



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
651-266-8560

Minutes - Final

City Council

*Council President Amy Brendmoen
Councilmember Dan Bostrom
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Russ Stark
Councilmember Dai Thao
Councilmember Chris Tolbert*

Wednesday, February 7, 2018

3:30 PM

Council Chambers - 3rd Floor

Budget Amendment Public Hearings and Legislative Hearing Items at 3:30 p.m. Public Hearings at 5:30 p.m.

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:31 p.m.

Councilmember Tolbert excused

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Russ Stark, Councilmember Rebecca Noecker and Councilmember Jane L. Prince
Absent 1 - Councilmember Chris Tolbert

COMMUNICATIONS & RECEIVE/FILE

- 1 [AO 18-8](#) Amending CDBG activities budgets.
Received and filed

CONSENT AGENDA

Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda (Items 2- 29)

*Items 6, 7, and 24 were removed from the Consent Agenda for separate consideration.
Item 25 was withdrawn.*

Councilmember Noecker moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 2** [RES 18-145](#) Consolidating and memorializing the City Council's December 13, 2017 decisions denying each of two separate appeals taken from a decision of the Planning Commission, and upholding the Zoning Administrator's Determination of Similar Use for the operation of Listening House of Saint Paul, Inc. at 463 Maria Avenue.
- Adopted**
- 3** [RES 18-158](#) Memorializing the City Council's decision to deny an appeal by the Dayton's Bluff Community Council of a decision by the Planning Commission granting a change of nonconforming use permit for property located at 937 East 3rd Street.
- Adopted**
- 4** [RES 18-169](#) Setting August 14, 2018 as the Special Election date to fill the vacancy of the Ward 4 City Council member.
- Adopted**
- 5** [RES 18-186](#) Approving the use of grant funds through the Ward 5 Neighborhood STAR Year-Round Program for Morelli's Discount Liquor, Meats, and Italian Market.
- Adopted**
- 8** [RES 18-100](#) Approving the City's cost of providing Collection of Vacant Building Registration Fees billed during January 27 to November 20, 2017, and setting date of Legislative Hearing for March 6, 2018 and City Council public hearing for April 18, 2018 to consider and levy the assessments against individual properties. (File No. VB1807, Assessment No. 188808)
- Adopted**
- 9** [RES 18-101](#) Approving the City's cost of providing Boarding and/or Securing services during November 2017, and setting date of Legislative Hearing for March 6, 2018 and City Council public hearing for April 18, 2018 to consider and levy the assessments against individual properties. (File No. J1806B, Assessment No. 188105)
- Adopted**

- 10 [RES 18-102](#) Approving the City's cost of providing Demolition service during October 2017 at 602 Orange Avenue East, and setting date of Legislative Hearing for March 6, 2018 and City Council public hearing for April 18, 2018 to consider and levy the assessments. (File No. J1805C, Assessment No. 182004)

Adopted

- 11 [RES 18-103](#) Approving the City's cost of providing Demolition services from October to November 2017, and setting date of Legislative Hearing for March 6, 2018 and City Council public hearing for April 18, 2018 to consider and levy the assessments against individual properties. (File No. J1806C, Assessment No. 182005)

Adopted

- 12 [RES 18-104](#) Approving the City's cost of providing Collection of Fire Certificate of Occupancy Fees billed during September 12 to October 5, 2017, and setting date of Legislative Hearing for March 6, 2018 and City Council public hearing for April 18, 2018 to consider and levy the assessments against individual properties. (File No. CRT1806, Assessment No. 188205)

Adopted

- 13 [RES 18-105](#) Approving the City's cost of providing Trash Hauling services during December 4 to 28, 2017, and setting date of Legislative Hearing for March 6, 2018 and City Council public hearing for April 18, 2018 to consider and levy the assessments against individual properties. (File No. J1807G, Assessment No. 188706)

Adopted

- 14 [RES 18-106](#) Approving the City's cost of providing Towing of Abandoned Vehicle services during September to November 2017, and setting date of Legislative Hearing for March 6, 2018 and City Council public hearing for April 18, 2018 to consider and levy the assessments against individual properties. (File No. J1804V, Assessment No. 188004)

Adopted

- 15 [RES 18-128](#) Authorizing the Fire Department to accept the donation of \$350 from Coulee Bank.

Adopted

- 16 [RES 18-172](#) Authorizing the Fire Department to accept the donation of physical fitness equipment from the Saint Paul Fire Foundation for five fire stations.
Adopted
- 17 [RES 18-133](#) Approving the Pay Equity Implementation Report for submission to the State of Minnesota Management and Budget.
Adopted
- 18 [RES 18-136](#) Authorizing the use of a Project Labor Agreement (PLA) on the construction portion of the Como Zoo Seal and Sea Lion Exhibit project and authorizing appropriate city officials to execute such an agreement.
Adopted
- 19 [RES 18-146](#) Authorizing the Department of Parks and Recreation, Como Park Zoo and Conservatory, to accept donations of refreshments and services in an amount not to exceed \$5,000 from Lancer Hospitality and Como Friends through attending and participating in relationship building, appreciation, and recognition events in 2018.
Adopted
- 20 [RES 18-147](#) Authorizing the Como Park Zoo and Conservatory to accept "in-kind" donations of plant and animal related goods, whose individual value is under \$100, from various sources during the calendar year of 2018.
Adopted
- 21 [RES 18-148](#) Authorizing the Department of Parks and Recreation, Como Park Zoo and Conservatory, to purchase food in 2018 to be used for educational programs, not to exceed \$8,000.
Adopted
- 22 [RES 18-149](#) Authorizing the Department of Parks and Recreation, Como Park Zoo and Conservatory Volunteer Services, to purchase items in an amount not to exceed \$5,000 for Volunteer Recognition events in 2018.
Adopted
- 23 [RES 18-180](#) Approving the donation of surplus food purchased for the Blooming Saint Paul Awards, which was cancelled due to weather.
Adopted

- 25 [RES 18-150](#) Authorizing the Police Department to enter into an Annual Plan Agreement, which includes an indemnification clause, to provide an officer as an instructor to train the Standardized Field Sobriety Testing grant program. (To be withdrawn)
- Withdrawn**
- 26 [RES 18-144](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Ally Hospitality LLC (License ID #20170003905), d/b/a Holman's Table, for Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Liquor - Outdoor Service Area (Patio) licenses at 644 Bayfield Street.
- Adopted**
- 27 [RES 18-188](#) Approving the addition of an Entertainment (B) license to the existing Liquor On Sale - 101-180 Seats, Liquor On Sale-Sunday, Liquor On sale - 2AM Closing, Liquor-Outdoor Service Area (Patio), Sidewalk Café, and Cigarette/Tobacco licenses held by El Burrito Market, Inc., d/b/a El Burrito Mercado (License ID #0018675) at 175 Cesar Chavez Street.
- Adopted**
- 28 [RES 18-153](#) Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Wine On Sale, Malt On Sale (Strong), and Entertainment A licenses for Bole Ethiopian Cuisine LLC (ID #20170003907), d/b/a same, at 490 Syndicate Street North.
- Adopted**
- 29 [RES 18-200](#) Approving adverse action against the Cigarette/Tobacco-Product Shop license application submitted by REEMO Corp., d/b/a Rice Street Tobacco at 1196 Rice Street.
- Adopted**

FOR DISCUSSION

- 6 [RES 18-191](#) Requesting that the Minnesota legislature and the federal government allocate funding to support Minnesota Veterans Home - Minneapolis.
- Councilmember Prince made brief comments and moved approval of the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0

Absent: 1 - Councilmember Tolbert

7 [RES 18-162](#)

Directing the Planning Commission to undertake a zoning study to determine whether accessory dwelling units should be permitted in the Mounds Park, and Planning District 1 (Eastview, Conway, Battle Creek and Highwood Hills), Planning District 3 (West Side), Planning District 7 (Thomas-Dale), and Planning District 9 (West Seventh) areas and regulated under § 65.913(a).

Councilmember Prince made brief comments. She said she was under the impression that her office had reached out to other wards interesting in adding ADUs. She said she was happy to add other areas if it would not delay action on Mounds Park. She said there was now interest in a City wide study... She said she would support laying it over one week, but would not like to delay...

Councilmember Noecker said if there would be a citywide study next week, she asked whether there would be a problem moving version three with the areas in wards 1 and 2. Ms. Prince said she was willing to see that as a friendly amendment.

Council president Brendmoen, asked what staff would be studying in Mounds Park. She asked why they were looking at discrete neighborhoods and whether they should be looking at criteria. Janmie Radel...this was a grassroots effort from the ward offices and citizen interest. She said they would be interested in looking at it City wide but...

CPB - what are you looking for in a neighborhood. Ms. R - whether there is community support. CN - imagine that the study can't take place in all areas simultaneously. Ms. R - off the cuff - a series of open houses, ? in the comp plan...CN - How much would a City study slow down the neighborhood process? Ms. Radel - significantly CPB - although you have to start somewhere

CS - support version 3, inevitable that other areas will be interested but no reason that should slow down the work.

CBB - ask for review of areas covered in version 3. Ms. Prince yes, all of district bc it was included as part of their neighborhood plan.

