

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Kimball Court Supportive Housing Expansion **FILE #** 20-046-445
 2. **APPLICANT:** 545 Snelling LLC **HEARING DATE:** July 30, 2020
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 545-555 N Snelling Avenue, NW corner at Charles Avenue
 5. **PIN & LEGAL DESCRIPTION:** 33-29-23-14-0032 & -0033, Stierle, McConville &, Seeger's Midway Addition, Block 1, S 6.05 ft. of W 37.42 ft. of E 10.5 ft. of lot 2, & all of Lots 3-7
 6. **PLANNING DISTRICT:** 11 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §§ 65.162, 61.501, & 61.502
 8. **STAFF REPORT DATE:** July 24, 2020 **BY:** Josh Williams
 9. **DATE RECEIVED:** June 25, 2020 **60-DAY DEADLINE FOR ACTION:** August 24, 2020
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- A. **PURPOSE:** Conditional use permit for a building addition to expand an existing supportive housing facility with modification of condition to increase the number of facility residents from 79 to 98 residents.
- B. **PARCEL SIZE:** 15,100 sq. feet
- C. **EXISTING LAND USE:** Commercial and supportive housing
- D. **SURROUNDING LAND USE:** Commercial to the north and south, multi-family residential to the east, and mixed residential uses to the west.
- E. **ZONING CODE CITATION:** § 65.162 defines and lists standards and conditions for supportive housing facilities. § 61.501 lists general conditions that must be met by all conditional uses. § 61.502 describes the criteria by which the Planning Commission may modify a special condition. § 61.503 lists criteria for changes to an existing conditional use permit that require a new conditional use permit.
- F. **PARKING:** The proposed use is located within ¼ mile of University Avenue and within the Green Line LRT station area. The zoning code reduces parking requirements by 100% in traditional neighborhood districts within ¼ mile of University Avenue. The proposed use has no parking requirement, and no off-street parking is proposed.
- G. **HISTORY/DISCUSSION:** A special condition use permit (currently known as a conditional use permit, or CUP) was approved for 545 N. Snelling in August of 1986. That CUP allowed a 76-room boarding house and modification of density standards. Under the current zoning code, the existing and proposed use is considered "supportive housing."
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 11 Council had not made a recommendation as of the date of this staff report.
- I. **FINDINGS:**
 1. A conditional use permit for a 76-room boarding house was approved for 545 N. Snelling in 1986. Under the current zoning code, the existing and proposed use of the Kimball Court building at 545 N. Snelling is supportive housing. Zoning Code § 61.504 requires a new CUP when the floor area of a conditional use increase by more than 50%, when a conditional use expands onto an abutting lot, when the number of residents in a congregate living facility increases, or when the number of rooming units in a rooming or boarding house increases. The application proposes an addition to Kimball Court that would expand the facility onto the abutting lot at 555 N. Snelling Avenue and increase the floor area by approximately 60.9%. It proposes to increase the number of facility residents from 79 to 98, and the number of rooming units would also increase.
 2. The applicant currently has a purchase agreement for the property at 555 N. Snelling Avenue. The purchase agreement is subject to veto by any parties to an ongoing lawsuit regarding 555 N. Snelling Avenue. A condition of approval of the CUP for expansion of the existing supportive

housing facility to the property a 555 N. Snelling Avenue should be final acquisition by the applicant of fee title of the subject property.

3. Zoning Code § 65.162 lists conditions for Supportive Housing Facilities:

- (a) *The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents, except in B5-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.* This condition is met. While Hovander House, a supportive housing facility for nine residents, at 1491 Sherburne is about 980 feet away, this is a legal nonconformity and the proposed Kimball Court addition would not increase the nonconformity.
- (b) *In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents.* This condition is not met. The application proposes to increase number of residents in the Kimball Court facility, in a T2 traditional neighborhood district, from 76 to 98 facility residents. However, the Planning Commission can modify this condition, subject to meeting the standard for modification described in § 61.502 of the Zoning Code.
- (c) *In residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.* This condition does not apply. The facility is in a T2 traditional neighborhood district.
- (d) *In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.* This condition is met. In the T2 district at this location, where no parking is required and no surface parking is proposed, the maximum floor area ratio (FAR) is 3.0. The proposed expanded building has an FAR of 2.78, which conforms with this requirement.

4. Zoning Code § 61.502 states: *“The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.”*

On April 13, 2016, the Saint Paul City Council voted to adopt Ordinance 16-5, which, among other changes, add supportive housing to the Saint Paul zoning Code as a defined land use. The ordinance specifically incorporated by reference the Comprehensive Planning Committee's February 23, 2016 memorandum to the Planning Commission regarding the Planning Commission's Congregate Living Zoning Study as “articulating the Council's reasons and rationale” for enacting the zoning code amendments codified by Ordinance 16-5. Page 17 of that memorandum states:

“There are two purposes for regulating the number of residents for Supportive Housing Facilities through establishment of maximum numbers of residents and requirement for a conditional use permit: (1) to encourage facilities that are less institutional in nature due to their size; and (2) to fit with the zoning district's general character.”

Taken together, the facts of the situation suggest that strict application of the zoning code would create an undue hardship for the applicant. The facility already exceeds the standard of not more than 16 total residents in a traditional neighborhood district (65.162 (b)), and the proposed

expansion would further exceed that standard. However, the language of Sec. 65.162(d) suggests that greater facility size was contemplated for facilities in all T districts. Moreover, the Sec. 65.162(b) does not limit the total number of residents to 16 in any of the RM districts. The T2 district in which the proposed expanded facility is located is actual intended to accommodate more intense uses than the RM2 district, where, by right, a supportive housing facility is not limited to 16 residents (in the case of an RM2 district, it is not clear precisely how many residents would be allowed, as number of residents does not directly equate to number of units, the metric for density in the RM2 district). In regard to the intent of supportive housing as described in the congregate living zoning study, the size of the proposed facility is consistent with the typical multifamily residential development in more highly urbanized neighborhoods along major transit corridors. Finally, the proposed expanded facility is consistent with 65.162(d), which regulates density for supportive housing in the T2 district through allowed maximum FAR, and is consistent with Comprehensive Plan policy, which calls for provision of affordable housing in all neighborhoods and for accommodation of increased density along mixed-use corridors in proximity to transit facilities.

The modification of condition will allow for provision of acutely needed affordable housing, which is consistent with the health, morals and general welfare of the community. While the modification will allow additional residents at the expanded facility, the proposed facility is consistent with dimensional and design standards of the T2 district and is on balance consistent with the reasonable enjoyment of adjacent properties.

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.* This condition is met. Policies H1.1 and H1.3 of the Saint Paul 2030 Comprehensive Plan state that the City should (H1.1) *Increase housing choice across the city to support economically diverse neighborhoods* and (H1.3) *Revitalize the city by developing land-efficient housing*. Policy H1.3 specifically addresses the need to prioritize development of housing within ¼ mile of University Avenue. Policy H 3.1 of the Hamline Midway Community Plan (HMCP) calls for the City to “*prioritize redevelopment on... Snelling Avenue for high density housing*”.
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed use does not include additional off-street parking. While some additional demand for on-street parking may occur, the proximity to high-frequency transit and the general lack of financial resources of likely residents suggest that additional demand for motor vehicle parking induced by the proposed use will be minimal.
- (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 use will expand the existing supportive housing facility from 76 total residents to 98 total residents, consistent with the existing character of development in the immediate area. The proposed expansion will replace a single story building at 555 N. Snelling Ave with a 4-story addition to the existing 4-story building to the immediate south at 545 N. Snelling Avenue. The number of proposed additional residents is roughly equivalent to the proposed expansion of the building size, and the proposed building addition is generally consistent with the built character of the surrounding area, which is characterized by a mix of building heights and generally relatively large building footprints relative to lot size.
- (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. A supportive housing facility has existed at 545 N. Snelling Avenue since 1986. The proposed use will be a roughly 25% expansion, based on the number of residents, of this existing use, and reduces the overall density of the use as measured by total floor area relative to lot size.

(e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use, in all other aspects, conforms to the applicable regulations of the district in which it is located.

J. **STAFF RECOMMENDATION:** Based on findings above, staff recommends approval of the application for a conditional use permit for a building addition to expand an existing supportive housing facility with modification of condition to increase the number of facility residents from 79 to 98 residents, at 545-555 N. Snelling Avenue, subject to the following additional condition:

1. Final acquisition by the applicant of fee title of the property at 555 N. Snelling Avenue.
2. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this permit.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: February 23, 2016

TO: Planning Commission

FROM: Comprehensive Planning Committee

RE: Congregate Living Zoning Study – a review of proposed text amendment initiated by Planning Commission Resolution 12-55, amending the zoning code text regarding congregate living facilities (Sec. 60.207.F., 60.217.P., 61.503, 63.207, 65.132, 65.143, 65.150 – 65.191, 65.662, 65.922, 66.221, 66.321, 66.421, 66.521)

ISSUE

On August 24, 2012, Planning Commission passed Resolution 12-55, initiating a zoning study to consider amendments to the Zoning Code regarding congregate living facilities. A need was identified for clearer definitions, improved consistency in standards among different types of facilities, and more timelessly accurate reflections of associated state programs that frequently change. Questions regarding definitions and regulations for congregate living facilities have continued to arise through more recent zoning applications, including how to define uses that appear to fall under multiple definitions, how to address proximity to schools, and how to address traffic/parking.

BACKGROUND

The congregate living portion of the Zoning Code was originally drafted in 1980 during a time widespread de-institutionalization of persons being treated for mental illness, mental handicaps, and substance abuse. The code received a major update in 1991, informed by a report from a 15-member task force that spent 11 months discussing and analyzing numerous additions and revisions. Additionally, sober houses were the subject of an in-depth, more focused, amendment in 2008. The subject zoning study is the first to address multiple types of congregate living in 24 years.

Due to the length and complexity of the background section, it is broken down into several subsections addressing the following questions:

- What are “Congregate Living Facilities”?
- Where are “Congregate Living Facilities”?
- What is the legal context for congregate living facilities regulation?
- How does the City Code currently regulate congregate living facilities?

What are “Congregate Living Facilities”?

Congregate living facilities are a category of residential uses that generally do not fit within the definition of a “family” because of the number of unrelated residents. They are commonly

recognized as important components of a healthy community that must be accommodated, but can have external impacts related to their size and outside services provided. The Saint Paul Zoning Code defines 18 categories of congregate living, including sober houses, rooming houses, nursing homes, dormitories, 3 types of community residential facilities, and others.

There is no complete inventory of all categories of congregate living in the city. The Department of Safety and Inspections (DSI) tracks certain categories in order to enforce separation requirements and maximum concentrations. Also, facilities information was recently obtained on a one time basis from the State of Minnesota Department of Human Services (DHS) for sites they license, though consistent future access to that data is not guaranteed. Other categories' facilities can be discovered via the Internet. There is also the issue that many facilities could fit under multiple definitions. Overall, we have a partial understanding of what congregate living facilities are like in Saint Paul today. The following paragraphs summarize our understanding of the various congregate living facilities, as categorized by our Zoning Code.

Foster home (Sec. 65.151) and Freestanding foster care home (Sec. 65.152)

By Zoning Code definition, a “freestanding foster care home” involves a license-holder who does not live on-site. According to DHS data, there are 4 freestanding foster care homes in Saint Paul, including 2 single-family homes with 5 or fewer adult residents, 1 single-family home with 4 youth residents, and 1 duplex with 10 adult residents with Alzheimer’s disease (5 in each unit). There are also approximately 200 (not freestanding) foster care homes in Saint Paul, each with between 1 and 6 residents, mostly for youth but several for adults, and nearly all in single-family homes.

Community residential facility, licensed human service (Sec. 65.153)

There are 36 licensed human service community residential facilities in Saint Paul in a variety of settings, including converted single-family homes, apartment buildings, and converted convents. Seventeen (17) of the facilities have 6 or fewer residents, 13 have between 7 and 16 residents, and 6 have more (up to 64 residents). Below are representative photographs of these facilities.



Community residential facility, licensed correctional (Sec. 65.154)

There are 5 licensed correctional community residential facilities in Saint Paul, with capacities ranging from 26 (Re-Entry Metro) to 65 (Totem Town). The facilities' campus sizes vary widely with Totem Town at 71 acres, two facilities at approximately 1 acre (one in Downtown collocated in a government building), and two facilities at less than 7,000 square feet. The facilities on smaller campuses are in converted single-family homes.

Community residential facility, health department licensed (Sec. 65.155)

There are 8 health department licensed community residential facilities in Saint Paul. Four (4) of the facilities have 16 or fewer residents, 2 have between 17 and 32 residents, and 2 have more (up to 60 residents). The facilities provide services to mentally ill and/or chemically dependent populations in accordance with the Zoning Code definition, and several focus on homeless populations who are also mentally ill and/or chemically dependent. One of the 8 facilities also possesses a license from DHS. Below are photographs of all 8 facilities.



Emergency housing facility (Sec. 65.156)

There are 5 facilities in Saint Paul that provide emergency housing under this definition, including the Dorothy Day Center, 2 facilities that combine emergency housing with transitional housing (Naomi Family Shelter and Booth Brown House), and 2 smaller, 10-bed facilities for teenagers on Larpentour Avenue.

