



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 Samantha Henningson
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert

Wednesday, June 20, 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 3:35 p.m.

Present 6 - Councilmember Amy Brendmoen, Councilmember Dai Thao,
Councilmember Chris Tolbert, Councilmember Rebecca Noecker,
Councilmember Jane L. Prince and Councilmember Samantha Henningson

Absent 1 - Councilmember Dan Bostrom

COMMUNICATIONS & RECEIVE/FILE

- 1 [CO 18-38](#) Letter from the Department of Safety and Inspections declaring 1232 SEVENTH STREET EAST a nuisance property. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
- 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 - 11)

Councilmember Tolbert moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert,
Councilmember Noecker, Councilmember Prince and Councilmember
Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- 2 [RES 18-961](#) Approving the City's cost of providing Property Clean Up services during April 2 to 13, 2018, and setting date of Legislative Hearing for July 24, 2018 and City Council public hearing for September 12, 2018 to consider and levy the assessments against individual properties. (File No. J1812A, Assessment No. 188532)

Adopted

- 3 [RES 18-963](#) Approving the City's cost of providing Property Clean Up services during April 18 to 30, 2018, and setting date of Legislative Hearing for July 24, 2018 and City Council public hearing for September 12, 2018 to consider and levy the assessments against individual properties. (File No. J1813A, Assessment No. 188533)

Adopted

- 4 [RES 18-967](#) Authorizing acceptance of a Dedication of Easement for Right-of-Way Purposes for a portion of proposed Myrtle Avenue as part of the development of new housing at the Weyerhauser site on the Minneapolis/St. Paul border.

Adopted

- 5 [RES 18-974](#) Approving an amendment to Lease Agreement PR/10 for land abutting and incorporated into the Cayuga Playground to extend the term through April 30, 2020.

Adopted

- 6 [RES 18-1010](#) Approving the Revised Memorandum of Agreement for the 2018 Wage and Fringe Adjustment between the City of Saint Paul and the North Central States Regional Council of Carpenters.

Laid over to June 27 for adoption

- 7 [RES 18-998](#) Accepting the gift of the costs of travel expenses from the Governing Alliance on Racial Equity ("GARE")/ Center for Social Inclusion/ Race Forward, for Chief Equity Officer, Toni Newborn, to attend the Race Equity Here convening held in New York City, New York on June 6 - 8, 2018.

Adopted

- 8 [RES 18-1000](#) Accepting the gift of the costs of travel expenses from the National Guard for Chief Equity Officer, Toni Newborn, to attend the National Guard's 5th annual Special Victim's Counsel ("SVC") Continuing Legal Education ("CLE") Program to be held in Tampa, Florida from June 18 - 20, 2018.

Adopted

- 9 [RES 18-900](#) Approving the 2018 Round 1 Cultural Sales Tax Revitalization (STAR) Loan and Grant Program awards.

Adopted

- 10 [RES 18-908](#) Authorizing the Department of Parks and Recreation to enter into a cooperative agreement with the Minnesota Department of Natural Resources to provide an accessible kayak dock at no cost to the City.

Adopted

- 11 [RES 18-990](#) Approving a waiver of the 45-day waiting period to approve a Malt Off Sale (Brewery) license with conditions to Amazen, LLC, d/b/a Vine Park Brewing Co. (License ID #20180001388) at 1254 7th Street West.

Adopted

FOR DISCUSSION

- 12 [RES 18-1006](#) Creating a welcoming and inclusive city by expanding the availability of gender-neutral restrooms in City owned and operated buildings.

Councilmember Noecker made brief comments and moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

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.

First Reading

- 13 [Ord 18-24](#) Granting the application of Wedum Albion LLC to rezone property at 900 Albion Avenue from R4 One-Family Residential to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

Laid over to June 27 for second reading

- 14 [Ord 18-27](#) Amending Chapter 33 of the Legislative Code (plumbing fees) to update the fees for gas burning water heaters, dryers, ranges or other devices/appliances, including gas piping.

Laid over to June 27 for second reading

BUDGET AMENDMENT PUBLIC HEARINGS (3:30 p.m.)

- 15 [RES PH 18-165](#) Amending the financing and spending plans in the Department of Parks and Recreation in the amount of \$279,000 to reflect additional 2018 funding expected from Como Friends.

No one was present to testify. Councilmember Henningson moved to close the public hearing and approve the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- 16 [RES PH 18-178](#) Accepting a donation from the Minnesota China Garden Friendship Society and amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$170,000, to reflect the Minnesota China Garden Friendship Society's gift for the St.Paul-Changsha China Friendship Garden project in Phalen Regional Park.

No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

LEGISLATIVE HEARING CONSENT AGENDA (3:30 p.m.)

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 17 - 24)

No one was present to testify. Councilmember Noecker 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 Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- 17 [RLH SAO 18-29](#) Making finding on the appealed nuisance abatement ordered for 894 BEECH STREET in Council File RLH SAO 18-27.
Adopted
- 18 [RLH VO 18-13](#) Appeal of John Kerwin to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 667 LINCOLN AVENUE.
Adopted
- 19 [RLH FCO 18-69](#) Appeal of Patrick Hogan to a Correction Notice-Complaint Inspection at 1142 MARION STREET.
Adopted
- 20 [RLH CO 18-19](#) Appeal of Donald and Barbara Orr to a Correction Notice at 1765 MARYLAND AVENUE EAST.
Referred to Legislative Hearings on July 10
- 21 [RLH VBR 18-27](#) Appeal of Noela Suhfor to a Vacant Building Registration and Notice of Condemnation Unfit for Human Habitation Order to Vacate at 1007 OXFORD STREET NORTH.
Adopted
- 22 [RLH TA 17-469](#) Ratifying the Appealed Special Tax Assessment for Property at 1568 POINT DOUGLAS ROAD. (File No. J1802G, Assessment No. 188701; amended to File No. J1802G1, Assessment No. 188706 and to delete the assessment)
Adopted as amended (assessment deleted)

- 23 [RLH RR 18-22](#) Ordering the rehabilitation or razing and removal of the structures at 830 UNIVERSITY AVENUE WEST within fifteen (15) days after the June 20, 2018, City Council public hearing. (Amend to remove to repair within 180 days)

Public hearing continued to June 27

- 24 [RLH FCO 18-66](#) Appeal of Lisa VanHorn to a Fire Inspection Correction Notice at 161 WINIFRED STREET WEST.

Adopted

Council President Brendmoen acknowledged Johnny Howard and representatives from the Law Enforcement Career Path Academy who were present in the Council chambers. Program participants introduced themselves.

SUSPENSION ITEMS

Councilmember Noecker moved suspension of the rules.

Rules suspended

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- [RES 18-1016](#) Approving a License Agreement with Ramsey County, on behalf of the State of Minnesota, to allow entry upon county property to evaluate the conditions following the Wabasha Slope slide of April 28, 2018.

Councilmember Noecker made brief comments and moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

Councilmember Noecker moved suspension of the rules.

Rules suspended

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

[RES 18-1041](#)

Approving a License Agreement with Clear Channel Outdoor to allow entry upon Clear Channel Outdoor property to evaluate the conditions following the Wabasha Slope slide of April 28, 2018.

Councilmember Noecker moved approval of the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

Council members shared news about event in their wards.

Councilmember Henningson moved a brief recess at 3:50 p.m.

The Council reconvened at 4:11 p.m. (Bostrom absent)

Council President Brendmoen welcomed community members who had marched to City Hall to be present for the next suspension item (RES 18-1051).

SUSPENSION ITEM

Councilmember Prince moved suspension of the rules.

Rules suspended

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

[RES 18-1051](#)

Condemning separation of immigrant and refugee families and calling for the immediate end of the Trump administration's Zero-Tolerance Policy.

Councilmember Prince made brief comments and read the resolution.

Councilmember Henningson moved an amendment with a final resolved urging immediate reunification of families separated during the tenure of the policy. Yeas - 6 Nays - 0 (Bostrom absent)

Council members spoke about the issue and in support of the resolution.

Councilmember Thao moved approval.

Adopted as amended

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

The Council recessed at 4:28 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:31 p.m.

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

Absent 1 - Councilmember Samantha Henningson

Councilmember Henningson arrived after roll call.

Present 7 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Samantha Henningson

25[RES PH 18-156](#)

Approving the application of HmongTown Connections Inc. for a sound level variance to present amplified music during the HmongTown Festival on June 23 and 24, 2018 at 217 Como Avenue.

No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

- 26** [RES PH 18-162](#) Approving the application of Steve Heckler, Lowertown Blues Festival, for a sound level variance to present amplified music on Thursday, July 19 through Saturday, July 21, 2018 during the Lowertown Blues Festival at Mears Park.

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

- 27** [RES PH 18-164](#) Approving the application of Amber ACE Cleveland for a sound level variance in to present amplified live music on July 7, 2018 during For the Love, A Community Celebration at Mears Park.

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

- 28** [RES PH 18-166](#) Approving the application of TMT Productions LLC for a sound level variance to present announcements and DJ music on Saturday, July 14, 2018 during the Night Nation Run at Harriet Island.

Council President said there was a Version 2 of the resolution with a 10:00 p.m. end time which conformed to City policy.

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution as amended.

Adopted as amended

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

- 29 [RES PH 18-163](#) Approving the application of the St. Paul Jewish Community Center for a sound level variance to present live amplified music on July 15, 2018 during a Mini Farmers/Art Market at 1375 St. Paul Avenue.

No one was present to testify. Councilmember Tolbert moved to close the public hearing and approve the resolution.

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

- 30 [RES PH 18-159](#) Approving the application of United Hmong Family Inc. for a sound level variance for amplified sound on Saturday, June 30 and Sunday, July 1, 2018 for the Hmong Int'l Freedom Festival at Como Park, McMurray Fields.

Peter Pha, United Hmong Family Inc, spoke about the event and invited Council members to attend.

No one was present to testify. Councilmember Henningson moved to close the public hearing.

Council President Brendmoen made brief comments supporting the event.

Councilmember Henningson moved to approve the resolution

Adopted

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

- 31 [Ord 18-19](#) Amending Chapter 324 of the Legislative Code pertaining to the number of licenses.

Councilmember Noecker moved Version 2 with clarifying language. Yeas - 7 Nays - 0

In support:

Jeanne Weigum (1647 Laurel) submitted a written statement of support.

Damone Presley (544 Payne Avenue) Director of Aurora St. Anthony's Youth Count, spoke in support, along with youth representatives of the organization.

Councilmember Prince moved to close the public hearing.

Amended; public hearing held and closed; laid over to June 27 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

32 [Ord 18-25](#)

Amending the Can Can Wonderland Commercial Development District to add one additional on-sale license.

In support:

Keith Beveridge, President of Kam Sharp Enterprises, operating Flannel Jax's (755 Prior Avenue), described the business and thanked the Council for their support.

In opposition:

David Martinez (1772 Hewitt Avenue) said he appreciated the economic development aspects, but had concerns about the combination of ax throwing and alcohol.

Councilmember Henningson moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Henningson made brief comments.

Public hearing held and closed; laid over to June 27 for final adoption

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

33 [Ord 18-20](#)

Amending Chapter 164 of the Legislative Code pertaining to residential permit parking.

Council President Brendmoen: Before us we have an an amendment that Mr. Thao is bringing forward, version 2 in Legistar, and would you like to share what that is? sorry version 3 in Legistar.

Council member Thao: Thank you Council President. My friendly amendment is just to include the word occupants and occupancy so that it would cover property owners and residents as part of our outreach efforts.

Council President Brendmoen: Ok any discussion on that? Seeing none Mr. Thao moves the amendment all in favor say 'aye.' Any opposed? Motion prevails.

Shari Moore (City Clerk): 7 in favor, no one opposed. The amendment is approved.

Council President Brendmoen: Alright we are going to start out with a staff report. Can we get a staff report please?

Elizabeth Stifler: Thank you Council President Brendmoen and CMs. My name is Elizabeth Stifler, Public Works Traffic Engineering. I'm here to give the staff report on residential permit parking. For some permit parking basic there are 27 permit areas. Residential permit parking is designed to provide parking to residents in areas with high parking demands, such as near colleges, businesses, downtown, etc. These recommendations are based on a study from SRF that compared 6 other cities of comparable size, resident feedback, and an internal review of each permit area. The goals of public works recommendations are to make permit parking more consistent and simpler to use and enforce. The goal of the ordinance is to provide clarifying language and to allow more flexibility for administration. And the goal of the resolution is to create one master resolution for all the areas. To also to standardize the number and type of permits for all areas. So, they will have 3 vehicle permits or stickers and 2 visitor permits or placards. Also, to revise time restrictions across areas as much as possible to create consistency, merging some areas to create ease of use and enforcement. Due to the number of people who probably want to speak I'm not going to talk about specific area changes unless there are questions, but I do want to comment about one area, Area 7, that had a lot of activity recently. This is the one area that had a petition to expand permit parking. And as of last Friday, 22 out of 26 had signed the petition. It was sufficient at 85%. As of today, 18 out of 26 have remained on the petition. It is at 69% which falls below the threshold for a sufficient position, however one of the no votes confirmed they would approve 2 hour except by permit. So, I'm going to recommend that we revise the recommendation to allow 2 hour parking except by parking on Goodrich and I will answer any questions otherwise allow the public hearing to start.

Council President Brendmoen: Right. Are there any questions? Ok thank you very much for your staff report. Ms. Henningson?

Council member Henningson: Yes, I expect we will have people to testify this evening. I want to thank Ms. Stifler for her work over the past, almost 2 years. I just want to clarify my intention to lay this matter over and continue the public hearing until July 18 and make any possibly changes public by July 11 so if people want to weigh in on the changes they can do so. I want to make sure that we have enough time to get this right and incorporate feedback that we get this evening. I've definitely heard from constituents on the combination of Areas 18 through 20. I think we need more

attention and collaboration between departments on the issue of license plate reader technology and the staffing of our parking enforcement officers in order to better do enforcement. I know that was feedback received in the survey that Public Works did about permit parking as well as paying better attention to the areas where there is interface between commercial and residential and how do we balance those needs. Another area, I know today we're not seeing a recommendation about change in fees, but that is something that was recommended in the study. I just want to have further conversation with staff and colleagues about that piece. I also want to mention that if you speak tonight, and the Council President will speak to this as well, and you want to come back on July 18 that you would only speak to the changes if there are those at that time versus saying the same thing twice. That's all.

Council President Brendmoen: I think it's important to point out we are, we will hold the public hearing and we will continue the public hearing until changes are made. So, if you heard some of the items that you are concerned about mentioned by Ms. Henningson we will continue to work on those outstanding items until July 18 when this will be heard again, so we have about a month to make those changes. Again, if you, so basically, we will hold two public hearings on this and what I think what we want to do is not have unnecessary testimony related to stuff that's probably still likely to change. So, with that, we are going to hold a public hearing on item #33 but also take testimony for item #34 at the same time since the two items are connected. Ms. Noecker?

Council member Noecker: Thank you, I'm sorry to interrupt, I was just wondering, because I know a number of constituents are here tonight to speak about the proposed addition to parking Area 7, Ms. Stifler would you mind coming back and repeating what you said about that because I think it's important for people to know what's on the table as well as, is that change in Legistar already or is that a new recommendation?

Elizebeth Stifler: That change is not in Legistar. That would have to be amended Ok, I'm going to try and use a visual. The proposal is in red to expand parking to Goodrich and I think there is a lot of confusion out there. The original petition was no parking except by permit 7am-8pm on Goodrich and the east side of Douglas. I think what would be agreeable to more residents and business and citizens would be to instead do 2 hour parking except by permit on Goodrich for simplicity the whole block between west 7th street and smith avenue. And then leave the piece of Douglas that's being added as no parking except by permit. I did in an effort to be most fair, actually not recommend any permit parking to the triangle that's the North side of Goodrich and the west side of Douglas. because there's an apartment building that didn't really weigh in one way or another and I'm sure it's really bust for everyone if there's some open parking. It gets really complicated, I mean you could have 100 different solutions, this is the simplest and I think the most equitable. I did remember that Area 7 has gone through a lot of changes, a number of changes I had a staff that worked extensively with them. No one was really satisfied with the solution but everyone could live with it and that's, unfortunately, that's kind of how permit parking ends up being. That could be amended if that was the decision. Does that clarify?

Council President Brendmoen: So that will be part of the conversation over the next month as well. OK, a little bit complicated but I think it makes sense given that there's still some unfinished business. We will move forward with the public hearing, again we will take testimony for item #33 but #34 is essentially the same topic so we won't have a separate hearing for #34. This is a public hearing is there anyone here who would like to be heard in opposition to this plan, to this ordinance? There you go.

