify</p>	<p>or barred from LH. We take reasonable steps to ensure our guests abide by our policies and enforce them via bars or trespassing.</p> <p>LH will develop with guests and post a "good neighbor policy."</p>	<p>documentation between neighbors and LH, many of the nuisance behaviors happen in the area immediately adjacent the site and preceding or post business hours.</p>
<p><u>LH will maintain a safe environment for its visitors and the surrounding community by providing on-site security and adopting other safety measures</u></p> <p>LH will provide qualified security/response staff on-site from the hours of 7:00am to 12:00 a.m. (midnight). Staff will be responsible to address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors on-site and in the nearby vicinity.</p> <p>LH will not accept visitors who are intoxicated or impaired by drug use, and will not allow the consumption of alcohol or controlled substances on site.</p> <p>LH will call police when a person is intoxicated or impaired by drug use to transport the individual to detox or to remove the individual from the facility and surrounding area.</p> <p>LH will call police and file reports on violent or illegal offenses (i.e. assault, fighting, indecent exposure, other dangerous acts), committed on-site or in the immediate vicinity. LH will notify</p>	<p>LH will address nuisance and illegal behavior and respond to medical, substance abuse, and mental health situations and/or emergencies that arise among LH visitors onsite during our hours we are open to guests. We will also continue to attend community policing meetings.</p> <p>Listening House committed to explore how they might be able to provide after-hours intervention in the area surrounding the church from 7 a.m. to midnight, Monday through Friday, with a progress report in 30 days.</p> <p>LH will review the details recorded in the neighborhood log to assess any patterns of behavior (times, places, behaviors) that would help them design a program.</p> <p>Listening House further agrees to review their own camera footage and the on-line log daily and assist the neighbors with addressing issues or areas of concern.</p> <p>Listening House will continue to walk the surrounding area at key times during the day to see if we can locate people who may be in distress and intervene as necessary.</p> <p>Listening House will give notice on a shared Google site of serious incidents that have caused guests to be trespassed from Listening House.</p> <p>First Lutheran Church will post a sign restricting after hours use of the plaza/church grounds. They would like to discuss the precise wording of the sign so as</p>	<p>Overall neighbors perceive this as a no.</p> <p>LH has not committed to providing the security and response neighbors feel is required to mitigate ongoing nuisance behaviors by LH guests before or after business hours.</p> <p>Neighbors feel that the acceptance of intoxicated and/or impaired guests contributes to the level of nuisance behaviors the neighborhood is experiencing. LH is has not committed to addressing that issue.</p> <p>LH has not agreed to call police and file reports on all violent or illegal offenses committed on-site or in the immediate vicinity.</p> <p>We believe we have reached an agreement on notification to community members of persons reported, arrested, or restricted from</p>

Summary of Discussions: Listening House/First Lutheran Church/Dayton's Bluff Neighbors participating in appeal

<p>community members of persons reported, arrested, or restricted from the premises that represent a threat or risk. LH will advise the police department of any person it has restricted from the premises and maintain a written record of trespassed persons. FL will post and enforce restrictions on after hours use of the plaza and church grounds</p>	<p>not to conflict with wedding receptions and other events that may extend into the evening.</p>	<p>the premises that represent a threat or risk, but that is not specified in their response.</p> <p>LH has agreed to advise the police department of any person it has restricted from the premises and maintain a written record of trespassed persons.</p> <p>FL has agreed to post restrictions on after hours use of the plaza and church grounds. After hours enforcement is unresolved.</p>
<p><u>LH will provide transportation to area shelters at the end of the business day</u> At the end of each business day LH will provide transportation to downtown or nearby shelters and otherwise ensure that its visitors have left the area. In addition, LH will keep its facility open to visitors during the lunch hour on days that it is open for afternoon hours.</p>	<p>Listening House will ensure that guests have left the area after LH closes and will continue to provide bus fares to guests who need it (currently \$700/month).</p> <p>Listening House has begun planning the operational changes necessary to stay open during lunch.</p>	<p>LH has not agreed to provide transportation to downtown or nearby shelters or to keeping its facility open to visitors during the lunch hour on days that it is open for afternoon hours.</p>
<p><u>LH will not expand into evening or overnight services or its on-site facilities</u> LH will not extend its hours into the evening or offer night shelter services.</p> <p>First Lutheran will not build or create outdoor recreation/patio areas during LH's tenancy.</p>	<p>Agreed. LH will not expand into evening or overnight services.</p> <p>Listening House will not build—or cause to be built—a patio outside Listening House or anywhere on church grounds.</p> <p>LH expresses concern about the inability of our guests to access shade anywhere on the property.</p>	<p>LH does not acknowledge or understand that behaviors of some of LH guests – including fights, assaults, profanity, drug use, alcohol consumption and public urination create a disturbance &/or nuisance in the community. Until such time that those behaviors are under control, expanding the footprint of the program to outdoor areas is unwarranted and unreasonable.</p>



CITY OF SAINT PAUL
Mayor Christopher B. Coleman

Civil Division
400 City Hall
15 West Kellogg Blvd
Saint Paul, Minnesota 55102

Telephone: (651) 266-8710
Facsimile: (651) 298-5619

TO: Zoning Committee Members

FROM: Peter W. Warner
Assistant City Attorney

DATE: September 13, 2017

RE: **Zoning File 17-060-690, Response to Zoning Committee Directive to explore potential for additional conditions regarding a determination of similar use decision for Listening House at 463 Maria Avenue**

BACKGROUND

At the conclusion of the Zoning Committee's August 3, 2017 public hearing regarding Zoning File 17-060-690, an administrative appeal from a "similar use" determination allowing Listening House to provide services at First Lutheran Church ("Church"), 463 Maria Avenue, the Committee duly moved to lay the matter over for four-weeks in order to give City Staff an opportunity to work with the parties in this matter - the Appellants, Listening House and the Church - to determine whether any of the issues raised during the hearing were resolvable.

Staff convened to discuss the Committee's directive. Given that Staff had already recommended that the appeal be granted, I recommended, in light of the Committee's directive and under the circumstances, that a "3rd party" rather than Staff undertake the work necessary to respond to the Committee's directive. Staff concurred with this approach. I then suggested Nancy Homans of the Mayor's staff as someone who might work on the matter given her extensive experience as a municipal planner as well as her familiarity with both neighborhood- and city-wide issues due to her position in the Mayor's Office. Staff concurred with this suggestion as well.

I approached Ms. Homans with the idea and, after consideration, she agreed and took the necessary steps to meet and listen to the principal parties, other concerned neighbors and various City department staff regarding this matter. Accordingly, Ms. Homans engaged in a number of conversations and meetings with Appellants, Listening House and the Church, other members of the neighborhood and City employees from the Police Department and the Department of Safety and Inspections and took tours of the neighborhood.

Following these various engagements, I met with Ms. Homans. She provided her thoughts to me regarding the matter and offered suggestions for possible conditions. These suggestions are the product of her time taken to listen to the concerns of all the parties involved and are offered in the spirit of suggesting further ideas for dealing with the noted concerns.

In the event the Committee desires to move in a direction other than that recommended in the Staff Report for this matter and presented to you in your August 3, 2017 public hearing packet, I have distilled Ms. Homans' suggestions into conditions for your consideration together with some background into their formation and present them below.

I want to stress that these possible conditions are provided specifically in response to the Committee's August 3, 2017 directive and must not be interpreted as an alternate staff report or recommendation in this matter to that contained in the July 27, 2017 Staff Report.

I. Neighborhood Concerns

Listening House neighbors seem most concerned about the following activities:

People sit or sleep on benches in the Church courtyard before Listening House opens, during Listening House hours and after Listening House has closed for the day. For this memo's purpose, I'll describe such conduct as "loitering." When called about such conduct, it is said that the police response is that the courtyard is private Church property and that the Church has not indicated that its courtyard is "off limits" at any time of the day.

They also express concern about people walking through the neighborhood to and from Listening House that might be intoxicated, exhibit the symptoms of significant mental illness or trespass on their property. Again, there are various opinions with respect to the relationship these people may have with Listening House. When called upon, it appears that Listening House has intervened with these individuals and assisted in securing necessary services, but neighbors would prefer a greater security presence in the wider neighborhood.

Possible [additional] conditions to consider:

- Listening House, as a lawful possessor under its Lease with Church, must have its staff advise all clients daily that they must leave Church property at the end of business each day. Listening House staff shall remain on the premises to insure that clients have departed. In the event a client should remain on the premises and refuses to leave, staff should demand that client leave and then call the police to trespass the client in the event the client does not leave. Presently, the business hours of Listening House are 9:00-11:30 a.m., Monday through Friday and from 12:45-4:15 p.m. on Monday, Tuesday and Thursday. There are no weekend or evening hours. The purpose of this condition is to advise Listening House clients that they have been requested to depart the premises and that willfully remaining in the courtyard outside of Listening House operating hours will constitute trespassing and that the police can arrest Listening House clients found in the courtyard outside of posted hours.
- On behalf of Listening House as a lawful possessor, Church to post hours that the courtyard is open. Posted hours might consider typical Church operating hours, including special events, but must consider the operating hours of Listening House. The hours must be reasonable and must be approved by the City's Zoning Administrator

- On behalf of Listening House as a lawful possessor, Church must post in the courtyard a notice sign warning against trespassing outside of the posted courtyard operating hours. The sign must comply with Minn. Stat. § 609.605, Subd. 1(a)(5)(i).
- Listening House must advise the Police Department of any person it has trespassed and maintain a written record of trespassed persons.
- Listening House will not extend service hours beyond 4:15 p.m. nor offer night-shelter services.
- Listening House and Church will explore with neighbors and other partners the development of a unified security plan for the neighborhood.