Overnight shelter (Sec. 65.157)

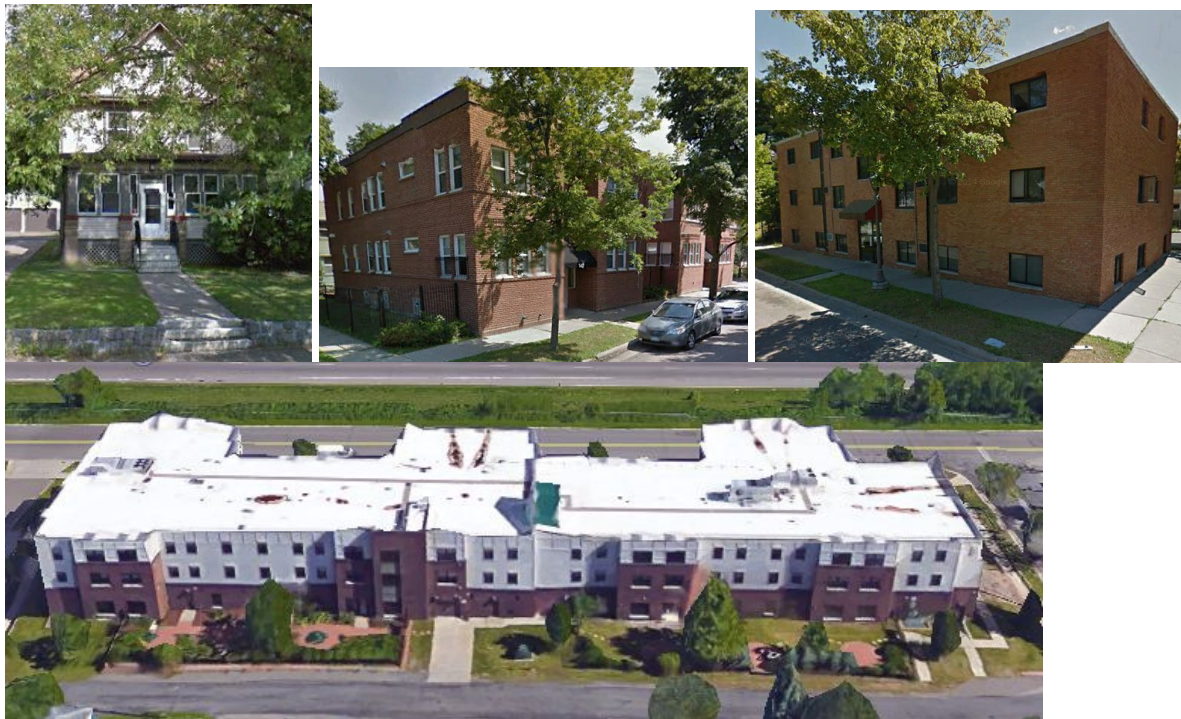
Only the Union Gospel Mission facility and the Catholic Charities Women's Shelter are currently categorized as overnight shelters.

Shelter for battered persons (Sec. 65.158)

There are 5 shelters for battered persons in Saint Paul with capacities ranging from 6 to 46 residents. Three (3) are in converted single-family homes, and 2 are in multi-family or institutional buildings. Photographs are not shown here in order to protect the occupants.

Transitional housing facility (Sec. 65.159)

There are 15 transitional housing facilities in Saint Paul, including 3 in converted single-family homes and the others in apartment buildings or a custom-built campus. Two (2) of the facilities have 6 or fewer residents, 9 have between 7 and 16 residents, and 4 have more (up to 39 residents). Transitional housing facilities, by Zoning Code definition, provide program activities to facilitate independent living – in practice, many of these programs are oriented to chemical dependency recovery and mental health. One program, notably, serves single mothers in poverty pursuing educational goals, none of whom necessarily have chemical dependence or mental health issues. Below are representative photographs of these facilities.



Sober house (Sec. 65.160)

There are 59 sober houses in Saint Paul, mostly located in converted single-family homes. In part due to clustering of sober houses in the Summit-University, Fort Road, and Union Park planning districts, a zoning study was launched in 2005 that created a definition and standards for sober houses to limit clustering and to abide by federal laws.

Boardinghouse (Sec. 65.170) and Roominghouse (Sec. 65.171)

These categories of congregate living facilities are generally not tracked. There was a notable conditional use permit granted in 2002 for a roominghouse with 71 units at 286 Marshall Avenue that had characteristics in common with a transitional housing facility, namely that it provided support services intended to facilitate independent living. However, its status as a roominghouse was confirmed through the conditional use permit approval process.

Assisted living (Sec. 65.180), Boarding care home (Sec. 65.181), and Nursing home (Sec. 65.182)

These categories are not tracked by the City, though they include large facilities like Cerenity and Sholom Home. The 3 categories are regulated the same by the Zoning Code. In modern

developments, assisted living is often co-located with “independent living”, i.e. apartments for seniors who do not (yet) need ongoing health care services.

Hospice (Sec. 65.183)

Hospices are not tracked by the City, but they include Our Lady of Peace on St. Anthony Avenue and Sholom Home (co-located with assisted living). See photographs below.

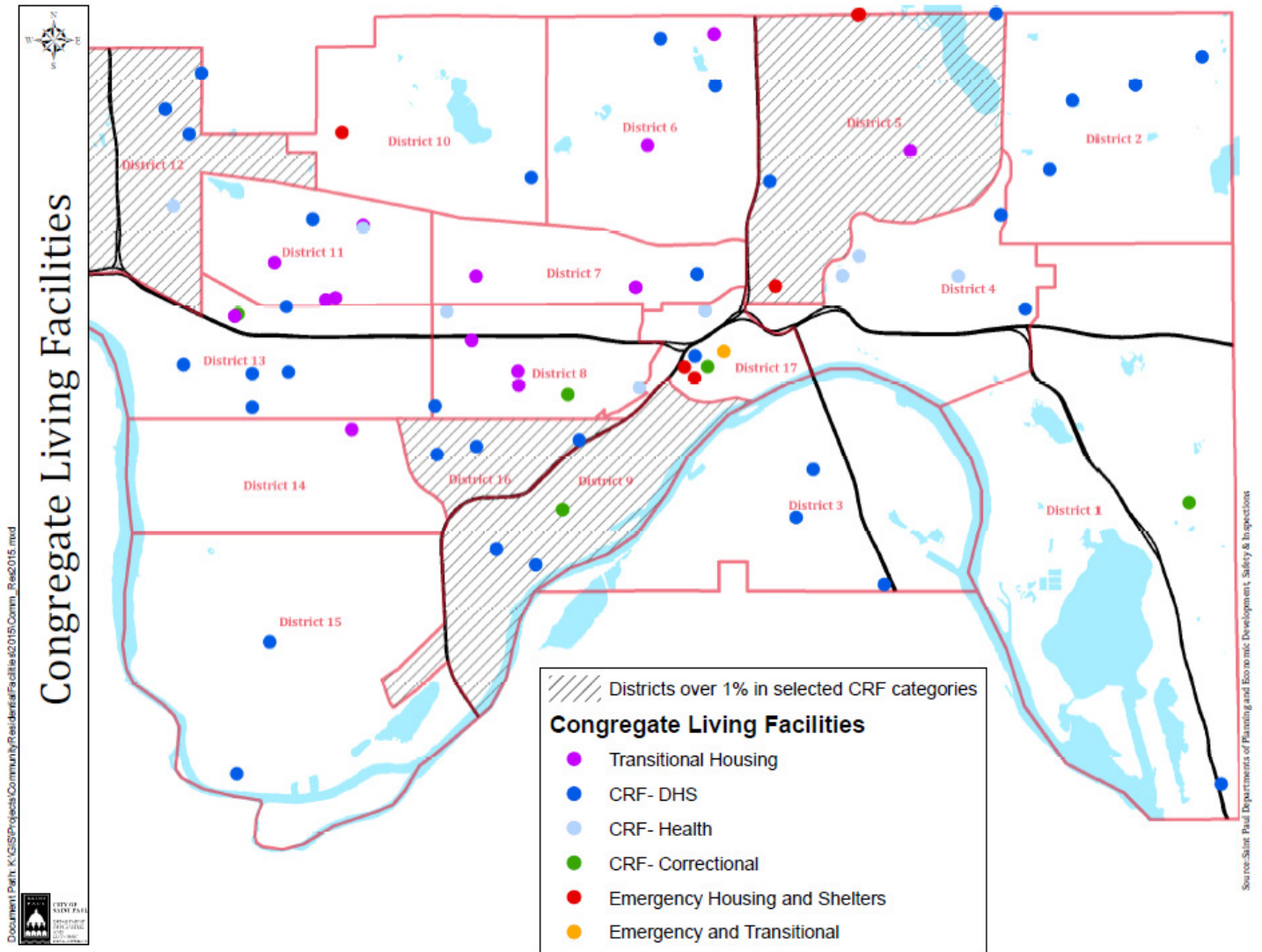


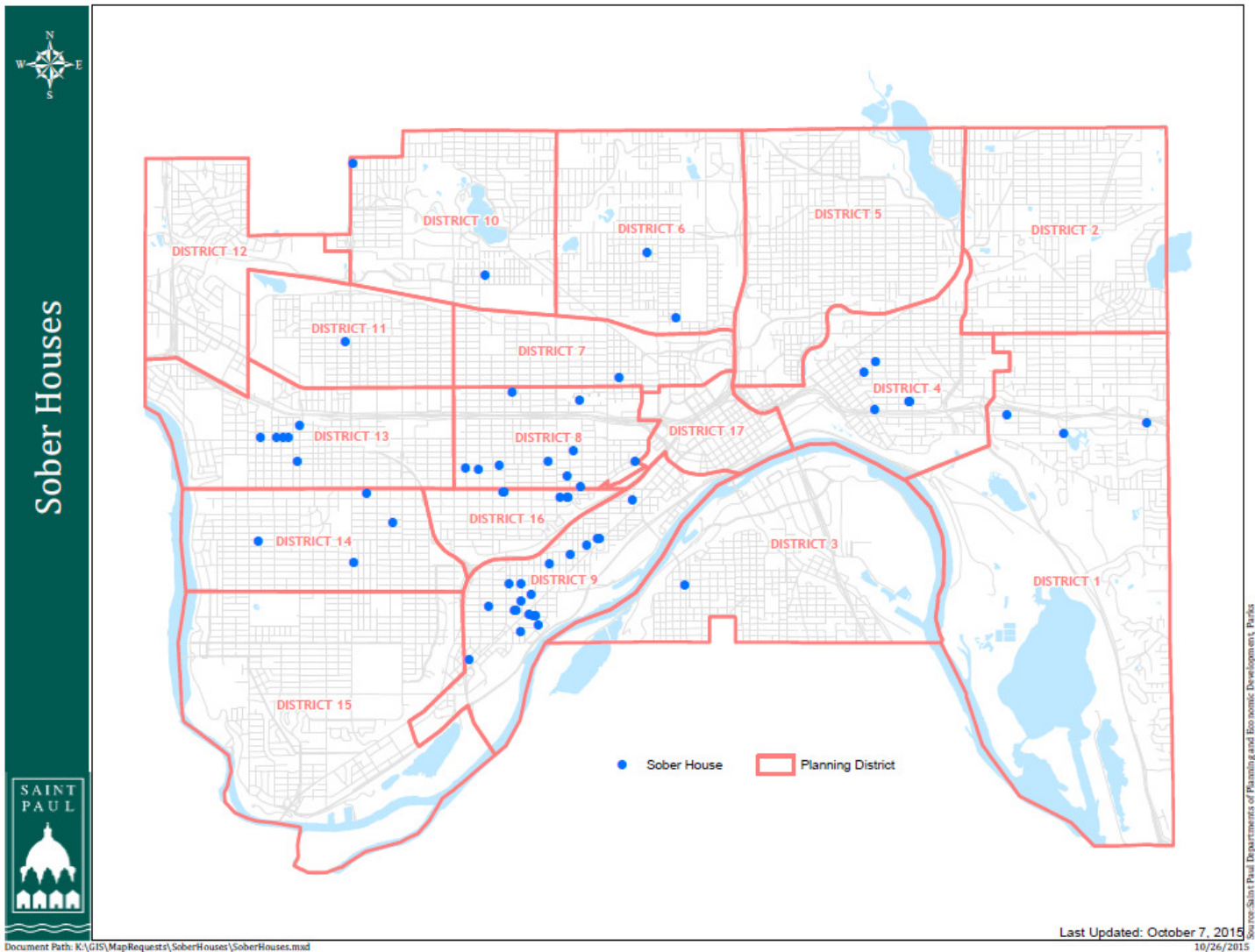
Dormitory (Sec. 65.190) and Fraternity, sorority (Sec. 65.191)

These categories are not tracked by the City.

Where are Congregate Living Facilities?

The City tracks certain categories of congregate living facilities in order to determine compliance with separation and concentration requirements in the Zoning Code. The following maps show the distribution of those facilities. Besides the information on the maps, there are 5 shelters for battered persons that are not shown for safety purposes, but can generally be described as being located in Districts 3, 4, 9, 10, and 16.





What is the legal context for congregate living facilities regulation?

There are federal and state regulations that affect congregate living facilities and provide parameters for local regulation. A review of the most significant legal issues to this zoning study is below. Also, it is important to recognize that many congregate living facilities are licensed by the State of Minnesota Department of Human Services, the Department of Health, the Department of Corrections, or a combination of the three, and thereby must abide by those departments' regulations. If a facility were to become noncompliant with state regulations, the controlling department could require corrective action potentially including revocation of funding or the license itself.

Federal Law

The *Fair Housing Amendments Act* (1988) prohibits local land use regulation that discriminates against individuals on the basis of disability. Several categories of congregate living facilities in Saint Paul provide housing, or could provide housing, to disabled persons. A disability, or handicap, is defined as "a physical or mental impairment which substantially limits one or more of such person's major life activities," not including sex offenders, current illegal drug users,

people who have been convicted of illegal drug use/sale/manufacturing, or persons who present a direct threat to the persons or property of others. A local government must allow for “reasonable accommodations” to allow persons or groups of persons with disabilities an equal opportunity to enjoy and use housing. The City of Saint Paul allows for such “reasonable accommodations” via Sec. 60.110, as applied through review by DSI.