Scott Heidrich: My name is Scott Heidrich and I live at 1966 Portland Ave in St. Paul. I am concerned about, is it 32 and 33, or 33 and 34 that are going to be grouped together? Because I would like to speak in favor of 33 and would like to speak separately against 34. So I don't like the idea of them being combined if it's alright with you. I would prefer that they be separate. But either way if you'd let me talk twice that would be okay, too.

Council President Brendmoen: Sure.

Scott Heidrich: Ok. I live at 1966 Portland Ave in St. Paul...

Council President Brendmoen: Can I actually just have you pause? Are you here to speak in opposition as well? It looks like there are a total of 5 of you and 15 minutes, so we will try to keep you at 3 minutes apiece. And you will have your extra time on the extra item.

Scott Heidrich. Thank you very much. I'd like to start out by saying that my wife and I have lived on Portland Ave for 46 years which has of course involved the University of St. Thomas, used to be College of St. Thomas, permit parking area. Which I will talk about later. Basically speaking, I was the person, along with Sharon to some extent, who went through the whole neighborhood around St Thomas trying to get people to sign up for permit parking. And when I was there and these people were there, they knew what the problem was with students driving around the neighborhood, parking illegally and even too close to corners, wherever they could find a spot for their car, and racing up and down road looking for a parking spot. I just want you all to know that this permit parking ordinance you are looking at amending is very important, very good, and very necessary for some places in this city and that's why I support it. There's one little quirk in there that I really liked about it and that's where you changed rental properties from us having to chase down the absentee landlord of the property for their approval. Now it will give the people who are living there a chance to give their approval if I'm reading that correctly. The only problem is instead of getting 75% or even 51% of the people living in the dwelling and saying that's good enough, but you say they have to be in agreement. Well if one person's not in agreement does that wipe it out? So, I'd like to see that changed to a percentage or something of the people in the building so they will know when they sign an affirmative to go into permit parking. That's all I have to say about 33.

Council President Brendmoen: Thank you. Alright.

Richard Miller: Madam chairman, members of the council, my name is Richard Miller at 242 Goodrich Ave. And I have been opposed to this for a long time. I'm not a new opponent. But I was excluded from the count originally, just as a matter of clarification. And I'm not opposed on the basis of begrudging my neighbors their petition or their desires and I don't want this to become a neighbor vs neighbor issue. I personally do not believe it is the solution to the problem. It does not create a single new parking space. It is my opinion that we do not, it's not a matter of not having enough permit parking, but a matter of having too much permit parking. Smith Ave has restricted parking on both sides and it sits empty. Until 8 pm except for those unfortunate people who misread the signs and end up getting tickets. It would be my recommendation that we remove permit parking from all of Smith opening up 20 some spaces so that people have to come into Goodrich to find a parking space. Again, I think we have too much restricted parking and not enough open parking.

Council President Brendmoen: Great. Thank you so much. Ok so when the person is done the next person should come on up. I'm sorry I'm going to be a pusher on this, but we're not even halfway through our public hearing, we're at the 1/3 point. Come on up we're happy to have you here.

John Yust: My name is John Yust, I'm a businessman and resident at 256 Goodrich for 45 years. I thank the Council for letting me speak. Parking tensions are actually a good thing. It's an indication that we have a healthy residential area and a healthy commercial area. This petition has not engaged all the effected groups, as a resident and businessman I was actually never mailed a notice of this coming change, and only when we went to the site at the city did we find out this was a part of this hearing and extending of Area 7. The petition for extending restricted parking on Goodrich and Douglas Street does not have the required signatures needed. We would like to work with all the effected parties involved to come up with an agreement. This should include 462 W 7th, the 8 unit apartment building, and it really should include all the business. We have a new business that's in a little triangular lot across from my office. We just found out that they have no parking on that triangle. This is just a new thing that happens. They have a bus stop on west 7th and new signs saying no parking on the other 2 sides. We also have a number of curb cuts that are adjacent to Mancini's property, but there are also gates that are locked all the time which means that no one can park in front of those curb cuts. The other thing that I find just really appalling is the clarification of corner parking is absent, there is no painting of curbs or signage, it's a terrible way to greet people coming out to visit the community to come out and have a ticket because they've parked too close to a corner. I think all these issues need to be resolved before we end up with an agreement that's proper for Area 7.

Council President Brendmoen: Thank you. It looks like we have an additional meeting. We have about 7 and a half minutes and three people left to speak, so just bear that in mind.

Adam Yust: Members of the Council I'll speak quickly; my name is Adam Yust. I live in Area 7 currently and Goodrich has issues because I have permit parking. No one can park on my street between 7am-8pm. Which makes it hard to invite people over, for people to patronize the businesses, and socialize and recreate in my community. I made a choice to live in this neighborhood, it's because of my neighborhood's vitality that I choose to live here. The street grid is my neighborhood's parking lot and it's not Grand Ave and I think it's been that way for a long time. I chose the price of admission to live in a neighborhood with cool stuff going on, I could live in Lake Elmo but I don't. While I fundamentally do not believe in the privatization of our public infrastructure and our public streets, I would support a compromise as has been discussed on Goodrich Avenue for the rest of Area 7. Thank you.

Council President Brendmoen: Thank you so much. Welcome.

Linda Jackson: Thank you Madam President, Council members. My name is Linda Jackson I live at 1290 Sherburne Ave in St. Paul. I am here to propose an amendment to your current resolution or ordinance. I live in Area 14 and I have a drawing here. So in my area lately, since the green line and then the restaurant Bole and the PPL Hamline Midway parking went in, I live in a really, very parking congested neighborhood. People park their cars to go to Viking games, I'm all for it, but I'm having issues with the parking in my neighborhood they dump their trash, they leave Uhaul vehicles parked in front of my house overnight. I'm working with my neighborhood members to get a petition for the certain signatures needed, I'm

proposing that we get the parking changed to no parking except by permit. My car has been vandalized; my friend's car has been vandalized. It's just a lot of parking spillovers, out of town parking, lack of parking spaces. I've also spoken to some of the business owners to let them know this has become an issue and they haven't done anything. It's just getting worse thank you.

Council President Brendmoen: Thank you. And could you give that map to Ms. Burger? We'll add it to the public record. And ok, Ms. Henningson.

Council member Henningson: Ms. Jackson? Can you just clarify what you're asking to have changed?

Linda Jackson: I'm asking that it be changed from no parking 8am-6pm except by permit to no parking except by permit. So basically remove the time restrictions.

Council member Henningson: So that's what you're working on with your neighbors versus a change to what we're talking about?

Linda Jackson: Yes, correct.

Council member Henningson: Got it.

Greg Eckbaum: Hi my name is Greg Eckbaum, I live in Osceola, Wisconsin, but I own the Day by Day Café on W 7th. I'm very happy that we've come to a better compromise, I didn't think we'd come close before I got here. So, I really was pushing for the 2 hour business parking to try to have a compromise with the area. I guess we got that, I'm dumbfounded by that. I just want to make sure and thank the Public Works staff for working that out. And we're going to be here if this comes up again, we definitely want to fight for this. Thank you.

Council President Brendmoen: So, it sounds like you're speaking in support of the plan or just in how the plan is progressing?

Greg Eckbaum: I'm in support of the compromise for 2 hours with business visitor parking.

Council President Brendmoen: Ok thank you so much. There was a woman who still, did you want to testify? Ok you're going to wait for #34. Great, I just want to make sure there's no one else here in opposition. Ok Ms. Prince has a comment.

Council member Prince: I just have a question for Ms. Stifler. I'm just confused, Mr. Yust indicated that he didn't receive notice about the proposed changes to Area 7. I'm just, is there supposed to be notice sent within 350 feet?

Elizabeth Stifler: Yes, by ordinance we are required to notice anyone effected of the public hearing 30 days in advance, 350 feet, so we notified everyone who was a resident or owner in all the areas and then 350 feet surrounding each of the permit areas. I don't know if people just missed it? The notices are big postcards that maybe could stick or look like junk mail, but we did notify 8500 people of this public hearing.

Council member Prince: And it would have gone to the district councils and the business association as well, do you know?

Elizabeth Stifler: Did we send paper notices? No we did not, they were all informed

electronically. All district councils were sent an email of the recommendations.

Council President Brendmoen: Ok so there's another person here to speak in opposition. If there's anyone else here to speak in opposition please stand up. And you already spoke?

Richard Miller: I just wanted to speak to her question.

Council President Brendmoen: This isn't how this works. I'm sorry. Can you come up and speak in opposition? And remember what I mentioned previously is that the public hearing is going to get laid over. There's an opportunity to submit comments electronically, you can call, you can write a letter or you can come back in on July 18. We just want to make sure, the people at the end of the agenda have the same amount of time. Thank you for being up here.

Jennifer Gelhard: Ok thanks, sorry I got here late. My name Jennifer Gelhard and I live at 295 Sturgess and I can't say if I'm clearly in opposition but I can say for certain that parking is a real issue in the West 7th area around the Day by Day Café. I live right behind that on Sturgess Street and parking has gotten really bad over the past couple years. Just this past year there were two accidents from people pulling out of my driveway, my personal driveway, because people park so close to my driveway and immediately behind it, so you're backing out really slow and someone just zips down the street and you crash into them. So this has happened twice right in my driveway and then that, one of that same nights, a block away at a stop sign that people consistently blast through. That's on Garfield and Sturgess. I know, I love the places around, I visit the Day by Day all the time and I know they need parking, and I'm not sure what the solution is, that's not my job that's you guys' job. I don't like the idea of 2 hour parking because that encourages more traffic in my opinion as a homeowner. People will come and go and circle around for spots, I don't really like that. Yeah, I guess that's all I really have to say. And I did submit a formal email as well to Elizabeth.

Council President Brendmoen: And those things are part of the public record as well so thank you. Are there other people, some of you said you were supporting, you're opposed? So now we have 2 minutes and 30 second and did someone else just stand up? That's fine, I'm just trying to manage how many people are still in line.

Jenna Eckbaum: My name is Jenna Eckbaum, I am the daughter of Greg Eckbaum who started the Day by Day Café. I am in support of working with our neighbors to come to a good compromise, so I guess I support the 2 hour except by permit. I just want to clarify that's what I am supporting, I am a single mom of twins and I want to keep the Day by Day going as long as possible. Thank you.

Council President Brendmoen: Thank you, so do we.

Sean Blodgett: Hello my name is Sean Blodgett and I live on Sturgess. I think that whatever the parking permit stuff or whatever happens in our particular area, it really needs to be thought of how is it going to effect the business and the residents. I think we really need to have an equal and balanced approach to that. I think the 2 hour time limit is a reasonable approach in a lot of ways. I think having it just resident parking is not. On that map that was just up here, most of our area is residential. It's not followed by people that visit the area and so it also squishes a lot of people into our specific street on Sturgess. and Jennifer has seen and had the repercussions of a lot of that I would have to say. I think we need to find better parking options that are good for both

the businesses and the residents and also I think we need to look at how we can created more parking spots, specifically on West 7th, I think we've got two lanes there, it's possible to turn it into diagonal parking, I think that would be a potential option to get more parking spots in that area.

Council President Brendmoen: Sean can I ask you a favor? The microphone on this side, can you just point it toward the middle a little bit? Great thanks. I think it got bumped earlier and it's not as easy to hear, but we heard everything you said. Anyone else in opposition? Ok so we'll reset the clock for folks in support of item #33. If you are here to speak in support if you could stand up so we have an idea of how many people. And I think it's fair to say that some people who spoke in opposition were somewhat in support too, that's what happens when it's still a work in progress. Welcome thanks for being here.

Christie Iverson: Hello, My name is Christie Iverson I live at 345 Goodrich and I've been on the street for 26 years. And if it were just Day by Day and other commercial business, we get a lot of, I've always had for 26 years every Saturday and Sunday Day by Day people park in front of my house and walk down and that doesn't bother me at all. We can also tell you what day it is in March because the tournament people, we've got about three generations of people who've learned to park on our street and either walk or take the bus to the Xcel, we always know when there's a concert because the street is full. That really doesn't bother us. What my neighbors and I have been talking about recently, we have several properties that were homeowner, owner occupied, that are now rental. And we have houses that have 1 or 2 spots in front of them, but have 6 or 7 cars. which the drivers pay no attention, even though they live in the neighborhood and they've been talked to, they just park wherever the car happens to roll to a stop. And so they block our access, I can't get my groceries into my house, it's just a pain. So if it were only Day by Day and the Xcel I wouldn't be here at all, but what my question was, we just heard this week that this was being talked about for Goodrich, but we wonder why it stopped in the one block and why it doesn't go all the way to Western. I live on the other side of 7th, and first for all anyone that is now parking on the east side is going to move over to the west, even though it's pretty full now for the commercial parking as I say Day by Day, Claddagh, St. Vincent and we would like to be included in the petition and at least have our neighborhood be asked because we've certainly been talking about this and wanting this to happen. We'd like to be included in the conversation with the engineer.

Council President Brendmoen: Thanks so much. Make sure you sign in. Welcome.

Sean Ryan: Good evening, my name is Sean Ryan at 248 Goodrich. I'd like to say that Goodrich and Douglas are surrounded by a restaurant, 2 retail shops, a coffee shop, a yoga studio and 2 breweries. These businesses are all very successful, only 2 have any off-street parking on their premises. Between them they have approximately 25 spaces. Otherwise Goodrich and Douglas Ave are the primary parking area for these businesses. Goodrich and Douglas often see between 50 and 100 cars looking for parking on weeknights between 4:00 and 8:00 and as many as 150 vehicles on a Saturday between 9:00 AM and 8:00 PM and 100 or more on Sunday between 10:00 AM and 8:00 PM. This year the City Council made a tough decision about trash pickup. Their main reason for the changes in the policy were air and noise pollution, wear and tear on roads, and homeowner aggravation. I believe the amount and duration of traffic on Goodrich and Douglas is creating a great deal more air and noise pollution than a few garbage trucks do in a day and a lot more aggravation for the majority of the residents. In the June 20 Villager Saint Paul City Planner lists the City's future transportation priorities in the following order: pedestrians, bicyclists, mass transit and

automobiles. By voting in favor of this petition you have the opportunity to bring some traffic sanity back to Goodrich and Douglas. By voting in favor of this petition you can stop the violation of our homes by noise and air pollution and by voting in favor of this petition you can show that the City is ready to move forward with its future traffic priorities: pedestrians, biking, and mass transit. Thank you.

Council President Brendmoen: Thank you and some of you are signing in ahead of time but if you haven't signed in please make sure that you do. Welcome.

Brandon Flesch: Thanks my name is Brandon Felsch and I live at 239 Goodrich and I'm opposed to the changes in the permitting because as a resident there I feel it's very unfair that I can't park in front of my house due to business traffic. And even changing to a 2 hour just means there's more of a rotation that's faster. It still doesn't free up parking for the residents in the area. The reason why it is there is because like Smith was due to that because of the hospitals in the past with their employees would park there also. So I feel it's kind of unfair as a resident that if I come home or if I get a spot and I'm like 'oh I'm going to go to the store and get something,' come back in half hour and now I have to park at the end of the block with all my groceries or whatever I brought home because somebody's going to visit a business in the area. Most of these issues have really gotten worse in the last couple of years especially at night or like it was stated with the Xcel Energy Center, if something's going on down there. And so this is very frustrating as a property owner that I can't park around my house even within a couple of houses on most nights and even weekends which has been in the past due to Day by Day traffic which that was just the weekends, but now that's all day Saturday and Sunday and most evenings during the week. Especially during any special events that go on downtown and so I feel that it's not adequate as a resident that we can't have the permit parking in our area. Thank you.

Council President Brendmoen: Thank you so much. What happened to our other testifier? (inaudible) Oh come on, you sure? Just wanna say 'ditto' or something? (inaudible) Yes, ditto. Ok um one more come on up, all the way up.

Amber Campbell: Hi I'm Amber Campbell and I live at 301 Stugess and like other people on Sturgess I would just like that whatever is decided that we be considered. We are wall to wall parking all day every day, we get a ton I mean very, very many United and the alike hospitals. Their employees tend to park in our block and my fear is if we address some of the blocks around us but not Sturgess we're just going to keep getting all that overflow. We already get so much from the surrounding residential parking which I don't have a problem with but I would just like to be included. Our little block of Sturgess because it's just getting quite hectic. We're like the little last like remnant of parking that's available and so we just would like to be included. Thank you.

Council President Brendmoen: Great, thanks and make sure you sign in. Anyone else here?

Brandon Flesch: I mean we moved in to the house in 2007 and that area in 2000 and I've noticed in the last few years that the feel of the neighborhood changed due to the traffic. Now there's a lot of other traffic that are non-residents that live there, car doors opening closing all night, car alarms being armed and unarmed, and that's just within the last few years so that's what's also very frustrating. The previous comment I've had from family and friends is 'wow this is really quiet here in middle of the city' and I'm like 'that's not the case now' because you got people looking for parking spots or leaving or all that stuff is just kind of like that.

