



Capitol Area Architectural and Planning Board



Freeman Building
625 Robert Street North
Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

Date: June 4, 2026
To: Members of the Capitol Area Architectural and Planning Board (CAAPB)
From: Opticos Design; Erik Cedarleaf Dahl, Executive Secretary;
Peter Musty, Principal Planner & Zoning Administrator.
RE: Zoning and Design Rulemaking

Summary

With this memo, the Capitol Area Architectural and Planning Board (CAAPB) staff is presenting to the Board a proposed update to the Zoning and Design Rules, Chapter 2400 (Rules), which establishes zoning and design regulations for the Capitol Area in Saint Paul, Minnesota. This update will align the Rules with the 2040 Comprehensive Plan for the Minnesota State Capitol Area, the Capital Rice Development Framework, and the City of Saint Paul's current ordinances. It also refines existing standards and procedures to more effectively regulate and manage the Capitol Area's physical environment, including avoiding ongoing inefficiencies, delays, and uncertainty for various stakeholders within the Capitol Area. The update aims to make the Rules more current, use plain language, and be comprehensive, flexible, and responsive to current needs.

This memo provides an update on the project timeline and key changes to the proposed draft Rules since the previous Board meeting.

Project Context

The Capitol Area Zoning and Design Rules, Chapter 2400 (Rules), is a regulatory document adopted by the CAAPB that is focused on preservation and growth. The previous Board memo (March 24, 2025) provides detailed information on the Rules' history.

Purpose and Authority: Statutory authority for this rulemaking is derived from Minnesota Statutes, Section 15B.03, Subd. 6, which provides general rulemaking authority to fulfill the purposes of the chapter and Minnesota Statutes, Section 15B.06, which grants the Board authority to adopt the Rules.

The Rules set specific rules and standards for all development in the Capitol Area. They are to be reviewed and updated following any update to the Comprehensive Plan. The 2040 Comprehensive Plan for the Minnesota State Capitol Area was updated in 2020 and approved by the CAAPB in 2021. The proposed rules are necessary to align the rules with the latest Comprehensive Plan and the current City of Saint Paul zoning ordinances while refining the zoning and design rules for clarity, conciseness, and ease of use.

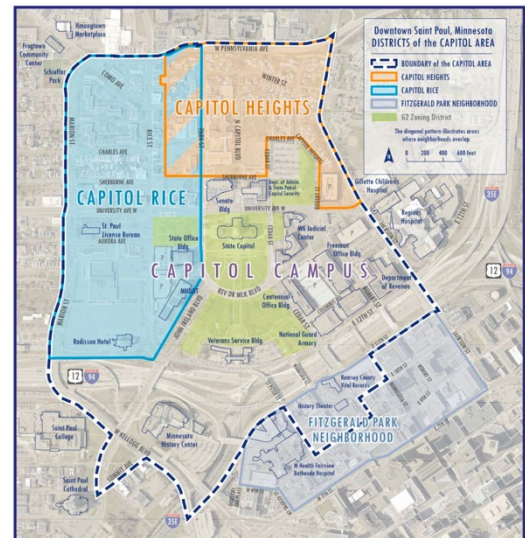
The Minnesota Legislature provided the CAAPB funds to update the Rules by June 30, 2025. The development of the Rules will require formal approval by CAAPB. It will go through the formal Administrative Rulemaking process per the permanent Rulemaking process (Minn. Stat. 12.05 to 14.28), following the Office of Administrative Hearings (OAH), Minnesota Administrative Rule, Minnesota Rules, Chapter 1400 process (see the rulemaking manual hosted by the Minnesota Department of Health).

Project Area: The project area aligns with the boundary of the Capitol Area (Exhibit A), which encompasses approximately 60 blocks of the City of Saint Paul surrounding the Capitol building.

Relevant Documents: The project will consider existing policy direction and rules related to the future development of the Capitol Area in the following documents.

- Zoning & Design Rules for the Minnesota State Capitol Area (2010)
- 2040 Comprehensive Plan for the Minnesota State Capitol Area (2021)
- City of Saint Paul Code of Ordinances (2024)

Exhibit A – Map of the Capitol Area.



Project Team: The consultant team selected through an RFP process comprises the following.

- **Opticos Design** will lead the project in the review and drafting of the Rule update
- **Cardo** will support Opticos in the Rules update and serve as the local liaison.

Scope and Timeline

The project team kicked off this effort in December 2024 with a target completion date of June 2025. Due to the Board’s request that CAAPB staff coordinate further on several key topics in the proposed draft Rules, the project timeline has been extended and is now expected to be completed by Summer 2027.