II. Other Neighborhood Topics of Conversation

- Some have suggested that Listening House offer its clients lunch on days when they have a split between morning and afternoon hours so that they would not be required to leave the premises in the middle of the day. Listening House staff would want it known that serving lunch is likely to bring more people to Listening House on days lunch is served.
- Some have requested that there be no loitering outside of Listening House doors nor sleeping on benches. Adding a “trespassing” condition regarding business hours is likely to address this topic.
- Some have requested that there be no outdoor patio built outside of Listening House or anywhere else on church grounds. While it is not clear what situation this topic is intended to address, a condition could be added prohibiting Listening House from extending its footprint outside the building. Church, however, would reserve the right to improve its property for Church purposes subject to first obtaining any required site plan approvals and/or building permits.
- Some have requested initiatives to stop people from coming through the neighborhood in the evening to camp in Swede Hollow. Many neighbors relate an increase in illegal camping in Swede Hollow Park to the opening of Listening House. They encounter homeless people during their visits to the park, find belongings strewn around campsites and experience apparently unsheltered people coming and going to the Park. While some illegal camping and apparently unsheltered people could be Listening House clients, it is also equally likely that some are not Listening House clients. It is unquestionably likely that unsheltered people camped in Swede Hollow before Listening House opened just as it is well settled that there is an increasing number of unsheltered people in the City. Thus it cannot be said with certainty that illegal camping in Swede Hollow is the exclusive result of the opening of Listening House. In any event, addressing illegal camping in Swede Hollow is not the responsibility of Listening House. That responsibility lies with the City. To that end, Ms. Homans has already begun working with City departments to adopt a formal plan to regularly patrol Swede Hollow as well as all City parks and other City owned property for the purpose of enforcing the

- City's no-camping regulations. The plan will involve the Park and Police Departments as well as the Department of Safety and Inspections and the City Attorney's Office. In addition, Ms. Homans informed me that the City and Listening House both participate in "Outside-In" which is a community-wide effort convened by the Saint Paul Foundation as a means to understand the dynamics of the unsheltered people and to recommend initiatives to reduce the number of homeless persons in and around downtown Saint Paul through expanded outreach and additional low income housing opportunities.
- Some have requested that Listening House police upper and lower Swede Hollow Park for encampments every evening and ensure removal of the encampments and all the trash left behind. As noted above, enforcing regulations prohibiting camping in Swede Hollow and all City parks is the City's responsibility.
- Some have expressed concerns regarding "quality of life" behaviors, for example: drinking in public, urinating in public etc. As noted above, while it is not clear that all persons exhibiting these behaviors are Listening House clients, some might. Listening House should develop, post and discuss with their clients "Good Neighbor" reminders about the responsibilities inherent in sharing a neighborhood.
- Some have expressed concerns regarding persons sleeping at the bus stop at the corner of 7th and Maria which is at the edge of the reduced fare zone. Again, while it may be that some people sleeping at this bus stop could be Listening House clients, it is equally likely that they are not. While this is not a problem exclusively attributable to Listening House, Ms. Homans informed me that the City will work with Metro Transit Police to increase patrols of the bus stop.
- There were requests to have the following conditions imposed on the Determination of Similar Use. My legal advice is that these conditions lack the necessary legal nexus required for the City to impose them in the first place and are, therefore not recommended:

Require Listening House to transport its clients.

Require Listening House to screen clients with criminal records and exclude those with a criminal record from using Listening House.

Prohibit Listening House from operating as a "wet house."

Require Listening House to provide on-site security from 7:00 a.m. to midnight.

- Finally, it may be useful to require Listening House to actively participate in some manner of monthly meetings, with members of the immediate neighborhood or the Dayton's Bluff Community Council as a means to get to know one another. Doing this may go a long way towards addressing and facilitating solutions to any on-going concerns.

P.W. Warner memo
September 13, 2017
Listening House Appeal
Page Five

CONCLUSION

As I write this, Listening House, the Church and the neighbors continue to talk about language around possible conditions. They met as recently as yesterday evening. In the event there is any agreement on that language, I will forward it to you prior to convening the Zoning Committee meeting tomorrow.

Z.F.# 17-060-690

From: rlerma@comcast.net
To: [Dermody, Bill \(CI-StPaul\)](#)
Subject: Additional Police Report
Date: Thursday, August 03, 2017 10:00:08 AM
Attachments: [policereport.pdf](#)

Dear Bill Dermody,

Additional Police Report for 911 calls made concerning Listening House.

This time frame is after we submitted our appeal.

Thank You.

Best Regards,
Kim & Rene' Lerma
613 North St.

Saint Paul Police Department Address/Intersection Report

Address Search: 464 MARIA AV
Incident date from 06/30/2017 to 07/31/2017
(Sector 3, Grid 94)

Total Records: 27

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
17177386	07/30/2017 17:27:22	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17176448	07/29/2017 13:19:04	464		FAMIL Y/CHILD DRFN-MENTAL/VULNERABLE ADULT	ADV
17176275	07/29/2017 08:21:28	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17174224	07/27/2017 00:59:09	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	GOA
17174106	07/26/2017 22:19:39	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	ADV
17173747	07/26/2017 15:53:13	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17173221	07/26/2017 00:49:12	464		POLICE VISIT PROACTIVE POLICE VISIT	ADV
17172873	07/25/2017 15:27:26	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17172503	07/25/2017 10:39:06	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17171930	07/24/2017 15:01:43	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17171766	07/24/2017 11:09:31	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17171660	07/24/2017 07:49:55	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	ADV
17168397	07/20/2017 12:06:17	464		INVESTIGATE -JUVENILE F	ADV
17167501	07/19/2017 10:22:59	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	ADV
17166831	07/18/2017 18:54:50	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	ADV
17166190	07/16/2017 22:00:54	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	ADV
17163357	07/14/2017 19:52:53	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	GOA
17162265	07/13/2017 17:32:12	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	ADV
17160773	07/12/2017 09:19:41	464		DISTURBANCE-FIGHTS	ADV
17160748	07/12/2017 08:43:36	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	ADV
17160706	07/12/2017 07:04:21	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	ADV
17160161	07/11/2017 15:55:18	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	ADV
17157587	07/08/2017 16:04:04	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17156200	07/06/2017 10:33:05	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17152836	07/03/2017 16:44:44	464		DISTURBANCE-DISORDERLY BOYS GIRLS PERSONS	ADV
17152538	07/03/2017 17:07:55	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17152251	07/03/2017 09:48:46	464		DISTURBANCE-SUSPICIOUS PERSON, CAR	ADV

gll calls → 39 calls since Lft opened

From: [Dermody, Bill \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: Additional Letters against Listening House
Date: Thursday, August 03, 2017 1:24:59 PM
Attachments: [mandyletter.pdf](#)
[ericletter.pdf](#)
[daveg.letter.pdf](#)
[Untitled.pdf](#)
[Listening House .docx](#)
[mayor letter.docx](#)
[colemanletter.pdf](#)

Cherie,
Please provide the attached letters to the Zoning Committee this afternoon.

From: rjlerma@comcast.net [mailto:rjlerma@comcast.net]
Sent: Thursday, August 3, 2017 9:49 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Subject: Additional Letters against Listening House

Dear Bill Dermody,

Please see attached letters to the Zoning Board from residents concerning the Listening House in our residential neighborhood.

There are letters from owner occupied residents and also letters from landlords who are having some problems with keeping leases and renting to future tenants because of the problems with Listening House.

Please add to our existing appeal/documentation packet.

Thank you.

Best Regards,
Kim & Rene' Lerma
613 North Street

Zoning Appeal: Listening House

7.31.2017

Miranda Okonek
649 North Street

To Whom It May Concern:

My name is Miranda Okonek and have lived on North street for over 13 years. I rented a duplex at 653 North street was married in the backyard overlooking Swede Hollow Park and bought the house next door. I live less than 50 feet from the doors of Listening House. My husband and I love raising our children in a diverse urban environment and are no strangers to crime and homelessness in Saint Paul. Since LH opened I have witnessed a huge uptick in crime and homelessness. Our bike and child carrier lock and all were recently stolen from our driveway. My daily walks in Swede Hollow Park are witness to more and more tents and encampments popping up right in my back yard. I've started to carry garbage bags with me on walks to pick up empty liquor bottles and trash because the city can't see everything when they drive by in their clean up trucks. Sadly, the number of folks I've seen living in Swede Hollow has increased dramatically and now I have they City Parks and Rec on speed dial. After being confronted by a homeless fellow who was angry because he accused me of calling the cops on him, I no longer bring my 6-year-old daughter into the Hollow. I still walk daily in lower Swede Hollow Park with my dogs and report crime to the proper authorities at my own risk. I've watched and gotten to know many of the guests who frequent LH as folks who are living in the Hollow. Not all of them are scary. I feel bad for the ones who really want help. Unfortunately, most of the folks living in the park are exhibiting behavior that I do not deem suitable for my young child to bear witness. Screaming obscenities while in conversations on their LH provided cell phones, lude behavior, excrement, trash and public intoxication are seen on a daily basis. The LH folks say they are providing mental health and chemical dependency services but I've seen intoxicated guests on their lawn on more than one occasion. My mom came by for a visit and was terrified by the folks she saw walking down my street after LH closed and begged me to move. I refused. In fact, I'm currently working on home improvement projects to increase the value of my home and neighborhood. I'm currently attending Metro State University, where I can walk to class and work on my BA. I love the diversity of my Historic neighborhood, and I love my neighbors. We have worked hard to make Dayton's Bluff a community where people want to move and raise their families. The addition of LH to our neighborhood is a harmful one. They attract a criminal element to our quiet dead-end street and the LH staff are providing the neighbors no accountability for increased crime and trash. In fact, they have never once answered their phone when I've called during business hours on several occasions to address the staff about crime and un savory guests. The similar use Zoning appeal is legitimate. The face of our neighborhood was changed when Listening House opened its doors. Listening House's services are too vague and the risk of harm from their clients to the neighbors is too great. The only similarity I can see between St. Mary's Church and First Lutheran church are the fact that they are both churches located in Saint Paul. St. Mary's church is not located near any green space or a public park. It is not on a dead-end street. I ask that you grant our appeal. Please keep our little neighborhood a safe place where we can live and raise our children in peace.

Kind Regards,
Miranda Okonek



To whom it may concern.

I live at 657 north with my two sons and mother-in-law. We are very close to the Listening House and am very concerned with it being in our neighborhood. Homelessness is something that we have to deal with everywhere we go. The children ride their bikes at the dead end which is right next to LH. We encounter homelessness at the upper and lower swede hollow. We walk to the library almost everyday, our path is right past LH. Also we encounter it at the library.

The other day as I walked with my children to the dead end to ride bikes, a homeless man that was walking to LH screamed at us angrily the whole way. When we go on our walks we find all sorts of garbage, evidence of drinking, I have overheard homeless men discussing where they were going to go urinate. People loitering outside of LH before, during and after hours for LH. Trash piled up beside LH dumpster. Everywhere I go with my children there are homeless and evidence of

I'm very concerned with the affect of LH being in a residential neighborhood. I don't believe LH takes it seriously how much this affects our daily lives. We have to call the police every time something happens. Let alone not feeling safe everyday. Just in the first block of LH there are 15 children which is a big deal when they don't screen their clients. I have no idea who I am dealing with on the street which makes me feel unsafe. I shouldn't be afraid just to go on a walk with my children. I don't believe that a residential neighborhood is the best fit for what LH does.