Council President Brendmoen: That was the rare double dip, we don't usually do that.

Anyone else here in support? Ok so Ms. Henningsn would you like to make any comments before we continue this matter? Any other comments? And just a reminder because we're continuing the public hearing there is another opportunity to speak, there is an opportunity to be engaged as we work through some of these issues and the public record remains open. If people have comments you'd like to submit in writing. Ms. Noecker?

Council member Noecker: Thank you and although it is true that we are continuing the public hearing until July 18th, I just on the off chance that some of my constituents here tonight are not going to come back for that exciting public hearing I just wanted to thank you for being here. I've been part of a lot of these conversations over the last few weeks about specifically the addition to Area 7 and I think what everyone here tonight seems to agree on is that we have a parking problem on this area of W 7th St that we need to address. As Mr. Yust said it's a great problem to have, it means we're getting increasingly vibrant and exciting and becoming a place where everyone wants to be to do business and to live but it doesn't mean we can ignore the problem. I think there are solutions including better transit, making W 7th more walkable, and figuring out better neighborhood parking solutions and I'm committed to working together with you on. So I just wanted to let you know no matter what happens with the permit parking changes on the 18th I'm committed to that process with you.

Council President Brendmoen: Other comments? So Ms. Henningson moves a continuation until July 18th. All in favor say 'aye.' Any opposed? Motion prevails.

Shari Moore (City Clerk): 7 in favor, no one opposed. The public hearing is continued to July 18th.

Amended; public hearing continued to July 18

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

34 [RES PH 18-172](#) Updating and simplifying the Residential Permit Parking Program.

Council President Brendmoen: Item #34 we did have a staff report on earlier and we're just going to wait a minute while people leave just because it's hard to hear so just one second. So there's an updated version two in Legistar and it is simply a filled in version of the skeleton that was version one. So Ms. Noecker moves version 2. All in favor say 'aye.' Any opposed? Motion prevails. OK so we had a staff report on item #34 that was combined with item #33 but we're holding a separate public hearing and again the intent is to continue the public hearing to July 18th. So with that this is a public hearing is there anyone here would like to be heard on this item? I'm just going to ask is it beyond you two or is there anyone else here who wants to be heard in addition on item #34? OK so it's the two of you.

Sharon Reed: Good evening my name is Sharon Reed and I live at 2039 Portland. My husband Joe and I bought the house 44 years ago and at that time there were 2300 students at Saint Thomas now there are 9600. Some of them are graduate students and may not be in our neighborhood but that's the total right now. I know we're going to have a meeting July 11th but I just wanted to give a few facts before some other decisions are made. On our block we have 16 houses and 8 of them are student rental houses. 2 of them are duplexes which means lots of cars and they all have cars. We also have on our block 15 children who range from six months to 13 years old, a lot of back and forth traffic between those kids. And also on Portland the second block in from Cleveland the whole north side is all rental. Over on Ashland two blocks is all rental: one is rental on both sides and one is rental on north side. There's just tons, tons of cars. So what we're asking is that you really consider not merging 18, 19, and 20. It would bring kids from 6 blocks away the opportunity to also park on our block. We are only half a block from the library which was doubled in size recently. We're half a block from O'Shaughnessy which holds lots of lectures and classes plus it's three quarters of a block to the athletic building which hosts many opportunities and many competitions during the week and on the weekends. So I'm just here asking if before we meet on July 11th that you would just take these things into consideration before even making some of the proposals. Thank you.

AB: Thank you and be sure to sign in if you haven't already.

Scott Haedrich: My name is Scott Haedrich, 1966 Portland. When permit parking was installed we had a neighbor across the street, young Tommy, and he was ready after a couple of years to go to Saint Thomas right across the street from us. 2 1/2 blocks from Cleveland Ave right on the other side of Cleveland Avenue, as Sharon just said, is the big library and the main classroom building. Tommy would get up in the morning and since he lived there on the block, and it was all one St Thomas, a huge area, at that time, he could park with his permit anywhere he wanted around Saint Thomas and every morning he would get up and drive his car 2 1/2 blocks to park in front of Sharon's house or on any of the houses in that block so he could walk a quarter of a block across Cleveland Ave to get to where he was going for classes. This is why we came up with the different blocks of 18, 19, and 20 that you see on the chart up here. It was to stop that kind of thing from happening. Another thing that happens, and Sharon was talking about so to speak, is the fact that their block on Portland Ave between Cleveland and Wilder Street and also the next block on Portland Ave from Wilder to Moore has seven day a week 8 AM to 8 PM parking. That is extremely necessary for them because obviously a lot of students go to school on Saturday and Sunday or to the library or, as Sharon mentioned, there's always some kind of event going on in Saint Thomas and they park on her block and if she doesn't have permit

parking on Saturdays and Sundays she's out of luck. So if you standardize all your permit parking times all over the city or even all over an area this is what you run into. People like Sharon who are really digging them really, they had a hole dug for them and they have to jump in it because you don't recognize what their special problems are. We hope to meet with the city engineer before we come back before you again and get this sort of thing straightened out because it's obvious that the people that advise them as to what you could do there didn't understand it very well. The other thing is as I think I said before is the new residents in the blocks all around Saint Thomas don't have any idea what it used to be like in the olden days. So if you went door to door and asked those people they'd say 'we don't need permit parking, it costs me \$50 for each permit, now we don't need it' but then we'd have to go out and go through the neighborhood again in about a year or two and collect 75% of the signatures again on every property throughout the area in order to put permit parking back again. We really shouldn't have to do that we should just be careful and keep what we've got. The other thing I wanted to mention is you know the University of Saint Thomas has a lot of parking lots, in fact they're required to have a certain number of parking lots for any building they build and so forth. But it should be well known that University of St. Thomas charges for parking in their parking lots for students and faculty and as a result students are always going to look for street parking rather than pay a parking fee to park in their parking lots. So it's not really fair for them to show that they meet the City's requirements for parking spaces when they turn around and charge their students for it and the students don't park there because it's too expensive for them. So that's something to consider. I don't have anything against the University of St. Thomas; I did back before when we first started University of St. Thomas permit parking area, but they got a guy in a named Father John Forletti in about 1990 and he changed the whole layout of St. Thomas. St. Thomas is very good at working with the neighborhood now. Now Doug Hennis is the guy that's the neighborhood contact and he does an excellent job to of getting everything out to the people, so it's nothing against University of St. Thomas but we do need to be able to keep our area the way it is not combining sections and not changing the times we have. Thank you.

Council President Brendmoen: Alright thank you so much. So Mr. Tolbert would move to continue this matter over until July 18th is there any discussion on that? Ms. Henningson.

Council Member Henningson: I just have a quick comment. So I did meet with Scott and Sharon's husband Joe and some other neighbors on this issue and I think part of what's going on is that the current system isn't working great. So it's like well we don't want to change it because it could be worse but what if it could be better? So I do have an open question into public works about whether license plate reader technology could be a solution for the students who I know will drive two blocks to be right next to campus, so that's one of the things we're working on to in the next month.

Council President Brendmoen: Today has been license plate reading technology fan club day. For the discussion on the motion to continue the hearing until July 18th. All in favor say 'aye.' Any opposed? Motion prevails.

Shari Moore (City Clerk): Six in favor no one opposed. The public hearing is continued to July 18.

Amended; public hearing continued to July 18

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- 35** [RES PH 18-121](#) Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Selby Avenue. (File No. MO1708, Assessment No. 175507)

No one was present to testify. Councilmember Thao moved to close the public hearing and approve the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- 36** [RES PH 18-120](#) Ratifying the assessment for the 2017 Street Maintenance Service Program-Mill and Overlay: Smith Avenue. (File No. MO1707, Assessment No. 175506)

No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- 37** [RES PH 18-125](#) Ratifying the assessments for Replacement of Lead Water Service Line on Private Property during January to March 2018. (File No. 1803LDSRP, Assessment No. 184002)

No one was present to testify. Councilmember Prince moved to close the public hearing and approve the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Bostrom

- 38** [RES PH 18-126](#) Ratifying the assessments for Replacement of Sanitary Sewer Line on Private Property during January to March 2018. (File No. SWRP1803, Assessment No. 183002)
- Steven Johnson (1495 W. 7th Street) came to the podium.*
- Council President Brendmoen said the Council was in receipt of the documentation Mr. Johnson sent, and were able to remove his assessment from the assessment roll so he could further investigate the claim with staff.*
- Councilmember Thao moved to close the public hearing and adopt the resolution as amended.*
- Adopted as amended**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- 39** [RES PH 18-170](#) Approving the application submitted by Janna Severance, General Counsel for Presbyterian Homes and Services for an exception to the general hours of operation for pedestrian Skyway Bridge #47 and the portion of the World Trade Center Ramp which connects to Skyway Bridge #47.
- Kirsten Cars, Housing Administrator for Presbyterian Homes at Central Towers, said the skyway went directly from the World Trade Center parking ramp into the apartment building, which was not open to the public, and they would like to keep it at zero hours.*
- Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson
- Nay:** 0
- 40** [RES PH 18-168](#) Approving installation of bike lanes on Arlington Avenue between Rice Street and Jackson Street.
- Luke Hanson, Public Works, gave a staff report.*
- No one was present to testify. Council President Brendmoen made brief comments in support. She moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

41 [ABZA 18-4](#)

Public hearing to consider an appeal of Joseph Rittmann to a decision made by the Board of Zoning Appeals approving variance requests to construct a 6-unit, multi-family development at 617 Laurel Avenue. (Public hearing held June 20)

Council President Brendmoen: We are going to start with a staff report.

Jerome Benner II, Planning and Economic Development: I am here to talk about an appeal of the Board of Zoning Appeals approving a six unit multi family development. To orient you to this site [shows aerial picture] please see the star at the corner of Laurel and Dale in the District 8 Summit University neighborhood. There are multiple 3+ units on these properties here to the east. There is the Mississippi Market on the SW corner of Dale St and Selby. Further south on Dale is a 17 unit, multi-family building, along with other multi-family uses in the area. There is single family mixed in. This lot has been vacant for the past 50 years, since 1968. There are commercial and multi-family uses in the area. In 2017, the developer was granted variances to allow three 3-bedroom units for a total of nine bedrooms and a detached garage for three vehicles. At that time, District 8 Council did not provide their support because they felt it did not include enough affordable units. This year the developer felt, given the market and the need to provide housing that was more affordable and aligned with the 60% AMI, he designed a new plan, keeping the same building footprint. This time he proposed six units: three 2-bedroom units, three 1-bedroom units on the upper floor, along with a surface parking area along the north side of the lot for six spaces. There will not be access from Dale St, but access will be from the alley into the lot. There is one ADA compliant space. One of the appellant's main concerns was that staff should have addressed the landscaping section of the code or it should have been included as a possible variance. The reason staff did not consider that is typically landscaping requirements are handled at the site plan review process. We have someone from City Forestry there to guide the applicant as to what type of plantings would be appropriate, given that intersection. I have spoken with the applicant. He will provide landscaping along the west side of the parking lot. That is all for now.

Council President Brendmoen: Are there questions for Mr. Benner?

Councilmember Thao: For the affordable housing, what is the percentage? And then are they requesting subsidy from the City?

Jerome Benner II, Planning and Economic Development: I would like to make it clear it is affordable in the sense that it is cheaper than the three 3-bedroom units. There is no subsidy that will be granted for this property. The developer has informed me that it would be aligned with the average median income of 60-80%. This property has not received any City subsidies to my understanding.

Councilmember Prince: Could you repeat that? Did you say there is no access to parking from Dale, only from the alley? So that would be at the next block over.

Jerome Benner II, Planning and Economic Development: Bear with me a moment, I will pull up a site plan for you. There's no direct access from Dale St into the parking area, instead the residents would have to use the alley to enter into the parking area. The alley can be accessed from Dale St. They would be able to enter in from Kent St, drive down the alley, or they could swoop in from Dale.

Council President Brendmoen: So the alley is actually a "T" alley?

Jerome Benner II, Planning and Economic Development: Yes. You can enter the alley from Dale or from Kent to go into the parking area.

Council President Brendmoen: Mr. Thao, did you have another question?

Councilmember Thao: I have a follow up, yes. What I got here is that some of the concerns were not answered at BZA. You talked about landscaping. There's also safety, congestion and over-density issues raised at the location?

Jerome Benner II, Planning and Economic Development: Safety, in the sense of is this building OK to be occupied by the number of units, and the development would need to meet all fire code and building code requirements. The issue of safety would be handled through that process. I guess I'm not quite understanding the nature of the concerns raised by the appellant.

Councilmember Thao: I am assuming it means pedestrian safety, in that sense, congestion, density, quality of life.

Jerome Benner II, Planning and Economic Development: It's my understanding that the number of residents that would occupy this would not exceed the four unrelated adults that's allowed in the zoning code and also would be compliant with the fire safety and building code standards. That's the extent I can speak to that, really.
Councilmember Thao: OK.

Council President Brendmoen: Before we move to the public hearing, we've asked our City Attorney to, when we hear appeals of the Zoning Board it is extra complex because there's a narrow band of information we are listening for, so I thought it would be better for you [looks at Ms. Tierney] to explain what is before us and what is not.

City Attorney Rachel Tierney: This is an appeal of the BZA's approval of a variance. The issue for your determination is whether the BZA committed any errors in the facts, findings or the procedure when they made their decision. You must find that there is an error in order to grant the appeal. You should focus on the conditions, which are outlined in the resolution and the staff report, that are relevant to the variance.

Council President Brendmoen: Great. Thank you. If there's no questions about that, we will move on to the public hearing. We will begin by hearing from the appellant. If the appellant is here, will you join us?

Joe Rittman (599 Laurel, Apt 4), Appellant: I apologize for having lived there for only five years. The people I have been working with, can I ask them to stand? If they don't come up to speak?

Council President Brendmoen: Yes.

Joe Rittman (599 Laurel, Apt 4), Appellant: Why don't you guys stand if you don't come up to speak.

Council President Brendmoen: That's a good question. If there are other people who do plan to testify, you can join him up here. Then we can get a sense. It's your appeal so you can hog up all the time if you want to. You have 15 minutes. If you would like to have your neighbors testify as well.

Joe Rittman (599 Laurel, Apt 4), Appellant: We are very community oriented. Sharing it out.

Council President Brendmoen: OK. Awesome.

Joe Rittman (599 Laurel, Apt 4), Appellant: They've been there for a long time and they are in an excellent position to talk about some of the consistencies of the neighborhood. I am unsure of how to use your time because I have attended, because I have attended a couple of hearings of the Board of Zoning Appeal. I have written my comments in writing. I've seen 20 others have written comments in writing, all of which object to the process. I could go through them; the application we submitted to you is about 40 pages long. I don't want to miss the chance of making it clear that we feel that there are some important errors that were made in the process and therefore we have appealed this on those errors. I think maybe the best way to start is to answer kind of the question of Councilmember Thao's questions about density, safety and crowding.

Council President Brendmoen: Per the statement from the City Attorney, the focus is the errors.

Joe Rittman (599 Laurel, Apt 4), Appellant: I have no problem talking about errors. I would like to start with the confidence that we have, living in our neighborhood, in the code and in the strict enforcement of the code. That makes it very easy for us to talk about the errors when we don't feel that the code was properly enforced. I think that is very easy to see when we look at the massive amount of variance that has been approved. There are six elements to the code. Every one of them has to be satisfied by the findings. It's much easier to explain a 20% variance but here we have, for example, doubling of the three-plex to a six-plex. Now the argument is made that this is based on the same footprint. But it certainly doesn't change the fact that you can build a 20 story building on the same footprint but end up with a huge density problem. I think we need to make it very clear that we are doubling the occupancy, well, we might be doubling more than the occupancy by the time we're done, but we are doubling the number of apartments from three to six. Another point that has been made is somehow this area is different for some reason, but actually it's helpful for those of us who live there to compare it to the lot which is immediately adjacent to it. It's exactly 40 feet wide, the same length from street to alley and that's why, we can say, with some comfort, that we kind of understand what it's like to live there and what we're looking for and we think the code has been important in establishing the kind of habitat that we are all buying into, for which we elect our council members and for which we pay taxes. Now, the picture that you saw talks about parking for six cars, but it doesn't actually explain that there will be four unrelated adults per apartment. There's two rooms to sleep; that's four people and as we've heard from several of the other presentations tonight, everybody wants to have their own car. So even if code requires that there should be six cars, we're talking about 12, or even more, unrelated adults and each one wants a car. In this case, we have a serious issue about what to do with those extra cars. The second thing about safety has to do with this idea that the entrance to the parking is exactly at the narrowest place on the alley, 13 feet from Dale St, and 13 feet to the adjacent, in other words, there's little spot because there was a brick building that was built probably before there was a code and it creates the opening which is very narrow. Now, I'm sitting there and saying if I was parking there, I would have to thread my way in and there would be six cars trying to thread. But what isn't so clear from the picture is, on that alley, there must be at least 20 to 30 cars. I can come back with an absolute count. And all them are threading through that

narrowest space to get onto Dale St, which already we know is the most congested. In previous statements before the Board of Zoning Appeals, and there will probably be a suggestion tonight, is that there have been accidents as a result of this traffic congestion which is exactly at this point. So, while the house and the project may fit, according to staff, certain code items, they don't really talk about the fact that we have a major commercial section here. I think in our discussions people have brought up Trader Joe's as an example where something was approved where, without taking into account the environmental impact.