The *Americans with Disabilities Act* (1990, amended 2010) similarly prohibits discrimination by public entities on the basis of disability, which is defined as “a physical or mental impairment that substantially limits one or more of the major life activities of (an) individual; a record of such an impairment; or being regarded as having such an impairment.” Such impairment includes “mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities” and diseases or conditions such as “orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.”

Minnesota State Law

The Minnesota Revised Statutes address licensing and regulation of congregate living facilities via three departments: the Department of Corrections (DOC), the Department of Health (DOH), and the Department of Human Services (DHS). The most relevant state laws to our zoning study address local regulation of DHS facilities, as follows. Residential facilities licensed by DHS for six (6) or fewer persons are permitted in single-family housing, regardless of local restrictions based on the definition of “family,” excepting only facilities for juvenile sex offenders. (The Saint Paul Zoning Code defines four (4) or fewer unrelated persons living together as a “family”.) Residential facilities licensed for seven (7) to 16 persons are permitted in multi-family housing, though local governments are allowed to require a conditional use permit (CUP) that is no more restrictive than CUPs for other uses. DHS requires residential facilities to be separated by 1,320 feet from other such facilities under normal circumstances.

Court Case

FamilyStyle v. City of Saint Paul is a 1990 US Court of Appeals decision that affirmed our separation requirements for mentally ill group homes on the basis that they ensure patients will actually live in a community environment rather than one that recreates an institutional environment through clustering of facilities.

How does the City Code currently regulate congregate living facilities?

The Zoning Code currently contains 18 categories of congregate living as defined in Chapter 65, Division III: Congregate Living (Sec. 65.151-191). The table below summarizes in which districts the uses are permitted:

The Zoning Code definitions and standards establish separation requirements and maximum populations per planning district for certain categories of congregate living, as summarized in the table below. The table also notes which categories (as currently defined) are protected by the *FHAA*.

	<u>Separation Requirement</u>	<u>Subject to 1% Maximum¹</u>	<u>Count Toward 1% Maximum</u>	<u>Protected Class²</u>
Foster home	No	No	No	No
Freestanding foster home	No	No	No	No
CRF - human service	Yes ³	No	Yes	Yes
CRF - correctional	Yes ³	Yes	Yes	No
CRF - health department	Yes ³	Yes	Yes	Yes
Emergency housing	Yes ³	Yes	Yes	No
Overnight shelter	Yes ⁴	No	Yes	No
Shelter for battered persons	Yes ⁵	Yes	Yes	No
Transitional housing	Yes ⁶	Yes	Yes	No
Sober house	Yes ⁷	No	No	Yes
Boardinghouse	No	No	No	No
Roominghouse	No	No	No	No
Assisted living	No	No	No	No
Boarding care home	No	No	No	No
Nursing home	No	No	No	No
Hospice	No	No	No	No

¹ Certain facilities' population in a planning district can be a maximum 1% of total district population.

² Those in a legally protected class can request "reasonable accommodations" to waive separation and 1% requirements. It is possible that other types of congregate living could also contain protected classes (e.g. an overnight shelter with high rates of mental illness). See Legal Context section above.

³ 600' from certain other facilities in B4-B5, or 1,320' from such facilities in other districts

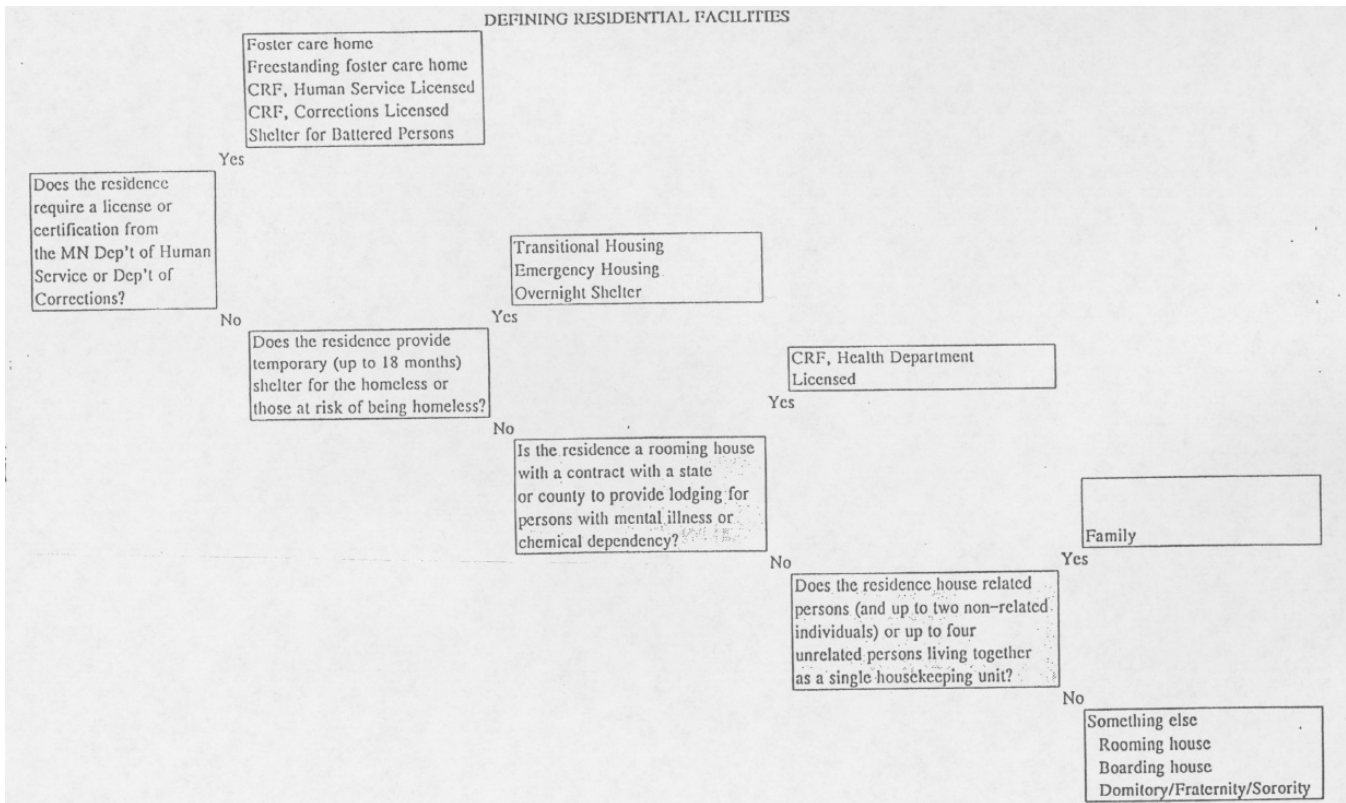
⁴ 600' from certain other facilities in all districts

⁵ 1,320' from certain other facilities in all districts

⁶ 1,320' from certain other facilities in RL-RT2 districts

⁷ 330' from other sober house properties

There is often uncertainty regarding which Zoning Code definition should apply to a proposed facility. The following decision tree came into use in about 2007, but is not formalized in the Zoning Code. It illustrates the complexity of the existing regulations.



PROPOSED AMENDMENTS & ANALYSIS

The full proposed amendments to the Zoning Code text and tables of permitted principal uses are among the memo attachments. A summary and analysis of the proposed amendments is below

Consolidate DHS CRFs, DOH CRFs, and Transitional Housing into a new definition: Supportive Housing Facility

These 3 existing categories primarily work with the same types of populations (often the same people with multiple problems) with the goal of re-entry into society, and in fact many existing sites could conceivably fall under more than one of these current definitions. Consolidation requires severing definitions tied to funding or licensing and instead focusing on what actually occurs at the facility. Separation requirements continue to be appropriate in order to ensure they are placed in normal neighborhood environments, and not placed in clusters that replicate an institutional environment (see *FamilyStyle v City of Saint Paul* court decision). DHS- and Health Department-Licensed Community Residential Facilities by definition serve handicapped clients under the *Fair Housing Amendments Act of 1988*, though Transitional Housing may or may not. The new category generally follows existing standards and districts for DHS-Licensed Community Residential Facilities, which represents looser regulations for Health Department-Licensed Facilities and Transitional Housing.

Consolidate Assisted Living, Boarding Care Home, Nursing Home, and Hospice into Adult Care Home

Assisted Living, Boarding Care Home, and Nursing Home use the same standards and are allowed in the same districts. It appears the main reason to have separate definitions was to replicate State agency definitions. It is proposed to further consolidate these three (3) categories with Hospice, given the similar land use effects. The new category is proposed to be permitted mostly in the same zoning districts as the current category of Hospice, which is the least restricted of the four (4).

Eliminate the 1% Maximum

The Zoning Code regulation limiting the population of certain categories of congregate living to 1% or less of the planning district's total population (the "1% maximum" clause) is intended to counter overconcentration, much like the spacing requirements (e.g. 1,320' or 600' between certain facilities). Notably, the regulation applies to only five (5) categories of congregate living, but uses seven (7) categories in calculating the 1% population. Particularly troublesome is that one of the most common categories of congregate living, DHS-licensed community residential facilities, contributes to the 1% but does not need to abide by it. The 1% maximum clause also has other drawbacks, including that it requires substantial staff time to track, does not account for barriers like highways or railroad tracks, and its application to planning district geographies is overall not as effective as numerical separation requirements in avoiding "institutional environments" and promoting integration into the community.

Consolidate Foster Home and Freestanding Foster Home

Both categories are regulated the same except for parking, and there is no known reason to repeat the State definitions here. A Freestanding Foster Home requires 1.5 off-street parking spaces per 4 residents, while a Foster Home has no special requirement and is thus treated as its primary use (generally a one-family dwelling unit, which requires 1.5 spaces). In practice, the 4 existing Freestanding Foster Homes in Saint Paul would have the same parking requirement whether regulated under the current parking requirements, or simply as single-family or two-family dwellings (as applicable). Elimination of the explicit parking requirement for Freestanding Foster Home would have no effect if future facilities are similar in size to existing.

Consolidate Roominghouse and Boardinghouse

Like the above issue, both Roominghouse and Boardinghouse are regulated the same, and there is no known reason to repeat the State definitions here.

Reduce Minimum Lot Size Requirements

A minimum lot size should continue to be specified for congregate living uses in certain zoning districts in order to meet the intent of minimum lot size regulations, which for other residential uses are based on number of units, not number of residents or number of rooms. That is, for example, a congregate living facility has only 1 living unit according to the Zoning Code regardless of the number of residents, and therefore would have an excessively small minimum lot size if relying only on the district standards. However, the existing minimum lot size requirements (generally 5,000 square feet plus 1,000 square feet for each guest room in excess of 2 guest rooms) for certain categories of congregate living seem to exceed actual need. The proposed amendments bring congregate living lot size more in line with similar residential uses in residential and T1 zoning districts. Meanwhile, minimum lot sizes are proposed to be

eliminated for congregate living uses in zoning districts that do not regulate multi-family uses that way, but instead rely on floor-to-area ratio (F.A.R.) to control density: T2-T4, business, and industrial districts.

Eliminate Petition Requirement Under Reuse of Large Structures for “Handicapped” Users

Given: (1) the general City policy to accommodate facilities supporting the reintegration of mentally ill and former substance abusers into mainstream society; (2) the reliable neighbor opposition to “those people” who are perceived to be likely to harm a child walking to a nearby school, etc.; (3) the protections afforded to mentally ill and other handicapped by the *FHAA*; and (4) the plethora of large structures in need of productive reuse; it would seem to be a reasonable accommodation to allow uses serving mentally ill and other handicapped persons to avoid the petition requirement for reuse of large structures. The public hearing notification requirements would remain.

PUBLIC HEARING TESTIMONY

The Planning Commission held a public hearing on January 22, 2016 and left the record open for written comments through January 25, 2016. At the hearing, representatives from the Merriam Park Housing Mix Working Group delivered a presentation raising concerns with the concentration of sober houses in their neighborhood and the cumulative impact of residences other than single-family residences – such as sober houses, other congregate living, and student housing – on the neighborhood’s character. The Working Group’s recommendations include: change the sober house separation requirement from 330 to 1,320 feet; study sober houses’ neighborhood impact, using Merriam Park as a case study; register, track, and forecast all housing types; consider instituting licenses and fees to sustain tracking and oversight of sober houses; and institute a notification system for citizens when a sober house comes in. The Working Group provided two versions of their PowerPoint presentation: the version delivered at Planning Commission, and a follow-up revised version provided a couple days later.

The Union Park District Council (UPDC) provided a letter endorsing some of the Working Group’s recommendations, including that: all housing types be registered, tracked, and forecasted; a citizen notification system be instituted for incoming sober houses; and tax implications be studied and addressed. The UPDC did not endorse the Working Group’s recommendation that Sober Houses be added to the collection of congregate living facilities that must generally be separated by 1,320 feet. (Subsequent to the public hearing, the UPDC changed their position on the Sober House separation, now agreeing with the Working Group that 1,320-foot separation should be recommended.)

People Incorporated, a congregate living provider specializing in mental health, provided a letter asking the Planning Commission to closely scrutinize, discuss, and disclose to the public the reasons for any of the differences in restrictions placed upon Supportive Housing Facilities and Adult Care Homes.

ANALYSIS OF TESTIMONY

The section below analyzes the main issues raised by public testimony.