- MELINDA
SAYD
WILLIAM
SALINAS

~~ROSE~~ JACKSON
ROSE SALINAS

ERIC
SALINAS

To whom it may concern,

I, David

Gustafson, the property owner of 629 North St. for the last eighteen years. Just found out a week ago, about the homeless day shelter located at the church across the street from my property. My tenants informed me of the situation before i received any notice in the mail, about a homeless shelter at the church. My tenants have witnessed people sleeping outside of the church property on the ground, as well as people arguing outside and asking them for money. My neighbors notified me of several thefts on the block in the past few weeks. Up until this point our neighborhood has been quiet and peaceful. My tenants no longer feel safe, and have resigned a one year lease two months ago. They and are now looking to terminate their lease because of the issues regarding the homeless shelter. I have been at the property the last 3 days doing maintenance and i have also witnessed these problems. As far as i know, there should have been a public hearing before a shelter like this is allowed to be placed in a neighborhood. What seems to be happening when the shelter closes, is that there is nowhere for these people to go so they are sleeping in the neighborhood and swede hollow park behind my property. This shelter placed at the church has caused many issues for my tenants and I. I hope you strongly consider relocating this shelter as i am about to lose my tenants, due to these issues.

Sincerely,

David Gustafson

From Gabriel Harran

(619 North Street multi tenant property owner)

We are having a harder time renting our apartments this summer. We have a standard for our tenants that helps support our responsible neighborhood and we do not want to lower our standard. With the observable behavior that has come along with the Listening House this is much harder to do.

The value of our investment is at risk. We are not a massive real estate company, just a couple who has their eggs in a small basket. Having a service provider move in and not take responsibility for the externalities of their services has major financial implications to our family."

August 1, 2017

Here are 4 emails that I sent out to various individuals about Listening House. They reflect my increasing frustration with the problems that Listening House has brought to our neighborhood.

Jane Carlstrom
619 Bates Avenue

June 1, 2017

Thank you to Chris and Brenda from First Lutheran and to Rosemarie and Axel for being at the neighborhood meeting last night. There was a great deal of tension and frustration expressed on both sides of the issue. The move of the Listening House programs to 8th and Maria took the neighbors by surprise. And, as you know, this neighborhood has gone through some very difficult times with well intentioned but poorly managed programs in the past. I hope we can resolve some of the expressed concerns so that the neighbors can provide a welcoming presence for the people whom Listening House will be serving. Last night's meeting was an essential first step to allow folks to talk about their fears. I am encouraged that we have a follow-up meeting on the calendar in two weeks so that we can work together to create an action plan for the future.

I have heard that we have been labelled NIMBYs by some. Last night I heard someone who knows nothing about our neighbors or neighborhood say that we lack compassion for the vulnerable and that he worries we will do harm to the people you serve. These kinds of attitudes about us are counterproductive, offensive, and will not give rise to the kind of cooperation that we wish to promote. As was pointed out at the meeting, we have 5 homes serving social service functions within the small wedge of neighborhood between First Lutheran and St. John's Lutheran on this side of 7th Street. No one is working to shut them down; they are not disruptive to our community. My hope is that the Listening House will become a positive force in our community. In order for that to happen Listening House needs to earn our trust by addressing the concerns of our community.

I am looking forward to working with you on a plan to keep our neighborhood both safe and welcoming.

July 7, 2017

It is 10:30; I just returned from my usual morning dog walk. In the upper park I encountered a woman with a back pack who was carrying a large can of beer or malt liquor. We greeted each other and she volunteered that she was there to "get away from the men for a while and have a drink." I believe that she, like the many individuals we have seen drinking in Swede Hollow Park, is a client of Listening House.

My husband and I walk our dogs around the neighborhood at least twice a day. We are in the habit of picking up trash along the way. This summer we have picked up more beer cans and liquor bottles than at any time in the past. And we also have picked up more clothing, food wrappers, napkins, rugs, and tarps than ever before. Our past in the

neighborhood extends back decades. Dave has lived here since 1979 and I have been here since 1992.

After the first meeting at Listening House I held out some hope that the organization would take responsibility for the problems it has brought to our neighborhood. I have lost that hope.

I was not able to attend the second meeting about Listening House last month. But reports about the meeting from my neighbors were disappointing. They tell me that rather than addressing the concerns of the neighbors we were once again told that we "lack compassion". One neighbor was told by a Listening House supporter that she has a "dark heart." I was very disappointed to hear that once again people who do not live in our neighborhood and who certainly did not seek to have this program placed in any of their own neighborhoods continue to insult those who express concern about the secretive way this program was dropped on us and who are interested in maintaining a safe and livable neighborhood for our families. Apparently the 2nd meeting did not advance the Listening House cause.

Like many others who live here, Dave and I like the living in a residential area with economic, ethnic, and racial diversity; we choose to live here. It appears that the neither the Listening House employees or First Lutheran staff choose to live with the problems they have brought to the neighborhood and show little interest in dealing with the concerns of the neighbors. Instead they show their "compassion" from 9 to 4:30 and then leave the problems they have brought to us behind as they head to more affluent neighborhoods and suburbs where they do not need to deal with homeless encampments just down the hill from their homes or with daily exposure to public drinking, foul language, and use of our neighborhood park to leave litter, clothing, and human waste. It is interesting to me that those who benefit by drawing a salary or rent from Listening House see themselves as "compassionate." It seems they expect the neighborhood residents to constantly monitor our streets and parks for illegal activities after they and their compassion retreat to their safe, clean neighborhoods.

I have come to the conclusion that Listening House is a program that should not be located in a residential neighborhood. Until it moves to a more appropriate place, the staff should show some willingness to clean up the messes their clients leave behind and to assure after-hour security for our streets and park.

July 12, 2017

Like my neighbors, I am discouraged by the secret way the move was made from downtown to our neighborhood. But the real problem is the the huge increase in the number of homeless individuals who are living in Swede Hollow. Today, I visited an area that Dave and I cleared out just last week. No tent this time, just lots of beer cans, bottles, clothing, food wrappers, plastic bags, cardboard, and used toilet paper...Yuk! Today, there was another fight on the church patio in front of Listening House. The presence of Listening House in our residential neighborhood has significantly reduced our quality of life. I used to enjoy taking walks in Swede Hollow Park. Some of my

neighbors no longer walk down into the Hollow because of the trash (a snowblower...really? in July? grocery carts, and the usual bottles, cans and clothing and because of the many homeless who are living there... one neighbor said it is just "scary" down there. A business, even a well intentioned non-profit business should not be able to destroy the peace and security of the residents who have lived here long before that business arrived and who hope to live here long after Listening House departs.

July 24, 2017

Today there is a person sleeping under a blanket on a bench outside of Listening House. It is 11:30 a.m. and he has been there since before 7:00 this morning. We called the police and an officer responded, but because the church is private property and LH staff are fine with people living outside their doors, the officer told us that there is nothing he can do. Do we need to put up with people living in our residential neighborhood streets and parks? During the LH day, these folks can use the sanitary facilities in Listening House (except for weekends, Wednesday and Friday afternoons, before 9:00 am and after 4:00 pm, or over the noon hour, of course). But for most of the day the homeless who increasingly are coming to live in our neighborhood just head for the woods behind our homes.

I understand that the Burger King on 7th has stopped leaving condiments, including cream for coffee, on the counter and that the Holiday station down the street is considering closing at 10:00 pm because of problems with an influx of homeless individuals in the evenings. The number of beer cans and other alcohol containers that my husband and I pick up on our daily walks with our dogs in Hamm and Swede Hollow Parks has increased since LH came to our neighborhood. None of the LH or First Lutheran Church staff live in our neighborhood and they seem uninterested in the disruption they have caused. No one remains after 4:30 except those of us who live here and the homeless. Of course, the level of trust between the neighbors and LH and First Lutheran is low, because from our perspective they intentionally did not inform or meet with the neighbors before the move of the day shelter for the homeless to our neighborhood was settled and a 10 year lease for 464 Maria was signed. What can we do, and what will the City of Saint Paul do to deal with the homeless problem in our neighborhood and city?

July, 25th 2017

Dear Mayor Chris Coleman,

My name is Kristenza Nelson. I have resided at 653 North Street for 18 years. My husband and I moved into an old Victorian duplex on the East Side ready to roll up our sleeves and make a difference in our new neighborhood. We volunteered on housing tear offs and I helped maintain the Maria Bates Rain Garden for years.

I had the pleasure of meeting you during a home renovation partnership with Rebuilding Together and HGTV. My sons and I won the national competition to help finish the restoration work on our home my late husband and I began. This was such an honor and gift to our entire neighborhood. Since then many home owners on our historic block have peeled their siding off too! We have worked incredibly hard to create a niche where neighbors not only know one another but readily lend a hand. My previous tenants were married in my back yard and purchased homes on this very block. We love our neighborhood and choose to live here not only because of the diversity found here but also because of beautiful Swede Hollow Park.

I stayed home with my young boys after we lost our beloved Tom. We spent many afternoons in the Hollow, catching toads, watching deer and making watersheds in the creek. There have always been folks hanging in the park, but nothing like I see now. Neighbors over the years have worked together to shut down crack houses on our street. We have built together a wonderful community. My boys are 12 and 13 now and we still love our neighborhood, but there is a new problem property at the end of our street and I no longer feel safe. I am very concerned about the safety of my children and wonder if we will stay.

On June 5th, without a single neighbor being notified, Listening House opened its doors in a residential neighborhood adjacent to Swede Hollow Park. I am quiet sure I could not invite 200 people into my duplex with out some kind of public discourse. There is no screening process (sex offenders/released prisoners) of individuals receiving services and no plan for the guests once they shut their doors at 4:15. LH employees walk past their clients and leave the aftermath for residents to deal with, after assuring us this would not happen. We see public intoxication, passed out clients, public urination and trash. Camps have popped up at an ever increasing amount in Swede Hollow Park. Today, as I walked through the park with my dogs, a Parks and Rec

truck passed me. As I made my way through the Hollow I discovered at least three camps. Perhaps these are not visible from the truck. Again, it is up to me to call DSI and the police when I witness other problems such as drug deals and public drinking. Which I will, do but to what end? We are frustrated beyond belief that a program such as this is able to operate on a block and a half that is home to over a dozen young children. The neighbors on this street have been sold down the river. We are faced with rampant homeless population who have found paradise. They sleep on benches all over the neighborhood and park, which is not a crime, but has certainly leading our neighborhood down a path we have struggled so hard to move up from. The bus stops are popular hangouts where few ever get on a bus. When my nephew rode the bus to our home, he was greeted by 9 squad cars and a stabbing when he exited at 7th and Maria.