Vote on amendment 6-0

Vote on resolution as amended 6-0

Adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 24** [RES 18-171](#) Approving the Neighborhood Star program guideline modifications.
- Michelle Swenson, Planning and Economic Development, gave a staff report on the changes, and answered Council member questions. Council members expressed appreciation for Ms. Swenson's work and the changes to the program.*
- Councilmember Stark moved approval of the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 30** [RLH VO 17-62](#) Appeal of Ryan Kempenich to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1464 MINNEHAHA AVENUE WEST. (Public hearing held January 17)
- Councilmember Stark said the condemnation order had been lifted, and there was a new version of the resolution allowing more time for compliance. He moved approval of the resolution as amended.*
- Adopted as amended (condemnation lifted; extension granted for compliance)**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 31** [RES 18-210](#) Announcing the Second Annual Saint Paul Business Awards Ceremony on April 11, 2018.
- Councilmember Noecker moved approval of the resolution. Council members Noecker, Prince, and Thao made brief comments.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

Final Adoption

- 32** [Ord 17-64](#) Amending Legislative Code Section 293.07, pertaining to noise source limitations, by enacting a new subdivision to exempt certain soccer matches and other activities held in a municipal stadium from noise source limitations.
- Someone in the chambers expressed concern that the neighborhood hadn't been notified. Councilmember Brendmoen said the public hearing had been held the previous week.*
- Councilmember Thao moved a one week layover.*
- Council President Brendmoen said at the previous week's noticed public hearing, the request from Council members Thao and Stark had been to lay the matter over to allow for input from the district councils. She said that input had been received, and the intention now was to lay the matter over to allow Council members time to consider the input.*
- Councilmember Thao offered to speak to the concerned resident after the meeting.*
- Laid over to February 14**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert

First Reading

- 33** [Ord 18-5](#) Amending Chapter 157 of the Legislative Code to clarify parking restrictions in certain zoning districts.
- Laid over to February 14 for second reading**
- 34** [Ord 18-8](#) Amending Chapter 160 of the Legislative Code pertaining to parking meter zones on holidays.
- Laid over to February 14 for second reading**

BUDGET AMENDMENT PUBLIC HEARINGS (held during the 3:30 portion of the meeting)

- 35** [RES PH 18-27](#) Amending the financing and spending plans in the Department of Emergency Management for the 2017 Urban Area Security Initiative Grant.
- No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
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- 36** [RES PH 18-26](#) Amending the financing and spending plans in the Fire Department in the amount of \$10,000 for the Hartford Grant.
- No one was present to testify. Councilmember Bostrom moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 37** [RES PH 18-30](#) Authorizing the Police Department to amend the 2018 Grant Fund for the sub-grant received from Ramsey County for the Violent Crime Enforcement Team (VCET).
- No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

- 50 [RLH FCO 18-5](#) Appeal of Kyle Colbert (MOMO, LLC) to a Correction Notice - Re-inspection Complaint at 1889 HYACINTH AVENUE EAST.

Legislative Hearing Officer Marcia Moermond said she would be asking the Council to refer the matter back to Legislative Hearing on February 23. She said there was an insection scheduled for February 16 at which time she expected that all of the items would have been taken care of. She said the appellant was no longer present but the matter had been discussed outside of chambers.

Councilmember Bostrom moved to close the public hearing and refer the matter to Legislative Hearings on February 23.

Referred to Legislative Hearings on February 20

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

LEGISLATIVE HEARING CONSENT AGENDA

Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.

Approval of the Consent Agenda (Items 38 - 72)

No one was present to testify. Councilmember Stark moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 38 [RLH TA 17-563](#) Ratifying the Appealed Special Tax Assessment for property at 908 ARCADE STREET. (File No. J1804E, Assessment No. 188303)

Adopted

- 39 [RLH VO 18-1](#) Appeal of Tou Lee to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate and Vacant Building Registration Notice at 1042 BURR STREET.
Adopted
- 40 [RLH AR 17-110](#) Ratifying the assessments for Demolition service during August 2017 at 1027 CASE AVENUE. (File No. J1803C, Assessment No. 182002)
Adopted
- 41 [RLH TA 17-574](#) Ratifying the Appealed Special Tax Assessment for property at 1027 CASE AVENUE. (File No. J1803C, Assessment No. 182002)
Adopted
- 42 [RLH TA 18-63](#) Ratifying the Appealed Special Tax Assessment for property at 123 CAYUGA STREET. (File No. J1804E, Assessment No. 188303; amended to File No. J1804E1, Assessment No. 188313) (Public hearing continued from March 21)
Referred to Legislative Hearings on February 20; Council public hearing continued to March 7
- 43 [RLH RR 18-1](#) Making finding on the appealed nuisance abatement ordered for 689 CONWAY STREET in Council Files RLH RR 15-44 & RLH RR 17-14.
Adopted as amended (two performance deposits continued)
- 44 [RLH TA 18-14](#) Ratifying the Appealed Special Tax Assessment for property at 925 COOK AVENUE EAST. (File No. J1801B1, Assessment No. 188106)
Adopted as amended (assessment approved)
- 45 [RLH SAO 17-65](#) Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56. (Public hearing continued from April 11)
Referred to Legislative Hearings on February 13; Council public hearing continued to February 14
- 46 [RLH TA 17-564](#) Deleting the Appealed Special Tax Assessment for Property at 996 FRONT AVENUE. (File No. VB1804, Assessment No. 188803)
Adopted
- 47 [RLH FCO 18-4](#) Appeal of Alyssa Nimmo to a Correction Notice - Re-inspection Complaint at 1745 GRAHAM AVENUE, #130.
Adopted

- 48 [RLH TA 17-584](#) Ratifying the Appealed Special Tax Assessment for property at 171 GRANITE STREET. (File No. VB1804, Assessment No. 188803)
Adopted
- 49 [RLH TA 17-583](#) Ratifying the Appealed Special Tax Assessment for property at 735 HOLTON STREET/1435 MINNEHAHA AVENUE WEST. (File No. CRT1804, Assessment No. 188203)
Adopted
- 51 [RLH SAO 18-6](#) Appeal of Ward Jefferson to a Vehicle Abatement Order at 798 IGLEHART AVENUE.
Adopted as amended (extension granted)
- 52 [RLH SAO 18-7](#) Making finding on the appealed nuisance abatement ordered for 798 IGLEHART AVENUE in Council File RLH SAO 18-6.
Referred to Legislative Hearings on March 6; Council public hearing continued to March 7
- 53 [RLH TA 17-580](#) Ratifying the Appealed Special Tax Assessment for property at 1803 IVY AVENUE EAST. (File No. VB1804, Assessment No. 188803)
Adopted
- 54 [RLH TA 18-19](#) Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1804E, Assessment No. 188303)
Adopted
- 55 [RLH TA 17-573](#) Ratifying the Appealed Special Tax Assessment for property at 985 JENKS AVENUE. (File No. CRT1804, Assessment No. 188203)
Adopted
- 56 [RLH TA 17-462](#) Ratifying the Appealed Special Tax Assessment for Property at 0 KELLOGG BOULEVARD EAST (also known as 600 WARNER ROAD). (File No. J1801P1, Assessment No. 188405)
Adopted
- 57 [RLH AR 17-107](#) Ratifying the assessments for Property Clean Up during August 2017 at 1683 MARYLAND AVENUE EAST. (File No. J1803A1, Assessment No. 188504)
Adopted

- 58 [RLH TA 17-566](#) Ratifying the Appealed Special Tax Assessment for property at 1683 MARYLAND AVENUE EAST. (File No. J1803A1, Assessment No. 188504)
Adopted
- 59 [RLH TA 17-571](#) Ratifying the Appealed Special Tax Assessment for property at 1779 MONTREAL AVENUE. (File No. VB1804, Assessment No. 188803)
Adopted
- 60 [RLH TA 18-27](#) Ratifying the Appealed Special Tax Assessment for property at 1164 NORTON STREET. (File No. J1803A, Assessment No. 188502; amended to File No. J1803A2, Assessment No. 188515)
Adopted as amended (assessment number amended)
- 61 [RLH TA 18-61](#) Amending Council Files Nos. RLH AR 17-83 to delete the assessment for Property Clean Up services during June 1 to 30, 2017 at 847 OAKDALE AVENUE. (File No. J1801A, Assessment No. 188500).
Adopted
- 62 [RLH FCO 18-1](#) Appeal of Jessica L. Teske, J T Enterprises, to a Fire Inspection Correction Notice at 548 SIMPSON STREET.
Adopted
- 63 [RLH TA 18-28](#) Amending Council File RLH AR 17-90 to delete the assessment for Graffiti Removal services during July 25 to August 5, 2017 at 828 SIMS AVENUE. (File No. J1801P, Assessment No. 188400)
Adopted
- 64 [RLH TA 17-578](#) Ratifying the Appealed Special Tax Assessment for property at 899 TUSCARORA AVENUE. (File No. VB1804, Assessment No. 188803)
Adopted
- 65 [RLH TA 17-582](#) Ratifying the Appealed Special Tax Assessment for property at 572 VAN BUREN AVENUE. (File No. VB1804, Assessment No. 188803)
Adopted
- 66 [RLH VO 17-60](#) Appeal of Gina Yanez and Louis Yanez to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 740 WASECA STREET. (Public hearing continued from February 14)
Referred to Legislative Hearings on February 13; Council public hearing continued to February 14

- 67 [RLH RR 18-5](#) Making finding on the appealed nuisance abatement ordered for 670 WESTERN AVENUE NORTH in Council File RLH RR 17-22.
Public hearing continued to February 21
- 68 [RLH FCO 17-230](#) Appeal of Jack Hurley, Champion Apartments, to a Correction Notice-Reinspection Complaint at 200 WINTHROP STREET SOUTH.
Adopted
- 69 [RLH TA 18-23](#) Ratifying the Appealed Special Tax Assessment for property at 805 YORK AVENUE. (File No. J1804E, Assessment No. 188303; amended to File No. J1804E2, Assessment No. 188314 and to delete the assessment)
Public hearing continued to July 11
- 70 [RLH AR 17-106](#) Ratifying the assessments for Collection of Fire Certificate of Occupancy Fees billed during July 11 to August 11, 2017. (File No. CRT1804, Assessment No. 188203)
Adopted
- 71 [RLH AR 17-108](#) Ratifying the assessments for Excessive Use of Inspections or Abatement services billed during July 23 to August 18, 2017. (File No. J1804E, Assessment No. 188303)
Adopted
- 72 [RLH AR 17-109](#) Ratifying the assessments for Collection of Vacant Building Registration Fees billed during March 2 to August 23, 2017. (File No. VB1804, Assessment No. 188803)
Adopted

Council members shared news from the wards.