1. Issue: Sober Houses should be separated from each other by 1,320 feet instead of the current regulation of 330 feet.

Response: Sober Houses are a litigiously sensitive land use that became regulated in Saint Paul well after other categories of congregate living. Sober Houses were the subject of an intense public process and zoning study from 2005 to 2008, including City Council initiation in response to constituent concerns, public hearings, discussions with sober house operators, and four meetings of the Neighborhood Planning Committee to analyze the issues. Sober Houses are different than other congregate living facilities in two important ways: (1) Sober Houses, by Zoning Code definition, do not provide on-site supportive services to residents such as mental health or social services; and (2) as noted in the 2008 study, Sober Houses are generally intended to function like a single family, with shared kitchens, bathrooms, living rooms, and other common areas. Therefore, Sober Houses should not be treated the same as other Congregate Living Facilities. Also, testimony in 2008 indicated that “bona fide” Sober Houses were not causing negative neighborhood impacts, but rather these were caused by groups masquerading as Sober Houses in order to evade regulations – a problem addressed by the establishment of the Sober House zoning regulations. There is no evidence in the record that the nature of Sober Houses has changed appreciably since 2008. Also, no evidence has been identified that an increase in the separation between sober houses is necessary to establish or maintain a “community” setting. Lacking such evidence, no change to the 330 foot separation is recommended.

2. Issue: Sober Houses’ neighborhood impact should be studied, using Merriam Park as a case study. Sober Houses have a presumed negative impact on neighborhoods.

Response: Such a study would need parameters defining the exact impacts to be studied and would need to have measurable, defensible results. Studies have been completed on property impacts in the past: according to the American Planning Association’s Policy Guide on Community Residences, more than 50 studies of community residences such as sober houses or other group homes have found that such facilities have no effect on the value of neighboring properties. No such study is recommended.

It should also be noted that characteristics of Congregate Living Facilities cited in the Working Group’s presentation, such as frequent turnover and lack of linkages to community, are not supported by any known existing study (the presentation cites Alene Taber’s work, which simply states those assumptions without measurable support). Merriam Park neighbor logs on Slide 8 of the Working Group’s presentation reflect conjecture (e.g. single-family residential = same family for 20 years, no smokers) and are not measurable and defensible.

3. Issue: The City should holistically register, track, and forecast all housing types.

Response: Congregate Living Facilities that have separation distance requirements, such as sober houses and Community Residential Facilities, are already tracked by the City. Sober houses must file a “request for reasonable accommodation” application with the City, which aids in tracking. Student housing is also already tracked by the City. Apartments, duplexes, and any other multi-unit residences can be identified through Ramsey County property records. The main category of housing that has not been

tracked is rental versus owner-occupied housing. The question of whether to regulate rental housing, in general, is beyond the scope of this zoning study.

4. Issue: The City should notify neighbors of incoming sober houses.

Response: In the 2008 Sober Houses Zoning Study, the City Attorney's Office advised against implementing neighborhood notification of incoming Sober Houses because it would violate the *Fair Housing Amendments Act of 1988* if the City denied a reasonable accommodation request in response to neighbors' fears or discriminatory concerns about people with disabilities. The legal issue cited in 2008 remains valid. No notification is recommended.

5. Issue: The City should consider instituting licenses and fees that sustain tracking and oversight of Sober Houses.

Response: This is already being done. The City requires Sober Houses to submit a request for reasonable accommodation, including a fee currently set at \$355.

6. Issue: The City should create a plan to study tax implications of Congregate Living Facilities.

Response: In order to avoid policies that are discriminatory against Congregate Living Facilities containing residents protected by federal law, any such study should address the tax implications of all types of land use (e.g. public housing, nonprofit colleges, government facilities, K-12 charter schools). Such study would be beyond the scope of this zoning study.

7. Issue: Supportive Housing facilities and Adult Care Homes are proposed to be regulated differently. For example, Supportive Housing Facilities with 7 to 16 residents would require a conditional use permit in the RT2 through T1 zoning districts, while similarly sized Adult Care Homes would not. Second, Adult Care Homes of any size require a conditional use permit in the business and industrial zoning districts other than B4-B5, while Supportive Housing Facilities do not. Third, Supportive Housing Facilities must be separated by 1,320 feet (or 600 feet in the B4-B5 districts) from certain other Congregate Living Facilities, while Adult Care Homes have no such separation requirements.

Response: Supportive Housing Facilities and Adult Care Homes have some similarities, including that they are residential uses where, by definition, services are regularly provided to the residents. They also each contain groups of people who have certain specific characteristics (e.g. age, infirmity, mental illness, former alcohol/substance addiction) not representative of the broader population as a whole. The purpose of separation requirements for Supportive Housing Facilities is to ensure their residents are located in mainstream community settings, and not placed in clusters that replicate an institutional environment. This is not a factor for Adult Care Homes, which have not traditionally used neighborhood integration as a treatment model. Therefore, separation requirements continue to be appropriate for Supportive Housing Facilities, but not for Adult Care Homes.

There are two purposes for regulating the number of residents for Supportive Housing Facilities through establishment of maximum numbers of residents and requirement for a conditional use permit: (1) to encourage facilities that are less institutional in nature due to their size; and (2) to fit with the zoning district's general character. Only the second purpose for regulating the number of residents is relevant to Adult Care Homes.

Therefore, the size regulations for Supportive Housing Facilities and Adult Care Homes should align with each other only in the zoning districts where larger facilities would not fit with the district's smaller-scale character: RL-RM1 residential, T1 traditional neighborhood, and OS-B2 business. Accordingly, additional revisions to the Adult Care Homes regulations are now proposed as incorporated in the attachments.

Also, for consistency with other I2 general industrial district regulations, which do not permit single-family residences, but allow mixed residential and commercial uses of 6+ units with a conditional use permit, both categories should require a conditional use permit in the I2 district, but not in the IT or I1 districts.

COMPREHENSIVE PLAN ANALYSIS

The Housing Chapter of the Comprehensive Plan applies to the proposed Zoning Code amendments in several ways. First and foremost, Strategy H-3.4.c calls for the City to examine and update the Zoning Code to correspond with the current state and county licensing and registration requirements and group housing programs, which is an issue explicitly addressed by this study. Strategy H-1.1 calls for increasing housing choices across the city. Strategy H-2.18 supports the expansion of housing choices for seniors, which is furthered by the expanded number of zoning districts that permit Assisted Living, Boarding Care Homes, and Nursing Homes (proposed to be combined as Adult Care Homes). Strategy H-3.4.a calls for siting permanent supportive and homeless housing to increase locational choices in an area, and increasing the distribution across the city, supported in the proposed regulation by continuation of separation requirements.

COMMITTEE RECOMMENDATION

The Comprehensive Planning Committee recommends that the Planning Commission approve the attached Draft Resolution recommending Zoning Code amendments to the Mayor and City Council.

Attachments

1. Draft Planning Commission Resolution
2. Existing and Proposed Tables of Permitted Principal Uses (consolidated and clean)
3. Written Testimony
4. Planning Commission Minutes of 1/22/16
5. 2008 Sober House Ordinance (#08-640) and Zoning Study



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Ordinance: Ord 16-5

File Number: Ord 16-5

Amending Legislative Code Chapters 60, 61, 63, 65, & 66 pertaining to congregate living facilities.

WHEREAS, on August 24, 2012, the Planning Commission of the City of Saint Paul initiated a zoning study to consider amendments to the Zoning Code pertaining to congregate living facilities; and

WHEREAS, the Planning Commission duly conducted a public hearing on January 22, 2016 regarding the potential amendments;

WHEREAS, in a memo dated February 23, 2016, the Comprehensive Planning Committee submitted a report to the Planning Commission in which recommendations and a rationale for amending specific sections of the Zoning Code regulating congregate living were set forth; and

WHEREAS, on March 4, 2016, the Planning Commission, based upon the Comprehensive Planning Committee's report and all the testimony received from the January 22, 2016 public hearing, duly submitted its recommendation to amend certain sections of the Zoning Code regulating congregate living to the Mayor and City Council for its review and consideration; and

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, and having considered all the testimony and recommendations concerning the proposed zoning text amendments, including the Planning Commission's minutes and the Comprehensive Planning Committee's memorandum and their rationale for the recommended Zoning Code amendments which the Council finds persuasive and thus hereby incorporates by reference into this ordinance for the specific purpose of articulating the Council's reasons and rationale for enacting the recommended amendments as set forth below in Section 1, in addition to any other reasons the Council might articulate on the record in adopting these amendments the Council, having considered all the facts and recommendations concerning the proposed zoning amendments and pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357 states as follows:

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Chapters 60, 61, 63, 65, & 66 of the Saint Paul Legislative Code are hereby amended to read as follows:

Sec. 60.207. F.

~~Facility resident. A person who resides in a community residential facility and contributes toward meeting the facility's licensed capacity.~~

Sec. 60.217. P.

~~Planning district. One (1) of seventeen (17) geographic areas delineated, and from time to time amended, by the city council to facilitate citizen participation, and early notification of proposed city actions, and planning for the purpose of determining concentration of community residential facilities. An official map of the designated delineated areas is maintained by the department of~~

planning and economic development.

Sec. 61.503. Conditional use permit, change requiring new permit.

A change to a conditional use requires a new permit when one (1) of the following conditions occurs:

- (f) ~~The number of residents in a community residential facility increases, or the number of rooming units in a rooming or boarding house congregate living facility increases.~~

Table 63.207 Minimum Required Off-Street Parking By Use

[amended per attached table "Table 63.207"]

Sec. 65.132. Reuse of large structures.

Conversion or reuse of residential structures of over nine thousand (9,000) square feet gross floor area and permitted nonresidential structures such as churches and schools.

Standards and conditions in residential districts:

- (a) The planning commission shall find that the structure cannot reasonably be used for a conforming use.
- (b) The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.
- (c) The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.
- (d) Parking for the new use shall be provided in accordance with the requirements of section 63.200 for new structures.
- (e) Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request. The notarized petition requirement shall be waived for a proposed conversion or reuse to serve residents who are all considered handicapped under the Federal Fair Housing Act Amendments of 1988.

Sec. 65.143. Mixed residential and commercial use.

Standards and conditions in B1-B3 business and industrial districts:

- (a) In B1-B3 business and IT industrial districts, ~~dwelling units residential uses~~ shall be limited to no more than fifty (50) percent of the first floor and fifty (50) percent of a basement. Entire upper floors may be for residential use. At least fifty (50) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses.
- (b) In I1-I2 industrial districts, ~~dwelling units residential uses~~ shall not be located in the basement or first floor and at least eighty (80) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses. In the I2 district, a conditional use permit is required for a mixed residential and commercial use with more than six (6) dwelling units.

Division 3. 65.150. Congregate Living

Sec. 65.151. Adult care home.

Sec. 65.152. Community residential facility, licensed correctional.

Sec. 65.153. Dormitory.

Sec. 65.154. Emergency housing facility.

Sec. 65.155. Foster home.

Sec. 65.156. Fraternity, sorority.

Sec. 65.157. Overnight shelter.

Sec. 65.158. Roominghouse.

Sec. 65.159. Shelter for battered persons.

Sec. 65.160. Sober house.

Sec. 65.161. Supportive housing facility.

~~Sec. 65.151. Adult care home. Assisted living.~~

~~A facility licensed by the state department of health where individualized home care aide services~~

~~or home management services are provided to residents either by the management or by providers under contract with the management where aged, infirm, or terminally ill persons reside in order to receive nursing care, custodial care, memory care, Medicare-certified hospice services, or individualized home care aide services either by the management or by providers under contract with the management.~~

~~Standards and conditions:-~~

~~See section 65.182. Nursing home.-~~

~~Sec. 65.181. Boarding care home.-~~

~~A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive custodial care and related personal services; for purposes of this code, the same as a nursing home.-~~

~~Sec. 65.182. Nursing home.-~~

~~A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive nursing care and related services.-~~

~~Standards and conditions:~~

~~(a) The yard requirements for multiple-family use in the district apply. In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of four (4) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.~~

~~(b) In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.~~

~~(c) In traditional neighborhood development districts, the site shall contain a minimum of one hundred fifty (150) square feet of green outdoor community space per resident, consisting of outdoor seating areas, yards and/or gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.~~

~~(d) In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2-RM1 residential, T1 traditional neighborhood and OS-B2 business districts, the facility shall serve sixteen (16) or fewer facility residents.~~

~~(e) In residential and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.~~

~~Sec. 65.183. Hospice.-~~

~~One (1) main building, or portion thereof, on one (1) zoning lot in which terminally ill persons live in order to receive appropriate Medicare-certified hospice services.-~~

~~Standards and conditions:-~~

~~(a) A conditional use permit is required for hospices serving seventeen (17) or more facility residents.-~~

~~(b) In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2-RM1 residential and OS-B3 business districts, the facility shall serve sixteen (16) or fewer facility residents.-~~

~~(c) The yard requirements for multiple-family use in the district apply.-~~

~~Sec. 65.454152. Community residential facility, licensed correctional.~~

~~One (1) main building, or portion thereof, on one (1) zoning lot where one (1) or more persons who are placed there by a court, court services department, parole authority or other correctional agency having dispositional power over persons charged with or convicted of a crime or adjudicated delinquent reside on a 24-hour per day basis under the care and supervision of a residential program licensed by the state department of corrections.~~

~~This definition does not include:~~

~~(1) Licensed foster care homes serving persons under eighteen (18) years of age in the principal residence of the license holder;~~

~~(2) Municipal, county or regional jails, workhouses, juvenile detention facilities, or state~~

correctional facilities operated by the commissioner of corrections.

Standards and conditions:

- (a) Preliminary licensing review by the state department of corrections.
- (b) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents, except in B4-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 business districts where it shall be at least six hundred (600) feet from any other such facility.
- ~~(c) Except in B4-B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities with more than four (4) adult facility residents, shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~
- (c) The facility serves no more than sixteen (16) facility residents, except in B4-B5 business districts where it shall serve no more than thirty-two (32) facility residents.
- (d) It shall occupy the entire structure.
- (e) In residential and T1 traditional neighborhood districts ~~Except in B4-B5 business districts,~~ the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two (2)~~ four (4) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses. (C.F. No. 05-441, § 3, 8-24-05)

~~Sec. 65.490153.~~ Dormitory.

