These questions were asked of Jamie Radel, senior planner for the City of Saint Paul Planning and Economic Development and the lead on the ADU initiative, at the Summit Hill Association Zoning and Land Use (ZLU) Committee meeting at the Linwood Recreation Center on July 19. For questions she could not answer at the meeting, or were not addressed in her presentation and/or handout, she subsequently responded via email. Additional notes from the SHA that expand upon or add clarification are indicated as “SHA Notes” in italics.

- **Why is the City pursuing ADUs and why was there a proposal to make these city-wide before all district councils were alerted that this was a consideration and given a chance to address that, specifically, before the Planning Commission?**

Response from Rebecca Noecker email 6/13: “Apparently, after the resolution requesting a study of five areas was adopted in February, four District Councils contacted Jamie and requested to also be included in the study. Then, when the recommended changes were brought to the Planning Commission on March 9, the Planning Commission directed staff to study expansion citywide and to seek public input to that effect.

Because this is a locational standards study, (i.e., a study whose purpose is to determine whether an already accepted use should be allowed in additional areas of the city), it doesn’t entail the same kind of analysis as the original zoning study which allowed ADUs along the Green Line. This study consisted of consulting with District Councils and accepting public input via Open Saint Paul, analyzing the concerns that were raised in those forums and modifying the ordinance as necessary.

While Jamie did reach out to each District Council to get input re: citywide ADUs, and was able to connect with most of them, it’s clear to me that there was a miscommunication somewhere along the way, such that SHA did not realize that the study was being applied to the Summit Hill neighborhood as well. I’m not sure how this misunderstanding arose and I’m sorry it happened.”

In the 7/19 meeting, Jamie stated that the decision to apply the ADU expansion city-wide was made in late May. **SHA Note: The first time SHA was officially notified of this decision was after close of business on 6/6, although the ZLU learned of it on 6/5 after reading the Planning Commission meeting minutes from their meeting on 6/2. The last previous communication from the City on this was on April 13, where no reference to city-wide expansion was made or suggested.**
How are ADUs different from an owner-occupied duplex?

Per the PED 7/19 meeting handout: “No more than family is allowed in both the principal unit and the accessory unit together. A family is a lineally-related family plus two, or up to four unrelated persons.” SHA Note: A) Per the City of St. Paul Zoning Code 60.207F: “Family. One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four (4) or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.” By extension, an owner-occupied duplex offers two “housekeeping units” and thus, can have another family, per the definition in the code, in the second unit which the owners don’t occupy. B) Per the Zoning Code 66.221, single-family homes—and ADUs—are allowed in all residential zoning districts (RL, R1-R4, RT1 and RT2, RM1-RM3 plusT1-T4); duplexes/two-family dwellings are limited to RT1 and RT2 and RM1-RM3 zoning districts.

How would grandparents/in-laws be characterized under this ordinance (assuming they had no ownership interest in the property)—as unrelated adults, or part of the family? In other words, if the occupants of the house were a couple (owners) and their children, but one or both sets of the owners’ parents moved in (or were already living there) how would they fit in vis a vis the current definition of family? And, would there then be the ability to bring in two other unrelated adults?

- Jamie wrote in a follow-up email: “Partner 1 (P1) wants to let their parents live with them and Partner 2 (P2). Together, they have children. The direct lineal familial connection would be P1’s parents – P1 – P1 & 2’s children. P2 would be one of the people not so related; they could have their domestic helper, and one other person living there.”
- SHA Note: In a follow-up email after the 7/19 meeting, Jamie was asked: In today’s Pioneer Press there is an article about the resolution that was passed re: affordable housing which referenced that there was currently consideration by the City to increase the definition of family to five vs. the current four unrelated adults. Where does that stand and what is the timeline for that? Jamie responded: “This was a Council resolution and I do not know what the expected timeline is. I talked with Lucy Thompson, interim planning director, and we don’t expect to begin this work until after the 2040 Comp Plan is adopted.” SHA has been told that this is slated to happen in 2019 after public input later this year.

How would this not change the character of the neighborhood in a district that is already effectively tied for the third-most dense neighborhood in the city?

Per Jamie in the 7/19 meeting, they will not change the neighborhood character but on further questioning, acknowledged that this was speculative, as there was no proof or data around this question/concern.
• Related to this, how would this proposed expansion address concerns about changes/additions to historic houses, e.g., external staircases to upper floors, requirement for an additional sidewalk to the street for separate primary entrances?

Per Jamie in the 7/19 meeting, houses in locally-designated districts (the south side of Summit Ave. in the Summit Hill neighborhood would need to go through design review for affected external changes on the house. State- and locally-designated houses would need to go through the usual process involving AUARs. SHA Note: Jamie clarified in a follow-up email post-meeting that she meant EAWS rather than AUARs.

• Parking is already an issue in Summit Hill, and even with one of the largest residential permit parking districts in the city, parking is already at a premium, as evidenced in the survey we recently took of residents affected by that. On what basis can you state that there will be no additional parking demand given that these units can be rented to anyone and thus, offer the possibility of two additional vehicles on top of what could already be several from the owner’s family, especially those with children of driving age or adult children living at home?