The Council recesses at 4:08 p.m.

PUBLIC HEARINGS (Public hearings begin at 5:30 p.m.)

73 [Ord 18-3](#)

Granting the application of the Northern Star Council to rezone their property at 393 Marshall from OS Office Service to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Council President Brendmoen: Is there a staff report?

Alan Torstenson, Planning and Economic Development (PED): The Zoning Committee held a public hearing on the proposed rezoning and the Planning Commission made the following findings: the proposed zoning is consistent with the way the area is developed; T2 would provide for development consistent with the scale and density of the historic surrounding development pattern; it is consistent with the scale of the Aberdeen Apartment Building and the Christ's Household of Faith buildings across the street. The proposed zoning is consistent with strategies in the Housing Chapter of the Comprehensive Plan for Revitalizing the City by developing land efficient housing, for increasing housing choices to support economically diverse neighborhoods, and for meeting the market demand for transit-oriented housing. The site, at the intersection of two collector streets is well served by transit and public transportation. It's a block from I-94, two blocks from high frequency bus service on Selby and within a half mile from LRT on University Ave. It's adjacent to dedicated bike lanes on Western Ave and within easy walking distance to downtown St Paul. The proposed T2 zoning is compatible with surrounding multi-family institutional and commercial uses and with existing T2, B2, and RM2 zoning. The Planning Commission voted unanimously to recommend approval of the application.

Councilperson Thao arrived at 1738 hours.

Council President Amy Brendmoen asked that people who wished to speak in opposition to the proposal line up at the microphone.

Don Maietta: I'm a 38 year real estate broker and a resident of the Aberdeen in the same neighborhood as the proposed changes. I've worked with the City on many condominium and zoning issues. I'm significantly concerned about the density. I'm concerned about the comparable, it's a poor evaluation by the City. I understand the enthusiasm to put a dense housing facility within a few blocks of the light rail, but for those already living there, it's already overwrought with traffic due to the expansion of St Paul college and the development of nearby communities. I hope the council will look more closely at the density.

Rita LaCasse: I live and own at the Aberdeen. Our site is the size of the Boy Scout site. We have 56 sites; they are asking to put 150. Other nearby units are much lower density. We are not apartments; we are owner occupied condominiums. Long term residents. We have 104 parking spaces for 56 units. They have only one space per unit and it will be marketed to millenials. The Boy Scout lot is filled on Sunday from Chauf (sp?). There will be no place for them to go. I hope the Council will look at density.

Kevin Loney: I live at the Aberdeen. I would be hard pressed to find a unit within a mile that has the same density. They want to put triple the units that ours has in the same footprint.

Gary Connor: I live at Chauf (sp?). The density is our concern also, with the parking. We pay extra for parking on Marshall and we often have a hard time finding spots. The

new 150-178 proposed units without making provision for parking for these units is not a good idea.

Council President Brendmoen asked people to stand if they were in opposition to the proposal but did not want to testify. She thanked them and then asked people who were in favor of the proposal line up at the microphone.

Rob Stolpostad: I am with the Exeter Group. We are making the application. I would like to address a few of the concerns raised by neighbors. This is a rezoning application that started several months ago. As a part of this we had a significant community outreach effort. We met with Summit University District Council, Ramsey Hill, and dozens of neighboring property and business owners. We expect this will continue through site plan, construction, and project lease out. This is a long term engagement process. We have heard two themes--parking and traffic. Regardless of what happens at the Boy Scout site, you are not going to solve it with just this site. We are proposing apartments only with one stall per unit ratio, even though the code allows for less. We will work with the City and businesses to work toward shared spaces. We know traffic is an issue. We would be proposing 100 stalls and that means a traffic management study working with the neighborhood and nearby businesses to improve traffic flow and pedestrian safety. This project is 100% privately financed. Currently, the property is tax exempt and when complete, there would be approximately \$4000 per unit per year in taxes, a significant increase from zero. We will be using 100% union labor during construction. While apartment buildings don't cause many jobs to be created, we will do what we can to promote job openings in the local community. We are a St Paul based company and almost everything we do is in St Paul. We want to have a high quality project that we and everyone are proud of.

Mike Sonn (and baby): I live at 1458 Wellesley. This is a great rezoning plan. Western and Selby is a great area and we need to start supplying more homes across the metro, especially in high demand area. Western is a bike route. While I understand the concern about parking, the demographics are shifting away from car-based transport. We need these units for, in 20 years, when my son is looking for a place to live, I don't want him in the basement. Please support the rezoning.

Michael Foley: I live in the neighborhood, just a few blocks away from the proposed project. I want to remind everybody that this is just a rezoning, there are no site plans. Density can be a good thing when we are facing a shortage of housing. And we need to add to the tax base. I am excited about the vibrancy that will be added to the neighborhood.

Tom Basgen: I am a renter in Highland Park; I do not own the unit I live in. My neighbors have been stuck with me for about a decade now so I urge you to reconsider when you hear renters are transient. Density in a high transit area is good, great.

John Andrews: I've worked at the Boy Scout office since 1990. We hope to return that property to housing. It was housing when we bought it in 1967. We are moving to a location where we will be able to have a lot of children go through our facility. We won't have true offices anymore. At Ft. Snelling we expect to see about 100,000 people a year through a combination of available facilities. We have 50 full time employees, 2/3 are field staff that come and go several times during the day. We have quite a few part time people as well. We have several hundred volunteers that come and go during the day. Our parking lot is active and the traffic is substantial.

Council President Brendmoen: Does anyone else wish to speak in support? Ok, great. Mr. Thao moves to close the public hearing. All in favor say Aye.

All: Aye

Council President Brendmoen: Anyone opposed? The motion prevails.

Councilperson Thao: I want to thank all of you for coming down here, those who oppose and those who support this rezoning. I am excited. I understand the concern about density and parking. I have talked to both sides. I understand that. We have a lot of affordable housing in Ward 1. But we also need to look at the opportunity to have mixed housing. I think market rate housing in that location to help us balance that need. It's not one way or the other way. I think this project will help us move forward in this direction. The developer will continue to do outreach and ensure a traffic study is done. I encourage all neighbors to continue to be at the table, to ensure that this project will work for everyone when we get to that point. But tonight, I would be in favor of the rezoning.

Council President Brendmoen: We don't actually vote on this tonight. Is there anyone else who would like to be heard on this?

Councilperson Stark: I also want to thank people for coming out. We are also going to hear another proposed apartment building coming in to a neighborhood later this evening. I think these issues are ones that our neighborhoods and residents are struggling with because a lot of people want to come to St Paul. There's a lot of demand for housing across the metro. We have to embrace that trend and figure out ways to be in St Paul. New apartments is a way to do that. I hear people say it's not about apartments, it's about the density. I think there are ways for us to think about density in a different way. Those 150 units could mean 150-300 people who are within walking distance of businesses in the area who can now rely on those folks as customers instead of having 150-300 people drive in. There are "pros" that get missed. Density is actually a seven letter and not a four letter word.

Councilperson Prince: I heard what everyone said. I tend to be sympathetic when a major change comes to a neighborhood and I want to encourage the developer to work with the neighbors. We do have a letter from the Summit University planning council dated in November. They said they would be happy to facilitate community forums or smaller meetings. I want to encourage that engagement to continue before the plan comes forward.

Councilperson Thao: One thing that struck me was that there may not be a lot of jobs when it is built out but there will be a local outreach into the community for hiring.

Council President Brendmoen: To the people who spoke here, we hope that you stay engaged with the developer so that you end up with something in the neighborhood that you see as an asset. We hold out public hearing on the third reading of an ordinance change, so we won't vote tonight, we will vote next week.

Motion laid over until February 14 at 3:30PM for final adoption.

Public hearing held and closed; laid over to February 14 for final adoption

74 [Ord 18-2](#)

Granting the application of PDMC, LLC to rezone their property at 739 Selby Avenue from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Council President Brendmoen: Do we have a staff report?

Alan Torstenson (for Tony Johnson): The application to rezone from B2 to T2 for development of senior housing and a church. The plan shows a mixed use building with 95 senior housing units, a church, and underground parking. The Zoning Committee held a public hearing and the Planning Commission made the following findings: the proposed rezoning is consistent with the way the area is developed; T2 would provide development at the scale consistent with the uses along Selby avenue; the proposed zoning is consistent with the land use plan and the strategy of the Comprehensive Housing Plan for increasing housing for seniors that wish to continue living in the neighborhood. The proposed T2 zoning is consistent with surrounding multifamily and commercial uses permitted in the existing RM2, B2 and B3 zoning along this part of Selby. The Planning Commission voted unanimously to rezone this from B2 to T2.

Council President Brendmoen: Are there any questions of staff? All right. Since this is a public hearing, is there anyone here who would like to speak in opposition to this item?

[No one desired to speak in opposition.]

Council President Brendmoen: Is there anyone here who would like to speak in support of this item?