A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Standards and conditions:

- (a) In residential, and T1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus dormitories.
- (b) The use must be within two hundred fifty (250) feet of the campus of the institution it serves, for a college, university, seminary or other such institution of higher learning as established in a conditional use permit. In RL-R4 residential districts, the use shall be on the campus.
- (c) The yard requirements for multiple-family use in the district apply when the use is not located on a campus established in a conditional use permit.

~~Sec. 65.456154.~~ Emergency housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where persons who do not have housing live on a 24-hour-per-day basis until more permanent arrangements can be made, but generally for no longer than thirty (30) days.

Standards and conditions:

~~See section 65.455161, community residential facility, health department licensed supportive housing facility, standards and conditions (a)-(e).~~

~~Sec. 65.454155.~~ Foster home.

A dwelling unit in which a foster care program licensed by the commissioner of human services or the commissioner of corrections is operated, whether located in the principle residence of the license holder or not.

Development standards:

In B1, B2-B3 business, and ~~IR~~ IT-I2 industrial districts, the use shall be within a mixed-use building. In B4 and B5 business districts, the use shall be within a multiple-family building.

~~Sec. 65.152.~~ Freestanding foster care home.

~~A dwelling unit in which a foster care program that is licensed by the commissioner of human~~

~~services is operated in other than the principle residence of the license holder.~~

~~*Development standards:*~~

~~See Sec. 65.151. Foster home.~~

~~Sec. 65.155. Community residential facility, health department licensed.~~

~~One (1) main building, or portion thereof, on one (1) zoning lot which is licensed by the commissioner of health as a rooming and/or boardinghouse and receives fifty (50) percent or more of its residents under a contract or other arrangement with the state or a local government human services agency to provide lodging for people who are mentally ill or chemically dependent.~~

~~*Standards and conditions:*~~

~~(a) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 business districts where it shall be at least six hundred (600) feet from any other such facility.~~

~~(b) Except in B4-B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~

~~(c) The facility shall serve no more than sixteen (16) adult facility residents and minor children in their care, except in B4-B5 business districts where it shall serve no more than thirty two (32) total facility residents.~~

~~(d) The facility shall not be located in a two family or multifamily dwelling unless it occupies the entire structure.~~

~~(e) Except in B4-B5 business districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.~~

~~(C.F. No. 05-441, § 3, 8-24-05)~~

~~Sec. 65.494156. Fraternity, sorority.~~

~~A building used as group living quarters for students of a college, university or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university or seminary.~~

~~*Standards and conditions:*~~

~~(a) In residential, and TN1 traditional neighborhood, and BC community business (converted) districts, a conditional use permit is required for off-campus fraternities and sororities.~~

~~(b) The use must be within two hundred fifty (250) feet of the campus boundary as established in the conditional use permit for the institution it serves. In RL-R4 residential districts, the use shall be on the campus.~~

~~(c) If it is outside of the campus boundary, the use must be located in an existing structure designed and built as a one- or two-family dwelling or new structure that meets the height, density and setback requirements for a two-family dwelling.~~

~~Sec. 65.157. Overnight shelter.~~

~~One (1) main building, or portions thereof, on one (1) zoning lot where persons receive overnight shelter, but are not expected or permitted to remain on a 24-hour-per-day basis.~~

~~*Condition:*~~

~~The facility shall be a minimum distance of six hundred (600) feet from any other of the following congregate living facilities with more than four (4) adult residents: overnight shelter, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or shelter for battered persons with more than four (4) adult facility residents, or transitional housing facility with more than four (4) adult facility residents.~~

~~Sec. 65.474158. Roominghouse.~~

~~(1) Any residential structure or dwelling unit, supervised or not, which provides living~~

and sleeping arrangements for more than four (4) unrelated individuals for periods of one (1) week or longer; or

- (2) Any residential structure or dwelling unit which provides single room occupancy (SRO) housing as defined in CFR section 882.102 to more than four (4) unrelated individuals; or
- (3) Any building housing more than four (4) unrelated individuals which has any of the following characteristics shall be considered and regulated as a roominghouse:
 - a. Rental arrangements are by the rooming unit rather than the dwelling unit.
 - b. Rooming unit doors are equipped with outer door locks or chains which require different keys to gain entrance.
 - c. Kitchen facilities may be provided for joint or common use by the occupants of more than one (1) rooming unit.
 - d. Rooming units are equipped with telephones having exclusive phone numbers.
 - e. Rooming units are equipped with individual intercom security devices.
 - f. Each rooming unit has a separate assigned mailbox or mailbox compartment for receipt of U.S. mail.

This definition does not include:

- (1) Supportive housing facilities as defined in this code.
- (2) Licensed correctional community residential facilities as defined in this code.
- (3) Sober houses as defined in this code.

~~Standards and conditions, except in B4-B5 business districts:~~

(a) ~~In residential and T1 traditional neighborhood districts, a~~ A minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two (2)~~ four (4) guest rooms. ~~In T2-T4 traditional neighborhood, BC community business (converted), and industrial districts the density shall be regulated as for multifamily uses.~~

(b) ~~In the I2 general industrial district, a roominghouse must be co-located with a health department licensed community residential facility as defined and regulated in section 65.155. This condition may not be modified.~~

(C.F. No. 05-441, § 1, 8-24-05)

Sec. 65.158 ~~159~~. Shelter for battered persons.

One (1) main building, or portion thereof, on one (1) zoning lot where adults and children who have suffered assault or battery live on a 24-hour-per-day basis for a period of time generally not to exceed thirty (30) days and are served by a program certified by the state department of corrections.

Standards and conditions for shelters for battered persons serving more than four (4) adult facility residents and minor children in their care:

(a) In residential, traditional neighborhood and OS-B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.

(b) ~~In residential districts, †~~ The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents: shelter for battered persons ~~with more than four (4) adult facility residents,~~ supportive housing facility, licensed correctional community residential facility, emergency housing facility, or overnight shelter, ~~or transitional housing facility with more than four (4) adult facility residents.~~

(c) ~~Except in B4-B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~

(d) In RL-RT2 residential, traditional neighborhood, OS-B3 business and ~~IRI~~ I-12 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor

children in their care.

(ed) The facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.

(fe) In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two (2)~~ four (4) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

(C.F. No. 05-441, § 3, 8-24-05; Ord. No. 11-27, § 1, 4-20-11)

~~Sec. 65.159. Transitional housing facility.~~

~~One (1) main building, or portion thereof, on one (1) zoning lot where persons who may or may not have access to traditional or permanent housing but are capable of living independently within a reasonable period of time, generally about eighteen (18) months, reside on a 24-hour per day basis for at least thirty (30) days and participate in appropriate program activities designed to facilitate independent living.~~

~~Standards and conditions for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:~~

(a) ~~In residential, traditional neighborhood and OS-B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.~~

(b) ~~In RL-RT2 residential districts, the facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other transitional housing facility with more than four (4) adult facility residents, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter.~~

(c) ~~Except in B4-B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.~~

(d) ~~In RL-RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, traditional neighborhood, OS-B3-business and IR-I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.~~

(e) ~~In RL-RT2 residential districts, the facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.~~

(f) ~~In residential districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.~~

~~(C.F. No. 05-441, § 3, 8-24-05; Ord. No. 11-27, § 1, 4-20-11)~~

~~Sec. 65.160. Sober house.~~

A dwelling unit occupied by more than four (4) persons, all of whom are in recovery from chemical dependency and considered handicapped under the Federal Fair Housing Act Amendments of 1988, that provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house are similar to a family unit, and share kitchen and bathroom facilities and other common areas of the unit. Sober houses are financially self-supporting. This definition does not include facilities that receive operating revenue from governmental sources. Sober houses do not provide on-site supportive services to residents, including the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal

services; vocational services; and other similar supportive services.

Standards and conditions:

A request for reasonable accommodation for this use as required under the Federal Fair Housing Act Amendments of 1988 by providing an exception to the maximum number of unrelated persons living together in a dwelling unit shall automatically be granted if the following standards and conditions are met. This does not limit the city from granting additional reasonable accommodation for this use under the general provisions of this code.

- (a) The operator shall submit a request for reasonable accommodation to the zoning administrator on a form provided by the city, specify the number of residents, and provide information necessary to assure the use meets applicable zoning standards. The maximum total number of residents permitted in the sober house shall be specified by the fire certificate of occupancy.
- (b) For a sober house that does not meet the parking requirement in section 63.207, the operator shall submit a written parking plan that demonstrates sufficient parking for the use.
- (c) In RL-R4 Residential Districts, the sober house shall serve ten (10) or fewer residents.
- (d) For a structure serving seventeen (17) or more sober house residents, a conditional use permit is required. This use shall be exempt from section 61.501 conditional use permit general standards (a), (c), and (d).
- (e) Property containing one or more sober house units shall be a minimum distance of three hundred thirty (330) feet from any other property containing a sober house.

(C.F. No. 08-640, § 1, 7-9-08)
~~Sec. 65.153161. Community residential facility, licensed human service. Supportive housing facility.~~
One (1) main building, or portion thereof, on one (1) zoning lot where ~~one (1) or more children or persons with mental retardation or related conditions, mental illness, chemical dependency, or physical or mental handicaps, and/or persons who have experienced homelessness~~ reside on a 24-hour per day basis under the auspices of a program licensed by the state department of human services to provide lodging in conjunction with monitoring, supervision, treatment, rehabilitation, habilitation, education or training of the residents of the facility and wherein counseling, training, support groups, and/or similar services are provided to the residents.

This definition does not include:

- (1) Foster homes ~~or freestanding foster homes~~ as defined in this code;
- (2) Residential treatment programs physically located on hospital grounds;
- (3) Regional treatment centers operated by the commissioner of human services;
- (4) Licensed semi-independent living services for persons with mental retardation or related conditions or mental illness, if the license holder is not providing, in any manner, direct or indirect, the housing used by persons receiving the service.
- (5) Community residential facilities, licensed correctional, as defined in this code.

Standards and conditions:

- (a) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents, except in B5-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4 B5 business districts where it shall be at least six hundred (600) feet from any other such facility.
- (b) In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, traditional neighborhood, OS-B3 business and ~~RLT-12~~ industrial districts, the facility shall serve sixteen (16) or fewer facility residents.
- (c) In residential and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.

(d) ~~In B4-B5 business districts, the facility shall be located in a multiple family structure.~~

(ed) In residential and T1 traditional neighborhood districts ~~Except in B4-B5 business districts,~~ facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of ~~two (2)~~ six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

(C.F. No. 05-441, § 3, 8-24-05; Ord. No. 11-27, § 1, 4-20-11)

~~Sec. 65.170. Boardinghouse.~~

~~Any roominghouse which provides meals to its roomers.~~

Sec. 65.662. Adult bookstore.

Standards and conditions:

(c) In B3 business and I1-I2 industrial districts the adult bookstore shall be located at least five hundred (500) feet from any protected use. In B4-B5 business districts the adult bookstore shall be located at least two hundred fifty (250) feet from any protected use. "Protected use" shall be defined as residential buildings in nonresidential zoning districts, mixed commercial residential buildings, a day care center, where such day care center is a principal use; a house of worship; a public library; a school (public, parochial or private elementary, junior high or high school); a public regional park or parkway, public park, public recreation center or public specialized recreation facility as identified in the parks and recreation element of the Saint Paul Comprehensive Plan; a fire station; a supportive housing facility; a licensed correctional community residential facility; an emergency housing facility or a hotel/motel. The distance shall be measured in a straight line from the closest point of the property line of the building in which the adult bookstore is located to the closest point of the property l

At a meeting of the City Council on 4/13/2016, this Ordinance was Passed.

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark, Councilmember Noecker, and Councilmember Prince

Nay: 0

Vote Attested by
Council Secretary Trudy Moloney
Trudy Moloney

Date 4/13/2016

Approved by the Mayor Chris Coleman
Chris Coleman

Date 4/18/2016

Consistency with Sec. 61.501, 61.503 and Sec. 65.162:

Sec. 61.501. - Conditional use permit, general standards.

Before the planning commission may grant approval of a conditional use, the commission shall find that:

(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.

The site is located in T2 Traditional Neighborhood district and has an existing CUP for Supportive Housing that the applicant desires to increase to serve 22 additional residents. Supportive Housing is a permitted use in T2 and meets the development standards of 65.162 (see below).

(b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

Not applicable. There are no vehicle ingress or egress pathways proposed. The site is well-served by transit (on Snelling and at University), on-site parking is not required and the public streets can accommodate any increase in vehicle 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.

The current multifamily development with a CUP for Supportive Housing is an important housing type and option for the City and fits well within the context of the neighborhood. The proposed expansion will be harmonious with 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.

The proposal is consistent with the goals of the Comprehensive Plan and will be a benefit to the community.

(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The proposal to expand the Condition Use Permit, if approved, will conform the requirements of the district. The site is located approximately 685' from the centerline of University Ave and on Snelling Ave and is exempt from parking requirements. Exterior bike racks and interior bike storage are provided. The proposed height of the new addition is approximately 42' (maximum of 35' allowed with setbacks or up to 45' with CUP), and setbacks (proposed front = 9.6', addition aligns with existing building; proposed rear = 6.4', addition aligns with existing building; and proposed side (North) = 9') of the new addition meet the zoning requirements. The density of the building once the addition is constructed will be a reduction in the overall density compared to the current development. The current building has a FAR of 2.898 and the expanded building will have a FAR of 2.781. The Floor Area Requirements for multifamily residential in T2 are the same as mixed use which provide for a minimum of 0.3 and a maximum of 3.0 FAR (*Floor area ratio (FAR) shall be prorated upon the percentage of required parking that is provided as structured parking. Due to the site's proximity to transit, no parking is required and therefore no prorated reduction of the FAR is required.)

Sec. 61.503. - Conditional use permit, change requiring new permit.