- **Regulatory Review & Documentation Trip (Dec 2024 – Jan 2025).** The project team reviewed relevant documents and toured the Capitol Area with CAAPB staff to document and analyze the physical characteristics of local development to aid in the discussion and understanding of expectations for future development. This review did not include the Rules version of the Capitol Rice Development Framework, attached to the Comprehensive Plan via Chapter 7A, which outlines a process for approval that calls for MX Master Plan to be submitted.
- **Code Testing & Drafts of Rules (Feb 2025 – May 2026).** The project team tested existing conditions and typical sites in the project area to understand what development outcomes the existing Rules encourage. The tests include visualizations of desired outcomes to illustrate potential refinements to the Rules update. Based on findings from previous tasks, the project team drafted updated rules and delivered Draft of Rules to CAAPB. The Draft Rules do not include edits to the Rules version of the Capitol Rice Development Framework. The public comment period of the Draft Rules is anticipated for Summer/Fall 2026.
- **Final Rulemaking Documentation (July 2026 – Jun 2027).** The project team will incorporate public comment responses, ALJ input, CAAP Board and staff input into the final proposed version of the Rules update and support CAAPB staff in submitting the proposed rule revisions for adoption.

Approach & Summary of Proposed Changes

Opticos’ review and revisions focused on three key aspects of using and implementing the Rules. These included proposed changes for 1) general clarity, 2) clarity about intended form, and 3) flexibility in standards. The Board memo on March 24, 2025, provided detailed information on the approach and summary of proposed changes to the Rules, and the Board memo on May 22, 2025, provided an update on key changes in the proposed draft Rules since the March Board meeting.

Below is an update on key changes in the proposed draft Rules since the May 2025 Board meeting.

- **Congregate Living (Parts 2400.2040, 2400.2250, 2400.2715).** Previously, categories for congregare living and their respective terms were modified to align with the City of Saint Paul’s code and update the categories of community residential facilities to reflect 2025 definitions at the municipal and state levels. These proposed modifications included removing terms from part 2400.2040 Definitions that may potentially conflict with the City of Saint Paul and State agencies’ definitions.

These proposed modifications were also reflected in Part 2400.2205 Table of Permitted and Conditional Uses by District with reference to standards in Part 2400.2715 Standards for Congregate Living.

Proposed modifications in Part 2400.2715 Standards for Congregate Living also reflected this change to replace terminology and consolidate categories to align with the City of Saint Paul's updated zoning code and to reflect 2025 definitions at the municipal and state levels.

All the above proposed changes have been reverted to the existing standards in the Rules.

There is no change to the proposed removal of standards that prevent certain demographics from residing in the Capitol Area to promote inclusivity and to align with the City of Saint Paul's updated zoning code and comply with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan and the Rules utilize alternative policies and standards for expanding the diversity of living choices at several scales in the Capitol Area, and the promotion of housing diversity is a central organizing principle in the Comprehensive Plan. This removal is reasonable as this requirement is not easily measurable, as it is not tracked in census data nor within any other zoning mechanism. The City has also noted several drawbacks due to this requirement, including its overall ineffectiveness in avoiding "institutional environments" and promoting integration into the community. The City of Saint Paul only requires spacing standards for facilities larger than 16 persons, a size of facility which is not allowed in the Capitol Area.

- **Stormwater Management (Part 2400.2635).** Previously, exceptions for State buildings and facilities were proposed to be removed to be consistent and compatible with the City of Saint Paul's stormwater management standards and to actively and successfully engage with the Capitol Region Watershed District to meet stormwater requirements. Upon coordination between CAAPB staff and the Department of Administration, the proposed removal of the exception was reversed with the addition of a provision that the Department of Administration consult with the City of St Paul on stormwater and utilize best management practices for all Minnesota buildings and facilities, to the extent possible.
- **Projects on Public Lands (Part 2400.3124).** Upon coordination between CAAPB staff and the Department of Administration, the proposed inclusion of Part 2400.3124, Projects on Public Lands, has been removed, because it was deemed unnecessary to repeat or reference applicability of statutory law within Rules.
- **Historic Preservation (Part 2400.3126).** There is no substantive change to the proposed Part 2400.3126 Historic Preservation. This part reflects and reinforces the statutory obligations already in place, including Minn. Stat. § 471.193, to ensure transparent expectations for all entities operating within the Capitol Area, especially with regard to the Board's jurisdiction over the Capitol Area related to historic properties. As such,

CAAPB staff holds that the addition of this part is appropriately situated within the administrative rules framework and is reasonable because it does not introduce new law. Upon coordination between CAAPB staff and the Department of Administration, the reference to this standard in Part 2400.2225 subp 8. is modified to clarify expectations for how Historic Preservation standards apply to state-owned property..