Della Kolpin: I am a member of PDMC, the development team, along with Shawn Huckleby. We are a St Paul based partnership. The office is right next door to this location. We have held neighborhood meetings to the north and you have letters of approval in your packet, we have held meetings with people across the alley. We have talked with most of the surrounding businesses and have letters of approval from those as well. We have been engaged with Morningstar Baptist church since day one. They have been in the neighborhood since 1981 and will continue to stay here with a brand new facility which we are working with them to develop. Actually, we approved the final church plan last night. We are excited to get that step going. We have done a traffic study, a parking study, and a site plan review study with SRF Consulting so there will be limited or no impact to the intersections there.

Shawn Huckleby: I represent community development which is part of the new partnership to create this project. A few things to add: this project will be done with private equity; we are going to be raising the capital and have most of it raised. We are also going to be partnering with LISK (sp?) for a pre-development loan to aid us in the construction of the project. We will be creating jobs through this project. The project will offer independent living to nursing care to personal assistance and memory care. There's interest in investing funds on Selby Ave and we can form partnerships with investors to create the kind of redevelopment we would like to see. The staff at PED have been very helpful providing direction. We have had some environmental issues to address and the Councilman and his staff have been helpful. We have a product that the community supports. PPL and TCHDC are neighbors and we have been speaking with them to address any concerns that they might have. We have

been speaking with YWCA which owns the lot across the street. We own the property at Selby and Grotto on the NW corner of the intersection. We are excited about this opportunity and more than willing to answer questions.

Mike Foley: I am excited about this project. It turns an aging building and giant parking lot into a whole lot of housing for people who won't have to leave as they age. We are also looking at turning this into a vibrant commercial zone, the central Selby area and I think this could be a good kickstart for our project.

Council President Brendmoen: Is there anyone else who would like to speak in support of this item? Seeing none, Mr. Thao moves to close the public hearing. All in favor say Aye.

All: Aye.

Council President Brendmoen: Any opposed? [There were none opposed.] The motion prevails.

Councilperson Thao: Conversations I have had with seniors, especially seniors of color, needing more opportunity for affordable housing, especially assisted living. We need more vitality on Selby Ave. It's a good project.

Council President Brendmoen: Any further comment on this item?

This ordinance is laid over to February 14 at 3:30PM for final adoption.

Public hearing held and closed; laid over to February 14 for final adoption

Yea: 0

Nay: 0

Absent: 1 - Councilmember Tolbert

- 75** [RES PH 18-2](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during July to September 2017. (File No. 1801LDSRP, Assessment No. 184000)

Council President Brendmoen: This is a public hearing. Is there anyone here who would like to be heard on this item? Seeing none, Mr. Stark moves to close the public hearing and approve. All in favor say Aye.

All: Aye.

Council President Brendmoen: Any opposed. [There were none opposed.] Motion carries.

Six in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

76 [RES PH 18-3](#) Ratifying the assessments for Repair of Sanitary Sewer Line on Private Property during July to September 2017. (File No. SWRP1801, Assessment No. 183000)

Council President Brenmoen: This is a public hearing. Is there anyone here who would like to be heard on this item?

Michael Vogt: The last time I was before the council was to get a building permit for building the home 26 years ago and they approved that, in the Highland Hills neighborhood, a wooded lot and the trees got into my sewer line and caused a backup. I think I understand that there is an assessment and that you will approve the assessment and I either pay that in full, which I wouldn't be able to do, or it will be assessed over 20 years.

Council President Brendmoen: I believe the process is, and you can correct me Mr. Stark, is that you will get the bill and there's a number to contact and you can set up that payment plan. You can do 20 years, but you can do something less or pay some of it up front. You can work out a payment arrangement with them.

Michael Vogt: There's no forgiveness of that bill or anything, right?

Council President Brendmoen: Then we all have to pay for your sewer line. So, no.

Michael Vogt: Thank you.

Deanna Hartsheen: I live at 2135 E 5th St. I was not understanding what this assessment was because I had the pipes redone at my property. I paid to have that done. How does that assessment come into effect?

Council President Brendmoen: Do we have any of the sewer staff here? [No one responded.]

Councilperson Stark: There's a whole role of property addresses attached to the item number.

Council President Brendmoen: It's an assessment list. We are pulling up the one specific to your address.

Deanna Hartsheen: What I had done was on my private property. I paid for that. What am I being assessed for?

Councilperson Stark: Oftentimes, if you needed a new sewer connection to the sewer line in the street, there's a part that's on your private property and there's a part that's under the street and the sidewalk and the boulevard and that part typically gets done by the City and you get assessed by the City.

Deanne Hartsheen: I thought it was all done by the contractor I had do the work. You are saying that from my property to the City connection is what I am being assessed for? That's a lot of money for that connection! OK, I guess I understand. I don't know what else to say.

Council President Brendmoen: Your representative is Councilperson Price. Her aide Stephanie is here if you want to look into the details of the project.

Councilperson Price: We will be in touch. Stephanie will make connection.

Council President Brendmoen: Councilperson Stark moves to close the public hearing and approve. All in favor say aye. [All respond Aye.] Motion is carried.

The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

77 [RES PH 18-12](#) Approving the Preliminary and Final Plat for Beacon Bluff Business Center West.

Council President Brendmoen: This is a public hearing. Is there anyone here who would like to be heard on this item?

Paul McGinley: I am here on behalf of the Port Authority. They are asking for approval of this item and of the next one. If you have any questions, I would be happy to answer them.

Council President Brendmoen: Any questions? Anyone else here who would like to be heard on this item. Seeing none, Mr. Bostrom moves to close the public hearing and approve. All in favor say Aye.

[All say Aye]

Council President Brendmoen: Opposed? Motion prevails.

Six in favor, none opposed. The public hearing is closed and the resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

- 78** [RES PH 18-31](#) Approving the Preliminary and Final Plat for Beacon Bluff Business Center South 2nd Addition.
- Council President Brendmoen: This is a public hearing. Is there anyone here who would like to be heard on this item? Seeing none, Mr. Bostrom moves to close the public hearing and approve. All in favor say Aye.*
- [All say aye.]*
- Council President Brendmoen: Any opposed? Motion prevails.*
- Six in favor, none opposed. The public hearing is closed and the resolution is adopted.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert
-
- 79** [RES PH 18-29](#) Approving the application of Planned Parenthood Minnesota, North Dakota, South Dakota for a sound level variance for Solidarity Day on Friday, March 30, 2018.
- Council President Brendmoen: This is a public hearing. Is there anyone here who would like to be heard on this item? Seeing none, Mr. Stark moves to close the public hearing and approve. All in favor say Aye.*
- [All say Aye]*
- Council President Brendmoen: Opposed? Motion prevails.*
- Six in favor, none opposed. The public hearing is closed and the resolution is adopted.*
- Adopted**
- Yea:** 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince
- Nay:** 0
- Absent:** 1 - Councilmember Tolbert

80 [RES PH 18-5](#)

Final Order approving the improvements to the pedestrian and bicycle infrastructure on Margaret Street between Forest and McKnight and to construct a shared use, off street trail on McKnight between Hudson Road and Minnehaha Avenue (Project No. 19240).

Council President Brendmoen: I believe we have a staff report.

Barb Mundahl, Public Works: The Margaret St bicycle improvement project from Forest to McKnight. It includes an off-road trail on McKnight from Hudson to Minnehaha. It is not a full reconstruction. It has traffic calming and safety improvements including sidewalks where none exist. We are redoing all the pedestrian ramps to bring them up to ADA standards. There are traffic calming elements such as bump outs and traffic circles. There are geometric changes at Margaret St and Johnson Parkway. These changes will eliminate vehicle access to Johnson Parkway but will allow bicycles and pedestrians to pass through. The off-road bicycle and pedestrian path on McKnight will be a 10 foot trail or an eight foot trail in some constricted areas. Any questions?

Councilperson Prince: Barb, if you could address the safety enhancements at Johnson Pkwy.

Barb Mundahl: We will be installing a larger than standard crosswalk. It will be a 20 foot wide, high visibility crosswalk. There will be pedestrian signage warning vehicles of the crosswalk.

Councilperson Prince: Thank you and thanks for all your work on this.

Council President Brendmoen: I would like anyone here who is in opposition to the Margaret St proposal to stand. [None stood.] And people who are in support of Margaret St? All right. If you are in support of this project, please come up.

Steve Yetter: I live in St Anthony Park and work at 3M. I'm representing several hundred 3M riders, many of whom use Margaret for commuting. This is a great project and we strongly support it. It addresses many of the issues we had when Margaret was proposed as a bike boulevard in 2014. One of the issues has been getting across Johnson. The connection to McKnight is going to be great. It's great that no parking will be lost and there will be no assessments for the property owners.

David Rudolf: I live in the Midway neighborhood in St Paul and I use the bikeway everyday. I work at 3M and it's a fantastic route for commuting. I also think it's going to be great for people in the neighborhood who don't have cars and need a safer way to get around the neighborhood. The high visibility crosswalk and the traffic calming features will be fantastic. I appreciate the great work in getting this done.

Melissa Wenzel: I live in Ward 7. I bought a stand-alone single family house last spring and it's been a struggle to stay car-free, even today. Yes, I'm one of those people. [Shows bike helmet.] I'm just trying to bike to work, to the doctor's office, to the store, to restaurants, and yes, to the liquor store. I'm speaking for people who don't have a voice, who don't feel safe, for people who are like in the middle winter because they should feel safe all year around. Thank you for your support, all of you. This is new for me, Margaret St, but I am really appreciating it and all the east side improvements for bike infrastructure.