Council President Brendmoen: I am going to pause you there. We are at nine minutes. I am just checking in; there's more people who want to testify. And we are trying to focus on the errors.

Joe Rittman (599 Laurel, Apt 4), Appellant: Those were the errors, OK? Six cars, 12 people.

Council President Brendmoen: I got it.

Joe Rittman (599 Laurel, Apt 4), Appellant: So, the other error, I think, is when we make a huge variance, as has been approved, which we object to, I think we need to be much more careful about what is the future impact of these things. If you've just, hey, this fits it, without really talking about what's happening down the road. In the case of this building, we have windows which are at the sidewalk level and which are going to be faced with snow piles. There is a shortage of space for garbage and trash collection. There is a difficulty of what do you do in the winter with snow. So, I think these are the areas that we would use for objecting. Thank you very much.

Peter Carlson (482 Dayton Ave): I have a business at 524 and own the building at 524 Selby Ave. Because of what I do, I draw pictures. So I have something to talk to; I can't deal without talking. [Shows illustration] I am here in support of this appeal because I think BZA, in granting the variance, exceeded its authority and second, I think the required findings, in order to grant those variances, were never found or stated. And third, I think staff acted as an advocate perhaps because he is under pressure to increase density in the area at all costs so we can increase our tax base. All of those are problems. And problems in the errors. If one goes to the zoning, what's required, and the first thing of getting a variance is, the variances are to the strict enforcement of the zoning code. They aren't just for cavalier, it's strict. We are understand what strict means when you get a parking ticket for parking too close to a corner or you get tagged for driving a little too fast. That's strict. The question is do we have strict enforcement here, or no enforcement. If we go through the variances, they need 125 variances just to get the required land per unit. But if you look at the fact that this is less than 9000 square feet, and the code says you can only have a tri-plex on that, then we are doubling the density on this parcel of land here. And I think that's unavoidable. That's the whole crux of all the variance problems: trying to get too much to fit onto this land. We have a 61% reduction of the required side yard setbacks. We have an 89% reduction of the parking in the rear. And if I ask you are these cumulatively, all these variances, are these reductions to the strict enforcement of the zoning ordinance or are these basically variances to no enforcement of the zoning code. In addition to that, as we pointed out, there's a requirement for a four yard setback all the way around the parking facility. It's shown in the red line in this map. It is not provided. There's a minimum setback from all property lines. And so, staff somehow missed that. A trivial issue is they don't have the right proportion of compact cars to regular size stalls there. I also wanted to say that getting a variance, when you have to go down this list of things, there are six findings that you are

supposed to make and the question is did they find them. I think that you can make a case the problem is you have to meet all of them, not just a majority, you have to meet all. What I am concerned about is, particularly, that in the staff report and in things, for two of these things, it is very difficult to make these findings. Is how you can sort of manage to figure out what is the hardship that is being presented by this particular site. The hardest of them that I have is when you look at the site it's a very normal piece of land, there is nothing unusual about it. The zoning code insists that you demonstrate that there is some unique quality on that parcel of land that makes it unsuitable. It's only unique quality that it has: it's too small to do what the developer wants to do.

Council President Brendmoen: Peter, just pause for one second. There's two, one person left to speak. There's about four minutes left and I'm just checking in.

Peter Carlson (482 Dayton Ave): So, I think in the staff report, if you look down, the errors in the staff report basically sort of say that the condition that makes this difficult to deal with is a corner lot. But as an architect, I will tell you that the setbacks that they are getting variances for are the same whether it's this lot or the lot next to it. So the same variances would have to be applied for. There's nothing unique about it. And I think that that's an error. And I think that when we have a set of laws, and we have our bodies, of this Council, that basically in order to, you can't say I want to increase the density because I get more money. But neither should the City use that as a justification for looking, for putting blinders on and not looking at what their laws tell you you have to do. It's corrosive to the people's attitude towards City government when we see such sort of procedures going on. And that I think is concerning. I would suggest that, I hope you would sort of, support the appeal and turn down this variance.

Craig Upright (651 Hague): Hague is a street that T bones into Dale. I've been taking a look at this sad little vacant property for a long time and wondering what could possibly go in there. I'm speaking on behalf of most of the residents who live on Hague, who have also been looking at that property as they gaze down to the east. When I spoke with them over the last several weeks, asking what their opinion was having a duplex on that property, they thought that would be a pretty tight fit. After I explained that it wasn't going to be a duplex but a six-plex, they were, to a person, stunned that somebody was trying to put a development of that size into that small of a lot. The main point I wanted to bring up with you today is one variance that I think was missed. To be honest, I got a little bit lost because so many variances had to be granted for this property, which, as has been pointed out, is an indication that perhaps there is something a little bit amiss about the development that's going to this particular property. I'm taking a look at the parking lot with the entrance coming from the alley. [Points to area on Carlson's drawing.] As far as I can tell, the entrance is right next to the property line for the adjacent property, because those where the two vacant spots are. And the code that I am taking a look at, I can give you the specific number if requested, "entrances and exits to and from all parking facilities, commercial or industrial uses or in a traditional neighborhood district shall be at least six feet from any adjoining property in RL or T2 zoning districts." I believe that this is the zoning that applies to this particular plot of land. I could be mistaken, but this driveway entrance off the alley is right abutting the neighbors. I believe it has to be at least six feet over and once you start moving that entrance over, you lose a lot of maneuverability, and I think that whole plan starts to fall apart. This is a very delicate house of cards that we have in terms of the development on this particular property and that in itself should be a sign that perhaps it's inappropriate use of this particular property. Thank you very much for your time and attention.

Council President Brendmoen: That closes out the appellant section. Is there anyone here who wishes to speak in support of this?

In support:

Alan Hupp, owner and developer of "that sad little site": I have owned this site and been working on this for over two years. We have had a lot of meetings with many people, with many committees, many councils, with Councilman Thao's office a year ago to really try to figure out what is the most viable use for, granted, a very difficult site, a site that has been vacant and off the City tax roles for over 60 years. It's probably been that way because it's got some challenge to it. Earlier this year we pivoted from a project Mr. Benner alluded to, a three-unit rowhouse project to a six unit project. We did that based on our perception was of changing market conditions and the fact we wanted to smaller units, more affordable units and truly offer what would be small and affordable options and affordable rents. What that means is we are not getting subsidies at all but I think if we do this project right and build some units that would be at the 60% AMI rent level which is something I think developers need to be looking at more often. At this point, with the project that we have proposed, we have earned the support of virtually all of the oversight groups involved with this. We have earned the support of the Board of Zoning Appeals, HPC, Zoning and Planning staff, Public Works, and I think most important, we have earned the support of the Summit University Planning Council, which you know is a very diverse group and represents a very diverse area all the way from Frogtown all the way down to Summit. Not only did we earn their unanimous support, but they went ahead and said they were impressed with our project, with the way we approached it, the way we handled parking, the way that we offered some affordable options in doing that. They said it actually represents a model for other developers that are working hard on these infill projects that, granted, are tough. We were pleased to get that level of support, particularly given the diverse audience that they represent. Our target for this project is what we're calling the "missing middle." The "missing middle" is focused on the need for diverse, affordable housing choices in sustainable, walkable areas. It sits between the luxury apartment marketplace and the affordable subsidized marketplace. It's large. It's where there's not a lot being built right now because it's really tough for developers to do it. Particularly on a small scale like we are trying to do. It's tough because we are also trying to balance the priorities of St Paul Housing, work within the framework of the Comprehensive Plan, take neighbor's concerns to heart, and still build a product that's going to be appealing and marketable to our customers. It's not easy to do, but we think we have really done it. This represents a very good model for future housing in St Paul. I want to comment on a couple of points made by the other folks. This gives you a view of the site plan, showing the footprint of the building and the seven parking spaces that meets 100% of the parking requirements for our project. I want to comment on that because we got pushback from the BZA at our initial meeting around this issue of parking, congestion and all the rest. We were laid over. We re-engineered the project again. This was probably the fifth time. We brought 100% of the parking on site. That was in response to the neighbors, to the concerns, and all the rest. We also are very comfortable with the alley approach and the zoning requirement for that six foot that the gentleman just stated is not correct because we are in a different zoning district so we don't have that six foot requirement. What this chart on the right does is compare two different projects, the project that was approved in 2017 and the one that was approved this year. What you can see from this is a lot of similarities. That project went through last year without any pushback from the neighborhood or any concerns. Some of the neighbors at the hearings this year said "you know we really liked that three-unit project. We thought that was a good fit. We don't like the six-unit one." Well, guess what; it's the same building, same footprint,

same volume, same envelope. Everything's the same. What we did is we took that envelope and divided it up a little differently, to get smaller units and lower rents. The number of occupants are the same and we actually more than doubled the parking that was approved last year. There were three parking spots. We have six, but there's seven because of the handicapped. So the density really didn't change. Same number of occupants. So it's puzzling to me why the group that seems to like our three-unit project has an issue with the six-unit one. There's a lot of similarities with that. Back to the variances and Peter talked to the importance of the findings. The League of MN Cities has taken a position on the variances. The variances are there for developers like us to address the practical difficulties, that's a legal term, in developing a project like this. What the League of MN Cities says, and it's consistent with the City of St Paul, there's three primary criteria that we need to look at for variances. The first is will the essential character be altered? We say no; our project is going to face Dale which is a commercial node in the area, it's surrounded by other multifamily units, it's surrounded by parking lots. Fundamentally won't change it. What is interesting, if you look at the picture on the right, that's the site in 1925. There were six buildings on that site, three dwellings and three shops. It was dense; there was multi-use going on that particular site. I like to say that we are consistent with both the past as well as the present in relation with a project that fits well into the local character. The second point is will the property be used in a reasonable manner? We are zoned RM2, our project is medium density, multi-family in a transit area. We have buses going up and down Dale and Selby. We have a bus stop 20 yards from our building. It is definitely consistent with the intent and purpose of RM2 zoning and the Comprehensive Plan. We have consciously set our setbacks off with the neighbor. It's nine foot setbacks required by code to provide as much buffer as we can. As well as the setback off Laurel, 30 feet, which is required by code. We do need variances off Dale, a six foot variance, which was approved last year for the old project and we need a couple of variances for the parking. Frankly, we wouldn't have needed all those variances if we hadn't brought all the parking onsite. The third one is are there practical difficulties unique to this property? Economic considerations cannot be the only one. One point we have is the site was subdivided a few years ago without any rezoning done. The only thing that can be built on that site today, without a variance, is a single family house. Apparently, no one want to build a single family house there after 60 years. It's on a busy street, across from a market, next to a bar, probably not an ideal spot. Second thing is because it is a corner lot, the setbacks are larger than an interior lot. We have some challenges there and I have to take the opportunity to tell you, taking a long time to work on this and other projects, there are high fixed costs that this City imposes, and very long timelines for us that are doing projects like this that adds a layer of cost. We have to take that into account when we are developing these projects. That does influence, to some extent, the number of units and how we approach it. So I'm not going to pretend that that's not a factor. But it is certainly not the only factor. We've got a couple of other bonuses in our favor, though. Being on a corner lot, we have streets and access on three sides, which helps. And also we have this really unusual quirky thing where the County has a three foot right of way between our property line and the sidewalk, which is normally not there, which gives us an additional buffer, almost like it would be ours. The diagram illustrates that, if we had the 9000 square foot site, rather than our 7120 square foot site, it would not have any material effect on the project that we are proposing at all. The size of the project would be the same, parking would be the same. The lower units would have a small front yard. But we would still need a parking variance to do the project even if we didn't need any variance on the lot size itself. One last thing I wanted to throw up here about me and my business. We had some disparaging comments about the fact that I don't live in St Paul, which I don't. This chart represents our investments in real estate in St Paul. These are properties we've owned

for many years that we invest in, that we manage closely, that we've gotten to know the people. We have vested interests and feel very committed to St Paul in the future. The two projects on the right are development projects. The lower one we worked with HPC on very near the cathedral. The upper one is a 48-unit apartment building near the University that I was involved in. I just want to say, whether I live here, I own a lot of property here. We're invested here. We're committed to this market. In conclusion, I think we've checked all the boxes. I think we have a fantastic project that's been supported by virtually all the governing bodies that have been involved with it. We've gotten a lot of feedback over the two years on how to best approach this. We have a project that's going to be good for folks that have to watch their money as well as those who can pay more for market rate. So, thank you.

Council President Brendmoen: Thank you so much. Anyone else here in support? Seeing none, Mr. Thao moves to close the public hearing. All in favor say Aye. [All say Aye.] Any opposed? [None opposed.] The motion prevails.

Councilmember Thao: Thank you all the speakers who came down here to share your testimony. I would like to lay this matter over for a week to analyze the testimony and make my decision at that time.

Public hearing held and closed; laid over to June 27

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

The Council took a brief recess.

The Council reconvened at 7:34 p.m.

Councilmember Thao excused.

Present 4 - Councilmember Amy Brendmoen, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Samantha Henningson

Absent 3 - Councilmember Dan Bostrom, Councilmember Dai Thao and Councilmember Chris Tolbert

Council members Tolbert and Bostrom arrived after roll call.

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince and Councilmember Samantha Henningson

Absent 1 - Councilmember Dai Thao

42 [APC 18-3](#)

Public hearing to consider the appeal of Scott Kramer to a decision of the Planning Commission revoking a conditional use permit at 241 George Street West due to noncompliance with conditions of the permit. (Public hearing held June 20)

Council President Brendmoen: We are going to start with a staff report.

Kady Dadlez, Planning and Economic Development: Councilmember Noecker asked me to provide a brief presentation this evening with a little history and background on the zoning case before you today. In 2014, the Planning Commission approved a conditional use permit for a bed and breakfast residence with four guest rooms. The property, as a bed and breakfast, is known as Dearing Mansion. In 2016, DSI enforcement found that six guest rooms were being advertised, as was space for events, such as weddings, receptions, and retreats. And the bed and breakfast operator at that time responded to enforcement and removed those advertisements but staff later found that those advertisements were back online, for six guest rooms. DSI enforcement notified the Planning Commission at that time, in 2016, of those violations and the Planning Commission voted to consider revocation of the permit at that time. In early 2017, the conditional use permit was before the Planning Commission again and the Planning Commission considered those permit violations, DSI enforcement, and revocation. And after the public hearing, voted to modify the permit to increase the number of guest rooms from four to six, but also to prohibit the bed and breakfast residence for commercial or social events. I would say that the bed and breakfast residence is a specific use defined by the zoning code. The condition that was attached to the permit at that time in 2017 was that the bed and breakfast residence shall not be used as a small conference center, private retreat center, or reception house for weddings, reunions, or parties. Documentation by the Zoning Administrator of any such use or advertising for such use shall result in immediate referral to the Planning Commission for revocation of the conditional use permit. In early 2018, DSI enforcement received a complaint and some documentation about advertising for a New Year's Eve party at the Dearing Mansion and the Zoning Administrator notified the Planning Commission of noncompliance of the permit. The Planning Commission chose to hear the case and they found the party advertisement did not list the property owner as the host of the party. The party advertisement identified a fee to attend the party. The party advertisement states that the event was sold out. And the conditional use permit prohibits use of the bed and breakfast residence for any commercial social events. The Planning Commission made the determination that the party advertisement for the event, including the fee to attend, indicates that it was a commercial event and so something that was prohibited by the conditional use permit. At that time, the bed and breakfast operator submitted a letter stating that this was a significant and unfortunate misunderstanding, that he collaborated with two friends and together that they organized the event and advertised it to their friends as a private party. The bed and breakfast operator states that the bed and breakfast was not rented to a third person or a private group to sponsor the party. No one spoke in support of the revocation and no letters were received. Eight people spoke in opposition to the revocation and letters were received. Staff recommended revocation. There was no position taken by the District Council. The Zoning Committee recommended revocation on a vote of four to three and ultimately, the Planning Commission voted to revoke the permit on a vote of ten to one. That is the background information I have for you today. I would be happy to answer any questions if you have them.