- **Parking Maximums.** There are no changes to the new part on maximum parking requirements, which was added to further reinforce the policies of the 2040 Comprehensive Plan that encourage alternative transportation and development patterns that support transit and align with the City of Saint Paul’s updated parking standards. These standards only apply to surface parking facilities and include a threshold for applying the maximum limit on off-street surface parking. This threshold aligns with the City of Saint Paul’s updated parking standards and is reasonable, as it provides flexibility for uses with fewer parking spaces. The standard also includes flexibility to exceed the maximum through a Conditional Use Permit (CUP). Furthermore, the parking maximums apply to use categories that are the same as the categories in Part 2400.2205 Table of Permitted and Conditional Uses by District for consistency and clarity in applying the standards.

The parking maximums for residential uses are established to align with the City of Saint Paul’s maximum surface parking requirements. This is reasonable given that maximums are a multiplier of previous minimum parking requirements for residential uses.

The parking maximums for non-residential uses are established following the previous Central Corridor Overlay maximum requirement of 85 percent of the minimum parking requirement or the City of Saint Paul’s maximum surface parking requirements within a quarter mile of transit. This is reasonable as the maximum was established to reduce parking in areas near transit, which is now generally the entirety of the Capitol Area.

Attachment 2 to this memo is a letter from City of Saint Paul Planning and Economic Development providing statement of support for the revisions and discusses consistency with the City’s recent revisions.

- **Typical Frontages.** Minimum dimensional standards are added to the frontages Porch, Gallery, and Arcade. The minimum dimensions are necessary to create spaces associated with the frontage that are deep enough so that they will be used by the building occupants.
- **Mixed Commercial-Residential Uses (Part 2400.2720).** Standards have been added to this part to include new standards on limitations on live-work unit uses, operating requirements, change of use procedures, and floor area requirements. These additional

standards are necessary to clarify live-work unit uses in mixed commercial-residential areas and to ensure safety and compatibility with adjacent residential activities.

- **Adjustments (Part 2400.3156).** A new part is proposed that establishes procedures for allowing minor deviations from certain standards for specific situations arising from existing site conditions and the strict application of the standards. This part is necessary to provide relief for projects that are not able to comply with certain standards due to constraints imposed by existing conditions.
- **Capital Rice District Overlay (Part 2400.2210, 2400.2220, 2400.2225, 2400.2235).** The standard is modified to clarify expectations for how Capitol Rice District Overlay standards apply to state-owned property. This represents a change of existing policy, shifting from largely advisory guidance toward a clearer presumption of compliance.

Rulemaking Process

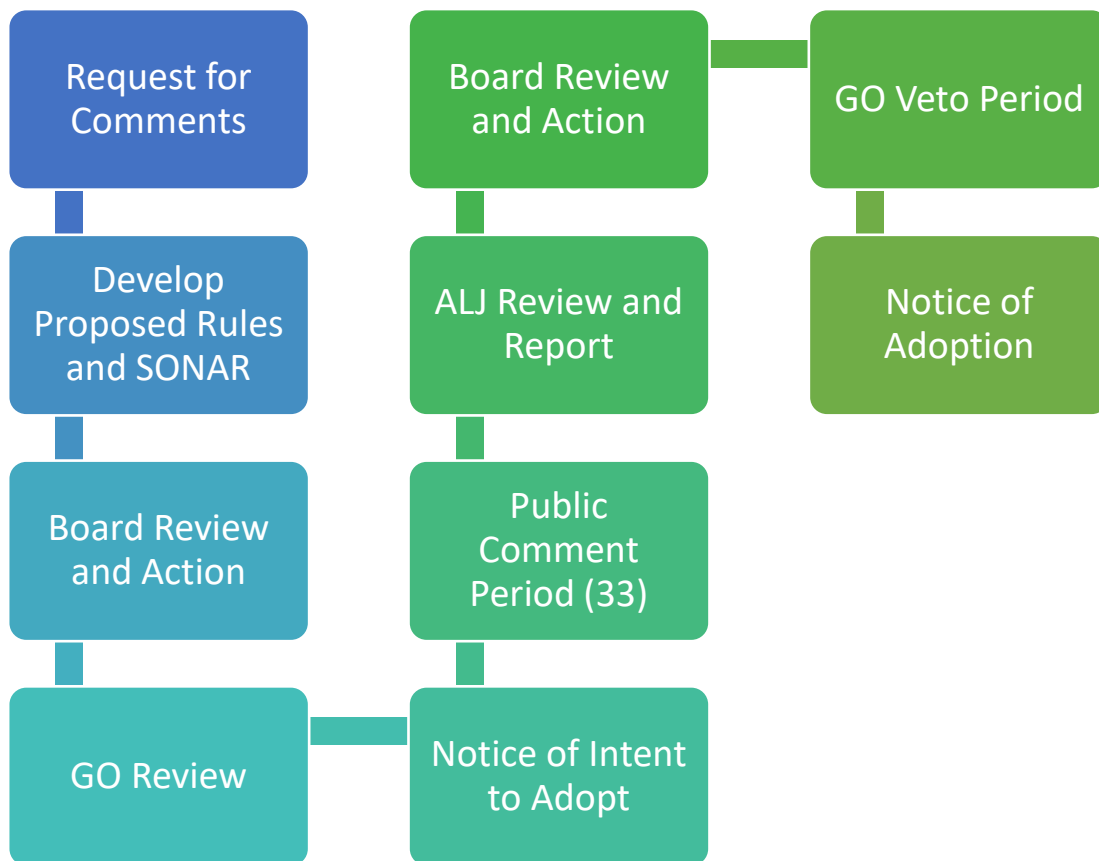
As defined in the Administrative Procedures Act, “‘Rule’ means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure.”¹

