

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

DRAFT

Minutes August 11, 2017

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A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 11, 2017 at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, Lee, Reveal, Thao; and Messrs. Baker, Edgerton, Fredson, Khaled, Lindeke, Makarios, Oliver, Perryman, Rangel Morales, and Vang.

**Commissioners Absent:** Mmes. \*Anderson, \*Mouacheupao, \*Underwood, and Messrs. \*Ochs, and \*Reich.

**Absent:** \*Excused

**Also Present:** Lucy Thompson, Acting Planning Director; Allan Torstenson, Kady Dadlez, Mollie Scozzari and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes June 30<sup>th</sup> and July 14, 2017.**

**MOTION:** *Commissioner Makarios moved approval of the minutes of June 30, 2017. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*  
and

**MOTION:** *Commissioner Vang moved approval of the minutes of July 14, 2017. Commissioner Oliver seconded the motion. The motion carried unanimously on a voice vote.*

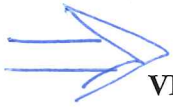
**II. Chair's Announcements**

Chair Reveal had no announcements.

**III. Planning Director's Announcements**

The Acting Planning Director, Lucy Thompson, announced the Great Places Initiative awards Call for Submissions. The Sensible Land Use Coalition (SLUC) has an annual competition recognizing "great places," which SLUC defines as vibrant, publically-accessible places that encourage activity, add value to adjacent private development and celebrate place. The goal of the Sensible Land Use Coalition in doing the competition is to recognize great places, demonstrate their value and encourage private developers to provide them in their projects. Ms. Thompson encouraged Commissioners to submit ideas to Planning staff or to submit submissions on their own. There is no submission fee. Several Great Places have already been awarded in Saint Paul: Rice Park, Bruce Vento Nature Sanctuary, the Farmers Market, Urban Flower Field, Chestnut Plaza and CHS Field. The nominations are due August 25<sup>th</sup>.

# Short Term Rentals



Commissioner Thao announced that the Committee discussed the draft Land Use Chapter of the Comprehensive Plan at their last meeting. The next meeting is scheduled for Tuesday, August 22, 2017.

## VI. Neighborhood Planning Committee

Short-Term Rental Study and Zoning Amendments – Approve resolution recommending zoning code amendments to the Mayor and City Council for adoption. (*Kady Dadlez, 651/266-6619*)

Commissioner DeJoy reported that, at the last Planning Commission meeting on July 14<sup>th</sup>, this item was sent back to committee because there were some issues that needed addressing as outlined in the packet. The definition of family was the main topic of discussion, as it was thought to be confusing.

Kady Dadlez, PED staff, explained that staff prepared a memo detailing the questions raised at the Planning Commission meeting and responses to those questions. The Neighborhood Planning Committee members discussed the items in the memo at length, but made no changes to the proposed zoning amendments. There was one change, however, recommended by the Committee to the short-term rental study itself. The study referred to short-term rental uses as *illegal*. The Committee agreed that that language should be revised to say that they are *not permitted*. Ms. Dadlez added that one of the questions raised by the Planning Commission at the July 14<sup>th</sup> meeting was about accommodating large one-time events like the Super Bowl. She noted the City Council has the authority to grant interim use permits for large one-time events to allow exceptions to the standards and conditions for the use. The Committee briefly discussed this idea and supported it. It is included in the resolution before the Planning Commission today.

Chair Reveal inquired if the Planning Commission would be involved with those interim use permits or whether it is something the City Council does on its own.

Ms. Dadlez said that interim use permits are under the purview of City Council. Ms. Dadlez also noted that staff had requested additional information from Airbnb about its profile data (information that Commission Thao had requested about the make-up of the 4 percent of its stays that involve more than four guests) but Airbnb was not able to provide it. Information Airbnb did provide indicates that the average number of people in a group that stays in Saint Paul is 2.1, and that 96 percent of stays involve four or fewer guests.

Commissioner Thao reminded the Planning Commission about Commissioner Underwood's concerns raised at the July 14<sup>th</sup> meeting and why this item was referred back to Committee. Commissioner Underwood is not present today, but Commissioner Thao noted that she did speak with her after the Committee meeting. Commissioner Underwood wanted to make sure that the Committee was able to address some of her concerns, including the addition of a chart to help define family.