I do understand the need for chemically addicted, mentally unstable people to have help. Yes, they certainly need it. I am a compassionate person and am frankly exhausted from having that debate. This programing however is a recipe for disaster to be located with in a residential neighborhood. What I see on my block is a program that enables homeless culture. Clients head to the park with their new sleeping bags when Listening House closes for lunch. They are back to charge their phones and network on the patio when they reopen. We have talked with Listening House, our Police Commander Axel Henry, DSI and Parks and Rec and our Council Member Jane Prince. Now, I am reaching out to you. Please do not stand by while our neighborhood is sent into turmoil. We need leadership to stand up for the people who have made their lives here, who have chosen to make this street a home not only for themselves but for their families and children.

Regards,

Kristenza Nelson
653 North Street
Saint Paul MN, 55106
kristenza.n@gmail.com
651-366-7671

June 26, 2017

Dear Representative Sheldon Johnson,

As you are aware, the Listening House Day Homeless Shelter has now moved into our neighborhood - a residential neighborhood that also backs up to Swede Hollow Park. The move happened on June 5, 2017 and since then we are experiencing worsening negative behavior, not only for the home owners but for the local businesses in the near vicinity.

I don't know if you are aware of how Listening House and First Lutheran Church approached the residents of the neighborhood of their upcoming move into our neighborhood, They didn't! They chose not to notify anyone in the neighborhood, therefore suggesting this was a deliberate tactic so as to prevent any voice of opposition to their plan.

Listening House is a day homeless shelter, which means when the employees lock the doors at 4:15 p.m they go home. We residents have to call the police because of the following: people laying on the ground, on benches, drinking, intoxication, stumbling down our streets, passing out on the ground, profanity, drug use, trash dumped everywhere, abandoned shopping carts, public urination and defecation. The clients of Listening House have no where to go after they close their doors at 4:15 p.m. so they stay in our neighborhood and set up camp in Swede Hollow Park which has resulted in a major problem. We residents are having to clean up the trash that includes liquor bottles, cans, clothes, sleeping bags, used toilet tissue and other items left behind. We are constantly having to call the police and DSI.

My house is located at the dead end of North Street (beside Listening House & First Lutheran Church). Because of our safe location the neighborhood children choose to ride their bikes and play down here, but since LH has opened, fewer children are witnessed playing. Perhaps it has to do with finding a hypodermic needle in the LH parking lot.

We residents have been taking photos and documenting what we have had to encounter. I get multiple emails and texts almost daily from residents about incidents.

Last week my husband and I had to call 911 because five youths had parked in the LH parking lot and then walked across the street from LH to the front of our home and started rolling dice (gambling). They then started yelling & cursing so we called 911. The officers arrived quickly and when they pulled up, one male took off running through our front yard around to our backyard. When we saw officers in our backyard my husband went to talk with officers and was informed that they were looking for possible items disposed of by the youth in our backyard.

Another incident that occurred last week, had to deal with a LH client unbuckling his pants and urinating in public. My husband yelled at him to stop and the LH client's reply was: "Mind your own business, What are you going to do about it?" He was informed the police were being called and his reply: "what are they going to do about it?"

The Burger King which is located on the corner of 7th & Maria have also experienced problems. They are finding needles in their restrooms, homeless sleeping in the bushes in their parking lot, fighting, a knife attack 2 weeks ago and they now have to keep all condiments behind the counter. Holiday Gas Station on 7th has also seen such an increase in homeless people on their property and as a result, they are considering closing early each night. A Holiday employee told one of our neighbors that "they are getting ripped off blind by all the homeless" hence the reason for considering an early closure.

We have witnessed cars pull up and park on North Street (in front of our home) and sleep overnight. In the morning when LH opens they go inside LH. My husband was getting into his car and two homeless people asked him for a ride.

LH bases their services on people wanting help to better their lives and LH is providing this to those people. But the neighborhood has to bear the consequence of those who do not. Evidence of trash dumped on lawns, streets, parking lots, etc., drug use and intoxication proves this. When we first found out that LH was moving here, my husband contacted LH and an employee admitted to him that they (LH) had their reservations about moving to a residential area but they did it anyway knowing what they were going to bring to our neighborhood.

My husband and I moved to our home 12 years ago. We knew this was a transitional area and within a short few years, we neighbors have revitalized this neighborhood! We got rid of two drug houses and the “slum lords”. The homes in our neighborhood are majority owner occupied. The few rentals that we do have are not owned by “slum lords”. Two homes on North Street alone have won the St. Paul Historic Preservation Award. With the help of the St. Paul Police Force, we accomplished all this to have a safe place for our neighborhood children to play and for us residents to have a safe place to live.

LH does offer help and a service to people in need but this type of establishment does not belong in a residential area. As the weeks go by this is becoming clear. The safety of residents and our quality of life has diminished significantly. Even if we wanted to put our home on the market, I really doubt we could find a buyer that would want to live next to this with people sleeping on the ground, on benches and stumbling down the street because they are intoxicated and all the trash. LH is destroying the neighborhood that we worked so hard to build.

I have been keeping logs of all photos and incidents that we have experienced. I have attached logs 1, 2, 3 & 4.

Representative Johnson, please consider the views and frustrations of residents who have worked hard to revitalize and transform this neighborhood into an area where people want to live and raise their children.

Thank you.

Best Regards,

Kim & Rene' Lerma

613 North Street

rjlerma@comcast.net

612-865-9752

July 31, 2017

Mayor's Office
City Hall
St. Paul, Minnesota

Dear Mayor Coleman, Council Members, and Board Members:

I am writing to state my strong objection to the relocation of the Listening House to 464 Maria Street.

464 Maria is located in a very small neighborhood, five blocks long and at its widest spot, not quite three blocks wide. The area is crescent shaped. East 7th Street bounds the neighborhood along the south and cuts it off on the east. A bluff carved by the Mississippi River sweeps from 7th street on the west, curving north, and acts as a geological barrier. Because of the traffic volume, 7th Street acts to isolate the neighborhood from the larger residential area across 7th Street to the south. In this small area, we already have five shelters / group homes.

While Swede Hollow, at the base of the bluff, has always attracted homeless people, Listening House has significantly increased the number of homeless, their activity level, and the quality of our lives. I live above the 100 plus steps down to Swede Hollow. I have owned my home since 2001, and lived here most of the time since 2003. The Hollow was one of the reasons I chose to purchase a home in this area. For years, during spring, summer, and fall, I walked my dog in the Hollow both in the early morning before work, and in late afternoon or evening. I now have two dogs, but, since the Listening House arrived, I will no longer walk in the hollow alone, even with the two dogs, because I do not feel safe. Whereas previously I might occasionally see one or two people who I guessed were homeless, I now regularly encounter groups of three or four. They congregate on the landing of the steps. They set up multiple camps visible from the walking paths. For the first time, this year, we see sleeping bags laid here and there on the hillsides of the Hollow.

My house also fronts the upper park. Similarly, I rarely go to the upper park anymore because of the men who take up residence on the benches and hang around at the periphery of the park near the old brewery. Thinning the buckthorn on the hillside across the street from my house seems to have discouraged the camping that was going on there.

The newly arrived homeless are much more aggressive than those from previous years. They careen through the Hollow on bicycles, in groups. They chase each other down the street in front of our house yelling. After a series of thuds and bangs, we sighted one running out of our fenced yard. We suspect he was attempting to break in. This is a first for me, in my years of living here.

At our location, two blocks from the Listening House, and without children, our problems pale in comparison to those that our neighbors closer to the site describe. Still, we watch the daily procession down to the Hollow after Listening House closes and its executive director and staff retire to their homes in Crocus Hill, Merriam Park, Highland, and Woodbury. We deal with the increased population of people with no place to go and no gainful activity. We contend with their presence, their litter, their noise, the lack of restroom facilities and all that entails. This weekend, while trimming my bushes, I found two discarded tissues that had been used as toilet paper, another first during my years here. The arrival of the Listening House in our neighborhood has impacted our lives, and not in a good way.

I am surprised that in the capital city of a state whose governor is so concerned for equity that the city would allow this endeavor to move into a neighborhood that has been struggling for decades to reduce crime and become a good neighborhood for families. Isn't it time that the good Christians that the Listening House executive director and its staff claim to be made space in their communities, neighborhoods, and homes for some of the people for who they purport to care so much?

Sincerely,



A. Kukowski

638 Bates Ave, #2

From: [Dermody, Bill \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: 17-060-690 Appeal of Zoning Administrator Determination
Date: Thursday, August 03, 2017 11:08:29 AM
Attachments: [Response to Appeal of Zoning Administrator Determination.PDF](#)
[First Lutheran breakfast evolves into mainstay Twin Cities.PDF](#)

Please provide the attached items to the ZC for today

From: Galatz, Eric [mailto:eric.galatz@stinson.com]
Sent: Thursday, August 3, 2017 10:12 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Cc: 'paul.dubriel@ci.stpaul.mn.us' <paul.dubriel@ci.stpaul.mn.us>; Zacho, Karen (CI-StPaul) <karen.zacho@ci.stpaul.mn.us>; 'Cheryl Peterson' <cheryl@listeninghouse.org>; 'Rosemarie Reger-Rumsey' <rosemarie@listeninghouse.org>; Prince, Jane (CI-StPaul) <Jane.Prince@ci.stpaul.mn.us>; Warner, Peter (CI-StPaul) <peter.warner@ci.stpaul.mn.us>; Page, Lara <Lara.Page@stinson.com>; Lyden, Nicholas D. <nicholas.lyden@stinson.com>; Hughes, Theresa <theresa.hughes@stinson.com>
Subject: 17-060-690 Appeal of Zoning Administrator Determination

See attached response to Staff Report in appeal of First Lutheran Church determination of similar use, on behalf of Listening House.