Council President Brendmoen: Are there any questions? OK, great. Ms. Tierney.

City Attorney Rachel Tierney: *This is slightly different than a traditional zoning matter. This isn't a zoning application, rather this is enforcement of the conditions of a conditional use permit. This is more of a traditional, quasi-judicial hearing for you, like our licensing hearing. So what's before you is whether or not the findings of the Planning Commission are supported by the facts that are in the record.*

Council President Brendmoen: *Thank you. So if there's no questions, this is a public hearing. Let us hear first from the appellant, Mr. Kramer, or his representative.*

For the appellant:

Ferdinand Peters, representing Scott Kramer: *I represent Scott Kramer. I appreciate the City Attorney providing the guidance here on what the purpose of this hearing is. We need to look at what the Planning Commission did when it sat as a recommending body to you in its quasi-judicial capacity. As well as the Zoning Committee. I would ask that you look at the discussions, at the minutes, that occurred there. We're going to be telling you today that we have a mistake in the essential finding of fact. There was no commercial event at the Dearing Mansion. That is an erroneous finding. I will be providing you with the evidence to support that. The other thing that came into play here is the extraordinary confusion that occurred over the last two years as this body was looking at the issues of bed and breakfast, short term rentals, Airbnb. You know what you've gone through on that. Things changed and we'll go over the legislative code of what changed and how confusing that became. Also, with regard specifically to this property, where my client had been operating for years without being a bed and breakfast, with just renting his property out before the big Airbnb and VRBO issues that come up in the City. You will see this mansion. You are going to hear from my client a little bit and we'll take it from there. I want you to know that there's a lot of confusion here on what happened and I don't think there was any act in violating the conditional use permit that should call for its revocation. I find it alarming, that on a conditional use permit infraction, that the choice that you have is limited to continue the conditional use permit or to revoke it when there has been an infraction. It seems to me that someone should change that part of the code so that's not the dire circumstance that can come with an infraction. Am I mis-stating that at all?*

Council President Brendmoen: *No, I'm thinking is you are saying is that there was an infraction but there shouldn't be such a penalty attached to it. Is that what I just heard?*

Mr. Ferdinand Peters: *Yes, Council President Brendmoen. If you find, if you don't agree with me on that fact finding and you agree with the Planning Commission, I would ask that we do something else, have a different outcome. My client is open to that.*

Council President Brendmoen: *I see. OK.*

Mr. Ferdinand Peters: *Thank you. We already have up my Powerpoint presentation. Based on my prior military background, we used to say "death by Powerpoint." Because they can get long. I'm going to try to go through this quickly. I know we can all read. Scott Kramer has been having parties at this location for years, he bought the property in 2005. It wasn't new to him. We need to distinguish. He lives there. This is his home, his homestead, his residence. And so he was using it as a private home, which he still does today. As I've already said, you've had changes to your short term rentals and he has done his best to comply with the regulations. The Zoning Committee, that first took up this issue of a violation of a conditional use permit, voted*

four to three and so it's a very close vote. By the way, you do have input from citizens in the record here, for this appeal. Some are members of the Planning Commission that have provided their support for Scott in this appeal. How do I get to the next page? Do I do it? There. A little bit about the mansion. This is not on Summit Avenue, it's on George Street, across the river, west side. It was built in 1885, it's a beautiful home, it's huge, 10,000 square feet. It was built to entertain people. Scott himself is a professional building remodeler. This is his passion. He bought this home, with his wife at the time, and they restored it to bring it to its glory. So, a little bit of a timeline. He bought it in 2005 and at that time had the first New Year's Eve party. Another thing that I think is important here is that this record contains from down below, the recommending government entities for you, information regarding prior infractions from which a new conditional use permit was prepared and was put into effect. I believe it is improper to talk about past infractions and to be holding that against him for the current infraction that has been charged which is, you conducted a New Year's Eve party at your mansion and we believe that you did it in a commercial way. So, he had his first New year's Eve party in 2006. He'd had them every year, as you can see. He has many attendees at his party. This is his personal party. He has hosted political people for parties there for the "VOTE NO" getting people together for that when it came to same sex marriage. Here we have some of the posters for the New Year's Eve party that he's been having year after year after year. This shows you what the mansion looks like, some of the most beautiful stained glass windows you'll see in the City of St Paul. This isn't Summit Avenue, this is the west side, this is an area that is in need of business, small businesses. It's an area that needs to be supported. And again, there are many neighbors that have provided their support in the last few weeks that is in the record. You can see quickly the year of some of these. He has had a lot of functions there. Here's 2010. The designers of these posters are amazing. This is another one, 2012, 2011. This is the history of what he has been doing at this location, his personal residence. And that's what he did in 2017. It is unfortunate that the person who made the complaint didn't even hear the New Year's Eve party, wasn't complaining about noise or anything else, just said it was conducted. And then someone did research, basically I believe at DSI and believed it had been advertised in a commercial way. So the City first told him, and this has to do with how he started getting involved with the City and getting a conditional use permit, the first one. So they asked him to do it and he did it. He wanted to comply and he's always wanted to comply with what the City required. He's always been advertising it when he could so that people could rent it out for events also. So in 2016 and 2017, Scott met with DSI mainly over the phone and emails but also with the Zoning Committee because there were complaints and they said we want you to stop renting the home for events. So, he was at one time renting it out for that. He stopped all that. That is not really what is being charged today. Because it was his own personal New Year's Eve party. And by the way, the DJs he knows, they're well known in the Twin Cities, two of them, they have written their letters of support also. They knew that it was a private party and only for Scott's people and for the people that the DJs knew. Because they are well known.

Council President Brendmoen: Mr. Peters, Ms. Noecker has a question.

Councilmember Noecker: Mr. Peters, I heard you say earlier that this was not a commercial event; it was a private event. I want to clarify what you mean when you say it wasn't a commercial event because I'm looking at the page where it was advertised on Minneapolis.eventful.com next to top concert tickets like the Eagles and Donny. So, tickets for purchase. I guess I understand the claim that this was a private event, not a bed and breakfast rental event, but I find that it wasn't a commercial event a little bit questionable. I am wondering if you can clarify.

Mr. Ferdinand Peters: That's a very good question. Scott didn't know that type of announcement went out at the time. We do admit that people paid money to come to this private party, we are not denying that. There was a charge, a very small charge, just basically to cover his cost. What I liken it to, when I get invited to a New Year's Eve party, just like any of you, what do I do, what do you bring to a New Year's Eve party if you are invited to one? I bring some wine. You bring something. You give a gift when you are invited to a party. And these people, they wouldn't know what to bring. He didn't need, you know, a lot of wine. It's easier to ask for money. And that's how it was done. In March of 2017 they modified his conditional use permit. This shows the cooperation that he had with folks in St Paul here that they allowed him to have the six bedroom rental. From four. It just made sense. It's not easy to have a bed and breakfast with all the short term rentals taking place in the City. Right now, and it's in the record, the affidavit that I've filed, everything else, the amount of money he's making there has gone way down over the previous years. I mean way down. [Showed video of Mr. Kramer describing house.]

Council President Brendmoen: How long is the video?

Mr. Ferdinand Peters: I think it's around nine minutes.

Council President Brendmoen: Because you have five minutes to go.

Mr. Ferdinand Peters: I just noticed that.

Council President Brendmoen: Is it relevant to what you are trying to present here? I think we were talking about the party.

Mr. Ferdinand Peters: Most everything he states that is an important point is in the affidavit. That's number one. Maybe I will just continue with the slide show. You have this to view on your own. It is part of the record. So I think that'd be great; thanks for the suggestion.

Council President Brendmoen: It's not a suggestion, you just have five minutes left. I'm trying to help.

Mr. Ferdinand Peters: I mean to help me by not showing it for nine minutes. I knew it wasn't a suggestion, Madame President. So, this is how your ordinance looked in 2016: "dining and other facilities shall not be open to the public but shall be used exclusively by residents and registered guests." What's the difference between a resident and a registered guest? This is a vague statute. It's hard to figure it out. Probably, depending on how you try to enforce it, unconstitutional. I do have constitutional arguments. I know that's not something we cover here, but if I am unsuccessful, I have to have brought it forward. You changed in 2017 to "use of a bed and breakfast residence for any commercial or social event is prohibited." OK. What if you live there and you have your own private events? The condition in his specific conditional use permit was "the bed and breakfast residence shall not be used as a small conference center, private retreat center, or reception house for weddings, reunions or parties." He did not do that when that went into effect. He never did that again. There's no evidence that he ever violated that specific item. I have also provided you with a memorandum that goes over some of the main questions here and I've given you the short answers and the longer explanation that covers these issues. But these are issues to think about. I know this is not easy to craft. Conditional use permits when the person lives in the home. But he has tried to comply with this. What

I am asking for is that you take a closer look at this and what happened at the Planning Commission. They were talking to him about issues of equity there, that he was given so many chances, before, even though everything was confusing before, as the code changed and he was told, by someone in DSI "why don't you just lay low for a while so we get this all worked out, how we're going to regulate bed and breakfast short term rentals in St Paul." So what can he do there? Can he have his own private Super Bowl parties? I've come up with a long list for that. Have you given up certain rights when you get a bed and breakfast license and you live there? Seems to me you do because in this case, it's what happened to him. He got snared in something that he was not trying to violate anything to get snared in. He was trying to comply. Be the way, people that live around him have issued letters of support also. They just love what he's doing there and has done. Are your questions part of my time, if you have any questions for me?

Council President Brendmoen: No.

Mr. Ferdinand Peters: OK. So, I've asked you before to look closely at those minutes and see what was discussed. And that's it. Do you have any questions?

Council President Brendmoen: It doesn't look like it.

Mr. Ferdinand Peters: I know that you have a full schedule this evening so can I reserve the rest of my time for any other response?

Council President Brendmoen: You mean like a rebuttal?

Mr. Ferdinand Peters: Yes.

Council President Brendmoen: No.

Mr. Ferdinand Peters: No?

Council President Brendmoen: Thanks for asking.

Mr. Ferdinand Peters: Thank you.

Council President Brendmoen: All right. So that is in support of the appeal. Is there anyone here in opposition?

[No opposition]

Council President Brendmoen: Ms. Noecker moves to close the public hearing. All in favor say Aye. [All say Aye.] Any opposed? [None opposed.] The motion prevails. Ms. Noecker.

Councilmember Noecker: I appreciate the way that Mr. Peters laid out the issue before us and this is clearly a complicated issue. I actually don't have a doubt in my mind that, according to any typical definition, logical definition of commercial, that a commercial event was held at this property, but I think the question before us is that is there a separation between the bed and breakfast and the private residence. And is that separation clearly defined and was the owner clear on that separation. I would like to request a one week layover of this matter to delve into that. And come back next week with some recommendations.

Council President Brendmoen: I want to speak in support of your request for a lay over because I do think it's very complicated, especially with the transition from a bed and breakfast model to an Airbnb model. And not just in this property, but nationally or globally. I think some of those questions need to be looked at deeper. I found myself going back and forth; it was, it wasn't, it was, it wasn't, who cares. I appreciate the one week lay over. Are there other thoughts on that. All right, Ms. Noecker moves a one week lay over.

Public hearing held and closed; laid over to June 27

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Thao

43 [APC 18-6](#)

Public hearing to consider the appeal of Neighbors for Responsible Development to a decision of the Planning Commission approving a conditional use permit for height at 246-258 Snelling Avenue South.

Council President Brendmoen: All right, let's start with a staff report.

Mike Richardson, Planning and Economic Development: Councilmember Tolbert asked me to give a brief staff report to lay out the history and context of the zoning case. On May 18, 2018, the Planning Commission approved a conditional use permit for additional height for a proposed project at the southeast corner of Snelling and St Clair. This is Sweeney Cleaners, Rosemark Bakery, Macalester is up here, the St Clair Broiler there [pointing to locations on slide]. Neighbors for Responsible Development appealed the decision based on claims that a procedural error occurred at Zoning Committee and two standards were not met, briefly the use will not be detrimental to the existing character of the neighborhood or endanger the public health, safety and general welfare and that the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. To give you a bit of history, this corner is probably quite familiar to members of the council. In early 2017, a development was proposed on this same corner that took up about twice as much land and in that process, they applied for a rezoning to T3 for that entire length of that half of the block as well as a conditional use permit for height. That happened in March, 2017. For the rezoning, Planning Commission recommended approval; however, Council denied that. There was a zoning study going at that time and there were also considerations about proximity to single family residential to what would be a T3 if that rezoning happened. As a result of the zoning study, just the corner was rezoned to T3 and that's at the north end of the block, and T2 on the remainder of the block. In terms of the CUP for height, the Zoning Committee recommended denial and the Planning Commission denied the application. Talking about the current proposal, TJL Development also for a CUP for height, not for rezoning, submitted April 2018. These are a few renderings they provided as part of their application. Their height exceed maximum in the dimensional standards, but is allowed in both T2 and T3 with a CUP. This image is to show that, because of the configuration of the zoning districts, there's a lot of complicated figuring that has to happen there, and so in order to communicate that with the Zoning Committee and the Planning Commission, I took that information and translated it into something I think is a little easier to understand looking at the different elevations around. So I'm just going to go quickly around the building and the point of this is to show what is allowed by right and what is being requested as part of the CUP. We are starting at the Snelling facade and will move counterclockwise so this is the north elevation, east along the alley, and the south side. The piece on the back is not really a part of the consideration. Finally, to summarize the recommendations and approval, District 14 recommended approval, their Housing and Land Use Committee voted 11 to 5 to recommend approval. The Planning Committee recommended approval 8 to 0 and the Planning Commission voted unanimously to approve it. I also wanted to note that the support and opposition that we received from folks during the public hearing process: We received 35 letters in support of granting the CUP and 39 in opposition. In addition, four people spoke in opposition at the public hearing. I call out, related to the two findings noted in the appeal, the Planning Commission addressed whether it would be detrimental to the character and why they felt that wasn't the case and then with finding 2(d) the development would not prevent develop with plans that exist.

Council President Brendmoen: Ms. Prince.

Councilmember Prince: Pursuant to some of the information that I looked at, I thought I read that the density per acre exceeded the targeted range recommended in the Comp Plan.

Mike Richardson, Planning and Economic Development: Sure. Within our Comp Plan, that range, that density, applies to a range of broad use categories and so it's not parcel specific. When you look at that land use category of a mixed-used corridor, the goal and the directive from Met Council is to say you need to have this density range within this land use category, and so we have separate dimensional standards, floor area ratio standards, that better control what the actual density of the building is, and what the mass of the building is. That's the parcel specific control and those ranges are for the broader land use categories.

Councilmember Prince: But it is next to R4 district so what would be the targeted range for an R4 district. In terms of the density.

Mike Richardson, Planning and Economic Development: I would have to look at what an R4 is, but this is within the mixed use corridor land use type on both Snelling and a bit of St. Clair. It goes the entire block or at least to the alley.

Councilmember Prince: Are there other questions? No other questions?

Council President Brendmoen: OK, thank you very much. Are you on again, Ms. Tierney?

City Attorney Rachel Tierney: So, to set the table here, this is an appeal of a Planning Commission approval of CUP that's related to height. The issue before you is a determination to whether the Planning Commission committed any errors in fact, findings, or procedures when they granted this conditional use permit. I would refer you to the Planning Commission's resolution for the findings they are required to make in order to grant the CUP. You would need to find that they made an error in order to grant this appeal.

Council President Brendmoen: OK. So the appellant is the Neighbors for Responsible Development and I am wondering, just looking at the room, who is here for the Neighbors for Responsible Development. If you could just stand up or raise your hand. [People comply.] That's great. We will start with Neighbors for Responsible Development. You do know there are a lot of people here, so I don't know if everybody is planning to speak, but if folks want to speak in support of this appeal, if you would line up so we can get a sense of how much time folks have. OK. Sounds like there's a plan. We like plans. Great.