Chair Reveal added that she received a copy of Minneapolis' recently proposed short-term rental regulations from an informal group of Airbnb hosts in the Twin Cities. She said she is not proposing the Planning Commission not go forward with a recommendation today, but she wanted to note that the Minneapolis regulations are definitely worth looking at. They are very simple and straight forward, and the fees are dramatically lower than Saint Paul's. Staff should

look at this and make the City Council aware that Minneapolis is in the process of regulating short-term rentals and what they are proposing.

Commissioner Lindeke said that the definition of family seems really out-of-date, including the reference to domestic servants, and was wondering if at the City level or in the code somewhere we could come up with a more inclusive 21<sup>st</sup> century definition. Commissioner Lindeke also noted that under Issue #5 in the memo it says that the Department of Safety and Inspections (DSI) will track and monitor impacts to housing availability and affordability with data and information. Commissioner Lindeke asked whether Airbnb would provide the City with data about how things are going.

Ms. Dadlez responded that the definition of family seems antiquated, but it is what we have used for a long time. She said she believes there may be a recommendation in the Housing chapter of the Comprehensive Plan update to review and update the definition.

Dan Niziolek, DSI staff, said that good data are very important when talking about a new economic model for the City of Saint Paul in order to track what is happening and perhaps predict what will happen in the future. DSI staff has had a number of conversations with Airbnb and Expedia (which operates VRBO and HomeAway). There is a real reluctance on their part to share information they say is protected by federal law. We disagree that it is federally protected. There have been significant legal challenges throughout the country between Airbnb and other cities. Host platforms are just like transportation network companies, and transportation network companies provide us with all kinds of information upon request on a regular basis. It is something DSI staff is going to continue to push for in its negotiations. One of the reasons we are looking at licensing all hosts is to ensure we have that information. Our initial plan for a regulatory model was much more limited than what is proposed because our hope was that short term platforms would register and provide information to the city on a regular basis. Under this model, we would not have needed to license individual hosts, but only license the host platforms; we would then have the data from the platforms to determine who should be on the platform and who should not. The platform companies have politely said that this is not their job. So, we have had to create a more structured regulatory model to insure public health, safety and livability for the City of Saint Paul. That's where we'll push for the data, but we are not confident that we will get it.

***MOTION: Commissioner DeJoy moved the Neighborhood Planning Committee's recommendation to approve the resolution recommending the zoning code amendments to the Mayor and City Council for adoption. The motion carried 11-2 (Oliver, Rangel Morales) on a voice vote.***

Commissioner DeJoy asked Commissioner Oliver and Commissioner Rangel Morales their reasons for voting against the resolution.

Commissioner Oliver said that he is not convinced that there is any real basis to change the City's approach to lodging. Just because something happens on the internet doesn't really change the nature of it.

Commissioner Rangel Morales said the ordinance imposes too many restrictions and limitations, and complicates things. He recalled testimony from a woman who lives near Cathedral Hill. She has a very large home that is suitable for more guests than what would be allowed by the

ordinance. He said he does not think it is fair to require people like that to have to apply for a conditional permit to be able to host more people, even if it is granted. He thinks this is an unnecessary step.

**VII. Transportation Committee**

Commissioner Lindeke reported that, at their last meeting, they heard from a Shared Mobility expert from Chicago who was working on a report about Twin Cities shared-use mobility – e.g. car and bike sharing. They also heard about the Westgate Public Realm Plan. The August 14, 2017 meeting has been canceled.

**VIII. Communications Committee**

No report.

**IX. Task Force/Liaison Reports**

Commissioner Edgerton reported that the Rice-Larpenteur Gateway Vision Plan task force met on August 8, 2017, and heard presentations on concepts for street widths, number of lanes, streetscapes, connections and open space. The next meeting date has yet to be determined. More information to come later.

**X. Old Business**

None.

**XI. New Business**

None.

**XII. Adjournment**

Meeting adjourned at 9:03 a.m.

Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,

Approved \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Lucy Thompson  
Acting Planning Director

\_\_\_\_\_  
Cedrick Baker  
Secretary of the Planning Commission

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes July 14, 2017**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 14, 2017, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. Anderson, DeJoy, Lee, Mouacheupao, Reveal, Thao, Underwood; and Messrs. Edgerton, Fredson, Khaled, Lindeke, Oliver, Perryman, Rangel Morales, and Reich.

