



CITY OF SAINT PAUL
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DATE: December 13, 2019
TO: Comprehensive and Neighborhood Planning Committee
FROM: Mike Richardson, City Planner
SUBJECT: Districts 14 and 15 Residential Design Standards Amendments

The purpose of this memo is to update the Committee on the effect of residential design standards adopted in 2015 and suggest potential approaches to amend related elements of the zoning code.

Background

On September 2, 2015, amendments to the zoning code went into effect that modified some residential dimensional and design standards in Districts 14 and 15. They were intended to address a trend of house teardown and reconstruction that led to homes that pushed the boundaries of what dimensional standards allowed, were out of character with existing housing stock, and created negative visual and light access impacts for neighboring properties. In general, the standards have been successful. However, two elements have emerged as problematic.

Among the amendments that were originally adopted, sidewall articulation and height have emerged as elements that warrant review based on the number of variance requests submitted, input from the District Councils, and decision history from the Board of Zoning Appeals (BZA). One of the goals of the 2015 amendments was to develop controls that didn't result in a high number of variance requests, especially those that are frequently granted. However, of the applications submitted since September of 2015, the Board of Zoning Appeals has granted 25 of 27 articulation variances and 16 of 18 height variances (see Table 1). The District Councils provided recommendations for 23 of the applications and recommended approval for all but one articulation request in 2019.

The current code language for articulation is as follows:

Sec. 66.234. - Sidewall articulation.

For R1—R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, sidewall articulation is required for building faces that exceed thirty-five (35) feet in length. Articulation shall be in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length, and must extend from grade to the eave.

For height, the current language is found in note (l) of Table 66.231:

Table 66.231. Residential District Dimensional Standards

<i>Zoning District</i>	<i>Lot Size Minimum (per unit)</i>		<i>Height Maximum</i>		<i>Yard Setbacks Minimum (feet)</i>		
	<i>Area (sq. ft.)(b)</i>	<i>Width (feet)</i>	<i>Stories</i>	<i>Feet</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
<i>Portion of table removed for clarity.</i>							
<i>R1 one-family</i>	<i>9,600 (e)</i>	<i>80</i>	<i>3</i>	<i>30 (l)</i>	<i>30 (g)</i>	<i>10</i>	<i>25</i>
<i>R2 one-family</i>	<i>7,200</i>	<i>60</i>	<i>3</i>	<i>30 (l)</i>	<i>25 (g)</i>	<i>8 (h)</i>	<i>25</i>
<i>R3 one-family</i>	<i>6,000</i>	<i>50</i>	<i>3</i>	<i>30 (l)</i>	<i>25 (g)</i>	<i>6 (h)</i>	<i>25</i>
<i>R4 one-family</i>	<i>5,000</i>	<i>40</i>	<i>3</i>	<i>30 (l)</i>	<i>25 (g)</i>	<i>4 (h)</i>	<i>25</i>
<i>RT1 two-family (a)</i>	<i>3,000 (f)</i>	<i>25</i>	<i>3</i>	<i>40</i>	<i>25 (g)</i>	<i>9</i>	<i>25</i>
<i>Portion of table removed for clarity.</i>							

Notes to table 66.231, residential district dimensional standards:

(a)...(k)

(l) For R1—R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, the following maximum building heights shall apply at side setback lines: 28 feet in R1, 26 feet in R2, 24 feet in R3, and 22 feet in R4. One (1) foot shall be added to the maximum building height per each one (1) foot the portion of the building is set back from the nearest side setback line, to a maximum height of thirty-five (35) feet. Building height for flat roofs shall be measured to the highest point of the parapet, if present.

The intent of the language is to prevent the monotonous appearance and negative impacts of long, tall, and unbroken building facades.

District Council Involvement

The Macalester-Groveland Community Council and Highland District Council have been heavily involved since the initiation of the original amendments, including review of the original language, providing feedback to staff in March of 2016 and late fall of 2019, and the conducting numerous application reviews over the last four years.

Analysis

Table 1 summarizes the number of variance requests received since the inception of the standards. A more detailed breakdown of this information can be found in Attachment A: List of Articulation and/or Height Variance Requests in Districts 14 and 15.

Table 1 - Articulation and Height Variance Summary

	Articulation		Height	
	# of Variance Requests	# Granted by BZA	# of Variance Requests	# Granted by BZA
2015 (Q4)	6	5*	6	5
2016	5	5	0	N/A
2017	2	2	3	3
2018	6	6	6	6
2019	8	7	3	2
Total	27	25	18	16

*Partial approval – west side approved, east denied

Issues with Current Language

1. Height and articulation requirements don't effectively account for reuse of building or parts of building.
2. Reduced height limits don't account for modern truss systems especially when building near setback line.
3. Articulation requirement gives minimum dimensions, but other changes that don't meet that requirement often meet intent according to District Councils and the BZA, such as roofline variation and chimneys.