We're moving! Our new Minneapolis address as of October 1, 2017:

Stinson Leonard Street LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402

Eric H. Galatz | Partner | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.1509 | M: 612.819.4871 | F: 612.335.1657
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Legal Administrative Assistant: Janice Snodie | 612.335.1584 | janice.snodie@stinson.com

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Eric H. Galatz
612.335.1509 **DIRECT**
eric.galatz@stinson.com

August 3, 2017

Via Electronic Mail

Bill Dermody
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

Re: Appeal of Zoning Administrator Determination
First Lutheran Church 463 Maria Avenue Listening House
17-060-690

Dear Mr. Dermody:

Please accept this letter on behalf of Listening House in support of the determination by zoning administrator Karen Zacho that the Listening House uses within First Lutheran Church, 463 Maria Avenue, Saint Paul, Minnesota, are substantially similar to permitted uses of the Church itself and are therefore permitted uses within the residential zoning district.

The zoning administrator properly determined that the use of the Church property by Listening House to "provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professional, and maintaining a food shelf" meet the four required findings under Section 61.106:

- a. That the use is similar in character to one or more of the principal uses permitted.
- b. That the traffic generated on such use is similar to one or more of the principal uses permitted.
- c. That the use is not first permitted in a less restrictive zoning district.
- d. That the use is consistent with the comprehensive plan.

The July 27, 2017 Zoning Committee Staff Report agrees with the findings of the zoning administrator with respect to findings b. (traffic) and c. (not permitted in a less restrictive district). The Staff Report, however, wrongly recommends rejecting the findings of the zoning administrator with respect to findings a. (similar in character) and d. (consistent with the comprehensive plan). Listening House respectfully disagrees with the Staff Report, and asks the Planning Commission to reject the appeal and the Staff Report recommendations, and uphold the zoning administrator's Statement of Clarification for the following reasons:

The zoning administrator correctly found that the use of the Church property by Listening House is substantially similar to permitted uses of the Church property by the Church itself. St. Paul Zoning Ordinance, Table 66.221 list of Principal Uses in Residential Districts includes "Church, chapel, synagogue, place of worship." Service to the indigent and homeless has been a principal use of First Lutheran Church since its founding, as is true for virtually all religious institutions. The City can find the Listening House activities- counseling, education, referrals to other sources of assistance, eating, exercising- in every religious institution in the City. "Food shelf" is the only Listening House activity that is listed in the Zoning Ordinance as an "accessory use" and that accessory use is a permitted use, too. In fact, the Zoning Committee Staff Report includes its earlier report for St. Mary's Episcopal Church File #04-175-573 Section 2(a), which cites zoning code §65.910, and finds, "By including food shelves in the definition of accessory use, the zoning code seems to support uses consistent with the mission of a church that are not directly related to church activities."

The fact that the Listening House use is substantially similar (in fact identical) to a principal Church use is demonstrated by the fact that the Church itself has conducted the same activities directly in previous years. See attached Pioneer Press article from September 27, 2014, updated November 4, 2015, "First Lutheran breakfast evolves into mainstay," reporting on the First Lutheran Church "Wellness Center" at which meals were served, clothes donated, counseling services provided, blood pressure checked, and food distributed. The article does not mention yoga, but it does note "Bruno Franck, a practitioner of Qigong healing and meditation, led a group of four in simple exercises, such as wobbling their hands above their heads to increase circulation." Significantly, the article notes, "The community meal started nearly a decade ago as a Sunday morning breakfast run by a handful of congregation members for some 20 to 25 visitors. It quickly grew to feed more than 200 guests, many of them asking for blankets and other forms of assistance." According to the article, "The gatherings have turned the church cafeteria into a nexus for social service and public health providers to meet with low-income residents who have come in from the East Side, St. Paul's Dorothy Day shelter and elsewhere throughout the city." (Emphasis added). First Lutheran Church invited Listening House to move into the Church building to run a program the Church itself had been running for years. As Pastor Chris Olson Bingea says in her correspondence to you on July 26, 2017, assisting the homeless has been a part of First Lutheran Church since its inception. The phrase "friend to the homeless" is cast in bronze in the building. Pastor Bingea goes on to state that First Lutheran Church and Listening House share the goal of working with the homeless and individuals in low-income housing in the Dayton's Bluff area.

The record does not support the Staff Report assertion that the Listening House "use has not operated like a home occupation because of the detrimental impact on the neighborhood, it is not compatible with the church's presence in the community, and without a homeless shelter nearby and the use's hours limited to 9:00 AM to 5:00 PM Monday through Friday, there is no reliable means to control the problem activities during the other hours." First Lutheran Church invited Listening House in to provide services to individuals in need who were already present in the neighborhood. Chelsea DeArmond resident at 667 North Street on the same block as First Lutheran states in her correspondence to you on July 26, 2017 that "there were homeless people in Swede Hollow Park before Listening House got here."

The fact that there is no homeless shelter nearby is irrelevant. There were homeless people living in the area without any homeless shelter nearby before Listening House moved into the Church. Listening House is simply providing these individuals some much needed assistance. The fact that Listening House has limited hours and thus no means to control the individuals during other hours is also irrelevant. The ordinance does not require any religious institution (or for that matter, any social service organization, business or cultural institution) to operate 24-hours per day, 7-days a week, or to control the behavior of its guests and customers after they leave.

The zoning administrator correctly found that the use of the Church property by Listening House is consistent with the Comprehensive Plan. The Staff Report recognizes that the Comprehensive Plan's general direction to provide support services to end homelessness, but find it is not consistent with the Land Use policies that call for compatible mixed uses in the Mixed Use Corridor. The Listening House use itself is a use that is permitted in a religious institution. Religious institutions are permitted in residential districts. By definition, a permitted use is a compatible use. The plain meaning of the Comprehensive Plan and the use of Listening House to aid the homeless are clearly aligned.

Neighborhood complaints are driven by objections to the people Listening House serves, not the use of the Church property. Appellants assert that they have invested too much in their neighborhood to allow it to be overrun by the types of people who are likely to access services from Listening House. Section 3 of the Appeal states that "neighborhood is already home to many sober houses, public service agencies, probation offices, unofficial half-way houses (apartment buildings full of level three sex offenders, other level of sex offenders and recent releases from strong correctional sentences) and offers a significant volume of section eight and low income housing. If anything, this demonstrates that Listening House is compatible with other established uses in the neighborhood. As Inspector Zacho properly found, the Listening House uses are all consistent with uses common in religious institutions: counseling, education, assistance with food, clothing and shelter. To the extent personal characteristics of likely guests of Listening House are relevant, we cannot imagine a religious institution that would turn away the poor and homeless.

Because the zoning administrator properly made its determination based on findings about the proposed use of the property as required by the Code of Ordinances, and the appellants failed to state any land-use based objections at all, we respectfully ask the planning commission to reject the appeal and uphold the decision of the zoning administrator.

Sincerely,

Stinson Leonard Street LLP


Eric H. Galatz

EHG:ndl

NEWS

First Lutheran breakfast evolves into mainstay



Homemade pies are part of the draw to the weekly “Wellness Center” gatherings at First Lutheran on Maria Avenue, on St. Paul’s East Side. (Pioneer Press: Frederick Melo)

By **FREDERICK MELO** | fmelo@pioneerpress.com | Pioneer Press

PUBLISHED: September 27, 2014 at 11:01 pm | UPDATED: November 4, 2015 at 4:27 am

“We’re having dessert first,” said the Rev. Chris Berthelsen, as dozens of visitors to First Lutheran Church in St. Paul crowded the cafeteria around her.

Curtis Howell eyed the apple pie on his table approvingly. “The pie’s pretty good,” said the St. Paul resident, speaking in a slow drawl. “It’s real good.”

From donated clothing to pie giveaways, Thursday nights have become one of the worst-kept secrets in Dayton’s Bluff. Residents come from blocks around, and even across the city, to stop by First Lutheran on Maria Avenue and get their blood pressure checked, ask for a free coat or sweatshirt or even underwear, and share in a community meal.

The weekly “Wellness Center” gatherings, which have been going on for seven years, draw upward of 100 guests, if not twice that, Berthelsen said. The events are driven by at least 40 volunteers, many affiliated with Metropolitan State University, local nonprofits and the church congregation.

The gatherings have turned the church cafeteria into a nexus for social service and public health providers to meet with low-income residents who have come in from the East Side, St. Paul’s Dorothy Day shelter and elsewhere throughout the city.

More than a quarter of Dayton’s Bluff residents live in poverty, and nearly half of all households get by on less than \$35,000 per year, according to 2012 statistics compiled by the Minnesota Compass project. In the summer, Second Harvest Heartland gives away upward of 3,000 pounds of food at the gatherings. When Metro State is in session, the church hosts sit-down meals, board game activities and health booths.

Last Thursday, a mental health counselor took appointments. The Dayton’s Bluff block nurses met with seniors. Eight undergraduates from Metro State’s nursing program checked blood pressure and screened visitors’ feet for infections.

Foot ulcers and chronic pain are fairly common.

“We have a lot of folks in our community that are diabetic, so that’s a pretty critical piece for them,” said program director Allie Tunseth.

“If you’re someone who stays in a shelter, you’re walking around a lot, and your feet get pretty beat up,” said Tunseth, who has an advanced degree in ministry. “And from the church side of things, discipleship is foot washing.”

The community meal started nearly a decade ago as a Sunday morning breakfast run by a handful of congregation members for some 20 to 25 visitors. It quickly grew to feed more than 200 guests, many of them asking for blankets and other forms of assistance.

The congregation shifted the breakfast to a Thursday night dinner to rope in community volunteers and accommodate visits from Metro State nursing students.

“On an average night, we see 150 people,” Tunseth said. “On a big night, we see over 200. ... It’s a pretty awesome program.”

In a corner, Bruno Franck, a practitioner of Qigong healing and meditation, led a group of four in simple exercises, such as wobbling their hands above their heads to increase circulation.

Robin Hanson, director of the Ministering Angels Closet, which is housed within the church, connected visitors to donated clothing, from boots to backpacks and undergarments.

“Everything is free,” said Hanson, while hurrying up the steps to retrieve an article of clothing from the crowded walk-in closet that gives her organization its name. “We don’t ask questions.”

And then there were the pies. For the past two weekends, August Hoffman, a professor of psychology at Metro State, has organized more than 50 students and faculty from the psychology departments at Metro State and Inver Hills Community College to collect apples at Sunrise River Farm in Wyoming, Minn., north of Forest Lake.

