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CITY OF DULUTH  
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November 19, 2018

City of Duluth  
City Clerk  
411 W. 1<sup>st</sup> Street  
Duluth, MN, 55802

Re: Appeal of the Planning Commission's approval of the PL 18-122 – 15 Room Expansion at 1033 Minnesota Avenue

Reason for request:

We believe that the expansion violates Sec. 50-15.6 E-MU-W Development Standard which states: To protect public views to the waterfront from the closet landward public street running approximately parallel to the water, all structure shall have a maximum width of 200 feet measured along the shoreline and shall be separated from other primary structure by a minimum of 50 feet.

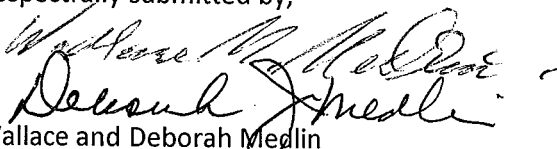
The existing buildings from the street view to the waterfront measures 285'. This development has already been allowed to violate the standard.

Additions to the property have been denied on 3 previous occasions because the proposed development further violated the standard. (200' rule)  
Hotel Expansion - April 2015 & December 2015  
Additional Building – April 2017

After the Planning Commission's denial in December 2015, Keith Hamre issued an internal interpretation of section 50.15.6.E.2 on January 29, 2016. This interpretation is unsupported by any valid process of review and was designed without public involvement and proper public process of a variance to the standard. This interpretation did not become public until the developer initiated the new expansion request in April 2018. This interpretation rewrites the development standard by providing an exception to the same. The rewriting should have been prohibited because the plain language of the section is clear, lacking the ambiguity needed in the first place to even need an "interpretation." The requirement clearly provides that "all" structures shall have a maximum width of 200 feet. There is nothing ambiguous about this requirement that requires an interpretation. Keith Hamre does not have the legal authority to rewrite the standard. We believe this interpretation is a violation of Minnesota law.

We believe that the Planning Commission failed to perform its oversight responsibility in not addressing the validity of the interpretation and relied on inappropriate reviews of the proposed expansion by the Planning Department staff prior to its final approval on November 13, 2018.

Respectfully submitted by,

  
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