Stewart Knappmiller: I'm here to speak because of other people. My wife and I have biked on the east side of St Paul and into the west side for 41 years and we've started to use Charles. Initially, we would bike University Ave to get to Western. Now that Charles provides that safer place to bike, we can use that. We get to greet people on that street. We are happy to be biking past their homes. I've never biked on Margaret. MaryEllen and I hope to bike the whole Grand Round Gateway before we die.

Zach Mensinger: I live in the Hamline Midway neighborhood and I live on a bikeway since I moved there last fall. I bike to work, do my shopping. It's a great resource. I want to voice my support for a bike route in a different part of the City. St Paul has done a great job, but there's still a lot of holes. This is a great project to try to fill in some of the gaps.

Dan Bassett: I live two blocks off of Margaret St and am a biker year around. It was the increased access to bike lanes in St Paul that got me into it. The improvements will help people who aren't comfortable riding next to traffic. It's an important connection. It provides a safe spot for me to train my children in how to ride in traffic.

Stephan Pomrenke: I live at Forest and Margaret. I work at a low income clinic, seeing uninsured people on a daily basis. I see my role as treating civilization's diseases. We become unhealthy when we don't exercise, walk or run because we use cars all the time. This is public infrastructure for public health, creating a built environment that as kids grow up, they see a normative environment for something other than using a car. I think this is a great alternative, a safe thing and I helped aid in creation of the initial proposal in 2014.

Eric Saathoff: I live at 691 Wells St in District 5, Ward 6. Payne-Phalen presents difficulty traveling east. There are few ways to get east. Even though it's not in our neighborhood, this new proposal is a good way to get east. There's a closure being trialed in my neighborhood and I think it would be good, much as the Margaret-Johnson closure will be good.

Laura Lyons: I live north of 3M and work in downtown St Paul. I lived in Rochester NY I biked to work everyday. When I moved to St Paul, I tried it and got stopped at every single one of those stops. This project will be a great way to at least provide roundabouts at some of those areas. The change at Johnson will be fabulous to take away some of the dangers of cars turning there. Adding the trail on McKnight will be appreciated because you cannot bike on McKnight. You feel bad biking on the sidewalk because you know there are pedestrians there.

Seth Bludorne: Most of the points I wanted to make have been made. As someone who served on the Advisory Council for the St Paul Grand Round North Loop, it's very cool that there is this Margaret connection to the Johnson side of that. I want to reinforce what others have said--cycling is good for cyclists, quieter neighborhoods, and those who love clean air and lower healthcare costs.

Council President Brendmoen: Is there anyone else here who would like to speak in support? [There were none.] Ms. Prince moves to close the public hearing. All in favor say Aye. [All say Aye.] Opposed? The motion prevails.

Councilperson Prince: Thanks to everyone who came down. I really appreciate the help of the biking community and the advocates in engaging my neighborhood in supporting this project. The Margaret St project is an incredible opportunity for the

east side. Because we received federal funding, there are no assessments for this project which is phenomenal. We are having the opportunity to significantly calm traffic and make Margaret more friendly to pedestrians and cyclists of all ages and abilities. The traffic circles will beautify that broad boulevard. We all adding sidewalks where they have not been, an important thing for cities. Although there was no opposition tonight, there are legitimate fears from neighbors that cars that can't go through Johnson will be cutting through some of the smaller residential streets. I share their concerns so we will be looking at eliminating parking on the frontage roads if that becomes necessary. However, we expect that, as drivers become familiar with the closure, they will opt for the larger arterials where there are traffic lights, like 3rd and Minnehaha. Thank you to the staff for the great job and I am really happy to support this.

Council President Brendmoen: Any other comments? I just have to say that no loss of parking and no assessments plays into the mix but it is pretty exciting and energizing where we are talking about adding sidewalks and traffic circles. If there are no further comments, Ms Prince motions approval. All in favor say Aye. [All say Aye.] Opposed? The motion is adopted.

Six in favor; none opposed. The resolution is adopted.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

81 [PH 18-1](#)

Public hearing to consider the report of the Administrative Law Judge concerning the Liquor On Sale-100 Seats or less, Liquor-Outdoor Services Area (Patio), Liquor On Sale-Sunday, Entertainment A, and Gambling Location licenses held by El Alamo, LLC, d/b/a El Alamo at 429 Robert Street South. (Public hearing held February 7)

Council President Brendmoen: Staff Report? Thank you.

Councilperson Thao left at 1835 hours.

Theresa Skarda (Department of Safety and Inspections): This is a hearing to consider the report of an administrative law judge concerning the licenses held by El Alamo, LLC. Following a shots fired on Sept 9, 2017, officers recovered about 45 casings from various weapons in the parking lot. The department staff alleged a number of violations related to the license including: failure to patrol the parking lot; failure to prevent non-emergency patron entrance and egress from an emergency exit door; failure to consistently subject patrons to security wandings and checks of handbags; and failure to produce requested video. The department sent a notice of violation and notice of intent to suspend licenses on Oct 13, 2017. In that notice, the department indicated it intended to request an upward departure from the second box of the matrix penalty to the third box and request that El Alamo's licenses be suspended for 10 days and the \$2000 matrix penalty imposed. This matter went to administrative hearing on Dec 7, 2017. On Jan 8, 2018, the administrative law judge issued his findings of facts and they are in your packet. In summary, the ALJ concluded that El Alamo had violated the ordinance by a preponderance of evidence by failing to adhere to the conditions of its liquor and business licenses. El Alamo's agents and staff failed to uphold the license conditions #1, 3, 6, and 8. There were substantial and compelling reasons for an upward departure beyond the presumptive penalty of \$1000. The judge reasoned that while the 10 day suspension would be a stinging punishment, it was the regulatory choice that would focus the bar's management on the controls to the doorways and the activities in the parking lot. The judge felt that it was far less likely that the \$1000 penalty would have the same focusing effect and found that the hearing record includes substantial and compelling reasons for the upward departure. The conclusion of the department is that you adopt the findings of fact, the conclusions of law and the recommendation of the administrative law judge.

Councilperson Thao returned at 1838 hours.

Council President Brendmoen: Are there any questions of Ms. Skarda? Thank you. This is a public hearing. Is there anyone here who would like to be heard in opposition to this item?

Jeffrey O'Brien, Attorney for El Alamo LLC: Technically, we are opposition. We are accepting of the upward departure at this point. We did have our day in front of the ALJ. We are disappointed in the decision. We disagreed with it but we understand the reasons for it. For the record, we did have a productive conversation with the department this week. My client's hope is that in the near future he can find a buyer for the property who can better implement the concept that the City is looking for. Just wanted to be on the record that we are accepting of the upper departure at this point.

Harry aka "Dutch" Erkenbrack: Good evening. I've been in business in St Paul for 18 years. Previous to the Alamo, I had the Minnehaha bowling lanes which at the time was the second largest bowling center in MN. In the eight years I operated Minnehaha

lanes we had one violation, a cigarette butt found in the basement of the 150,000 square foot building. They fined us \$500. That was our only violation. The first eight years of operating El Alamo, we had one violation which was an unlawful service to a minor. My manager (and bartender at the time) served her penalty and the fines were made. She was charged with a gross misdemeanor. Other than that, that was the only violation before this period. It turned out that I hired the wrong type of entertainment and I let the crowd get out of hand. At first, I was blaming the neighborhood and bad people and the police weren't doing their job and whatever and then we got hit with this. When we went to the public hearing, the law judge, I was still in denial and defensive. I actually thought that maybe we would get the \$1000 fine, not the upward departure. When I got the ruling from the law judge, it hit me that I wasn't the innocent party. I had allowed this to happen. I want to apologize to the neighborhood for the misery that they have gone through and to the City and the police department for doubting their integrity. After that, my wife and I have decided to try to sell the business. After learning the department would prefer a restaurant-driven business rather than a bar, I reached out to the realtor who has the property next to us. He has a good feeling about developing all three of the properties and to make a nice restaurant venue. Time is of the essence but that's what we want to do, to try to leave the neighborhood better and try to improve the property to make it a nice place for everybody.

Council President Brendmoen: Is there anyone else here who would like to speak in opposition? [There were none.] All right. Is there anyone here who would like to be heard in support?

Anthony Aspholm: I work for the Girl Scouts River Valley. Our headquarters are at 400 Robert St about 1/2 block from this bar. We have 70 employees who are there from 8:30 til 5 every day and we have a retail store that serves girl scouts. Girl scouts come to buy items at our property until about 6PM, Monday through Friday and Saturday during the day. Several times during the week, we have girls come for Girl Scout Troup meetings. Several times a year, we have large gatherings on Saturday of girls at the building. The scouts believe that the shooting poses a serious threat to our operation there and the safety of the girls we serve.

Nathan: I live in the neighborhood. First, I'm going to start with a letter from my neighbor, Jessica. "My family and I and my son who is two, have lived in the neighborhood for three and a half years. Ever since we moved in, our house has been hit by stray bullets, four bullets from three separate occasions. On the first occasion, it went through our dining room window, through an interior wall and was stopped by our fridge. If we were at home eating dinner, one of us would have been shot in the head. The second time, it went through our porch window and got stuck in our wall. If it had gone through, it could have hit my husband on the couch. The third time, two bullets went through the side of our house, one getting stuck in the stairs, the other going through an interior wall, into the living room and landing on the floor. Luckily no one was hurt or killed but if this happens again, I don't want to hope we're that lucky again. Moving is not an option for us at the moment." We bought our house a little over a year and a half ago now. We live next door to Jessica and her husband. We have had three stray bullets in our house. One about two feet below our bedroom window. One went through a bedroom window. If someone had been sleeping in that bedroom, they could have been killed. There's another one lodged in the wall outside our bathroom. We love west side. We bought our house there because it's a beautiful, vibrant neighborhood with all kinds of socioeconomic status living together in harmony. There's not a bad person on our block. There might be one bad player. The people are wonderful and just want the best for their families.