They gathered some 2,000 donated apples in each trip, half of which went into pies distributed at two of First Lutheran’s most recent Thursday night meals. Hoffman’s graduate students and a Hmong professional women’s organization helped with the baking.

The remaining apples were shared with food shelves in western Wisconsin.

Hoffman hopes to turn the university’s vacant greenhouse, near the church, into an incubator of sorts for similar community-building projects involving Metro State students and faculty.

Between the church’s main sanctuary and its office building, a few urban farmers sell organic produce, woodcarvings, jams and jellies from 4 to 8 p.m. each Thursday. The “Market on the Bluff” events continue through Oct. 30.

Tunseth said church members and community donations have helped keep the gatherings going.

“We’re pretty proud of it,” she said.

For information on the First Lutheran Church Wellness Center, go to lovegrowshere.net/wellnesscenter.html.

Frederick Melo

Frederick Melo was once sued by a reader for \$2 million but kept on writing. He came to the Pioneer Press in 2005 and brings a testy East Coast attitude to St. Paul beat reporting. He spent nearly six years covering crime in the Dakota County courts before switching focus to the St. Paul mayor's office, city council, and all things neighborhood-related, from the city's churches to its parks and light rail. A resident of Hamline-Midway, he is married to a Frogtown woman. He Tweets with manic intensity at @FrederickMelo. [Follow Frederick Melo @FrederickMelo](#)



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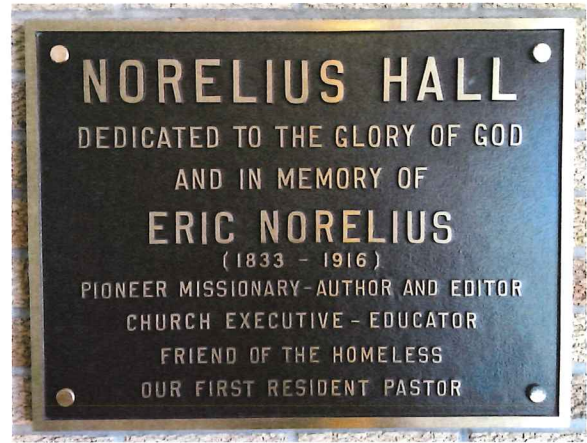
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VIEW COMMENTS

August 3, 2017

As the oldest Lutheran Church in the State of Minnesota, established in 1854, it was our first resident Pastor, Erik Norelius, who was proclaimed "friend of the homeless" and it has been First Lutheran's legacy ever since. When I came in 2004 up to the present, we have sought to find ways to do this - a free breakfast for three years serving 300 every Sunday, a Wellness Center, serving 100-150 people weekly for ten years providing a meal, free food, free nursing services through the Nursing Department at Metro State, free Mental Health Counseling through the Walk-In Counseling Center of Minneapolis, free clothing, blankets, and housewares through Ministering Angels, free Healing Touch, Massage, and Qigong services, and more.



Then, in 2016, our congregation found out that The Listening House was in need of a new place to reside. By the invitation of the Church Council, the Listening House staff came to discuss being in partnership here in our Sanctuary basement and on our property. The congregation then voted to have The Listening House come to make their new home in the basement of our sanctuary. They have provided much needed improvements to a shared space that is used by guests of the Listening House, members of First Lutheran and Santo Nino Episcopal Parish, Quinceaneras, weddings, funerals, and community gatherings. The Listening House has installed cameras for security, and the plan is to put in new lighting surrounding the building.

As the only Full-time staff person at First Lutheran, to now have five Full-time staff, one Part-time staff, and 40 plus volunteers serving the city's people experiencing poverty right here on the corner of 8th and Maria, gives us the infrastructure and increased capacity to continue doing what we as a congregation, and now in partnership with the Listening House, have already begun doing and will continue to do for many years to come.

Our property here has always been a "resting place" for people in our neighborhood - Metro State students, Urban Roots and Young Artists Initiative participants, guests of the Listening House, and guests of Eastside Elders, as these non-profit organizations are housed in our buildings. It continues to be a space for our own members, too, including those guests of the Listening House-some who are also members of our congregation.

My own grandmother lived in the poor community of Swede Hollow in the early 1900s and found refuge in the First Lutheran Church community. As she and her family, my family, came "up on the street" they made their way to a better life, through community relationships and assistance.

It is our recommendation as a Church to support Listening House in our shared work on the Eastside.

Respectfully,

Pastor Chris Olson Bingea

Pastor Chris Olson Bingea
First Lutheran Church



Listening House of St. Paul, Inc.
464 Maria Ave
Saint Paul, MN 55106
651-227-5911

*...a daytime community center providing hospitality, practical assistance,
and counsel to low-income, homeless, or lonely adults*

August 3, 2017

I am Rosemarie Reger-Rumsey, Executive Director of Listening House. I have been part of the Listening House community for 25 years; 18 ½ serving as executive director.

Listening House is a 33-year old organization established in 1983 as a mission of hospitality; serving low-income, homeless and lonely adults. Many guests, not all guests, suffer with a mental illness, struggle with addiction or have a traumatic brain injury. Some guests are without permanent housing, but many are housed, live on the eastside, and consider Listening House their community center. This morning 10 people of about 40 guests visiting, live in the immediate neighborhood.

Listening House has a mature, knowledgeable and professional staff trained in crisis de-escalation and able to refer guests directly to needed agencies or professionals. As Chief Harrington once remarked, "Listening House is the bridge from hopelessness to hope."

Listening House guests are expected to respect other guests, staff, volunteers and neighbors. Consequences are given if this rule is violated, based on severity of behavior and other factors that influence conduct. Most bars from the facility are time-limited because behaviors are often secondary to mental health, addiction or brain injury and because forgiveness is a part of our mission. Vulnerable people need a safe, welcoming space and benefit from skilled staff, who can assess needs and connect people to services. Listening House is a "connector."

(Added based on Mr. Sheldon Johnson testimony before me; it is paraphrased) Mr. Johnson remarked how 30 agencies in Minneapolis formed a coalition to address homelessness, and it is ridiculous to think Listening House can tackle it alone. St. Paul/Ramsey County also has a coalition and Listening House staff sits on several committees addressing the problems in St. Paul.

Listening House came to the east side with a solid reputation for collaborating with police, other social service agencies and downtown neighbors & businesses. When Listening House was notified by Catholic Charities that our lease would end due to expansion plans, we assessed gaps in services and held focus groups with those we serve to determine what was needed. Overwhelmingly guests remarked that the worst part of being poor or homeless is a lack of purpose. LH directors researched activities that would add meaning to ones' day with empirical data noting the healing effects produced.

The invitation from First Lutheran Church was not only an invitation to join in their "wellness" efforts, it was to add needed capacity and skill sets that could address the needs of people *already approaching them for help*. Neighbors in the area have made many assumptions about Listening House services and those we serve, but none have accepted our invitation to come in, meet guests and learn about Listening House programs. Neighbors claim crime is up since Listening House arrived, but Chief Axtell recently reported crime is up across the City by 15% compared to last year. Camping is also up across the City.

Listening House staff appreciates that those using our services can be very challenging, but we are sincerely committed to be a good neighbor, listen to neighbor's complaints or concerns and address issues that arise. To date we have:

- Changed primary entrance (day one) at neighbor's request
- Eliminated plans for a patio on the North Street side
- Installed security cameras to monitor the parking lot on the back side, and three-cameras on the 8th Street side that monitor courtyard, parking lot and entrance were recently added
- Monitor numbers of guests using services to ensure appropriate staff & volunteer levels
- Staff and guests clean along 8th Street around the bend and up North Street, plus courtyard and parking lot Monday through Friday
- Clean (staff & guests) in the Upper Park and into Swede Hollow twice weekly
- Invited neighbors into LH and/or to call staff directly about concerns (personal invitations as well as at community meetings and electronically)
- Held community meetings with guests to discuss good neighbor policies

Listening House has been charged with creating garbage and having an overflowing dumpster, but our security cameras show neighbors dumping trash, including a mattress late into the evening.

Listening House remains committed to being a good neighbor and continues to expect those who use our service be good neighbors, too.

Thank you

Rosemarie Regier Rumsey

city of saint paul
planning commission resolution
file number
date

WHEREAS, Michael Mohrlant, File # 17-077-911, has applied for a rezoning from RM2 multiple family to B2 community business for a portion of the property located at 550 Smith Avenue S (PID 07.28.22.23.0150) under the provisions of § 61.801(b) of the Saint Paul Legislative Code, legally described as Lot 18 and the N ½ of lot 17, Block 18, Lienaeaus Rearrangement of Blocks 17 and 18, Oliviers's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 28, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. This is a split-zoned parcel. The southernmost 5,000 square feet of the 21,665 square foot parcel is zoned RM2, the rest of the parcel is zoned B2. The applicant is applying for a rezoning of that area in order that the entire parcel be zoned B2 – Community Business.
2. The proposed zoning is consistent with the way this area has developed. This condition is met. The lot is split-zoned. B2 community business districts are intended to serve the needs of a consumer population larger than that served by the "local business district."
3. The proposed zoning is consistent with the Comprehensive Plan. The citywide Comprehensive Plan (2010) calls Smith Avenue a "Mixed Use Corridor." The Smith Avenue Plan (2011) calls for the mix of uses along Smith Avenue to be maintained.
4. The proposed zoning is compatible with surrounding uses, in that it cleans up a split-zoned tax parcel, and does not change the mix of uses in the surrounding area.
5. The petition for rezoning was found to be sufficient on September 7, 2017: 21 parcels eligible; 14 parcels required; 15 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Michael Mohrlant for a rezoning from RM2 multiple family to B2 community business for property at 550 Smith Ave S, (PID 07.28.22.23.0150), be approved.

moved by _____
seconded by _____
in favor _____
against _____

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Metric Auto Parts **FILE #:** 17-077-911
 2. **APPLICANT:** Michael A Mohrlant **HEARING DATE:** September 28, 2017
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 550 Smith Ave S, E side between George and Stevens
 5. **PIN & LEGAL DESCRIPTION:** 072822230150; : Lot 18 and the N ½ of lot 17, Block 18, Lienaeus Rearrangement of Blocks 17 an d18, Oliviers's Addition
 6. **PLANNING DISTRICT:** 3 **EXISTING ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** September 21, 2017; updated Sept. 28, 2017 **BY:** Jake Reilly
 9. **DATE RECEIVED:** September 8, 2017 **60-DAY DEADLINE FOR ACTION:** November 7, 2017
-
-