Jamie stated in the 7/19 meeting that this is already accounted for in the zoning code, which requires 1.5 off-street spaces for a single-family house, and this would not change. She further stated that since the zoning code already allows for a total of 4 unrelated adults to be living in a single-family house, the addition of an ADU would not change that.

When challenged on this, she pointed out that when these houses were first built, there were often many more people living in these houses vs. currently—i.e., multiple generations, more children, household staff. Meeting attendees pointed out that back then, there were no cars and that the past and current infrastructure reflected those times.

• One of the arguments for allowing ADUs is the provision of affordable housing. What data exists that would support that ADUs are more affordable than market-rate rentals of comparable size?

Jamie stated in the 7/19 meeting that the City had no data on this. SHA Note: The testimony at the Planning Commission included a statement from the person who built the only ADU currently permitted in St. Paul, at 1165 Sherburne. He stated that the 600 square foot addition with a 250 square foot attached deck would be used as a long-term rental and planned on offering it at “a little lower than market rate, at least initially.” Jamie noted that he estimated his out-of-pocket costs were $125,000 but that he felt he’d saved an additional $50,000 by doing some of the work himself. She further noted that most new ADU units would fall within that cost range.

• How would the addition of an ADU impact home values and, by extension, property taxes? How would it impact the property values of surrounding homes without ADUs?

At the 7/19 meeting, Jamie stated that the City had not studied this, but that houses with ADUs would be taxed as now if there was a second unit on the property and thus, taxes would go up. When asked how this would impact adjacent/nearby properties she said that this would be hard to isolate because property values are going up and down even without ADUs. She said she knew of no data from Minneapolis, which allowed ADUs about two and a half years ago and had approved 92 of them since then the last time she’d checked earlier this year.
• How would these work with short-term rentals (STRs, AKA Airbnb, Vrbo, etc.)? Would a property with an occupied ADU also be allowed to offer STRs?

At the 7/19 meeting, Jamie said that occupancy would be capped at four unrelated adults regardless of the existence or not of ADUs in an owner-occupied single-family house. SHA Note: Per the City of St. Paul website, a single family house is limited to one STR dwelling unit.

• Enforcement is already an issue with STRs. For ADUs, how would the City enforce:
  o Owner occupancy. At the 7/19 meeting, Jamie said that this would be through the annual affidavit that owners would be required to file with the City.
  o Overall occupancy caps. At the 7/19 meeting, Jamie said that this would be enforced through neighbor reports or complaints.
  o Reversion to non-ADU single occupancy if ownership changes hands—what would stop a unit from being sold as a duplex/defacto duplex? At the 7/19 meeting, Jamie said that this would be enforced for buyers doing a title search for the required deed covenant which would show that the unit was an ADU.
  o What happens if there are violations of any of these rules? At the 7/19 meeting, Jamie said that the City would, after a review and determination of a violation, revoke the ADU license and require that the unit be de-converted to a single family-only structure. To be a legal ADU, the unit must have its own bathroom and kitchen. De-converting requires removal of the kitchen.
  o Related question: How long does an owner need to live on the property for it to be considered owner-occupied? In a follow up email, Jamie replied: “The applicable language is from Section 65.913(d)(2), which states: ‘The property owner or record shall occupy either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence…’ The intent behind choosing this standard was to mirror Minnesota State law regarding homesteading and taxation requirements.”

• For ADUs added on to an existing structure—increasing the footprint of the structure—or as a stand-alone accessory structure, would the existing zoning code provisions be enforced re: lot coverage limits and setbacks? This is a concern given that BZA routinely gives variances for these. What could be done to prevent variances for these purposes from happening?

Jamie stated in the 7/19 meeting that the current zoning code stands and would be subject to the existing process re: variances. She had no response to the question about strengthening processes to discourage variances granted. Related question:
  o When an ADU is constructed/installed, do all parts of the property need to be brought up to code, as well? Jamie wrote in a follow-up email: “Generally, the improvements would fall under the new code, not the entire building. In some instances, improvements may fall under the conservation code of the building code and would be reviewed through that set of requirement.”

• What recourse is there if neighbors object to the addition of an ADU to a nearby property? Will there be any public process around this?

In the 7/19 meeting, Jamie stated that because these units would be legal, there would be no public notice or recourse if a property owner applied for an ADU.
• For people who are house-hunting and might not wish to live next door/near a house with an ADU due to the increased density and attendant issues, how would they be able to find out if nearby houses have ADUs?

In the 7/19 meeting, Jamie stated that those who had questions would need to look at the title for the required deed covenant resulting from the required annual affidavit.

• You mentioned that there were a number of properties zoned as legal duplexes but not being used as such in Summit Hill. Where would we find that information?

Jamie responded in a follow-up email: “Two-family dwellings are permitted in both the RT1 and RM2 zoning districts. These districts were established in 1975. To become a duplex, the property would need to be a minimum of 6,000 sq. ft. and with 50 feet of frontage. A very quick GIS analysis looking using Ramsey County property records shows about 130 properties that have RT1 or RM2 zoning and meet the conditions described above.” She did not detail how many of those properties are being used as duplexes.