This definition means that rule language must be enforceable and must implement the statute, make the statute specific, or govern the agency’s organization or procedure.²

The rulemaking process will adhere to the Administrative Procedures Act (APA) and Minnesota Rules Chapter 1400. CAAPB engaged stakeholders through public meetings, requests for comments, and other outreach efforts to ensure an inclusive and well-informed rule development process. A Preliminary Request for Comments was issued from January 13 to February 13, 2025, providing an opportunity for early public input.

¹ Minn. Stat. § 14.02, subd. 4.

² Minn. Stat. § 14.03, subd. 3(a)(1).



Attached: Draft Rules

The proposed draft rules are included in the Board packet. Attachment 1.

LINK: Draft Statement of Need and Reasonableness (SONAR)

The proposed draft Statement of Need and Reasonableness is included [as a link](#), as the full printed version is extensive in length. A SONAR refers to a Statement of Need and Reasonableness, a document that explains the proposed rules and provides justification for their necessity and appropriateness. A SONAR explains the Board’s reasoning for proposing the rules, outlining the problem the rules aim to address and why the proposed rules are a reasonable approach. In the SONAR, we delineate the evidence and arguments supporting the need for the proposed rules. It also includes an explanation of how the rules might affect certain costs and other regulations and any potential impacts or consequences of the proposed rules. Staff will walk through the SONAR during the Board meeting.

MOU: Copy of the executed Memorandum of understanding between CAAPB and Department of Administration.

Attachment 3 contains the Memorandum of Understanding (MOU) between CAAPB and the Department of Administration, which outlines the roles, expectations, and processes for coordinating on projects within the Capitol Area as they relate to stormwater, historic properties and projects on public lands.

Staff Recommendation: Authorize Staff to Start the Rulemaking Process

As the diagram above illustrates, the suggested action below is only a preliminary approval of the Rules and SONAR that enable the Staff to move into the Administrative Procedures Act (APA) process. The process includes a request for (and response to) public comments, submittal of materials to the Office of Administrative Hearings for formal guidance from an Administrative Law Judge (ALJ) – all before returning to the Board to finalize and approve the Rules for final adoption.

Next Step for Staff: Draft ‘Notice of Intent to Adopt’

The draft *Notice of Intent to Adopt* the proposed rules revisions and SONAR will be prepared after the Board approves the draft at this meeting.

Suggested Board Action

“The Capitol Area Architectural and Planning Board has reviewed the draft revisions to the Rules and related Statement of Need and Reasonableness (SONAR), developed by CAAPB staff, and attached to the board memo prepared for the June 4th 2026 Board meeting. The Board authorizes CAAPB staff to take the following steps before returning:

1. draft Notice of Intent to Adopt;
 2. open public comment period and respond to public comments;
 3. submit the draft Rules revisions and SONAR, public comments and staff responses into the Office of Administrative Hearings (OAH) process;
 4. receive guidance from the reviews and the report from Administrative Law Judge (ALJ);
 5. revise Rules and the SONAR, and;
 6. return to the Board for final review, modification and approvals.”
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Attachments

Attachment 1: CAAPB proposed Rules

Attachment 2: St Paul City Letter to the CAAPB on proposed rules

Attachment 3: CAAPB and ADMIN MOU