An Important Unknown

During discussion with District Councils, it became clear that it was important to determine the scope and nature of those projects for which variances were not needed that occurred in the same period. This work has not yet been done but is recommended to the Committee as a next step.

Based on the record of decision and issues with the current language, amendments should be considered to meet the following goals.

Goals

The goals of these changes are as follows:

1. **Maintain the original intent.** The District Councils and residents have been clear in meetings that they do not want to eliminate requirements for articulation and height.
2. **Reduce number of unnecessary variances.** Variances are costly for applicants and staff in terms of time and money and potentially have the effect of stifling reinvestment in housing stock. Focusing time and money on variances that address the intent more precisely is in the public interest.

3. **Avoid barriers to implementation.** Any new language or process should be easily implementable by staff by being clear about intent and interpretation

Potential Approaches & Other Modifications

The following are general approaches for addressing issues with the current language and setting the stage for language recommendations. They have been discussed in concept with District Councils and staff from PED and DSI. Feedback received to date is incorporated in the pros and cons for each.

1. **Alter the height limit.** This would involve changing the height limits in note (I) of Table 66.231. The language allowing increased height with increased setback distance has not been an issue and would be assumed to be unchanged.
 - a. Pros – simple to change and interpret, direct link to truss system issue
 - b. Cons – may have limited effectiveness based on initial review of cases
 - c. Other considerations
 - i. May need to apply only to zoning district(s) where space is most limited, such as R4.
 - ii. Clarify language to specify whether the “wedding cake” increase in height is limited to the maximum height allowed in the district.
2. **Distinguish between new and existing structures when applying height and/or articulation requirement(s).**
 - a. Pros – Limits articulation and/or requirement to projects that can be designed to incorporate elements rather than forcing them where it is difficult or doesn’t make sense
 - b. Cons – challenge to determine what constitutes “new.” For example, should a project that tears down all walls but leaves the foundation for financial and sustainability reasons be subject to the articulation requirement? Could leave large additions unregulated unless something like a minimum square footage threshold is incorporated.
 - c. Other considerations
 - i. Need to consult with DSI about the definition of “new structures” so that zoning code and their forms and processes are consistent.
3. **Increase options and/or flexibility to meet the articulation requirement.** This could include allowing other elements such as windows to meet the requirement or relaxing the “grade to eave” requirement, which has been problematic with additions and renovations.
 - a. Pros – allows more flexibility for applicant to meet requirement, especially on an additions where articulation as defined by current language is impractical.
 - b. Cons – Could leave large additions unregulated unless something like a minimum square footage threshold is incorporated.
4. **Establish language and process for articulation that relies more heavily on intent than specific dimensional requirements.** This would encourage applicants to have a more robust dialogue with the DSI to find solutions and make decisions based on specifics of each project.
 - a. Pros – Encourages applicant to find solution with city staff, lets zoning division determine whether variance should still be requested
 - b. Cons – Leaving a definition of articulation more open-ended introduces issues of consistency and subjectivity

- c. Other considerations
 - i. Written guidelines should be developed for staff use and transparency
 - ii. Approval of the zoning administrator would increase consistency in administration
5. **Clarify that the District 14 and 15 regulations under discussion apply only to residential structures.** This has been the intent and understanding throughout the development and implementation of these regulations, but should be clarified in the code language.

These approaches are not mutually exclusive, and it may make sense to incorporate elements from each. Also, as specific language and process recommendations evolve, DSI will be consulted to better understand their capabilities and limitations in implementation.

Staff-proposed Next Steps

1. Acquire and analyze data for projects in Districts 14 and 15 that did not require a variance.

In partnership with DSI, staff will analyze projects that have been built by right to better understand how many have been built and what impact the design standards had on them, if any.

2. Coordinate with staff to review Attachment A: “List of Articulation and/or Height Variance Requests in Districts 14 and 15” to identify projects for which we felt the variance process was appropriate for the intent and look for commonalities to address in amendments.
3. Continue coordination with DSI on implementation issues and definitions.

In the event that we distinguish between “new construction” and other building activity, we need to be sure that the terminology that we use in the Zoning Code and in other city processes is consistent.

4. Process:
 - a. Return to CNPC with above information and recommendations for text amendments, then,
 - b. Forward to Planning Commission with a recommendation to release and set a date for a public hearing. In addition to interest from residents, construction and real estate professionals are following this process and the work would benefit from a review period and public hearing to allow them to weigh in.