For the appellant:

Michael Rowley (317 Saratoga): My residence is a block off of where this development will be. I will be addressing a little bit of what I believe are factual problems, inconsistencies with factual findings, in approving the CUP. But I just want to say that I've been a lifelong St Paul resident; I've lived in my current house for 22 years. I have seen development come and go in the City and on Snelling Ave and on St Clair. I think that this project, coming on the heels of the brand new zoning that has been put in place for the higher transit areas of St Paul, specifically Snelling and St Clair, makes this project a rush to get something done. I think more patience is necessary and would be beneficial for this project. So, specifically, to get to the points here, it is my position that the Commission improperly granted the CUP because there is not substantial compliance with St Paul's Comprehensive Plan or the

Macalester/Groveland long range housing plan. It is too dense, to your point, Councilmember Prince, and the height exceeds the zoning by over 13 feet. If you count to where the zoning was in October, September, August last year, it exceeds it by well over 20 feet. 30 feet even if we are at 65 feet, over 35 feet. Which was what B2 was. This is a copy of St Paul's 2010 Comprehensive Housing Plan. This plan talks about what the goals are of housing in St Paul. I note that there are various pictures within this report that show the housing that is an example and demonstrative of what is discussed. I just note that we have a nice picture here of neighborhood revitalization. There's a picture of a four-story building. Similarly, I have Highland Park Council's report on Snelling Ave after the A-line. This is after the BRT line goes in. This is what they envision for this area. I just note in here that there are many pictures throughout this that show artists' impression of what it all is to look like. These are four-story buildings, not six. I think therefore that this shows that these are not contemplated within Comprehensive Plans and I believe the CUP has improper findings to support that. I believe that this is detrimental to the existing character of the neighborhood. First of all, it does not have enough parking places within it, so it puts more traffic into the area. The parking will be needed to be purchased within the building. People may choose not to pay for that. That puts a burden into the neighborhood. We heard about that earlier today. We also heard about what impact that has on possible permit zones for people, given that this area will possible be picked up and inhabited by students. Then finally, just in the broader sense of this being a conditional use permit, we just heard about possible violation and possible revocation of a conditional use permit. This conditional use permit is height. How do we undo this? If there's a violation of this conditional use permit? That can't happen; this building is meant to be here for a hundred years. We will never be able to take that back if there's some violation that we find of this building. The height violates the code, the zoning code. So this is essentially a variance of what is allowed. We are setting precedent on a new zoning regime, on a building that has no equal on Snelling Ave, in an area where the surrounding buildings are so small in comparison. And in such close proximity to residential housing. I would urge the Council to consider granting the appeal and overturning the CUP or sending it back for more findings or sending it back for a design that is more in keeping with the neighborhood.

Michelle Berg (1528 Goodrich Ave): Speaking on behalf of area residents who want development on the corner of St Clair and Snelling, but not at the expense of their privacy, their peace, and their safety. We believe it is the City's reasonable duty to come alongside these residents and provide equal protection for their needs. We are asking that the City give careful consideration and equal protection to the needs of these individuals as they do for developers requesting conditional use permits. To begin with, we weren't entirely clear why Mr. Lavallo needed an additional 13 feet of height for his structure. It's a big ask, so we wondered, is it to create affordable housing? Unlikely. His rental rates far exceed current rental rates available in the neighborhood. The bulk of these units are "renter by choice" and are in no way affordable. Plus, the neighborhood has some of the highest vacancy rates in the seven county metro with rents well below average. We wondered was he asking for reasons of financial feasibility, for a man who openly boasted of selling his building to Finn for a pot of gold. We think not. Not to mention the handsome profit he recently got from the sale of 1559 Grand to Macalester College, hours after he closed on it. An extra \$600,000 for the pot. So why was Mr. Lavallo requesting an unprecedented sixth story to his proposed building? Well, apparently he needed to offset a 12 foot ceiling allowance for an as yet undetermined retail space on the ground floor.

Council President Brendmoen: Ms. Berg, I want to pause you for a second. I know you guys have a plan but you are down to seven minutes and I see seven people still to

talk. Are we still on plan?

Ms. Berg: Yes. So, the solution to this dilemma of an extra three feet for that ceiling allowance was to add an entire sixth story to the complex. Really? We find this solution problematic. Especially since he is already over the mandated dwelling units per acre. A CUP is not meant to be a loophole to expand projects to greater and greater square footage to generate greater and greater revenues. Simply because a setback design is employed, there should not be an automatic one to one equivalency. In granting a CUP to Mr. Lavalle, you are effectively granting one to every developer who asks for one, since it sets a precedent at what is acceptable practice along this residential corridor. Why do we have standards and conditions to protect our neighborhoods if they are not adhered to in granting a CUP? Again, under the 14th Amendment, property owners have the right to equal protection under the law. The new zoning and subsequent acceleration of CUPs demonstrate a lack of equal protection under the law. Where these pre-existing policies and conditions occur, we ask that the Council grant the appeal and overturn the Planning Commission's approval for the CUP, and finally, at the rate that CUPs are being granted to developers, it might be more honest to change the title from conditional use permit to standard use permit. Thank you.

John Osen (1545 Goodrich): I drove along the A-Line route and this is the distribution of buildings along here. [Shows picture.] The proposed building is going to be twice the height of the norm and this is a building on the other corner. That represents this neighborhood, OK? The closest house to it is this little one-story house. You're going to have a four-story building behind it with a six-story building within 100 feet. I want to look at the area around here, and you will notice that this is all very small lots, residential, but in the red area there's like 275 single family homes, a minimum cost of \$80 million in real estate in that small area, generating well over \$1 million in real estate taxes. We don't have the money to have the lobbyists like Macalester has, to swing rezoning of this parcel right here. I would like you to represent the people who live in this area and help maintain the character of our neighborhood, which we spent so much money to move into this neighborhood for that character, so I hope you will support this appeal.

Peg Flanagan (Warwick Street): We support good development on this corner; it's been a blighted corner for quite some time. Tonight is all about the height and the appeal to overturn the Planning Commission decision. I wanted to say the neighbors worked in good faith to make this, the T2 and the T3 designations last year, and I think we should give that time to work, as opposed to putting up an extra story, which is basically what Mr. Lavalle's CUP makes possible. This is very misleading [shows profile of west view of building]. Planning says oh this is just a little spot here and a little spot here. Well, I am here to tell you that equates to an additional story. And that's huge. I have heard that change is hard and I really hate that phrase because I think change is easy and it's been easy for the Zoning Committee. What I think is hard is for this group to make the hard decision and look at this and recognize that thoughtful, conscientious decisions are really tough. I hope that you take that into consideration and grant this appeal because an additional story on this building is not necessary. It's not reasonable. And it does not align with the City's own Comprehensive Plan or the Macalester/Groveland long range plan. I could line it out, dot by dot, but we don't have time. So, please, grant this appeal. Do the courageous thing. You are the City Council. You are the last ones who can look at this.

Raymond Terrell (1534 Sargent Ave): I would like to urge the Council to not grant the conditional use permit based on height. It is too tall, we have zoning laws, they're

fresh, they're new. Why can't we stay in compliance with those zoning laws. Why must we back up and support big business and compromise the livability of our neighborhoods. I have been in correspondence with every single resident on my block. It is the block adjacent to the development. No one is anti-development. We are all opposed to the height. Everything else is pretty much fine. Other problems that we see in the design is that there is no small business on the main floor. And we feel that it does change the character of our neighborhood to a place that we may not want to live in anymore. Please don't approve this conditional use permit.

Ben Mingo (1449 Goodrich): I purchased the home last fall. I wanted to point out two inconsistencies with this plan. The first is this land area is smaller than the O'Gara's plan which is zoned T2 so I think the T3 was a little bit of a stretch for this particular parcel. Second is the inconsistency with the Macalester/Groveland long range plan. Everybody has access to this at the Mac/Groveland community council website. I just want to say that this building, with the additional floor, will change the aesthetic of the neighborhood and I really want you to take this into consideration.

Carol Zoff: I moved to Mac/Groveland 15 years ago from Scandia, beautiful farm country. I have served on city councils, planning commissions, and park and rec boards. When I was on city council we only did variances when there was a reason that the site couldn't comply with the zoning. I do not feel that the applicant for the CUP has proven that there was any condition that this site mandated that this additional sixth story be added. I would recommend that the Council approve the rescinding of the variance because it sets a very bad precedent for hotly contested new zoning as has been mentioned, the development now of something that is within that zoning is twice as tall as what was previously allowed. It is setting a dangerous precedent for the entire corridor. This is my quality of life, I don't want to live in the shadow. I don't want all the trees to go. The parking is a huge issue. I have been told by staffers that I am on a transit corridor now and I need to get used to it. It's not right and I appreciate your consideration of overturning this.

Council President Brendmoen: Thank you. Be sure to sign in. OK. So we have heard from appellants. Now we will move to people who are in opposition to the appeal, but in support of the project. Could we do the same. If you are going to speak if you could please line up. We'll let it run over a minute or two minutes, if necessary but it is not necessary. Keep your comments succinct as people have been doing tonight and also feel free to drop a "ditto" on us if someone has already said something.

In support of the applicant:

Jim Lavallo (2416 Edgcumbe), Principle of TJJ Development: I respectfully ask the Council to deny the appeal filed by Neighbors for Responsible Development. I ask this for several reasons. I research, I watch, I listen to events and developments in my community very closely since I've lived in the Highland area and the MacGroveland areas for over 20 years. Because I want to improve and enhance our built environment and neighborhoods. In 2017, as Mr. Richardson mentioned, you rezoned this site to T2 and T3. The rezoning indicated the City envisioned redevelopment which increases density. The same density we are proposing. I take my job as a developer very seriously, since we do change the landscape of neighborhoods. To respect the City and the context of the neighborhood, we work diligently to bring the best developments possible that follow the intent and purpose of the governing land use regulations. The City of St Paul, the Council, the Planning staff, and the zoning code gave us the roadmap to follow in this project. We just got into the cars and drove, making stops at various community stakeholders to implement their respective suggestions. I believe the proposed development will enhance the neighborhood, as well as embrace the

City's tagline, "the most livable City in America." In collaboration with the City Planning and Engineering staff, the development team purposely designed this project to meet all applicable standards of the zoning code. The requirement of the conditional use permit for the small areas of the building that exceed the height requirements, the comp plan, the small area plans, and the building codes to ensure the legal standards of the site plan approval. The development team also took suggestions suggested at public meetings very seriously and implemented them into our final plans that were submitted for our land use application. The Mac/Groveland District Council land use committee provided a resolution dated May 3, 2018, to the City of St Paul that supports the redevelopment. The goal of the development team, from day 1, is to provide a first class development that will be an asset to the entire community by providing new and unique retailers, create a fresh new housing alternative located on a transit-oriented corridor. I believe the project will be successful in meeting our goals. Please allow us to move forward with the project. It will enhance our City's tax base without subsidy, create new professional and construction jobs. Since time is not our friend tonight, I plan to be as brief as possible. I do have Jeff Ready who is with Principle Design Momentum Design Group in the audience if you would like to talk about our design and I also have Carol Lansing here with Faegre Benson to say a few words on our legal behalf. Thank you.

Carol Lansing, Faegre Baker Daniels: First, with respect to the process, there have been no procedural errors and the deliberations of the Zoning Committee and the Planning Commission were full and relevant to the issue, which is an increase in height. The Planning Division staff report earlier addressed each of the standards for a CUP, the Zoning Committee's questions and comments were focused on issues of height, the potential impacts on the neighborhood, and both how height relates to City planning, goals for transit corridors, and for increased housing. The Planning Commission resolution addressed all of the standards. Members of the public have had the opportunity to engage in this evaluation, both at the Zoning Committee hearing and here again tonight. So, there are no procedural errors. As Mr. Richardson pointed out, there were two standards for CUP that the appeal says were not met. With respect to character of development in the neighborhood, yes, the building will be taller than existing development, but it will not be detrimental to the development. The building is designed with setbacks and stepbacks; it's not six stories where it's closest to the R4 district. It's four. It is a character that is appropriate for an intersection of two mixed use corridors. The height won't cause detrimental shadowing; the shadow study shows just minimal shadowing in the middle of winter to some residential lots to the northeast. Now, traffic and parking demand have also been expressed as concerns. Those are not related to the height of the building. And they do not require any CUPs or variances. Nor is any CUP or variance required for the floor area ratio of the building, which is the actual size of it, or for the number of units in it. Public works didn't require a traffic study, and there's no evidence, other than speculation of fear that there might be traffic or parking impacts that might be detrimental. [laughter from audience] To the contrary, the intent of placing density on transit corridors is the belief that it will spur use of public transit and will reduce dependence on cars. The other standard that was raised in the appeal is that the project could impede the normal and orderly development of surrounding property. As we noted, the building is designed to be compatible in character, with stepbacks and setbacks. It also incorporates traditional building materials, of brick, and has storefronts that are consistent with the commercial corridor character. And normal and orderly development is defined by your Comprehensive Plan and small area plans, and as the staff report and the Planning Commission's findings show, it meets the guidance of those plans. There's no evidence to support an assertion that a six story building at this corner is going to negatively impact property values further into the

neighborhood. In conclusion, I want to say a CUP is not a special exception, it is not a loophole, it is not a deviation from the zoning code. The zoning code establishes when a CUP can be requested and the standards for when it should be approved. This project meets those standards so we hope that you will deny the appeal.

Jeff Christensen (1482 Lincoln): I just want to talk about neighborhood character. That's part of the basis of this appeal. I think about my family. We've got three kids and a dog and we like to walk around the neighborhood. We used to walk to the DQ before it was closed. We walk to the Vintage on Selby, we walk past the Finn. These are both recent developments that are five or six stories and consistent with the south Snelling zoning study. From my perspective, this is completely consistent with neighborhood character. We would much rather walk past this building than a vacant lot or a rat infested bakery with broken glass.

Rich Varko (2265 Youngman Ave): I grew up across the street from Mike Rowley, the lead spokesperson for the other side. I want to start by addressing the lack, from the proponents, of addressing the actual legitimate causes for appeal outlined by the City Attorney. Since very few of them were addressed during the presentation, I'm actually going to refer to the May 17 letter from Miss Flanagan outlining the grounds for the appeal. I want to address, specifically, her claim that the Zoning Committee committed a procedural error because "the discussion focused on the merits of the project itself and not the CUP at hand. Because of this I feel there was a procedural error." I just want to say those grounds are frivolous. The discussion of an agenda item is entirely separate from the action itself. You all are aware of, I've participated in, and presided over, parliamentary style things. The discussion is one thing, the vote is another thing. The chair, I am sure, appreciates the difficulty of keeping people to the matter at hand and how you cannot control what people say. That does not vitiate the procedure itself. On the merits, I will just say that detrimental to the existing character of the neighborhood is not different from the existing character of the neighborhood. I, for one, view this as an improvement. Taller, denser buildings are better for quality of life. They are better for the health of the individuals. They are better for the sense of community and our ability to interact with one another. They are better for business, more customers. Finally, I will say there is nothing worse for the quality of life for a person than to be homeless. And that is what they are asking you to do, to make people homeless. [noise from audience] Thank you.

Carol Lineham (Brimhall): I am a renter. I am also a St Paul business owner. I want to speak in favor of this development. St Paul is going to grow in the future and I want these new people to have a place to live and I would love for it to be near me. I'm not worried about this development at all. I picked Snelling and St. Clair because it's so close to everything. It's easy to get around; the A-line is there now. It's a transit corridor. We are so lucky to have it. I would love for more neighbors to experience this ease that I get to have. I think renters get a bad rap sometimes, but I own a business, I'm still a renter. We volunteer; we shop local. This winter I was shoveling out my neighbors after the multiple snow storms. Rental units are hard to come by. I think this building should be taller. I think we should have more. I live on Brimhall and not worried about parking or a shadow. I am worried that my new neighbors will not have a place to live.

Tom Bastian (659 Wilder): I just want to make two quick points which is that appellant mistakenly assumes that a CUP is a variance. The appellant mistakenly assumes that they possess the sole definition of the character of that neighborhood. They do not.

Mike Sonn (1458 Wellesley): I just wanted to show a picture of my son; he's sick and was going to be here tonight. We need a cute baby in the room and there we are. [Shows picture.] Lighten the mood a little bit. It's been discussed but I wanted to talk about the standard (c) for the CUP, which discusses the neighborhood character. The existing character for our family, we just moved in about four years ago, we chose Macalester/Groveland because of the old streetcar grid. Because there are shops that we can walk to. Because we can leave our car in the garage for a week at a time. We can get to work and get to the stores. We can take our kid to daycare. That to us is the neighborhood character. The small cute houses are very nice. But it's the bones and this will add more retail, and more neighbors. So we're really looking forward to this development. Just speaking to the CUP itself, it is allowed within T3. I think a lot of the discussion is we're bending the zoning code. The CUP is part of T3 zoning. Going up a few extra feet with the CUP is just meeting conditions to go to that height. The developer is not asking for a variance or a bending of the zoning rules. So this is completely within what we had discussed this fall and last summer about the south Snelling zoning. They are fitting into what we see the City of St Paul move toward. As for the standard of impeding the normal and orderly development of the surrounding properties, Councilmember Tolbert, during the south Snelling zoning study, actually downzoned the south portion of this area to "T" zone specifically to not impede the adjacent, well, across the alley, single family home, so I think you've addressed some of those concerns about height and how they interact with surrounding neighborhood really well so I appreciate that.

Council President Brendmoen: Thank you very much. Mr. Tolbert moves to close the public hearing. All in favor say Aye. [All say Aye.] Any opposed? [None opposed.] The motion prevails. Mr. Tolbert.