A change to a conditional use requires a new permit when one (1) of the following conditions occurs:

- (a) A conditional use changes from one (1) conditional use to another conditional use.
[Not applicable.](#)
- (b) The floor area of a conditional use expands by fifty (50) percent or more. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a principal use.
[The floor area of the existing building is 27,850 and the floor area of the addition is proposed to be 16,950 which is a 60.9% increase.](#)
- (c) For a conditional use permit triggered by floor area, the floor area expands to be larger than the floor area that triggers the requirement for a conditional use permit for the first time; or if already larger than the floor area that triggers the requirement for a conditional use permit, the floor area expands by ten (10) percent or more.
[Not applicable.](#)
- (d) The building containing a conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area.
[Not applicable.](#)
- (e) The principal use of a conditional use expands onto an abutting lot, such as a used car lot or a fast food restaurant building addition expanding onto an abutting lot.
[Not applicable.](#)
- (f) The number of residents in a congregate living facility increases.
[Kimball Court currently has a Conditional Use Permit for Supportive Housing \(CUP ZF #9971 issued in 1986\) for 76 residents. The applicant's intent is to increase the number of residents by 22 to 98.](#)
- (g) A college, university or seminary adds a school building or an off-street parking facility for its exclusive use outside of its approved campus boundary.
[Not applicable.](#)

Sec. 65.162. - Supportive housing facility.

Standards and conditions:

- (a) The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four (4) adult residents, except in B5-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.

[The applicant has reviewed the surrounding uses and the proposed expansion of the existing CUP for Supportive Housing meets the spacing requirement.](#)

(b) In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents.

The development is located in a T2 district and has a current CUP for Supportive Housing to serve 76 residents and is seeking an expansion of the CUP to serve an additional 21 residents.

(c) In residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.

Not applicable. The site is not located in a T1 or F1 Ford district.

(d) In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.

The development is located in a T2 district and the density proposed is consistent with the requirements for multifamily uses.



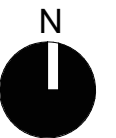
SITE PLAN

07/01/2020



KIMBALL COURT EXPANSION

1" = 20'-0"



GROUND FLOOR PLAN

07/01/2020

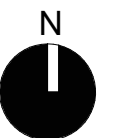


KEY

- SRO
- SRO WITH BATH
- SRO WITH BATH +
- EFFICIENCY
- COMMON BATH
- COMMON AMENITIES
- CIRCULATION
- STAFF / OFFICE
- BUILDING SUPPORT

KIMBALL COURT EXPANSION

1" = 20'-0"



FIRST FLOOR PLAN

07/01/2020



KEY

- SRO
- SRO WITH BATH
- SRO WITH BATH +
- EFFICIENCY
- COMMON BATH
- COMMON AMENITIES
- CIRCULATION
- STAFF / OFFICE
- BUILDING SUPPORT

KIMBALL COURT EXPANSION

As indicated



SECOND FLOOR PLAN

07/01/2020



KIMBALL COURT EXPANSION

As indicated



THIRD FLOOR PLAN

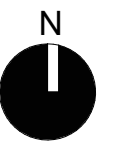
07/01/2020



- KEY**
- SRO
 - SRO WITH BATH
 - SRO WITH BATH +
 - EFFICIENCY
 - COMMON BATH
 - COMMON AMENITIES
 - CIRCULATION
 - STAFF / OFFICE
 - BUILDING SUPPORT

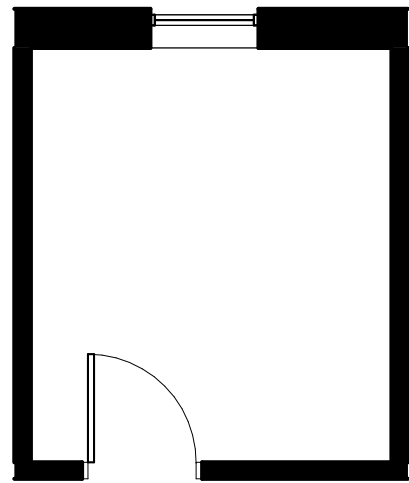
KIMBALL COURT EXPANSION

As indicated

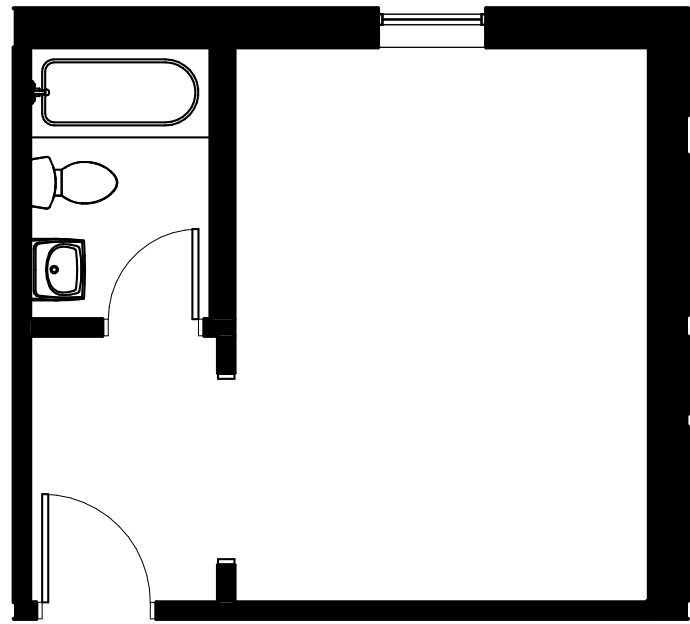


UNIT PLANS

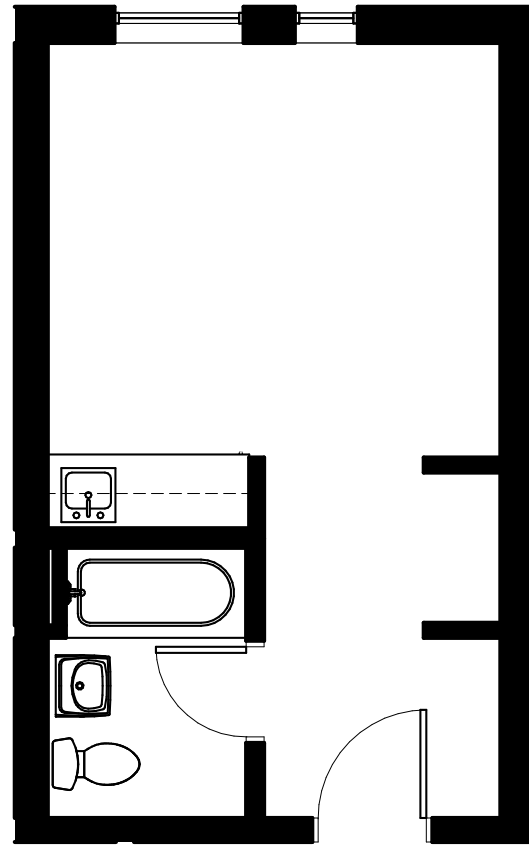
07/01/2020



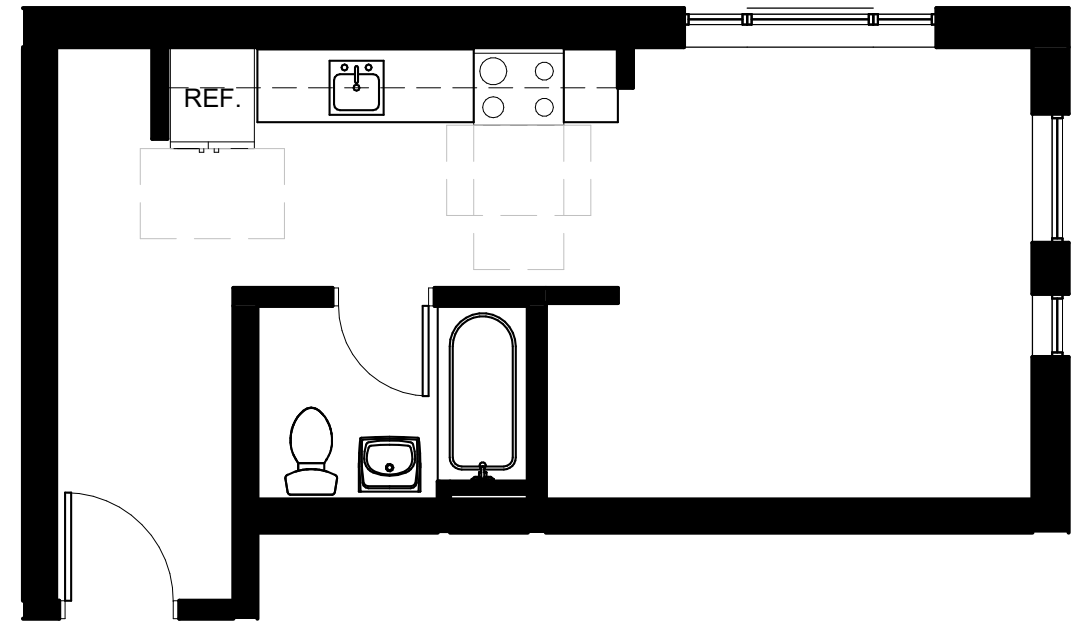
SRO UNIT
124 GSF
(GSF VARIES WITH LOCATION
OF SRO UNIT)



SRO WITH BATH
300 GSF



SRO WITH BATH +
306 GSF



EFFICIENCY UNIT
418 GSF

KIMBALL COURT EXPANSION

3/16" = 1'-0"



EAST ELEVATION

07/01/2020



KIMBALL COURT EXPANSION



NORTH ELEVATION

07/01/2020



KIMBALL COURT EXPANSION

Beacon Interfaith Housing Collaborative
St. Paul, MN



PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

PERSPECTIVE

07/01/2020



KIMBALL COURT EXPANSION

Beacon Interfaith Housing Collaborative
St. Paul, MN



PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

Adjacent Property Zoned: T2

ed: R4

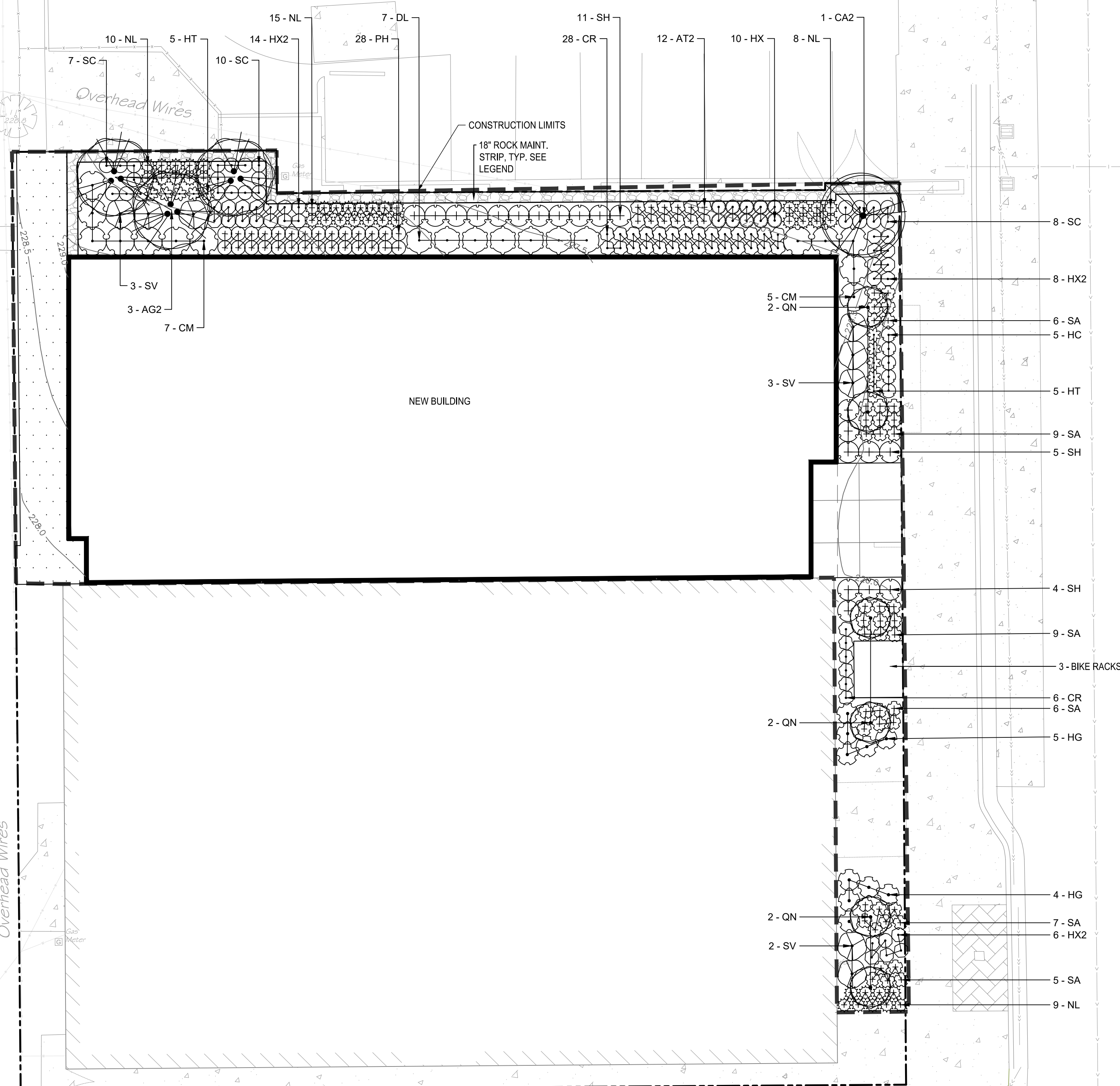
Adjacent Property Zoned: RM2

ALLEY
Public right of way

Overhead Wires

Overhead Wires

Overhead Wires



CHARLES AVENUE

PLANT SCHEDULE

DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER
	QN	6	Quercus robur x bicolor 'Nadler' TM / Kindred Spirit Oak	#20	Pot
ORNAMENTAL TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER
	AG2	3	Amelanchier x grandiflora 'Autumn Brilliance' / Autumn Brilliance Serviceberry	#20	Clump
	CA2	1	Carpinus caroliniana / American Hornbeam	2" Cal.	B&B
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER
	CM	12	Cornus racemosa 'Muskingham' / Muskingham Gray Dogwood	#2	Pot
	DL	7	Diervilla lonicera / Dwarf Bush Honeysuckle	#5	Pot
	SV	8	Sorbaria sorbifolia 'Levgreen' / First Editions Matcha Ball Ash Leaf Spirea	#2	Pot
GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER
	CR	34	Calamagrostis brachytricha / Reed Grass	#1	Pot
	PH	28	Panicum virgatum 'Heavy Metal' / Heavy Metal Switch Grass	#1	Pot
	SC	25	Schizachyrium scoparium 'Carousel' / Carousel Little Bluestem	#1	Pot
	SA	42	Sesleria autumnalis / Autumn Moor Grass	#1	Pot
	SH	20	Sporobolus heterolepis / Prairie Dropseed	#1	Pot
PERENNIALS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER
	AT2	12	Allium tanguticum 'Summer Beauty' / Summer Beauty Globe Lily	#1	Pot
	HX2	28	Hemerocallis x 'New Falling Stars' / New Falling Stars Daylily	#1	Pot
	HX	10	Hemerocallis x 'Sunday Gloves' / Sunday Gloves Daylily	#1	Pot
	HC	5	Heuchera x 'Caramel' / Caramel Coral Bells	#1	Pot
	HG	10	Hosta x 'Guacamole' / Guacamole Plantain Lily	#1	Pot
	HT	10	Hosta x 'Touch of Class' / Touch of Class Plantain Lily	#1	Pot
	NL	42	Nepeta x 'Psfike' TM / Little Trudy Catmint	#1	Pot

