



Request for City Council Committee Action from the Department of Community Planning and Economic Development

Date: February 19, 2015

To: Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Determination of the need for an Environmental Assessment Worksheet (EAW) for the proposed Downtown East Commons/Urban Park Project in response to a petition signed by more than 100 individuals and filed with the Minnesota Environmental Quality Board (EQB).

Recommendation: Based on the information in the file and within the attached Findings of Fact and Record of Decision document, The City of Minneapolis, concludes the following:

1. This "Findings" document and related documentation were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The project at issue, the Downtown East Commons/Urban Park Project, does not meet any of the mandatory EAW thresholds contained in Minn. Rules 4410.4300.
3. The Downtown East Commons/Urban Park Project is exempt from preparation of an EAW pursuant to Minn. Rules 4410.3600, subp. 2. The Minneapolis City Council adopted an AUAR for the PUD on November 1, 2013, including the plan for mitigation.
4. The Minnesota Multi-Purpose Stadium project is also exempt from the petition pursuant to Minn. Rules 4410.3600, subp. 2. Environmental review was completed, governmental review was completed, and substantial construction has already been completed for this project.
5. Any alleged effects pertaining to hazardous materials are localized and will be addressed through the existing regulatory process.
6. The City of Minneapolis makes the finding that the petition for an EAW for the Downtown East Commons/Urban Park Project on the properties located at 415 5th Street South and 500 5th Street South is denied.
7. The City of Minneapolis City Council shall adopt the proposed Findings of Fact and Record of Decision document.

Ward: 3

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Approved by: Jason Wittenberg, Planning Manager
Presenters in Committee: Hilary Dvorak, Principal City Planner

Community Impact:

Neighborhood Notification: Not applicable. None needed for this EQB mandated decision.

- City Goals: Not applicable
- Comprehensive Plan: Not applicable
- Zoning Code: Not applicable
- End of 120-day decision period: Not applicable
- Other: Not applicable

Background/Supporting Information: Jerald Bahls, as a representative for the petitioners (Audubon Chapter of Minneapolis, Minnesota Citizens for the Protection of Migratory Birds, MN LEGAL Defense Fund for Migratory Birds, Inc. and the attached signatories), filed a petition requesting the preparation of an Environmental Assessment Worksheet (EAW) for the project known as Downtown East Commons/Urban Park Project (Project) proposed at 415 5th Street South and 500 5th Street South with the Minnesota Environmental Quality Board (EQB) on January 22, 2015. The EQB subsequently assigned the City of Minneapolis as the Responsible Governmental Unit (RGU) after determining that the petition was complete and valid. According to the petitioner, the petition is based on the fact that the park will be adjacent to the MSFA stadium that contains highly transparent and highly reflective glass that is known to result in bird-window collisions that result in migratory bird deaths. In addition the proposed park property will be acquired land that is part of an industrial development district intended to address blight caused by marginal property and thus must be investigated for the presence of potential hazardous materials. The petitioner's complete statement and reasons for the petition are attached.