**Commissioners Absent:** Messrs. \*Baker, \*Makarios, \*Ochs, and \*Vang.  
\*Excused

**Also Present:** Allan Torstenson, Acting Planning Director, Wes Saunders-Pearce, Department of Public Works, Kady Dadlez, Bill Dermody, Josh Williams, Tony Johnson, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes June 16, 2017.**

Commissioner DeJoy noted a needed correction to say the June 16<sup>th</sup> Planning Commission meeting was held at the State Capitol Building (not the City Hall Conference Center).

***MOTION:*** *Commissioner Thao moved approval of the minutes of June 16, 2017 with the correction. Commissioner Anderson seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Reveal had no announcements.

**III. Planning Director's Announcements**

The Acting Planning Director, Allan Torstenson had no announcements.

**IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tia Anderson, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, July 11, 2017:

- Rondo Commemorative Plaza-new pocket park at 820 Concordia. Marvin Anderson-Rondo Ave. Inc. SPR #17-054609
- Pioneer Apartments-Renovation-143 affordable housing units at 345 Cedar Avenue. Patrick Ostrom- Real Estate Equities, LLC SPR #17-055065



## NEW BUSINESS

#17-052-150 R2C LLC/Joseph R. Yearly – Rezone from B2 Community Business to T2 Traditional Neighborhood. 1051 Arkwright Street, SW corner at Cook. (*Bill Dermody, 651/266-6617*)

Commissioner Edgerton said that the applicant's last name is spelled Yeary.

**MOTION:** *Commissioner Edgerton moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

#17-051-362 United Business Group LLC – Reestablishment of nonconforming use as a duplex. 548 Van Buren Avenue, between Kent and Mackubin. (*Tony Johnson, 651/266-6620*)

**MOTION:** *Commissioner Edgerton moved the Zoning Committee's recommendation to approve the reestablishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Edgerton announced the item on the agenda at the next Zoning Committee meeting on Thursday, July 20, 2017.

## V. Comprehensive Planning Committee

Minor Text Amendments for Water Resources – Approve resolution recommending zoning code amendments to the Mayor and City Council for adoption. (*Wes Saunders-Pearce, 651/266-9112*)

Commissioner Edgerton discussed the amendments and asked if there will be additional follow-up amendments coming to the Planning Commission for review.

Wes Saunders-Pearce said amendments relate to stormwater runoff, wetlands and flood plains. There are likely to be further amendments to regulations in Legislative Code Chapter 52 regarding stormwater, but not in the Zoning Code. He said that the National Weather Service has published updated precipitation data that may affect stormwater runoff calculations and result in more substantive amendments to stormwater management requirements. They are also contemplating enhancements to the water quality components of the regulations.

**MOTION:** *Commissioner Thao moved to approve the resolution recommending that the zoning code amendments be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.*

Commissioner Thao reported that the public testimony on the Ford Plan was discussed at the last committee meeting. They will be bringing it back to the next Planning Commission meeting for approval. The next Joint Comprehensive Planning/Neighborhood Planning Committee meeting is scheduled for Tuesday, July 25<sup>th</sup>.

## VI. Neighborhood Planning Committee

⇒ Short Term Rentals

Short Term Rental Study and Zoning Amendments - Approve resolution recommending zoning code amendments to the Mayor and City Council for adoption. (*Kady Dadlez, 651/266-6619*)

Kady Dadlez noted a small change suggested by the Zoning Administrator to the proposed ordinance language for duplexes. The original language allowed two short term rental dwelling units in an owner-occupied duplex in one- and two-family zones, but only one in other zoning districts. The language was revised so that the provision for both units of an owner-occupied duplex to be used for short term rental, provided the owner must be in residence during the stay, applies in all districts.

Commissioner Underwood said that she plans to vote against the draft ordinance. She supports the intent, but the draft ordinance continues to be too difficult to understand. Even the explanation of the minor change that was just discussed was difficult to understand. There was a lot of testimony about trying to understand the definition of family. There were no changes to how slightly larger properties that were built for rental are treated, and the proposed ordinance is too restrictive. With the Super Bowl coming in a few months, we want to allow short term rental in St. Paul. Minneapolis has not passed a short term rental ordinance and she is guessing that they don't intend to before the Super Bowl, though she doesn't know that for sure. She does not understand the timing of placing this challenging limitation to people to open their homes to others for those few days coming up in a few months. The draft ordinance is confusing and too restrictive, which will cause people not to do short term rental.