Councilmember Tolbert: Mr. Richardson, a quick question. You briefly talked about it in your presentation, just the difference between a CUP and a variance and what it means. Just some clarification on that if you wouldn't mind.

Mike Richardson, Planning and Economic Development: Counsel may be better able to clarify this than I can but I can give you a broad overview. The conditional use permit is present in the code to allow a certain height but there exists a certain number of conditions that have to be met to achieve that. So it's allowed in the code, assuming those conditions are met. As opposed to the variance process and the requirements to receive a variance. When that happens, the applicant is trying to do something beyond what is allowed in the code itself, beyond the tables, beyond the notes. In which case, you need to prove that is some outstanding reason that you need this, some hardship or that sort of thing. That's basically it.

Councilmember Tolbert: Ms. Tierney, do you have anything to add?

City Attorney Rachel Tierney: I think you pretty much got it. The conditional use permit is a use that's permitted under the condition. I don't know if it's technically permitted to call it a presumption, but it's close at least. The variance doesn't comply with the code. They have to prove some sort of a hardship, some sort of additional uniqueness to the property in order to be granted a variance.

Councilmember Tolbert: Thank you. I would like to thank everybody for coming out tonight and I know a lot of people who couldn't be here as well. Got a lot of emails, a lot of phone calls and I've had a lot of conversations about this corner. I feel like we've been discussing this corner for a long time. I think back almost seven years ago when I took office as a council member for the neighborhood, all the complaints that

we got about the condition of the properties around this corner. Why wasn't it cleaned up. Can't we do something better. People thinking that they were abandoned, the bakery and whatnot. We started talking about this when we were talking about the Snelling Ave zoning study as well as the Lassesy development proposal. Had a lot of conversations in the neighborhood about this. I think many of the people who are sitting on this side of the room we met over at Emmanuel Lutheran Church and had a couple hour conversation with the planner who used to work on it, Josh Williams, myself and 30 or so other people. Then the Lassesy development came forward and we denied that rezoning appeal and, I believe, variance request on that. Part of the reason we denied it was because they were asking for T3 and, as Mr. Richardson's picture showed very clearly, that T3 across the entire site, was, quite frankly, an ugly building. It was a huge mass, it wasn't broken down and didn't take into consideration that there were single family homes immediately adjacent to that property across the alley. Much of the criticism was the height, the building was a long rectangular box and it had the same height throughout. There wasn't any significant sidewall articulation, which means it didn't come in at all. Quite frankly, there wasn't any real main level activity on the entire development. As a result of that, during the Snelling Ave zoning study, we changed what the proposed zoning would be. The Planning Commission, as well as what the developer at the time had wanted, of a T3, and we adopted a T3 on the corner where there was adjacent commercial properties, non-homes, and then followed the trend where, if there's single family homes across the alley, we did a T2, which is the lower development. As we discussed here earlier, the proposal put forward, under the current proposal, has the higher heights as we give direction with our zoning at the corner and lowered the heights as it gets closer to the single family homes and whatnot. As we also discussed, there is also a difference between a CUP and a variance. In this case, that CUP is written into the code and there is allowances if things are met. I will say that the Planning Commission did discuss this, the developer has taken much of the suggestions and concerns about the size of this site, about how this development looks and changed the proposal so it incorporates many of those suggestions and concerns. Additionally, the development added sidewall articulation, main level activity, and the height is how we intended the height to be, of lowering it as it goes to the single family homes. I will say, based on that, based on the facts the Planning Commission put forward, based on the facts in the record, that the appeal should be denied, that the CUP has met the requirements that are needed. We haven't shown the error necessary to overturn that.

Additionally, I will add a few things about this site and I know there's a lot of conversation, there's a lot of neighbors here who are supportive of this, there's a lot of the neighbors here who are opposed to this. We all agree we want something to happen at this corner. It's ugly. It's a parking lot that isn't well-maintained. The Rosemark bakery, if you drove by it two years ago, you wouldn't know it was still being operated. Windows have been broken. Quite frankly, it is an eyesore most of the time. This is a quality development and the design incorporates many of the neighborhood requests and suggestions. It does not incorporate every person's suggestions or requirement. I would add that this development and this developer has a history of quality work in the neighborhood. The Finn is a quality development. Additionally, this is on a transit corridor. We have a housing crisis in St Paul and I think if we are going to add housing, this transit corridor is a good area to it, especially when it fits in the way that it does and fits in with the character of the neighborhood. Lastly, I believe this will enhance the neighborhood. This will bring housing options for many people in our neighborhood who already live there and want to continue to live there, but want to downsize. It's an option we don't often have currently in our neighborhood. But it also provides for new housing for people who want to move into the neighborhood and enjoy this neighborhood, that I've had the good fortune of, and

many of us have had the good fortune of, living in for one year, five years, or like me, my entire life. Overall I think those are important factors that we must have, but on a legal basis, I don't think the error has been found. I will make a motion to deny this appeal

Council President Brendmoen: So, a motion to deny. Is there further conversation on this matter? Ms. Prince.

Councilmember Prince: I cannot support the motion. I think my colleagues probably aren't surprised that I have very strong feelings about developers working with adjacent neighbors and overcoming issues like this. I appreciate that you went to the community council but I feel that there was an opportunity here to work with the immediate neighbors and to deal with some of the issues. The Snelling Ave rezoning study was a monumental effort by the community, the Planning Commission, and our staff. I voted in support of the recommended rezoning to T2 and T3 because, when we took that vote, part of that discussion involved what I felt was an implied promise that future development could be appropriately scaled, with reasonable transitions to the neighbors on Brimhall and otherwise, pretty much a single family neighborhood. I don't feel that that is the case. The fact that the first project we approved goes beyond and seeks a conditional use permit, not only on the T2 but also on the T3 portions of the project, is problematic for me because I do believe it has a detrimental impact for neighbors across the alley. I will leave it at that but I do feel that developers, and it's an ambitious and beautiful plan, but I would like developers to put themselves in the position of neighbors, perhaps living in a one and a half story bungalow, next to the building and think about whether you actually need that extra story. So, I will vote against the motion.

Council President Brendmoen: Is there further discussion on the motion? Seeing none, it's been moved.

Motion of intent - appeal denied

Yea: 5 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker and Councilmember Henningson

Nay: 1 - Councilmember Prince

Absent: 1 - Councilmember Thao

44 [APC 18-4](#)

Public hearing to consider the appeal of David Burke on behalf of adjacent neighbors to a decision of the Planning Commission approving a conditional use permit to increase the number of residents in a sorority from 17 to 25 at 1381 Cleveland Avenue.

Council President Brendmoen: Start with a staff report. And thank you for being here.

Anton Jerve, Planning and Economic Development: It's past my bedtime so I'm going to go quick here. [Laughter from audience.] The appeal is for a CUP for an expansion of a sorority going from 17 residents to 25. The sorority, Lamda Delta Pi was established in 1979. So here's the location [shows aerial map]. It's mid-block on Cleveland between Doswell and Carter, directly across the street from the St Paul campus of the University of Minnesota. Here's the zoning [shows a map with zoning designations.]. It's an RM1 district with RM1 north and south and RT2 across the alley. The Zoning Committee found that the application met the standards for a sororities and conditional use permits, including but not limited to being within 120 feet of campus, meeting all the other development standards for the district, and being in compliance with the Comp Plan. It meets several policies from both the housing chapter of the Comp Plan and the Neighborhood Plan. Those are listed out in the staff report from the Zoning Committee. And just because this is part of the appeal, I wanted to point out that the future land use map, the location [shows map] is right on this black line, basically, so it would be considered in the established neighborhood area of the City. This is a generalized land use, so it includes things like housing, limited commercial, parks, streets, and schools. There are development goals for each of these districts and those are listed out in the plan for established neighborhoods. In particular, it is listed in Policy 1.1 and the portion I highlighted is "density goals are residential development of 3 - 20 dwelling units per acre in established neighborhoods." So, again, this is a goal, it is not a standard. The way we measure it is basically by looking at this [points to land use map] contiguous area and meeting this goal within that area. We don't look at it as site by site basis. That's what we use zoning for. Nor do we look at it on a block by block basis. Having said that, the appellant in Attachment B [shows document] has analyzed the block. Just given my review of this and it seems like there's an adding error, by my count, based on this work. There's 34 units on the east side of the block and 33 on the west side and if you do the math with the size of each side of the block, that puts the units per acre at just under 19 for both sides of the block, which is within the goals we have for established neighborhoods. Given that is NOT how we measure it, block by block. I'm stopping because I see a council member...

Council President Brendmoen: Ms. Henningson.

Councilmember Henningson: I just want to clarify, so that's not how we measure it, but if we did measure it, it would still be within the dimensional, the 3 to 20.

Anton Jerve, Planning and Economic Development: That is correct. The Zoning Committee recommended approval for the conditional use permit application, unanimously. They held over the public hearing to allow for the District Council to provide a letter. The District Council provided a letter in support within a couple of days. The District Council recommended that we add a condition limiting the number of offstreet parking permits to 12 spaces which is currently what they have today, with 17 residents. The Planning Commission approved the Zoning Committee's recommendation without that additional condition. There were two people who spoke in support and one letter was received in support of the original application to the Zoning

Committee. Two people spoke in opposition and two letters of opposition were received. As part of the appeal, we did receive one letter in opposition to the appeal. With that, I'm done.

Council President Brendmoen: Are there other questions? Before we move to the public hearing. Great. Stick around for a little bit longer. This is a public hearing. Let us first hear from the appellant on this matter.

Dave Burke (1384 Raymond): Thanks for your endurance, by the way; it's been a long evening. I live immediately behind the sorority, across the alley. I'm representing the single-family homeowners of which there are a few present here tonight. On behalf of my neighbors, I do want to thank the City Council for allowing the community to voice their opposition to the proposed expansion of the sorority. To reiterate a point raised during earlier meetings, we have no objections to planned improvements with respect to safety and ADA accessibility issues. We understand that every house and every resident is entitled to reside in a safe and accessible house. Our objection rests solely on the expansion of the number of residents from 17 to 25. In response to, if I do have a math error, I'm happy to give the spreadsheet if my pictorial representation is incorrect, there are side numbers, I'm happy to provide my spreadsheet so that the Council, the numbers within that block are accurate and are based on the City of St Paul's site inspection permits. So, the issue of contention on the appeal is that the discussions in the sessions prior to now have always centered around on effects of density that we are experiencing in and around this block. It's a very concentrated block, primarily on the side facing Cleveland, facing the University. There's only one single family home and just recently, down the block, there's been a massive doubling the size of a fraternity from 32 to 64 residents. A lot of this has been brought about because of the change in the parking ratios of 2 to 1, two residents per one parking space. Or 3 to 1. I would contend that if that is going to hold and the density within an area that's extremely wide, very low densities in parts of our neighborhood but very high where we are, if we allow the 3 to 1 capacity to continue, we would be looking at density well in excess. We are already in excess of the established neighborhood goal of 3 - 20. By logical extension, you cannot allow every building to go to a 3 to 1 ratio. Every rental property on there, de facto, could expand without any kind of objection from the neighborhood. The area under review is designated in the City as an established neighborhood, which has already been noted, with a density of 3 to 20 units per acre. The area in question is not in a transit corridor or neighborhood node, which has been identified for higher density development. The eastern half of the block, and again I will provide you the spreadsheet so you can look at my numbers, has 60 units on about two acres for about 30 units per acre. That's just one-half of the block. We can go down, within the RM1 zone, and look at the fraternities and the sororities that are within this block and the apartment buildings that extend down to the next block in the remaining RM1. I didn't go that far but we could and I am sure that within this corridor you will find extremely high density already that is well in excess of the 20 units which is considered a maximum guideline. The west side of the block, which is RT2, is lower but still only has six single family homes on that side. It's still bookended with apartments and student housing on both ends. It's still extremely dense for an RT2. So even looking at the proposed Comprehensive Plan, the guidelines are a little fuzzier, but there's a proposed base range of 5 - 30 units per acre for an urban neighborhood. We are already at that maximum for this strip of land for about a two block area. Based on those points, I'd like to request that the City Council vote in favor of our appeal and keep the students at 17.

Council President Brendmoen: You did mention that you were here speaking on behalf of some neighbors. It looks like you are the only speaker but could the neighbors

[noise from audience]. You're going to speak? OK, well, there's 10 minutes and I just want to make sure that, if you want to speak, that you come up and join us. Are there other folks here from the neighborhood here as well. No? OK. Great.

Mary Pat Dunlap (1399 Raymond): Hello. Again thank you for your endurance. Somebody needs to shorten your agendas. I have been a resident of this city for 62 years. Ironically, close neighbors to some of the other properties you were talking about tonight. I've lived on Raymond for almost 43 years. Mr. Burke has covered most of the specifics, I think, in this case. But I wanted to add that the neighbors really wanted to negotiate, and we really felt very strongly about the parking permits. That's been a theme tonight. There is nowhere to park in the neighborhood. There certainly is nowhere for up to 12 more people to have permits to park. There just literally is no room. I think some of the CUP provisions, ingress and egress, minimizing traffic congestion is just more danger in and out of the alley and parking congestion. There is just nowhere to park. It really does impede orderly development for the neighbors who are in that neighborhood already. Basically it seems as the whole theme of tonight has been parking and precedence and I am quite worried. I understand this isn't a variance but I'm also worried that it doesn't seem very hard to get a CUP and it should perhaps be a little harder, because you are talking about quality of life. In our neighborhood, Luther Seminary is about to offer up huge parcels of land that I think are going to give a lot of interesting possibilities, but where we live, we are packed in there very closely and we love our neighborhood. That's why we live there, but there really is not room for more people and more parking. I just want to go back to those priorities of pedestrians and biking and public transportation. This plan really just promotes more parking problems for a city area that's already quite congested. So, I ask you to consider our appeal and I thank you for your time.

Charlie Christopherson (1346 Raymond): I am on the St. Anthony Park Community Council. I have two issues involved with this development. The first is my first knowledge of it was a card in my mail about 7,8 days before. I didn't know it went to the property committee. On Tuesday, neighbors came and saw me about their concerns to bring to community council. Unfortunately they had a meeting on Thursday afternoon and so they called the manager of the community council and said we need to expedite this. We have to have a letter for this group. So the executive committee voted on it, not to my knowledge, and so then I showed up at the meeting with all the neighbors concerns and they said "no, it's a done deal." Neighbors can't be heard. So the lack of communication. I want to also say that Alpha Gamma Rho, right behind me, a sorority, their communications with neighbors started a year in advance, and they talked to the neighbors within it. The seven days and then showing up in the Zoning Committee is, was a bit of a shock. Parking is always an issue. Actually right now if you come up on our street on Raymond there's no cars. It's just completely empty. The fraternity behind me has 49 permits. It's one building. And so 49 takes up approximately two blocks. And they're just one of the buildings. Secondly, within that, as you come around Cleveland, the first house has a newborn baby, a four year old across the street, has a two year old. I got my grandkids. But it's very residential within there. And that parking is also and I'm meeting with the fraternity every year, saying, you know, look, you gotta be careful with it. So, those are my main concerns within here. I don't think the neighbors had their moment to be heard. The community council might have passed it anyway. OK. But without that, it was such a rush to get it in within that block of time. So, that's it. Thank you.

Council President Brendmoen: Thank you so much. Be sure to sign in. Let's hear from the other side. We will reset the clock.

For applicant

Ferdinand Peters, attorney for sorority: I have submitted a memorandum that covers the main points in the appeal, which is density. Mr. Burke kept it very focused and I appreciate that. I think that the staff report and the staff input tonight discusses that you just can't look at your own block. It'd be nice if you could. You have to look at the area. I do believe that the density issue is a non-issue. And the proposed increase from 17 to 25 sorority sisters in this house is not going to be detrimental to the character in the neighborhood. We have letters of support from other owners of multi-family properties right in the area. This is a good neighbor sorority; they are a dry sorority. There's no alcohol allowed on this property. Mr. Christopherson, who spoke, is actually on the next block. He's to the south, I think, of Carter. We shouldn't have to discuss another fraternity, called Alpha Gamma Rho, they don't have 64 permits that [audience calls out 49]. I'm sorry, some of the information provided has not been accurate. The point is this: in my submission I have photographs of all the parking on Cleveland and Raymond at various times in the month of June when the UofM was still in session and the streets have a lot of ample parking on the street. That's number one. Number two, I provided, we had a meeting with the neighbors, some very nice neighbors, unfortunately, couldn't make it tonight, that are working with the other neighbors that have concerns because it's true what Mr. Burke said, there are derivative issues with this CUP being approved. And that is parking. We have a landscaping plan. And we are answering all their questions, so I have my emails from May 29 and earlier that showed our meetings with Tina Hughes and other neighbors that live right next to Mr. Burke. We are going to continue to work with them. This happened before I got involved. Where the sorority was trying to be a good neighbor, sign a good neighbor agreement. we're going to get this worked out; it is a beautiful neighborhood, they're right and it needs to stay that way. OK. That's all I have. I do have the property manager from the sorority here. If there are any questions about the project itself, because this is a big project within the confines of its property. There's no variances involved. I know there's been a lot of discussions tonight. Only the necessity for this CUP.