- A. **PURPOSE:** Rezone a portion of the property at 550 Smith Avenue (PID 07.28.22.23.0150) lot 18 and the north ½ of lot 17, Block 18, Lienaus Rearrangement of blocks 17 and 18, Oliviers' Addition from RM2 multiple family to B2 community business.
- B. **PARCEL SIZE:** Irregular parcel, 168 ft (Smith) x 88ft totaling approx. 21,562 square feet.
- C. **EXISTING LAND USE:** Commercial - Retail
- D. **SURROUNDING LAND USE:** Mix of one and two family homes (zoned RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** This is a split-zoned parcel. The portion zoned RM2 had been occupied by a duplex. The duplex property was purchased and demolished on or around 2009 by the applicant, who subsequently applied for and was granted, a lot combination by the county. The history of the portion zoned B2 includes an April 1965 application to rezone the property from "C" Residential to "B" Residential, an application that was subsequently withdrawn. According to historical zoning records, a site plan was approved on May 19, 1989 (ZF#1643) for Metric Auto Parts. The zoning map from the 1975 Saint Paul Zoning Code shows the property as being in a B-3 zoning district. In 1984 a 40-acre study and small area plan for Smith Avenue resulted in the property being rezoned to B2 community business. According to property records, the building housing Metric Auto Parts was built in 1965 and originally used as a service station.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 19 parking spaces - one per 400 square feet of gross floor area. The GFA of the structure is 7,632 square feet. At this time, the site does not have striped parking spaces. There is existing sufficient paving to accommodate 19 parking spaces.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 3 recommended denial in a letter received on Sept. 28, 2017.
- I. **FINDINGS:**
 1. This is a split-zoned parcel. The southernmost 5,000 square feet of the 21,665 square foot parcel is zoned RM2, the rest of the parcel is zoned B2. The applicant is applying for a rezoning of that area in order that the entire parcel be zoned B2 – Community Business.

2. The proposed zoning is consistent with the way this area has developed. This condition is met. The lot is split-zoned. B2 community business districts are intended to serve the needs of a consumer population larger than that served by the "local business district."
3. The proposed zoning is consistent with the Comprehensive Plan. The citywide Comprehensive Plan (2010) calls Smith Avenue a "Mixed Use Corridor." The Smith Avenue Plan (2011) calls for the mix of uses along Smith Avenue to be maintained.
4. The proposed zoning is compatible with surrounding uses, in that it cleans up a split-zoned tax parcel, and does not change the mix of uses in the surrounding area.
5. The petition for rezoning was found to be sufficient on September 7, 2017: 21 parcels eligible; 14 parcels required; 15 parcels signed.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of lot 18 and the north ½ of lot 17, Block 18, Lienaus Rearrangement of blocks 17 and 18, Oliviers' Addition from RM2 multiple family to B2 community business.

17-077-911



WEST SIDE

community organization

September 27, 2017

Jake Riley
PED
25 4th Street West
St. Paul, MN 55102

Dear Mr. Reilly,

The members of the West Side Community Organization's (WSCO) Riverfront, Development and Land Use Committee (RDLU) met on September 19th. Mr. Chuck Repke spoke on behalf of Metric Auto Parts, and presented the proposed Rezone from RM2 multiple family to B2 community business. The committee then also heard concerns from community member Susan Hubbard, a neighbor to the property at 550 S. Smith Ave. After a period of question and answer followed by a lengthy discussion, the RDLU committee voted in denial of the proposed zoning changes.

Thank you for taking into consideration the decision of the Riverfront Development and Land Use Committee on this matter.

Sincerely,

Monica Bravo
Executive Director

17-077-911

9/28/2017

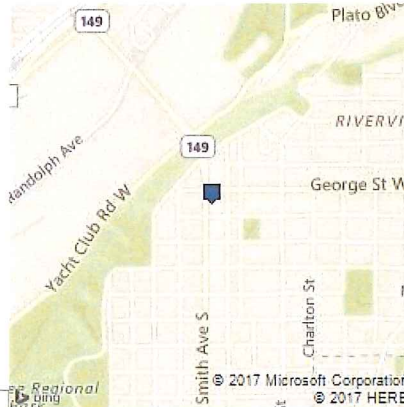
NorthstarMLS Matrix

Single-Family Property Full

Property Full Display, Single Family Residential, MLS #: **3629451** Type: **For Sale**

560 Smith Avenue S, Saint Paul MN 55107

Status: **Sold** List Price: **\$29,900** Sold Price: **\$36,100** Original List Price: **\$29,900**
Seller Cont: **\$**



Map Page: **122** Map Coord: **B1**

Directions:

52 to Concord/Cesar Chavez, Take a right to George Street to Smith and South to Home

Total Bed/Bath: **3 / 2** Garage: **1** Year Built: **1913**

Neighborhood: **West Side**
Style: **(SF) One Story**
Const Status: **Previously Owned**
Foundation Size: **816**
AbvGrdFinSqFt: **816**
BelGrdFinSqFt: **816**
Total Fin SqFt: **1,632**
Acres: **0.1**
Lot Size: **37x115**
List Date: **12/22/2008** Received By MLS: **12/22/2008**
Off Market Date: **01/07/2009** Selling Agent: **Patrick C. Smith**
Date Closed: **02/06/2009** Selling Office: **Patrick Smith Broker Attorney**

TAX INFORMATION
Property ID: **072822230038** [Short Format](#)
Tax Year: **2008**
Tax Amt: **\$1,477**
Assess Bal: **\$227**
Tax w/assess: **\$1,704**
Assess Pend: **Unknown**
Homestead: **Yes**

Days On Market: **16** PDOM: CDQM: **169**

General Property Information

Legal Description: **Lengthy**
County: **Ramsey**
Postal City: **Saint Paul**
School District: **625 - St. Paul, 651-632-3701**
Manufactured Home?: **No**
Complex/Dev/Sub: Common Wall: **No**
Lot Description: **City Bus (w/in 6 blks)**
Road Frontage: **City, Paved Streets**
Zoning: **Residential-Single** Accessibility: **None**

Remarks

Agent Remarks: **CLICK ON SUPP LINK FOR REQUIRED CONTACT, SOLD AS IS NO WARRANTIES. TO SEE ALL OUR PROPERTIES;MINNESOTAREO.COM. AGENTS TO VERIFY ALL INFORMATION. FAX ALL OFFERS TO GARTH@952 844 1520, \$3000 SELLING AGENT BONUS.**

Public Remarks: **GREAT VALUE! RANCH STYLE HOME WITH 3 BEDROOMS, 2 BATHS, SINGLE GARAGE, DECK, FENCE, 3 SEASON PORCH, HARDWOOD FLOORS, FINISHED WALK OUT BASEMENT. PRICED TO SELL! NEEDS COSMETICS AND REPAIRS. BUYERS TO VERIFY ALL INFORMATION. SOLD AS IS, NO WARRANTIES.**

Structure Information

Room	Level	Dimen	Other Rooms	Level	Dimen	Heat:	Forced Air
Living Rm	Main	15x21				Fuel:	Natural Gas
Dining Rm			Bathrooms			Air Cond:	None
Family Rm	Lower	7x8	Total:	2 3/4:	1 1/4:0	Water:	City Water/Connected
Kitchen	Main	12x13	Full:	1 1/2:	0	Sewer:	City Sewer/Connected
Bedroom 1	Main	9x12				Garage:	1
Bedroom 2	Lower	15x9				Oth Prkg:	
Bedroom 3	Lower	8x10				Pool:	None
Bedroom 4							

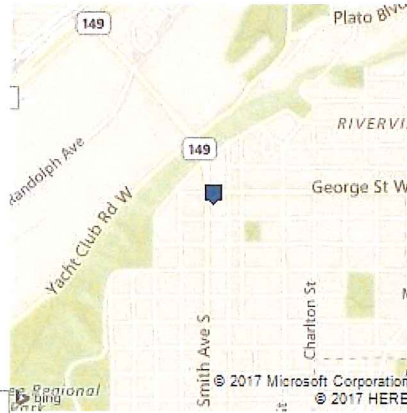
Bath Description: **Main Floor Full Bath, 3/4 Basement**
Dining Room Desc: **Informal Dining Room, Eat In Kitchen**
Family Room Char: **Lower Level**
Fireplaces: **0** Fireplace Characteristics:
Basement: **Walkout, Full, Finished (Livable)**
Exterior: **Other**
Fencing: **Wood**
Roof: **Asphalt Shingles**

Single-Family Property Full

Property Full Display, Single Family Residential, MLS #: **3273783** Type: **For Sale**

560 Smith Avenue S, Saint Paul MN 55107-2616

Status: Sold	List Price: \$149,900	Sold Price: \$153,000	Original List Price: \$149,900
		Seller Cont: \$7,650,000	



Map Page: **122** Map Coord: **B1**

Directions: **W 7 street, south to smith ave, cross the river.**

Total Bed/Bath: **3 / 2** Garage: **1** Year Built: **1913**

Neighborhood: **West Side**
 Style: **(SF) One Story**
 Const Status: **Previously Owned**
 Foundation Size: **816**
 AbvGrdFinSqFt: **816**
 BelGrdFinSqFt: **816**
 Total Fin SqFt: **1,632**
 Acres: **0**
 Lot Size: **0**
 List Date: **09/25/2006** Received By MLS: **09/27/2006**
 Off Market Date: **10/16/2006** Selling Agent: **Thomas Rodriguez**
 Date Closed: **11/13/2006** Selling Office: **Keller Williams Premier Realty**

TAX INFORMATION
 Property ID: **072822230038** [Short Format](#)
 Tax Year: **2006**
 Tax Amt: **\$1,065**
 Assess Bal: **\$190**
 Tax w/assess: **\$1,255**
 Assess Pend: **Yes**
 Homestead: **Yes**

Days On Market: **21** PDOM: CDOM: **21**

General Property Information

Legal Description: **Lienau's Re-arrangement of, blo N 1/2 of lot 17 and all of lot 18 blk 18**
 County: **Ramsey**
 Postal City: **West Saint Paul**
 School District: **625 - St. Paul, 651-632-3701**
 Complex/Dev/Sub: Common Wall: **No**
 Lot Description: **Irregular Lot**
 Road Frontage: **City**
 Zoning: **Residential-Single** Accessibility: **None**