Commissioner DeJoy asked for clarity about what's confusing in the proposed ordinance.

Commissioner Edgerton said he is on the Neighborhood Planning Committee and he is confused too. He would like to see consistency with other types of rental housing. Bed and breakfast residences, other than providing a meal, are essentially short term rentals. It's one floor or one room in a house that the owner also lives in. He does not understand why it's necessary to define and address short term rental as a new use rather than just building off the existing bed and breakfast use. He would like to see how these two uses pair up with licensing as well as zoning requirements, and try to get the whole thing aligned so there is consistency across the board.

Chair Reveal asked for a show of hands to get an idea of whether there was support to recommend the proposed ordinance. An even split of commissioners and the chair's inclination against led the chair to suggest that this be sent back to the Joint Comprehensive Planning/Neighborhood Planning Committee for further discussion. Whether it's more staff work or clarification that is needed can be determined at the committee level.

***Commissioner Underwood made a motion to send the short term rental study and zoning amendments back to the Joint Comprehensive/Neighborhood Planning Committee for further review. Commissioner Edgerton seconded the motion.***

Commissioner Thao asked if this was on some kind of timeline, and Chair Reveal replied no.

Mr. Torstenson said that it would be helpful to know and be clear exactly what the concerns are and what is confusing. He noted that the draft ordinance is the result of months of study by city departments and a work group including Planning Commission, Airbnb, and other hospitality industry representatives prior to bringing it to the Neighborhood Planning Committee last spring.

Short term rental is a specific type of lodging not currently permitted in Saint Paul, but it is occurring and something we want to allow under reasonable standards and conditions.

Commissioner Rangel Morales said that part of his confusion is the idea that short term rental is currently prohibited because there are no provisions to regulate it, and wants that clarified. He took issue with the statement in the materials provided that existing short term rentals are illegal, and suggested that people can host someone in their home whether they are getting paid for it or not. He said it would be helpful to clarify or simplify who is a family member. He is also concerned about the lack of study into how these proposed regulations might impact rental housing availability and the projected growth of short term rental units in the city. He wondered if the proposed limit on the number of short term rental units in an apartment building is too restrictive or not restrictive enough in terms of the potential impact on the availability of apartments for rent for people living in the city.

Commissioner DeJoy said that there has been a lot of discussion about the issues Commissioner Rangel Morales is raising, and review of studies done in other cities. In some cities people are making more money doing short term rental than long term rental. It's starting to affect the permanent housing market, and there is concern that short term rental is making housing less available for long term rental. The proposed ordinance is not so confusing to her because she attended the committee meetings and the work group meetings that the Department of Safety and Inspections hosted, which included short term rental and bed and breakfast operators. Bed and breakfast residences are regulated, and short term rental is totally unregulated and currently illegal. Given the confusion and issues raised today, maybe it's not a bad idea to refer the matter back to committee.

Chair Reveal said she is not sure whether they will ever get unity or if that's a goal, but when the Planning Commission is evenly split we have some more work to do before it goes to City Council.

Commissioner DeJoy asked whether the item would go on to the City Council if the Planning Commission doesn't support the item next time it comes before them.

Chair Reveal said in that situation the Planning Commission would probably send it to the City Council with a recommendation to deny if there is majority in that position.

***MOTION: Commissioner Underwood moved to lay this over and send the short term rental study back to the Joint Neighborhood/Comprehensive Planning Committee for further review. Commissioner Edgerton seconded the motion. The motion carried 8-7 (Anderson, DeJoy, Fredson, Lee, Lindeke, Oliver, Thao) on a voice vote.***

## **VII. Transportation Committee**

Commissioner Lindeke announced that because of the Independence Day holiday they did not meet. The next scheduled meeting is on Monday, July 17<sup>th</sup> to talk about a proposed bike lane on Stillwater Avenue on the east side, the Safe Routes to School Plan (which provides pedestrian safety around schools) and the Rush Line locally preferred alternative (a transit line that runs north from Saint Paul).