Council President Brendmoen: Ms. Prince has a question.

Councilmember Prince: There's a reference in the appellant's appeal to the fact that the District 12 land use committee did recommend a cap on the existing number of on-street parking to the current number of 12 permits. Is that something that the sorority would be willing to live within?

Ferdinand Peters, attorney for sorority: We are discussing that with the neighborhood group. They wanted a moratorium. As you know, your entire plan for residential parking permits is under review. You had meetings tonight and it will be continued to July 18. That was a recommendation, but as you know, the St Anthony Park Community Council approved this. Got that in May. We will look at that, but we have issues, too. You gotta understand, in this sorority, these are people that are in vet school, to be veterinarians, other animal sciences. They come from rural areas; they are usually from farming areas. They have cars, we gotta admit that. They're going out on internships; they're going out on residency programs. They have to be mobile. We do have a parking lot on this property, limited to eight spaces. We would like to expand it and are talking to the neighbors about doing that. We'd like to have more off street parking, then we don't need so many on-street permits. They cannot commit to that right now because they will not do that to one of the sorority sisters. Carte blanche refuse them a way to park.

Council President Brendmoen: Ms. Prince.

Councilmember Prince: And another question I have is, it looks like, and I realize this is ancient history, but it looks like the sorority violated its original CUP regarding the amount of parking spaces that it would have. And so, while I realize it was many years ago, it's troubling when the appellant is concerned about parking, that there's a history of violating the agreement, the conditional use permit the sorority has with the City. And now there doesn't seem to be an ability to negotiate on parking either, so.

Ferdinand Peters, attorney for sorority: Are you referring to the 1979 agreement?

Councilmember Prince: [indicates yes]

Ferdinand Peters, attorney for sorority: That wasn't a conditional use permit, that was a private agreement between the predecessor owner of Mr. Burke's property, across the alley from the sorority, and the sorority itself. That agreement has been found, by the examiner of titles of Ramsey County, Wayne...

Councilmember Prince: Not according to the paperwork I have. It's a City of St Paul Memo signed by my former boss, Jim Bellis, Planning Administrator: Special condition Use Permit for Lambda Delta Pi sorority issued by the Planning Commission on July 13, 1979. There is a private agreement and I wouldn't suggest that we have any interest in that. But there was a conditional use permit.

Ferdinand Peters, attorney for sorority: I'm not aware of any violation at all of any prior use permit or anything. So that's news to me. And it was not part of this appeal.

Councilmember Prince: It's part of the appellant's submission. You're the lawyer for the sorority and I would guess you would have reviewed the appellant's submission.

Ferdinand Peters, attorney for sorority: I don't think it was something that was considered. I'm just not aware of what that is. I apologize, if you want to hold it open for me to review that and make a submission, I will do that. It wasn't discussed tonight by Mr. Burke. It might have been something he sent at a lower level.

Council President Brendmoen: Ms. Henningson has a question.

Councilmember Henningson: I guess the grounds for the appeal, I know it was included in the packet, but it wasn't discussed this evening and it wasn't mentioned as the primary issue at hand. Which was the density piece. And then on the permanent parking piece, the Planning Commission did not recommend the 12 permit cap. I know in the past, the Grand and Finn apartment project, they tried to get into the mud and weeds of permits and I think they decided they weren't going to do that anymore because it got really complicated on the administration side of things. Regardless of the details of this project.

Council President Brendmoen: Ms. Prince.

Councilmember Prince: These are still relevant issues for me.

Councilmember Henningson: OK.

Council President Brendmoen: Ok. Ms. Henningson, any further questions for Mr. Peters?

Ferdinand Peters, attorney for sorority: I just want to emphasize one other thing. This project has been help up due to the appeal. It was supposed to start in May, we were pulling the permits. The day after Memorial Day Mr. Berke filed this appeal. As you know, everything has stopped. This is a \$1 million project, right now the sorority sisters will not be able to move in when school starts in the fall so I would ask that you consider this as soon as possible. It's \$26,000 to extra to put them in temporary housing.

Council President Brendmoen: Ms. Henningson.

Councilmember Henningson: I just have one more question before we close the public hearing. This isn't related to the appeal, necessarily. But I think there's all this question about snow plowing? So I would ask the sorority, and perhaps the fraternity on this alley, to just take care of it? As a good neighbor. So, that's not our purview.

Ferdinand Peters, attorney for sorority: You've seen my emails that I mentioned? With Tina Hughes? We went through what we discussed. No one ever presented to the sorority the bill. You know how we do it. Plowing, can that be worked out.

Councilmember Henningson: I'm just asking if that can be worked out. That would be helpful.

Ferdinand Peters, attorney for sorority: They will pay their share and they will be the ones who organize the payments for everyone.

Council President Brendmoen: All right. Anything further? Ms. Henningson moves to close the public hearing. All in favor say Aye. [All say Aye.] Any opposed? [None opposed.] The motion prevails. Ms. Henningson.

Councilmember Henningson: I'm going to move to deny the appeal. I don't find error in the Planning Commission's findings.

Council President Brendmoen: Ms. Henningson moves to deny the appeal. Are there further thoughts on this item? Ms. Prince.

Councilmember Prince: I'm just wondering if I could ask staff one question. Can you speak to the record of the 1979 CUP and whether or not it was...

Anton Jerve, Planning and Economic Development: Uh...

Council President Brendmoen: Before you do that, could I, I am looking at that document here and I am trying to understand what's the, what are we trying to understand, because I see they requested eight parking spots 40 years ago.

Councilmember Prince: Right. But they were allowed to exist. As a sorority, in that location, under a conditional use permit. So, my question is, have they been in violation of their conditional use permit for 40 years? And now they are applying for a new one. So that's the question. Under the code, you can be a sorority if you have a conditional use permit.

City Attorney Rachel Tierney: Councilmember Prince, from the record that I am looking at, it appears that the original conditional use permit required that they create eight paved parking spots and I thought I heard the testimony that there is an eight spot parking lot. So what I see is orders from October 1980 ordering them to create

the eight spots. I don't have any information of whether that's... That's the information that I am looking at. Whether what they have is what's required I can't say. But the only condition that I see is this eight spots and then a communication from the City to the sorority ordering them to create the spots to comply with the permit.

Councilmember Prince: And they do have eight spots.

Anton Jerve, Planning and Economic Development: That is correct.

Councilmember Prince: Thanks.

Council President Brendmoen: We got the question answered? Great.

Councilmember Prince: That's fine.

Council President Brendmoen: OK. So there's a motion in front of us to deny the appeal and it sounds like we might want to do a roll call.

Councilmember Prince: No. I'll vote.

Motion of intent - appeal denied

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Thao

45 [APC 18-5](#)

Public hearing to consider the appeal of Leang Sarin of a Planning Commission denial of a conditional use permit for drive-through sales and service with modification of minimum driveway separation from adjacent residential property at 1330 Larpenteur Avenue. (To be withdrawn)

Withdrawn

46 [AHPC 18-2](#)

Public hearing to consider the appeal of All Energy Solar to a decision of the Heritage Preservation Commission denying an application for solar panels at 662 Conway Street in the Dayton's Bluff Heritage Preservation District.

Council President Brendmoen: Staff report.

Allison Suhan, PED staff to Heritage Preservation Commission (HPC): We are here to mix up the conversation tonight and not talk about parking. I will keep this brief while still sticking to the meat of the issue. So, 662 Conway St is categorized as contributing to the Dayton's Bluff Heritage Preservation District (shows street level photo). The proposal is for two solar panel arrays. Here's a site plan (shows aerial drawing) that was submitted with the application. Solar panel array 1 is sited on the front half of the roof and solar array 2 is sited at the back half of the roof, behind the dormer and the chimney. Heritage Preservation staff discussed with the applicant that the panel sited at the back half of the roof could be administratively approved, as it met the guidelines, while the panels located in the front half did not meet the guidelines because the panels would affect the character of the structure and have an adverse impact on the property and the Dayton's Bluff Heritage Preservation District and therefore would need a public hearing. The applicant did not amend their application to be reviewed administratively so it went before the HPC at the April 12 public hearing. The staff report cited both the Dayton's Bluff Heritage Preservation guidelines as well as the Secretary of the Interior standards for sustainability for rehabilitating historic properties. The findings on how the front solar panels did not meet the guidelines, but the rear panels did, was really the essence of the report. The main findings that were discussed at the HPC public hearing were related to the Secretary of the Interior guidelines for sustainability, recommending the installation of low profile solar devices on historic buildings so they are not visible, or only minimally visible, from the public right of way. Staff found that, while solar array 2 met this guideline, solar array 1 did not meet the guideline, and then from the Dayton's Bluff Heritage Preservation guidelines we have two different findings that were cited by the commission. One was the impact of alterations or additions on individual buildings as well as the surrounding streetscape. It was found that solar array 1 would have a visual impact to the surrounding streetscape because it's highly visible. Therefore, array 1 did not meet the guideline. The last Dayton's Bluff guideline that was discussed in detail was roof hardware, such as skylights, fence and metal pipe chimneys, should not be placed in the front roof plane. Therefore solar array 1 did not meet the guideline. The Secretary of the Interior standards for sustainability are used in conjunction with the Dayton's Bluff Heritage Preservation guidelines because right now the Dayton's Bluff guidelines do not address solar. The Dayton's Bluff Heritage Preservation guidelines were adopted in 1992 when the district was formed and have not been updated since. The guidelines for sustainability from the Department of the Interior addressed solar in 2011 so, therefore, it's more updated. So, they are used in conjunction with the Dayton's Bluff guidelines. Neighbors within 350 feet were notified of the application but there was no public testimony and the Commission voted 6 to 2 to deny the application.

Council President Brendmoen: Thank you. Are there any questions? Ms. Noecker.

Councilmember Noecker: Is there a difference between the Secretary of the Interior's guidelines in terms of what the need to comply and the enforcement of those is?

Allison Suhan, PED staff to Heritage Preservation Commission: The enforcement is

the same. The wording is just different. The local designation guidelines, the Dayton's Bluff Heritage Preservation guidelines, are based off of the Secretary of the Interior's standards for preservation. Those are the overarching guide for preservation for all states. Then, the rehabilitation standards were adopted in 2011 by the Secretary of the Interior were basically an update to address solar panels. Whereas, at the local level, we have not updated our guidelines yet to be able to include technology such as solar.

Council President Brendmoen: Thank you. Other questions. Ms. Henningson.

Councilmember Henningson: Are we in the process, or is there a timeline, for updating our standards?

Allison Suhan, PED staff to Heritage Preservation Commission: Staff has been discussing how it would be a great work plan item to add. We would like to see more consistency throughout the guidelines, across the different districts, to make it a little more cohesive and easier to navigate the Heritage Preservation Districts as a whole. With that, it would be nice to update them so that they also better relate to the national standards and can be both adaptive and reactive to future technologies as well as just solar. So then we can become better prepared as solar becomes more available and accessible for people in all different financial needs. As well as other building technologies that come across.

Council President Brendmoen: Other questions. All right, hang in there for just a little bit longer. This is a public hearing. Let us start by hearing from the appellant, All Energy Solar. If you would like to testify in support of your appeal.

Appellant:

Isaac Lindstrom (Minneapolis), representative from All Energy Solar: For this project, Mr. Berger lives at the end of a dead end road. Panels of array 1 are facing the dead end part of the road and therefore will not be seen by very many people. Mound St, that runs adjacent to the dead end, is screened by various trees and a large apartment complex as well, so no one driving on the opposite side of the street past all that would see it as well. Mr. Berger can testify to this; he's done a number of steps to address energy efficiency in his house and putting on solar panels is the next step in his process to becoming more efficient, to use less energy, and use it in a more cleaner, better way. So with that, I will let him testify as well.

Eric Berger (662 Conway): I live at the end of a dead end street. Just to paint a picture of my street, as he mentioned, it is a dead end street. There are four properties array 1 would be visible from. They are all multi-family rental properties, probably why no one voiced support or opposition from any of those properties. They are just not present in the neighborhood. In addition to that, I've taken a lot of steps to keep my home as energy efficient as I can. I commute in an electric vehicle. So, energy cost is something I am at least conscious of. It would be a significant help to be able to charge off of the sun and reduce my reliance on potentially less clean energy. The objection I am hearing from the HPC isn't to solar panels or modifying the home. They are just making the argument that it's visible, and I'd like to make the argument that it isn't. Mound wasn't there when my house was built. It's not visible from Mound now. There are structures; there are trees. Seasonal I will grant, but still "minimally visible," to use their verbiage. I think they are fairly attractive and they kind of spruce up the neighborhood which is a little distressed. I understand there isn't a precedent for solar panels yet, but there will be, and I am on the leading edge of that which is why I am here. That's pretty much all I've got to add.

Council President Brendmoen: Great. Are there questions? Ms. Noecker.

Councilmember Noecker: Thank you. It strikes me that a number of these standards were not met just because information was not provided and some of the information you are sharing with us tonight seems like it would meet some of these standards.

Eric Berger (662 Conway): I wasn't the one submitting, unfortunately.

Councilmember Noecker: Yes. You've done so many other things to your house to make it sustainable and this does seem to be like the last thing, which is one of those standards. It seems like a lot of the issue has to do with solar array 1 just being in front and not behind solar array 2. Is there no way to locate both arrays in a less visible location?

Eric Berger (662 Conway): That's a great question. Yeah. You could physically mount them on the house. But the way that the solar exposure is, ideally, south is best. Southeast is fine; southwest is fine. There's only one portion of my roof where it's feasible. There's a fairly large tree between my house and my detached garage. I suppose I could pull up a map to help you guys here. I don't know if the iPad will work on this little zoom-in thing or not.

Council President Brendmoen: We also have our computers. We are looking at the same thing.

Eric Berger (662 Conway): 662 Conway? See, I've got a detached garage that sits back there and there's a large tree back there with a lot of canopy. I can't put them on my garage, unfortunately, because there's no way to get the low voltage from the garage to the inverter on the house. We looked at all the options. An alternative that was suggested by the HPC was to just do the rear array and, unfortunately, it's very cost prohibitive. These things, there's a ton of infrastructure you have to put in. It costs a lot of money and as the size of the panel array gets bigger, it gets significantly cheaper per kilowatt hour. The amount I need to make it work is about the 10 panels, the five and five that they have prepared.

Council President Brendmoen: So much of it is hinging on, oddly enough, the sun. [Laughter from council.] And where it shines. It's not as simple as some of these situations where, well, just put it someplace else.

Eric Berger (662 Conway): Right. There's a really cool online Google-powered tool that will show you where all the thermal energy is on your roof and if you look at it on my house it is just those two areas. So, that's what I am stuck with.

Council President Brendmoen: Right. OK. Are there any further questions? All right, thank you very much. Ms. Prince would move to close the public hearing. All in favor say Aye. [All say Aye.] Any opposed? [No one opposed.] The motion prevails. Ms. Prince.

Councilmember Prince: So what we have here appears to be competing values of historic preservation and sustainability, which I will argue, should not be competing values. And we should, as has been suggested, amend our Dayton's Bluff guidelines to reflect this. I feel strongly that the preservation of existing homes, and the use of new and developing technologies to serve those homes, need not be mutually exclusive. For that reason, I move to grant the appeal and I am confident that the low

profile of the solar panels in question will mitigate any visual impacts while enhancing the long term maintenance and sustainability of this historic home.

Council President Brendmoen: Well, you just made my night. Further thoughts? There's a motion to approve. I appreciate your thoughtful thinking on this. I was looking on the map and thinking we should approve this one. Glad to be in alignment on that. Any further discussion?

Motion of intent - appeal granted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince and Councilmember Henningson

Nay: 0

Absent: 1 - Councilmember Thao

ADJOURNMENT

Council President Brendmoen adjourned the meeting.

Meeting adjourned at 9:35 p.m.

Council Meeting Information

The City Council is paperless which saves the environment and reduces expenses. The agendas and Council files are all available on the Web (see below). Council members use iPads to review the files during the meeting. Using the iPad greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released minutes, agendas, and meetings are available by subscription. Visit www.stpaul.gov/council for meeting videos and updated copies of the agendas, minutes, and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)

Many people are extremely sensitive to scented products. Please refrain from wearing or using fragrances such as perfumes, lotions, aftershave, scented aerosol products, and other such products.