Katrina Mendoza: I'm here on behalf of the Neighborhood House and will read a letter from the president, Nancy Q. Brady. "Dear Councilmembers: Neighborhood House has been serving the west side community for 120 years, helping people gain the skills, confidence and knowledge to thrive in diverse communities. Safety is core to our work. Often Neighborhood House is where families find a safe place to bring their children, to learn and to get help. Neighborhood House is based at the Paul and Sheila Wellstone Center for Community Building. Our neighbors and partners on the west side are working to create a safe and vital community, a place where children can learn and grow, a place where people can build safe and rewarding lives. The public and private investment in this community demonstrates the commitment to build a safe and thriving neighborhood. All that is threatened. Gun violence has continued to be present just blocks from all of our doors at El Alamo bar. Neighboring houses have been hit with bullets. Safety of neighborhood bus stops is in question. Despite efforts to curtail it, the violence continues. We need your help to keep the west side safe for our families. We ask the Council to take action to stop this negative and dangerous behavior. We ask the council to keep the west side a community where all of its residents and businesses can thrive. Sincerely, Nancy Q. Brady"

Brianna Chamberlain: I work for Tory de San Miguel on the west side. This is a statement from me and several staff regarding the incidents that have happened. Our location is about a block north from El Alamo. "Common Bond is committed to providing safe, stable homes for all residents. Tory de San Miguel houses over 500 residents, most of which are children aged 0 to 18. Our residents have shared concerns with us regarding safety. The children are afraid to walk home after programs. Some youth are not allowed to participate because their parents fear them walking home in close proximity to the bar. Multiple schools use stops within feet from the bar. A resident expressed concern about using the stop nearest the bar. Isabel Street is constantly congested and occasionally blocked altogether by visitors and patrons of the bar. Residents have repeatedly expressed frustration at their inability to drive through the street to reach their home and workplace.

Herbert Perkins: I am a resident of the west side. I speak on my own behalf and on behalf of many of my neighbors. We are concerned about the endangerment of a "wild west" entertainment in a residential neighborhood. Children, residents who must then face the nuisance that this business offers. We find no particular advantage of this business in our neighborhood. There are many other bars and other places for entertainment within walking distance. I appreciate the humility of the owner who came before us this evening and acknowledged much. We know that this nuisance has been around since 2016 and as late as this past January in which there was another shooting. I appreciate that the business is closing and I ask for your support in helping resolve this by revoking the license.

Bahieh H: I am an organizer here on the west side and I want to shed some light on the timeline that WestCo has been involved with residents and empowering them to speak their truths. Last spring we rallied outside the El Alamo bar after a shooting where a couple residents spoke about the public safety issue. Later in the spring, we held two community meetings, one to plan and one to speak with Councilmember Noecker, DSI, and the St Paul police department and the bar. Residents spoke their truth to the public safety issue and their fear of the violence. In Sept, after another shooting, we met with Councilmember Noecker where residents came and spoke their truth about the public safety issue and their fear of the bullets. Now we have come to a new year. It's been a year-long process of being re-traumatized because they continually have to tell their story. I want to shed light on that. Secondly, I am going to read a letter from someone who could not be here tonight: :Dear City of St Paul

Councilmembers This letter is in regard to shootings over the past month and years of El Alamo Cantina. I am the primary owner of La Burrito Mercado. Our family-owned business has been here since 1979, now operated by myself, my sister, and my niece. We want to express our concern for the acts of violence at or near El Alamo. Being an owner in a residential community comes with responsibility for the well-being for the customers and the community as a whole. We try to practice what we preach and we hope that other businesses do the same. When there are several incidences of shooting at a business, something is definitely not being addressed and that is a choice. All choices have consequences. As a business owner, you and only you have the exclusive right to establish the kind of climate you create in your own business. We can blame no one for it for being anything we want it to be. We can't control the people that come into our business. We can't control how people behave; however, we can respond by controlling the environment and having a zero tolerance for unwanted behaviors. There is no excuse for multiple shootings in our neighborhood. After the last shooting, extreme measures could have been taken to change the environment in and around the bar. There are many ways to do this: hire a business consultant; change your image; involve the St Paul police; come to meetings and get involved in the community. This is our community. These are our customers. These are our families and friends in this neighborhood and it concerns all of us. Our business got fined recently because of a broken cooler that we thought had been repaired. It was working days prior to the inspection. When the inspector came, it was off. In spite of demonstrating paid invoices, we will be fined. We get it. Food safety is important to us."

Council President Brendmoen: I just want to let you know you have 1 minute 30 seconds.

Bahieh H: Thank you. There's more. I will send it to you. I just want to let you know, as an organizer, I would love for all the supporters who are here to stand up and you can choose when that happens. Thank you so much.

Monica Bravo: I am the executive director of WSCO but today I am going to speak to you about the west side. Have you even had to hide in a closet because there is gunfire outside your home? Have you ever had to take your children and push them to the ground, have them hide, do drills with them because of gunfire? I have. I used to live a block away from the bar. I cannot tell you the effects of the trauma on me and my children. It's longlasting. We inherit generations of violence. Tonight you have the opportunity to put down a message that this is not going to be tolerated on the west side. I do hear what the owner had to say, we need to make sure that there is follow-up. We have been assured of fixes in the past. The trust factor isn't there; it's too late. I would ask that you go further than the recommendation, that you revoke this license.

Council President Brendmoen: Councilmember Noecker moves to close the public hearing. All in favor say Aye. [All say Aye.] Any opposed? [None opposed.] If you are here in support of this item, please stand up.

[People stand]

Council President Brendmoern: Thank you very much. It is important for us to see this.

Councilmember Noecker: Thank you to everyone for the turnout. It says a lot about the importance of this issue. Based on everything that we have heard tonight, I

support the recommendation of the Department of Safety and Inspections. Dutch, I appreciate your apology and I do understand that there are challenges in running a small business. We are not talking about cigarette butts anymore; we are talking about bullets. I can't be understanding when your business is such a threat to the community I represent and I live in. We heard tonight about shots fired through neighbor's homes. This has been going on for over a year. I requested a list of calls placed to the police and it was just over 10 single-spaced pages of calls. I would like to believe that the ALJ's recommendation was an awakening but unfortunately there was a shooting in the bar a couple of weeks ago where a former bouncer of the bar shot a patron in the groin. That was after "the awakening moment." We have had a number of community conversations about action that could be taken. The record shows that there isn't enough initiative on the part of the owner to make this possible in our community. I do understand that this is a big departure and a big ask for my colleagues and we have to have compelling reasons to do so. I believe that the evidence we have heard tonight and the chronic criminal history we have in and around the bar and frankly the public health threat to the neighborhood justify this. If we don't do this tonight, with just a \$2000 fine and a 10 day suspension, we will be back here in three months for the next penalty. I worry about who's going to get hurt or killed in the meantime. I see it as my first responsibility as a council member to make sure my ward is safe and I wouldn't be living up to that if I allowed this bar to stay open after tonight. I would appreciate your support in a double departure in this extraordinary situation.

Council President Brendmoen: Ms. Tierney, would you explain the procedural steps if we were to do this.

Rachel Tierney: Any time there's a departure, you have to have substantial and compelling reasons for the departure and those reasons have to be in writing. the ALJ recommended one level departure and articulated the reasons based on the evidence heard in that case. What I would ask is that you outline the case that was before the ALJ and provide the additional grounds for that second departure and put those on the record. We need to do this in writing. We will do the one week layover. My office will come back with an amended resolution and we can make that happen for next week but we need to have that formally done.

Councilmember Noecker: We can do that.

Council President Brendmoen: Is there any discussion? The motion would be to lay the issue over for a week to allow the attorney's office to amend. Is there any discussion on that? Seeing none, all in favor of the recommendation say Aye. [All say Aye.] Opposed? The motion carries.

Six in favor, none opposed. The item is laid over until February 14 at 3:30PM.

Public hearing held and closed; laid over to February 14

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark, Councilmember Noecker and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Tolbert

82 [APC 18-1](#)

Public hearing to consider the appeal of Historic Merriam Park Neighborhoods (c/o Mohrman, Kaardal & Erickson, P.A.) to a decision of the Planning Commission approving a site plan for a 5 story, 16 unit apartment building with 30 structured parking spaces at 1973-1977 Marshall Avenue.

Council President Brendmoen: And we have a staff report.