Attachments:

Attachment A: List of Articulation and/or Height Variance Requests in Districts 14 and 15

cc: Zoning Administrator
Ward 3 Office
Ward 4 Office
District 14
District 15

Attachment A: List of Articulation and/or Height Variance Requests in Districts 14 and 15

Year	File/Permit #	Address	Planning District	Request		Staff Recommendation	DC Recommendation	BZA Decision
				Articulation	Height			
2015	15-172295	1568 OSCEOLA	14	1	1	Articulation: Denial Height: Denial	Approval	Approved
2015	15-181025	1443 JEFFERSON	14	1	1	Articulation: Denial Height: Denial Setback: Denial	Approval	W Articulation: Approved E Articulation: Denied Height: Denied W Setback: Approved
2015	15-186539	1369 SARGENT	14		1	Height: Denial Setback: Approval	None	Approved
2015	15-186551	2208 GOODRICH	14	1		Articulation: Denial Setback: Approval	None	Approved
2015	15-187773	1485 SARGENT	14		1	Height: Denial Setback: Approval	None	Approved
2015	15-158127	26 HILLTOP	15	1		Articulation: Denial Setback: Approval	None	Approved
2015	15-167940	1311 ELEANOR	15	1	1	Articulation: Denial Height: Denial F. Setback: Denial S. Setback: Denial	Approval	Approved
2015	15-177987	1634 BAYARD	15	1		Articulation: Denial	Approval	Approved
2015	15-186254	1696 JUNO	15		1	Height: Denial Setbacks: Approval	None	Approved
2016	16-030407	1296 PALACE	14	1		Articulation: Denial Setback: Approval	None	Approved
2016	16 - 047746	132 WHEELER	14	1		Articulation: Approval	Approval	Approved
2016	16 - 066991	1389 LINCOLN	14	1		Articulation: Approval	Approval	Approved
2016	16 - 100815	1396 GRAND	14	1		Articulation: Approval	Approval	Approved
2016	16 - 077359	1677 JUNO	15	1		Articulation: Denial Setback: Approval	Approval	Approved
2017	17 - 054115	1372 LINCOLN	14	1		Height: Approval Setback: Approval	Approval	Approved
2017	17 - 068815	1315 JULIET	14		1	Height: Approval Setback: Approval	Approval	Approved
2017	17 - 015105	1325 HARTFORD	15	1	1	Articulation: Denial Height: Denial Setback: Denial	Approval	Approved
2017	17 - 074446	1392 BAYARD	15		1	Height: Denial Setback: Denial	Approval	Approved
2018	18 - 018308	1790 HAMPSHIRE	15		1	Height: Approval Setback: Approval	None	Approved
2018	18 - 034785	299 WARWICK	14		1	Height: Approval Setback: Approval	Approval	Approved
2018	18 - 035200	1295 WELLESLEY	14	1	1	Articulation: Approval Height: Approval Setback: Approval	Approval	Approved

Attachment A: List of Articulation and/or Height Variance Requests in Districts 14 and 15

2018	18 - 045329	1499 GOODRICH	14	1		Articulation: Approval	Approval	Approved
2018	18 - 057875	210 CLEVELAND	14		0	Height: Approval	None	Application Withdrawn
2018	18 - 087169	1288 JUNO	15	1	1	Articulation: Approval Height: Approval	Approval	Approved
2018	18 - 096536	1947 FAIRMONT	14	1		Articulation: Approval	None	Approved
2018	18 - 110423	1281 PALACE	14	1		Articulation: Approval	None	Approved
2018	18 - 123560	1629 HARTFORD	15		1	Height: Approval Setback: Approval	None	Approved
2018	18 - 126229	1400 BAYARD	15		1	Height: Approval	Approval	Approved
2018	18 - 126266	2040 ITASCA	15	1		Height: Approval Setback: Approval	Approval	Approved
2019	19 - 008579	1493 HIGHLAND	15	1		Articulation: Approval Setback: Approval	Approval	Approved
2019	19-011095	1379 ELEANOR	15	1		Articulation: Approval Setback: Approval	Approval	Approved
2019	19 - 012894	2241 PRINCETON	14	1		Articulation: Approval	Approval	Approved
2019	19 - 016684	405 SARATOGA	14		1	Height: Approval Setback: Approval	None	Approved
2019	19 - 036463	1681 PINEHURST	15	1		Articulation: Approval	None	Approved
2019	19 - 045290	1938 BEECHWOOD	15		1	Height: Approval	None	Approved
2019	19 - 045387	1767 ELEANOR	15	1		Articulation: Approval	Approval	Approved
2019	19 - 056497	1895 YORKSHIRE	15	1		Articulation: Approval	None	Approved
2019	19 - 075934	1946 WELLESLEY	14	1	1	Articulation: Denial Height: Denial Setback: Denial	Articulation: Denial Height: Approval Setback: Approval	Articulation: Denied Height: Denied Setback: Approved
2019	19 - 075972	446 SARATOGA	14	1		Articulation: Approval	None	Approved
			TOTAL	27	18			