LANDSCAPE NOTES:

- WHERE SHOWN, SHRUB & PERENNIAL BEDS SHALL BE MULCHED WITH 4" DEPTH (MINIMUM AFTER INSTALLATION AND/OR TOP DRESSING OPERATIONS), OF SHREDDED HARDWOOD MULCH.
- ALL STAND-ALONE TREES SHALL BE MULCHED WITH SHREDDED HARDWOOD MULCH TO OUTER EDGE OF SAUCER. SEE PLANTING DETAIL. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 2" FROM TREE TRUNK.
- IF SHOWN ON PLAN, RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLEMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
- PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
- UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
- CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
- ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER TOPSOIL LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
- REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
- PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
- CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

CITY OF ST. PAUL LANDSCAPE NOTES:

- BOULEVARD RESTORATION SHALL INCLUDE THE FOLLOWING:
 - ALL CONCRETE, ASPHALT AND BASE MATERIALS SHALL BE REMOVED FROM THE BOULEVARD AREA.
 - BOULEVARD SOILS ARE TO BE PROTECTED DURING CONSTRUCTION. SOIL COMPACTION DUE TO CONSTRUCTION ACTIVITIES SHALL BE CORRECTED TO THE SATISFACTION OF, AND AT NO COST TO, THE CITY PRIOR TO FINAL GRADING.
 - BOULEVARDS SHALL BE RESTORED WITH A MINIMUM OF 6" OF TOPSOIL.

LEGEND

- 1" DIA. DECORATIVE ROCK MAINTENANCE STRIP OVER FILTER FABRIC, SAMPLES REQUIRED. PROVIDE EDGING AS SHOWN ON PLAN
- EDGING - COMMERCIAL GRADE ALUMINUM, PROVIDE ALL FITTINGS, CONNECTORS & STAKES PER MANUF., INSTALL PER MANUF., SHOP DRAWINGS REQ.

PRELIMINARY:
NOT FOR
CONSTRUCTION

KIMBALL COURT EXPANSION
543 & 555 SNELLING AVE N, ST. PAUL, MN 55104
BEACON INTERFAITH HOUSING COLLABORATIVE
2610 UNIVERSITY AVE W, SUITE 100, ST. PAUL, MN 55114

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patrick J. Sarver
DATE 06/11/20 LICENSE NO. 24904

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
06/11/20	CITY SUBMITTAL

DRAWN BY: KW REVIEWED BY: DK
PROJECT NUMBER: 20176

REVISION SUMMARY

DATE	DESCRIPTION
------	-------------

LANDSCAPE PLAN



Know what's below.
Call before you dig.



1" = 20'-0"
10'-0" 0 20'-0"

L1.0



Hamline Midway Coalition District Council 11
1558 W Minnehaha Ave, St. Paul, MN 55104
651.494.7682 | www.hamlinemidway.org

July 15, 2020

Subject: 20-046-445 Kimball Court Supportive Housing Expansion

To the Zoning Committee,

Hamline Midway Coalition is writing to support the Conditional use permit for a building addition to expand an existing supportive housing facility and increase the number of facility residents from 79 to 98 residents 545 – 555 Snelling Ave N, NW corner at Charles Avenue.

As a neighborhood organization, we feel as though additional supportive housing for residents is necessary and the site plan provided by Beacon is within the design scope for a commercial corridor such as North Snelling Avenue.

We also recognize that there are serious concerns about the displacement of current tenants who are longstanding businesses on North Snelling. Hamline Midway Coalition will gladly host meetings with business owners and Beacon Interfaith to discuss relocation efforts and assistance for displaced tenants. Beacon Interfaith should be responsible for providing assistance to business owners who are displaced for relocation assistance. In addition, there seems to be confusion/disagreement about the purchase of the commercial building between AEDS and Beacon Interfaith. The residents and businesses who are most impacted by this development should be heard and there should be future opportunities for Beacon Interfaith to host conversations with residents to address their concerns.

Additionally, if Beacon Interfaith is awarded a low-income housing tax credit (awarded in November 2020), Hamline Midway Coalition strongly encourages Beacon Interfaith to return to a Development Committee meeting in December or January to report on how they have incorporated feedback from existing Kimball Court residents, preferably with a resident or two at the meeting, and to share more details on how relocation support will be provided and what the community can do to assist businesses in staying here on North Snelling.

Sincerely,

Development Committee members
Hamline Midway Coalition

From: Bill Johnston <wbjohnston1@gmail.com>
Sent on: Tuesday, July 14, 2020 7:20:19 PM
To: *CI-StPaul_PED-ZoningCommitteeSecretary <PED-ZoningCommitteeSecretary@ci.stpaul.mn.us>
Subject: Kimball Courts

My name is Bill Johnston and I have been a resident of St. Paul since 1989, living in the northwestern part of the city since 1992. I am writing in support of zoning changes requested by Beacon Housing for the expansion of Kimball Courts.

I believe that the work Beacon wants to do at Kimball Courts will improve the looks of that area as it will replace a couple of properties that are kind of run down.

More than that, however, I think that Beacon's implementation of supportive housing is one of the best ways to lift people out of chronic poverty. Beacon's plans for that area will improve the lives of residents currently at Kimball Courts and the lives of residents who will ultimately move into the expanded space.

Thank you,
Bill Johnston
1315 Raymond Ave.

--

Phone: [612.801.0203](tel:612.801.0203)

To the Planning Commission,

Please see Hamline Midway Coalition's letter below sent to Josh Williams on 7/9/20 regarding Kimball Court. I am sharing with you because I received an out of office response from Josh Williams with the direction to email you.

Dear Josh,

Tonight HMC hosted our July development committee meeting. There was a great, and lengthy, discussion about 555 North Snelling and we feel as though there needs to be more opportunity to discuss Beacon's plan, including a broader understanding from residents and business owners about the displacement of current businesses and Beacon's site plan.

Therefore, we respectfully request that the Zoning Commission remove the Kimball Court Supportive Housing Expansion from the July 16th agenda to allow for more time for community discussion and input so District 11 can provide a recommendation for or against this proposal.

Thank you,

Kate Mudge

Executive Director

[Hamline Midway Coalition](#) (District 11)

(c): 651-494-7682

(e): kate@hamlinemidway.org

Dear Zoning Committee Members,

I am a 44 year resident of St. Paul and a member of the Olivet Congregational Church which is a member congregation of Beacon Interfaith Housing Collaborative. I am writing in Support of the expansion for Kimball Court because it will provide more essential housing and supportive services for men who have experienced long term homelessness. I am also writing in support of Beacon and the good and responsible work they do to expand housing options and to assure necessary supportive services for the residents to be served. Currently Avivo is the service provider to Kimball Court residents. The need is far greater than the services they can offer at this time. The expansion will help to provide more housing units AND increase the services that can be offered. These are the kinds of opportunities we need now more than ever to address the growing housing market deficits.

Thank you for your attention. I hope you will vote in favor of this project.

Sincerely,

Kathryn Lamp

1544 Fairmount Ave., St Paul

651-690-1699

Dear members of the Zoning Committee—

My name is Javen Swanson. I live at 1515 Sherburne Ave., just a few blocks from the Kimball Court apartments, and I serve as one of the pastors at Gloria Dei Lutheran Church in Highland Park. I am writing to express my support of Beacon Interfaith Housing Collaborative and the Kimball Court expansion they are proposing at 555 Snelling Ave. N.

I have been aware of Beacon's good work across the Twin Cities for some time and appreciate the care they put into getting their projects right and supporting their tenants. The kind of supportive housing Beacon provides is exactly the kind of housing we need not only to address our affordable housing crisis but to break the cycle of homelessness and help individuals achieve their long-term goals.

Thank you for your consideration. I will be excited to have this project completed in my neighborhood.

Sincerely,

Javen Swanson

Pastor Javen Swanson (he/him/his)
Gloria Dei Lutheran Church
700 Snelling Ave. S.
St. Paul, MN 55116
651-699-1378
www.gloriadeistpaul.org

From: Tom <burns3276@hotmail.com>

Sent: Tuesday, July 7, 2020 11:18 PM

To: Chris Dettling <CDettling@beaconinterfaith.org>

Cc: Kevin Walker <KWalker@beaconinterfaith.org>; Mark <MVesley@minncle.org>; Privratsky, Matt (CI-StPaul) <Matt.Privratsky@ci.stpaul.mn.us>; kate <kate@hamlinemidway.org>; Williams, Josh (CI-StPaul) <josh.williams@ci.stpaul.mn.us>; Dubruiel, Paul (CI-StPaul) <paul.dubruiel@ci.stpaul.mn.us>; Kristine Vesley <kristinevesley@icloud.com>

Subject: Re: Your Phone Call/My Questions

Chris,

My name is Tom Burns. I own the duplex located at 1597 Charles Avenue. This property is located directly across the alley to the west from the Kimball Court apartment building and the proposed 555 N. Snelling development. Kristine Vesley forwarded me your email response to her questions regarding the proposed development at 555 N. Snelling.

While I understand the importance of affordable housing and want to be supportive of this project. I share Kristine Vesley's concerns regarding the proposed 3rd floor terrace. You stated in your email to Kristine that this terrace was designed to have a "narrow focus" mostly the night sky. I disagree. With a 4.5-ft high parapet, residents will have a birds-eye view of our backyards. Even with the setback. Residents will literally be perched on top of my backyard with direct line of sight into any room on the east and north side of my duplex and my entire backyard and garage. I feel this will undoubtedly have a negative impact on my tenants use and enjoyment of the property by eliminating use of the private backyard we have work to create. I am equally concerned about the noise this terrace will create. What are the hours this terrace will be open? Is there any reason why this terrace couldn't be located to the front of the building where it would overlook Snelling Avenue?

Regarding the garden area. What is the height of the fence that would be placed around this area? I am concerned that having a gate to the alley could create an area where people congregate at all hours. Can this gate be move to another location?

Thank you for your consideration.

Tom

There is a lot of trash thrown into the streets, by the sidewalk and in neighboring yards by residents of 545 Snelling Ave N, much of it linked to drug use. If this apartment building is going to get more people living there, the owner/manager needs to be more responsible about all the trash outside of the apartment building. It's one of the worst areas in the Hamline Midway area. Thus, while I don't necessarily oppose the expansion, I would want it conditional and for someone to keep a better eye on the trash. It is horrible.

Thank you.

--

Jennifer Hadley
1685 Sherburne Ave
Saint Paul, MN 55104

St. Paul Planning Commission/Zoning Committee
Re # 20-046-445
Kimball Court Supportive Housing Expansion

From: Richard Purcell, Holcomb Henry Boom Purcell Funeral Home & Cremation Services

As a neighbor and long-time Midway neighborhood business, operating Holcomb Henry Boom Purcell Funeral Home and Cremation Services, 536 Snelling Avenue North, St. Paul, MN 55104, (located directly across the street from Kimball Court) I do have a few concerns regarding the request for expansion.

Over the past several years we have experienced repetitive, questionable behavior from Kimball Court Housing residents.

Some of those concerns being the following.....

Blaring, loud music from resident's cars during late evening hours.
Repetitive public intoxication and visible consumption of alcoholic beverages, outside on public streets and outside other nearby neighborhood homes and on business properties.
Public urination taking place in front of and around the current Kimball Court housing building and around neighborhood homes and business properties.
Loud public verbal language which is often extremely loud shouting and vulgar in tone.
Loitering in front of building outside.
Litter

We have witnessed and experienced numerous St. Paul EMS and St. Paul Police Department vehicles dispatched to the address.

This leads me to ask the following questions:

How often have Emergency Medical Services been called to this location and what is the history?

What were the reasons for the EMS service calls?

What is the history of St. Paul Police being called to this location?

What were the reasons or cause for the SPPD requests to the Kimball Court address?

I would ask the planning commission and zoning committee to answer these questions and to do the proper research into these questions, prior to making any decision on the request for increased housing expansion.