Tia Ackerson, Senior City Planner, Department of Safety and Inspections: I coordinate the site plan review process for the City. We have before us an appeal on the approval of a site plan for Marshall and Moore apartments at 1973-1977 Marshall Ave. [Shows picture] The site plan is a delegated function to City staff so it is rare to be in front of the Planning Commission or the City Council. There was a Planning Commission public hearing on Jan 4 and the Planning Commission approved the site plan with conditions on Jan 12. The conditions were that a number of City staff approve the site plan--experts from Public Works, Transportation Planning, Swers, Forestry, etc. They have since signed off on the plan, the current version of the plan in front of you. This project is a five story, 16 unit multi-family apartment building located on Marshall Ave and Moore. It's zoned RM2 which is the same as the surrounding area. We have RT1 duplex behind and there is business zoning further west, towards Cleveland. There's a variety of uses in the area, single family, duplex, institutional. [Shows pictures.] That's a view going to the east, going to the west with single family and duplex structures, and further west towards Cleveland and we get to some of the business area. The project is within the six block Marshall Ave moratorium area which came before you in October. It allowed for projects to proceed that had been approved prior to the moratorium. This project application was considered complete from the Staff's perspective. It came in on the day the moratorium was approved. Site plan does not include the building permit, nor the building plans. Those would come after a site plan approval. There is a proposed historic preservation survey for this area. It has not yet been funded nor initiated by HPC staff. This site plan aligns with the Comprehensive Plan in terms of providing the density and infill. There are findings technical in nature. Building height is measured from average existing grade and building height maximum in RM2 is 50 feet. We requested height measurement from the average existing grade as well as height measured from the new, proposed grade. We do not allow for the increase of fill to measure the building height. The lot coverage is determined by the above ground structure with a 35% max in this zoning. We look at the building footprint and projected balconies. We don't look at concrete surfaces nor fill added on top. Density requirements are 1500 square feet per unit in this area. This property is 15,000 square feet. We allow for a lot coverage bonus for structured parking. One area of parking will be in the below grade area, with 22 off-street spaces, accessed from Moore. There are eight parking spaces on first level, accessed by the alley in garages. We allow for structured parking to affect density bonus. When it is added in, the structure meets the density requirement. Any below grade parking that is actually above grade would be included in the lot coverage calculation. The footprint of the below grade parking extends beyond the main structure. We consider the parking structure and the building structure to be two different structures. Driveway is separate from the parking structure. Parking requirement is based off units and bedrooms. That requirement is met. In RM2 zoning, we have a nine foot setback on the side, the driveway is not subject to this, just the building. In the rear, there is a 25 foot setback. In the front, we look at average setback for the block and the calculated required setback of 29.5 feet which it meets. The driveway side has a 28 foot setback, 24 for the driveway, and four for the side yard. The project is providing landscaping and screening, which is required.

Staff believes the site plan meets the need to preserve important geological feature. The project is typical for this type of zoning district. It is required to be located near major thoroughfares and transit facilities. While the property is 100+ years old, it doesn't have any historic significance. Nor has it been inventoried by Heritage Preservation. Building has been located away from adjacent neighbors to minimize storm water run-off. Recycling and refuse will be managed within the structured parking and wheeled out. the project meets photometric requirements (light spill-over). Balconies are concentrated on one side, away from single family residential structures.

Council President Brendmoen: When I look at the drawing, I can't tell. Is it one large balcony or several connected to different units?

Tia Ackerson: There's a series of balconies. There are balconies for each unit on this side. The top unit has a larger balcony. The units on the other side do not have balconies.

Council President Brendmoen: So on the top floor, that's one large balcony. Is that a party balcony or for a single unit?

Tia Ackerson: Yes. That's one large balcony. For a single unit. The plan meets the traffic and pedestrian safety requirements. There's a bike lane on Marshall. There's bus stop in front of the project. Ramsey county had no concerns. Metro Transit noted that there's a terraced area in front of the project and noted that people will probably be sitting on that terraced area while they wait for the bus. This project does not require a traffic study. The utility plan has been reviewed and approved. Landscaping and fencing meets requirements. There are two ADA accessible parking spaces. There was some testimony about the height of spaces. That will be part of building review. Provision for erosion control has been reviewed and approved by Water Quality.

Councilmember Stark: Thank you. That was a thorough review. The issue of completeness of the site plan in relation to the moratorium. Could you address that?

Tia Ackerson: The moratorium allowed for an application to be submitted prior to it going into effect as long as it was deemed a complete application. Our requirements are the application, a fee, a survey, civil documents including a site plan, demolition plan, erosion sediment control, stormwater management, architectural elevation, and a landscape plan. This project provided all of those documents. Knowing the moratorium was coming, I looked through them very carefully before I accepted that application in. A complete application is not the same thing as an approved application. In the time I have been doing this, I've never seen an application approved as submitted. Usually, there's a back and forth with Staff to get to the point where the application can be approved. We have a site plan review with the applicant and their team and we identify conditional approval. The applicant goes back and provides those updates.

Councilmember Prince: There's considerable comment from the community about the need for variances on this project. Am I correct in assuming that, if they need to apply for variances, they could not do that under the moratorium?

Tia Ackerson: Correct. The moratorium language does not allow for applications or building that would require a variance, conditional use permit, rezoning or anything of that nature at this time. Staff has signed off on this plan, believing it meets zoning requirements as well as other departments' requirements. If the City Council were to approve and the applicant submitted for building permits and something happened to

modify the structure where, say, they need to go above 50 feet in height, that would result in the site plan needing to be redone and we would be back at "square one."

Councilmember Prince: You mentioned that parking would be completely underground and then you mentioned that fill was being added. To keep it underground? You should be measuring off the existing grade and not off the fill.

Tia Ackerson: There are two different calculations. Building height is measured from the existing grade and where the building is located on sloping terrain, the height may be measured from the average at the building wall. Existing grade shall not be raised in order to comply with the height requirement of the code. Lot coverage is calculated by the amount of the lot covered by the building. For lot coverage we look at what is above the ground and not necessarily what is above the original grade. Height is measured from the average existing grade.

Councilmember Prince: OK. Then the issue of the underground parking structure, that's another issue. Is that the density bonus? That it needs to be entirely underground? But there is fill being added to make it underground?

Tia Ackerson: The density bonus is allowed for completely enclosed parking and the 22 below ground spaces and the eight enclosed on the first floor, it gets to the density bonus. The subgrade parking is below the ground.

Councilmember Stark: I think for the density bonus, it has to be enclosed. It doesn't matter if it is underground.

Tia Ackerson: Correct. The bonus is based on enclosed parking. These issues have been intertwined.

Councilmember Prince: Thank you.

Council President Brendmoen: This is a public hearing. If there are people here to speak in opposition, now is the time. The appellant first.

Councilmember Stark: That's how we've done it in the past. But I'm not sure anything requires that we do it that way.

Council President Brendmoen: I'm new at this game. You do take it out of the time.

Mike Obermueller: I represent the appellants, members of the Historic Merriam Park Neighborhood Group, the folks that actually did the appeal. Several want to speak, but the group has allocated 10 minutes for me and the other folks can do some clean-up after. There are three points I want to cover today. The Zoning Code does not permit a developer to raise the existing grade at the property in order to hide the true height. The setback requirement is actually the height requirement and the Planning Commission erred by not having it comply with that. Second, this has 16 units in it. That exceeds what is permitted in this area because a lot area bonus was granted that the developer was not entitled to in this situation. When the lot area bonus is correctly calculated, it should be 13 units. Last, I want to explain what the role is for the City Council here. If the Planning Commission did not approve the plan consistent with your Code, it must be sent back or you can decide how you want to handle it going forward.

On the issue of raising the grade. As you know, the developer has a new parking

structure that extends beyond the footprint of the existing grade. The roof of the parking structure is two feet above the existing grade. When the structure is above zero feet tall, the setback doesn't apply. When it does project above the existing grade, the setback must apply to it. Your setback rule is actually the height requirement. This was not brought out with Staff as it needs to be. This plan buries the sides of the parking structure to make it look like a two foot building look zero feet. This structure encroaches onto the setback. Would you let a developer leave that structure exposed? Of course not. Would you let a developer put the structure six feet above ground and cover it up. Clearly not. It would be arbitrary to let this developer cover up the structure to make it look zero feet tall.

The second point is the density bonus. The developer is proposes 30 parking spots. Only eight qualify for the lot area bonus. The site plan shows the ones that extend out into the setback area. Those parking spots count only if they are within a multifamily structure or completely underground. Just the roof of the parking structure is above them and they aren't completely underground. The test is are they completely underground. They have taller ground around them, cement. This would be equivalent to saying that if you drove your car into a valley with hills on three sides, you could say, my car is underground. In order to get the density bonus, the developer has to convince you that these spots are underground and they are not underground. They are only entitled to 13 total units. The plan should have been overturned.

Council President Brendmoen: Just want to check in. I know the plan was for you to go for about 10 minutes and then... We're all good. Ok.

Mike Obermueller: We want to highlight whether the Meridian case prevents you from enforcing this issue. The Court decided you couldn't enforce your Comprehensive Plan if the developer had complied with the Zoning Code. This case is doing the opposite. We are saying enforce the Zoning Code and you will also enforce the Comprehensive Plan. It's your job to enforce the ordinary language. The language says it has to be underground, not partially. We respectfully request you reverse the decision.

Shanna Sether-Clarkson: I live on Iglehart Ave in the Union Park neighborhood. I am here in opposition to the proposed project as designed because the project does not comply with the minimum requirements in the RM2 district. I want to highlight the setbacks are in violation. We ask you to make the correct decision that this does not meet the ordinance. We were disappointed in the report by Ackerson that omitted these issues. In the previous staff report we can see that density requirements were not met. There's no opportunity for green space on the site. Structure above ground is covered with concrete. As stated in the Grand Ave project, their main issue was economic. The density bonus allows for more units. It's inconsistent. We ask you to be consistent in your application of the ordinance and deny the developer's application.

Charlotte Berres: I am a lifelong resident of Merriam Park at 1919 Iglehart Avenue. I am reading a letter from Mary Anderson, 85, who lives next door to the Marshall and Moore project. The same developer put in offers on property next to me at 1911 Iglehart. "Dear Council President Brendmoen and Councilmembers: My name is Mary Anderson and I live at 1969 Marshall Ave in the first house immediately adjacent east to the huge Marshall-Moore apartments. I am just sick to think I will be living next door to this building. I have been a resident on Marshall Ave for over 65 years and I have no plans to move. I am truly in it for the long haul. I take pride in my home and being a part of this wonderful, diverse neighborhood. Over the years, we have watched the neighborhood evolve and change as big families moved out of the large homes. I have welcomed student housing, sober houses, and other adaptive uses that

allow these homes to be converted, not torn down. This preserves the historic character of the neighborhood. Marshall Ave was designed by St Paul architect Walter Stevens"

Council President Brendmoen: We are about 40 seconds over time.