Remarks

Agent Remarks: **This Home has 1 Bedroom, Kitchen, Full Bathroom, Dining Room and Living Room on the main floor, and it also has 2 Bedrooms, Kitchen, Family Room, 3/4 Bathroom, and Laundry Room on the Lower Level. Each Level has a separate entrance. New Roof.**

Public Remarks: **This Home has 1 Bedroom, Kitchen, Full Bathroom, Dining Room and Living Room on the main floor, and it also has 2 Bedrooms, Kitchen, Family Room, 3/4 Bathroom, and Laundry Room on the Lower Level. Each Level has a separate entrance. New Roof.**

Structure Information

Room	Level	Dimen	Other Rooms	Level	Dimen	Heat:	Forced Air, Baseboard
Living Rm	Main	15x21				Fuel:	Natural Gas, Electric
Dining Rm			Bathrooms			Air Cond:	None
Family Rm	Lower	07x08	Total:	2 3/4: 1	1/4: 0	Water:	City Water/Connected
Kitchen	Main	12x13	Full:	1 1/2: 0		Sewer:	City Sewer/Connected
Bedroom 1	Main	09x12				Garage:	1
Bedroom 2	Lower	15x09				Oth Prkg:	2
Bedroom 3	Lower	08x10				Pool:	
Bedroom 4							

Bath Description: **Main Floor Full Bath, 3/4 Basement**
 Dining Room Desc: **Separate/Formal Dining Room, Eat In Kitchen**
 Family Room Char: **Lower Level**
 Fireplaces: **0** Fireplace Characteristics:
 Appliances: **Range, Cooktop, Exhaust Fan/Hood, Dishwasher, Refrigerator, Washer, Dryer**
 Basement: **Walkout, Full, Finished (Livable), Drain Tiled, Sump Pump, Day/Lookout Windows, Egress Windows**
 Exterior: **Shakes**
 Roof: **Asphalt Shingles**
 Amenities-Unit: **Deck, Patio, Porch**
 Parking Char: **Detached Garage**

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

WHEREAS, Northern Metal Recycling, File # 17-078-505, has applied for a conditional use permit for a structure not elevated on fill in the FF flood fringe district under the provisions of §61.501 of the Saint Paul Legislative Code, on property located at 1111 Childs Road, Parcel Identification Number (PIN) 042822410001, legally described as Port Authority Plat No 1 Subj To Esmts; Lots 6 & Lot 7 Blk 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 28, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant proposes to construct an open-sided, 114' x 40' building for storage and transfer of salt. The proposed building will be part of an existing operation, and will cover an existing storage and transfer area. The current and proposed ground elevation at the site is approximately 702'. The elevation of the 100-year flood at the nearest upstream Federal Emergency Management Agency cross-section is 706.6', and the regulatory flood protection elevations (RFPE) is 706.8'. The bottom of the partially-enclosing sidewalls for the proposed building will begin at approximately 16.5' above grade, or 718.5'.
2. Footings and support columns for the proposed structure will be constructed to the FP-3 or FP-4 floodproofing standards. The building is designed to allow free movement of floodwaters through the building.
3. §72.74 lists standards for conditional uses in the FF flood fringe district. Subsections (a) through (d) are applicable to the proposed project:
 - (a) *Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls or above grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: 1) the enclosed area is above grade on at least one (1) side of the structure; 2) is designed to internally flood and is constructed with flood-resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:*

moved by _____

seconded by _____

in favor _____

against _____

- (1) *Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.*
 - (2) *Specific standards for above grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:*
 - a. *A minimum area of "automatic" openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of intervention.*
 - b. *That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.*
- (b) *Basements, as defined in §72.14, shall be subject to the following:*
- (1) *Residential basement construction shall not be allowed below the regulatory flood protection elevation except as authorized in subsection (e) of this section.*
 - (2) *Nonresidential basements may be allowed below the regulatory flood-protection elevation, provided the basement is protected in accordance with subsection (c) or (e) of this section.*
- (c) *All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State Building Code. This shall require making the structure watertight, with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.*
- (d) *The storage or processing of materials that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission, or if elevated above the regulatory flood protection elevation by alternative methods which meet the requirements of subsection (a) above. Storage of bulk materials may be allowed provided an erosion/sedimentation control plan is submitted which clearly specifies methods to be used to stabilize the materials on site for a regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the planning commission.*

(e) *When the Federal Emergency Management Agency has issued a letter of map revision-fill (LOMR-F) for vacant parcels of land elevated by fill to the one (1) percent chance flood elevation, the area elevated by fill remains subject to the provisions of this chapter. A structure may be placed on the area elevated by fill with the lowest floor below the regulatory flood protection elevation provided the structure meets the following provisions:*

(1) *No floor level or portion of a structure that is below the regulatory flood protection elevation shall be used as habitable space or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by floodwaters. Habitable space shall be defined as any space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry or utility space, and similar areas are not considered habitable space.*

(2) *For residential and nonresidential structures, the basement floor may be placed below the regulatory flood protection elevation subject to the following standards:*

a. *The top of the immediate floor above any basement area shall be placed at or above the regulatory flood protection elevation.*

b. *Any area of the structure placed below the regulatory flood protection elevation shall meet the "reasonably safe from flooding" standards in the Federal Emergency Management Agency (FEMA) publication entitled "Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding," Technical Bulletin 10-01, a copy of which is hereby adopted by reference and made part of this chapter. In accordance with the provisions of this chapter, and specifically section 72.33(g), the applicant shall submit documentation that the structure is designed and built in accordance with either the "Simplified Approach" or "Engineered Basement Option" found in FEMA Technical Bulletin 10-01.*

c. *If the ground surrounding the lowest adjacent grade to the structure is not at or above the regulatory flood protection elevation, then any portion of the structure that is below the regulatory flood protection elevation must be floodproofed consistent with any of the FP-1 through FP-4 floodproofing classifications found in the Minnesota State Building Code.*

These standards can be met. The applicant has proposed a building consistent with the requirements of this section. As a condition of approval, the applicant should provide building and foundation plans and record of as-built condition for the building signed by a registered professional engineer or architect and verifying consistency with the applicable requirements of §72.74 of the Saint Paul code, the Minnesota State Building Code, and FEMA Technical Bulletin 10-01. Storage may be allowed in the garage of the proposed building, provided all stored materials are removed in times of flooding. Review and acceptance by the Department of Safety and Inspections of an updated flood response plan for the facility, which incorporates the proposed building, should be a condition of approval.

4. §72.32 lists thirteen (13) factors to be considered in evaluating applications for conditional use permits in the FF flood fringe district:

(a) *The relationship of the proposed use to the comprehensive plan and floodplain management program for the city.* Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan and the City's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts

on air or water quality nor impair river valley views. The proposed additions are to an existing facility located in a large industrial area, and will not significantly alter river valley views. The proposed building will serve activities already taking place on site, and will not result in new air or water quality impacts.

- (b) *The importance of the services provided by the proposed facility to the community.* This finding is not applicable. The proposed building will be part of an existing facility.
- (c) *The ability of the existing topography, soils, and geology to support and accommodate the proposed use.* The proposed use is a new building within an existing facility. The area is characterized by flat topography. The area already supports regular traffic from large vehicles and large stockpiles of bulk materials.
- (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.* The proposed building is to be located in an existing facility; the area is industrial in character, and does not contain significant biological communities. Impacts of the proposed building will not extend beyond the immediate area.
- (e) *The proposed water supply and sanitation systems and the ability of those to prevent disease, contamination, and unsanitary conditions.* The area is already served by adequate water supply and sanitation systems. The proposed building will support existing activities, and will not create additional demand for water supply or sanitation capability.
- (f) *The requirements of the facility for a river-dependent location, if applicable.* The proposed building is part of an existing facility that is located within the river corridor.
- (g) *The safety of access to the property for ordinary vehicles.* Safe access to the site is available via Childs Road.
- (h) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.* The proposed structure will be built to FP-3 or FP-4 wet floodproofing standards. In times of flooding, operations on the site will be discontinued, per the applicant's flood response plan.
- (i) *The dangers to life and property due to increased flood heights or velocities caused by encroachments.* The proposed encroachments are of limited footprint and located in the flood fringe where impacts on flood flows are negligible.
- (j) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.* The proposed building is located in the flood fringe, where the velocity of flood flow is generally minimal.
- (k) *The danger that materials may be swept onto other lands or downstream to the injury of others.* The proposed building will be constructed of floodproof materials, and any items stored below the RFPE will be removed in times of flooding. The proposed building will also be located in the flood fringe, where velocity of flood flows is generally minimal.
- (l) *The availability of alternative locations or configurations for the proposed use.* The proposed building is part of an existing facility which is located within the flood fringe.
- (m) *Such other factors as are relevant to the purposes of this chapter.* The factors and findings enumerated and described herein adequately evaluate the proposed use for the purposes of this chapter.

5. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* Subject to meeting the standards listed in §72.74, this

proposed use is in compliance with the Saint Paul Comprehensive Plan and the City's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are to an existing facility located in a large industrial area, and will not significantly alter river valley views. The proposed building will serve activities already taking place on the site, and will not result in new air or water quality impacts.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed facility will be served by Childs Road. The building will serve an existing use, and is not expected to generate additional traffic.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed building is consistent with the existing industrial character of the immediate neighborhood.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is industrial in nature, and will not impeded improvement of surrounding properties for allowed uses.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met. Subject to the acceptance by the Department of Safety and Inspections of a flood response plan for the proposed building and certification of plans by a registered engineer or architect, the use conforms to all applicable regulations of the I2 general industrial district, RC2 river corridor district, and the FF flood fringe district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Northern Metal Recycling for a conditional use permit for a structure not elevated on fill in the FF flood fringe district at 1111 Childs Road is hereby approved subject to the following conditions:

1. Site plan approval. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
2. A flood response plan including the proposed building shall be accepted by the Department of Safety and Inspections, and the applicant shall conduct operations consistent with said plan.
3. At or prior to building permit review, the plans for the proposed structure must be certified by a registered engineer or architect as consistent with the applicable requirements of §72.74 of the Saint Paul code, the Minnesota State Building Code, and FEMA Technical Bulletin 10-01.
4. After construction, the applicant shall submit to the zoning administrator the required elevation certification certifying the as-built elevation of the proposed building, and as-built plans certified by a registered professional engineer or architect as consistent with the applicable requirements of §72.74 of the Saint Paul code, the Minnesota State Building Code, and FEMA Technical Bulletin 10-01.