If the answers to the questions are of no public safety alarm and raise no cause for concern for the future safety of the neighborhood, then exploration to the request is valid.

If the historical behavior of the residents is of concern, then I would ask you not support this expansion request, which would most likely, only increase future undesirable activities and unlawful behavior in our neighborhood community.

A question we would like to ask is.....

Is there currently an on-site resident manager, or would there be an on-site resident manager, employed by Kimball Court Housing, who's role is to manage and monitor residents behavior and to prevent unlawful activities?

Is there currently a pre-established behavioral expectations handbook in place, explaining to current and future residents of lawful expectations and that no unlawful behavior or activities are allowed on or near premises.

What are the consequences to the residents for not following the established housing rules and regulations?

If the expansion is approved, what are the background checks and prerequisites for resident's approval prior to granting occupancy at the address?

Thank you for taking time to listen to neighborhood residents and businesses concerns.

Sincerely,

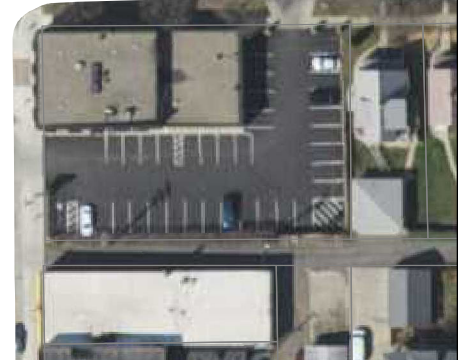
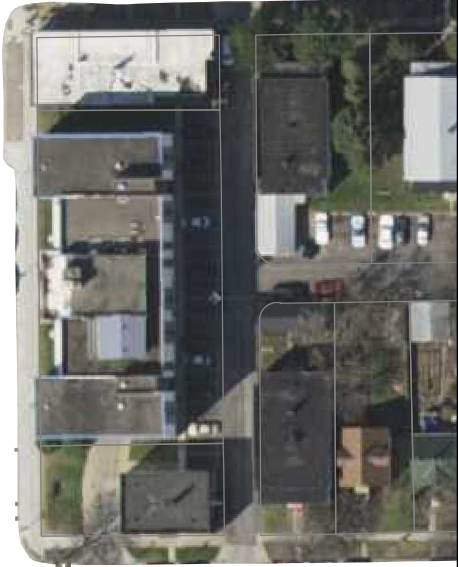
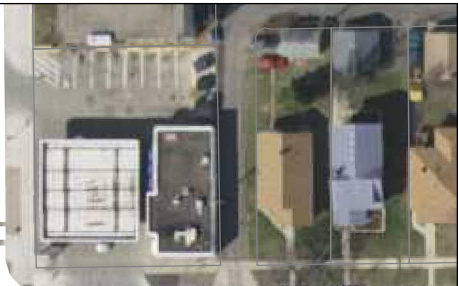
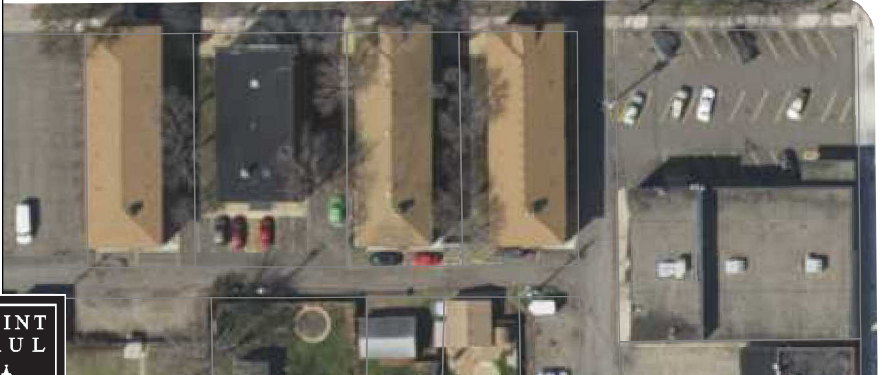
Richard Purcell
Holcomb-Henry-Boom-Purcell
Funeral Home & Cremation Services
536 N. Snelling Ave.
St. Paul, MN 55104
651-646-2844



Edmund Ave



Charles Ave



Snelling Ave N

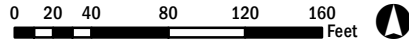


FILE #20-046-445 | AERIAL MAP Application of 545 Snelling LLC

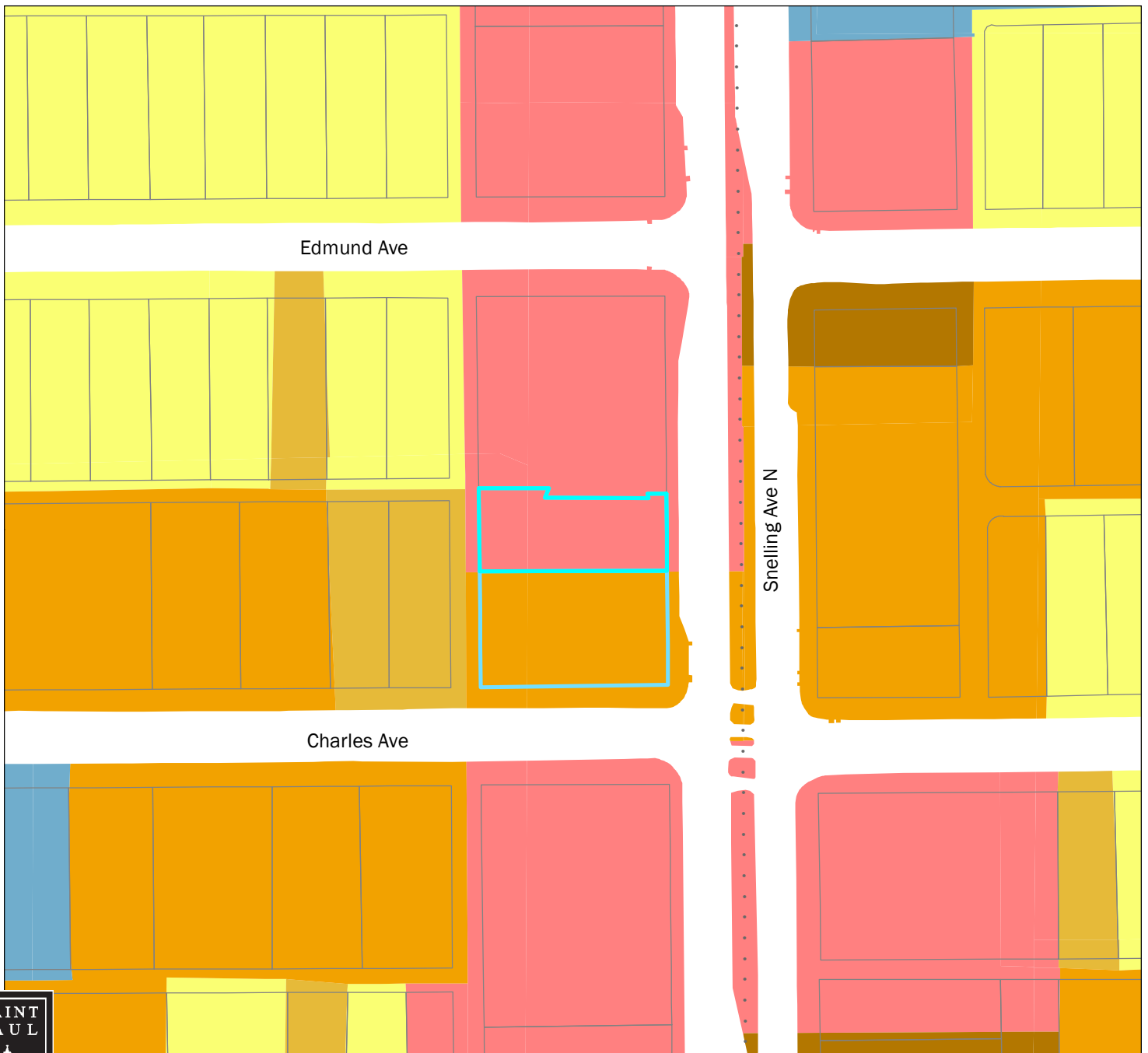
Application Type: CUP
Application Date: June 11, 2020
Planning District: 11

Subject Parcel(s) Outlined in Blue

ParcelPoly on

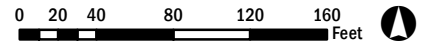


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FILE #20-046-445 | Existing Land Use
Application of 545 Snelling LLC

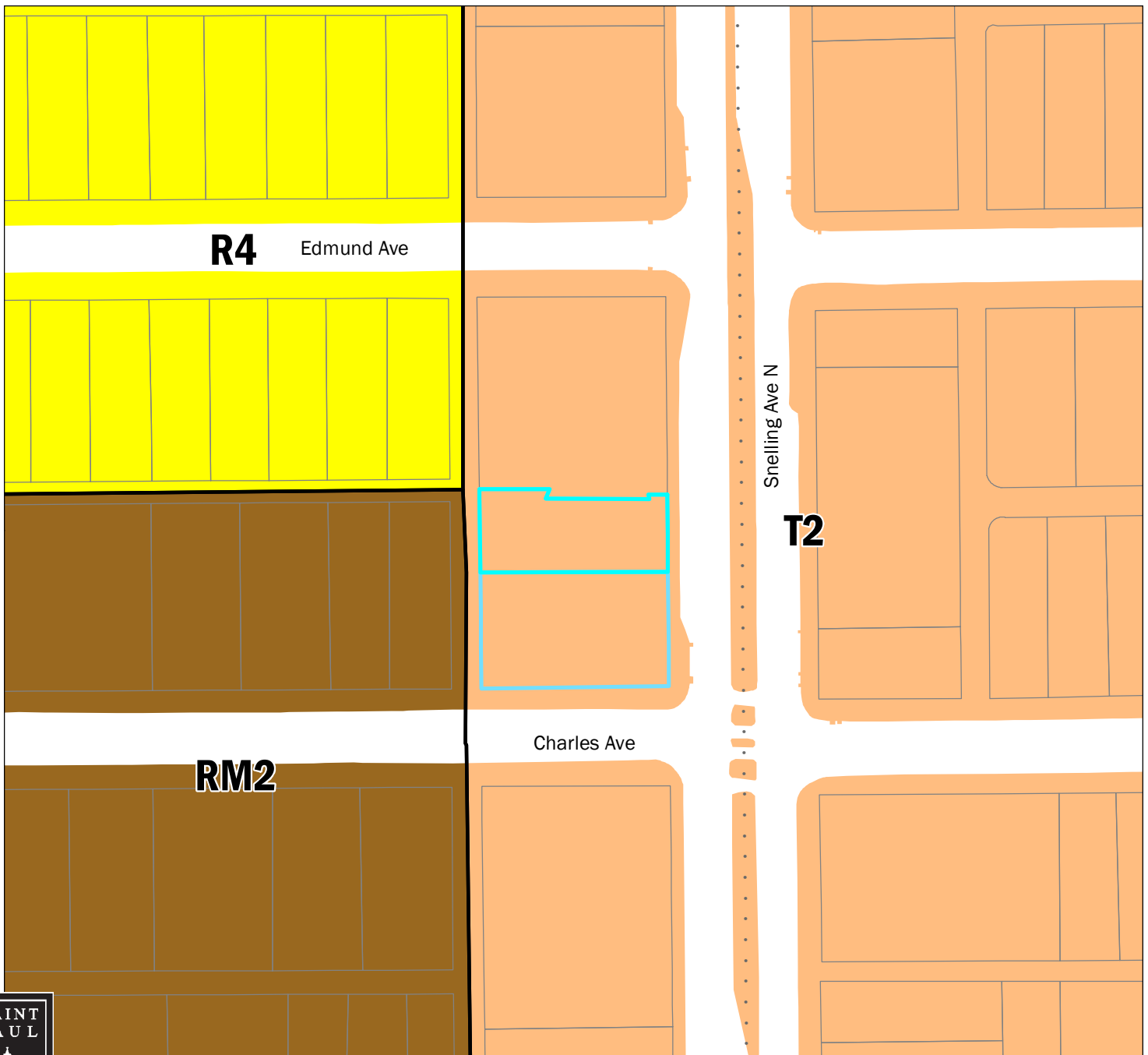
Application Type: CUP
 Application Date: June 11, 2020
 Planning District: 11



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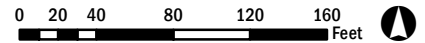
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on | Multifamily | Industrial and Utility | Railway |
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |



FILE #20-046-445 | Zoning case map
Application of 545 Snelling LLC

Application Type: CUP
 Application Date: June 11, 2020
 Planning District: 11



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Subject Parcel(s) Outlined in Blue

- | | | | |
|-------------------------|-----------------------------------|-----------------------------|------------------------------|
| ParcelPoly on | RM3 Multiple-Family | B2 Community Business | F2 Residential Low |
| RL One-Family Large Lot | T1 Traditional Neighborhood | B3 General Business | F3 Residential Mid |
| R1 One-Family | T2 Traditional Neighborhood | B4 Central Business | F4 Residential High |
| R2 One-Family | T3 Traditional Neighborhood | B5 Central Business Service | F5 Business |
| R3 One-Family | T3M T3 with Master Plan | IT Transitional Industrial | F6 Gateway |
| R4 One-Family | T4 Traditional Neighborhood | ITM IT with Master Plan | VP Vehicular Parking |
| RT1 Two-Family | T4M T4 with Master Plan | I1 Light Industrial | PD Planned Development |
| RT2 Townhouse | OS Office-Service | I2 General Industrial | CA Capitol Area Jurisdiction |
| RM1 Multiple-Family | B1 Local Business | I3 Restricted Industrial | |
| RM2 Multiple-Family | BC Community Business (converted) | F1 River Residential | |