Chalotte Berres: I just want to read her last part. "The proposed apartment building will have an enormous unreasonable and negative impact on me and my home. There's traffic, car noise, lights, exhaust to access the eight garages right next to my house. I am worried that water and melting snow will flow onto my property and the over-sized building will block sunlight to my backyard gardens which have taken me many years and lots of energy to create. They are my pride and joy." Thank you for listening to Mary and to me. This is my first time at a City Council meeting. God bless you for all you do.

Council President Brendmoen: If you would like to leave Mary's letter with us, we can include it in the public record. You did a great job. Come back. We would like to hear from people on the opposite side.

Jon Schwartzman: I own MCR Holdings, a Minnesota real estate company. MCR bought 1973-1977 Marshall Ave in 2016 and 2017 with the intention of converting these properties into a modern, upscale apartment building. Both properties are located in the RM2 zoning district. Under this zoning, MCR would be allowed to develop a multifamily apartment building as a permitted use. It would have to meet the building and zoning codes developed by the City of St Paul. The concept is to provide a student and young adult rental option on the Marshall corridor. There is currently a rental housing shortage and crisis in the area. There is a lot of demand by students and young adults. There is not enough inventory to meet the demand. I know about this firsthand, trying to find housing for my college-age son and daughter. Very difficult. Young working adults cannot afford to own homes in the area and they are looking for affordable, upscale rental options. I mean market-rate housing, not subsidized. Most are limited to looking for housing that is very old, some are duplexes, some are houses, some are four-plexes, some are 50 year old apartment buildings that are sprinkled through the neighborhood. Many do not offer the tenants much other than high rent. They do not meet current safety standards, security is minimal. parking is outside, on the street or none at all. Outdated HVAC and appliances are typical. There is a huge gap that needs to be filled. Average rates for 700 square feet is \$1435 per month in Union Park. This is a lot of money for what they get. 71% of rental property in St Paul is 50 years old or older. 43.5% is 80 years old or older. Old is not bad but the conditions of the properties could be a problem for the renter if they are not renovated and kept up. The homes located on the lots have no historic significance and are not registered with the City of St Paul Historic District nor with the State of MN. We have attended two district council meetings and listened extensively to the neighbors. There have been many changes to our original design plans and many concessions have been made because of the neighborhood suggestions. The rent options will be affordable and provide a great, upscale, safe rental option. Many more new housing units are still needed. There have been many roadblocks by those who oppose this project and really, any new proposal in St Paul. The opposition have come up with many reasons why this project should not be approved. Everything from historic preservation to disruption of the neighborhood by the student tenants. What the appellant has presented tonight is a misrepresentation of the facts and truth. We have heard these before at the Union Park District Council meetings, an open hearing on Jan 12 at a Zoning Committee meeting. Same objections, same misrepresentations of the zoning codes. The St Paul codes are

black and white; there are no grey areas. It took hundreds of hours with City planners, architects, surveyors and civil engineers to get the plans to fit inside the codes. We were not afforded any considerations from City Planning Staff. This was difficult but the final design fits within the codes. To prove this point, the City Planning Staff has approved our plan. The Zoning Committee, after public hearing of opposition, approved the plan unanimously, five to zero. After review of the Zoning Committee report, the Planning Committee also unanimously reviewed the site plan. To dispute this, the opposition believes the City Planning Staff is incompetent in their understanding of the codes. They also believe the Zoning Committee is also incompetent. The Planning Commission is also incompetent in their eyes. They are also saying my professionals are incompetent; they are not. We ask the City to approve this plan so we can move on.

Paul Hones: I am with Hope Architects. We are the designers. I would briefly point out that the ability to reshape a site is a necessary and normal part of every project. We do that for proper drainage, coverage for footings, and coverage for utilities. In this case, we are doing it to completely conceal a parking garage that would otherwise stick up above the grade. The existing grade is relevant only for the height calculation for the building to be under 50 feet.

Council President Brendmoen: I am going to pause this so Councilmember Prince can ask a question. Also to remind you that there is six minutes for six people.

Councilmember Prince: The fill wasn't added to establish the height of the building?

Paul Hones: Right. The height of the building is a separate issue as to whether the garage is exposed and whether the garage violates a setback issue or a building coverage issue. The only time the existing grade is in calculating the height of the building. One other point--there is a six inch curb on that driveway with two catch basins to prevent water draining into the neighboring property.

Council President Brendmoen: Ms Prince, does that answer your question? I feel like you've asked it three times.

Councilmember Prince: I am still confused. But that's OK.

Eric Alex: I am going to clear it up for you. My client's architect has done a great job of explaining the legal points. The code regulates the building height in one way. [shows picture] We have to meet existing grades of sidewalks, etc, but we can do whatever we want in the middle of the property. We could increase grade four feet by the building but then we could only put up a 46 foot building. We could go down four feet from existing grade and we could have a 54 foot building. Fill is why buildings aren't crooked. We make horizontal surfaces with fill. Setbacks apply to newly established grade.

Councilmember Thao: I see the east is left for snow coverage. If the snow is being stored, will that drain into the neighbor's yard when it melts?

Paul Hones: The snow storage areas are meant to have the snow melt in place and into the drainage system designed by Larson Engineering and into the storm sewer from there.

Council President Brendmoen: Are there other questions? OK

Eric Alex: Everything else the appellants have said have to do with whether the parking is underground. It is underground because it is under where we are putting ground after we build and that's all the code requires.

Max Schwartzman: I am the developer's son. I am speaking for more of us. National average of vacancy rate of 4.4% for US. St Paul's vacancy rate has been around 1.6% and 2% for the past two years. St Paul's average rent is \$1400 per month while the national average is \$1200 per month. St Paul's rent is 17% than the national average because of lack of supply. It doesn't make sense based on the economic standing of St Paul. St Paul's rents are comparable to a luxury, downtown apartment. There's not enough affordable housing. These guys would say the same thing. I know them personally and they've had a tough time trying to find housing. I manage some of the old rental housing properties for him and I get text messages every day, you know, things break. I think St Paul needs some new, safe housing. We aren't going to bring in people that are trouble. I've spoken to many people who are in favor of this project who can't be here tonight. I think this is good for St Paul.

Tim Bastien: I live in Highland Park. This is on Marshall which has been without a new apartment building in decades. This is a growing city and we need to grow with that demand.

Council President Brendmoen: Mr Stark motions to close the public hearing. All in favor say Aye. [All say Aye.] Opposed? [None are opposed.] Mr. Stark.

Councilmember Stark: First of all, thanks to everyone who has put a lot of time into this project, the developer and his team, the neighbors in trying to understand our Zoning Code. I think what we have heard from the neighbors is the size and scale and whether it fits in. At the end of the day, what we can consider is the actual consistency with the Zoning Code. Three main issues raised in the appeal were addressed by Staff. I think we understand the height issue after Mr Alex's diagram. The density bonus piece is based on the parking being enclosed in the building. It does not have to be underground, just enclosed. Perhaps folks will just disagree about that. Setback is based on the grade; the fill is the grade. Clearly the site is designed to max out the units. The development is going to be a big change. To some degree, neighbors have been trying to figure out how the Zoning Code allows this. It has been like this, RM2, since the 1970s, it's just that no one has proposed a 50 foot tall building during that time. I don't see an error made by the Planning Commission which is the standard we need to meet to overturn or denying a site plan. I am sympathetic to some of the concerns. I do think there are upsides to density. But those facts are not related to the decision. I am going to move to deny the appeal. I am going to let folks know that, contrary to what Ms Ackerson said, that the historic preservation work will be done prior to the moratorium elapsing.

Councilmember Prince: I appreciate what Mr. Stark has said. I also appreciate what Mr. Schwartzman has said. But I do feel that there is provision under the St Paul Comprehensive Plan that this project is inconsistent with. The City is required to preserve and protect historic resources, but we are also required to protect undesignated historic resources like these, which were designed by a prominent St Paul architect in 1906. I appreciate that the HPC is going to finish a survey within the moratorium time. The Union Park community plan calls for keeping the scale of the neighborhood. I appreciate the issue of density. This is a medium density area. There is nothing approaching this higher bulding; it fundamentally changes the character of the neighborhood. It may have been allowed but nobody did it. We received bales from the community and concerned citizens but I found this poignant to

consider. "The City must ensure that development is compatible with the City's neighborhood in scale." I will be voting no.

Councilmember Stark: Thank you for the contribution to the conversation. I think you could find reasons both why it is inconsistent and why it is consistent with the Comprehensive Plan. We are told by the courts that it has to be based on the Zoning Code, however. I would point out that a windshield survey done by HPC in the 80s, did not put these two properties on the list.

Council President Brendmoen: I do have to say that the communication from the neighborhood has caused us to take a real hard look at the issue. I spent significant time looking at this. I will be supporting the denial. Any more comments? All in favor say Aye. [Five say aye]. Opposed? [One says No.]

*Five in favor, one opposed (Councilmember Prince)
Motion of intent --appeal denied.*

Motion of Intent-Appeal Denied

Yea: 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Stark and Councilmember Noecker

Nay: 1 - Councilmember Prince

Absent: 1 - Councilmember Tolbert

ADJOURNMENT

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