

**Excerpt from the
Monday, July 8, 2002
CITY PLANNING COMMISSION
MINUTES
220 City Hall
Minneapolis, Minnesota 55415
4:30 p.m.**

40. **Block bounded by Hennepin Avenue, North 6th Street, First Avenue North, and North 7th Street (5th Ward - CU-1000141) (BZZ-719)**

Application by Block E Interests, LLC for a conditional use permit to allow a mixed use, planned unit development. The developer's application calls for the following: hotel, including ballroom and conference center; cinema complex; retail, including four to six restaurants; underground parking garage of approximately 563 spaces; loading facilities, stairs/mechanical; interior public space; and, exterior public plazas. (Staff, Jack Byers)

Planning Director Ballentine indicated that staff had been in discussions with the developer of Block E to work on resolution to the differences of opinion that they had that were expressed in the staff report. Based on that and the fact that this assignment was given to Mr. Byers when he was in the middle of doing the public process for the Downtown East/North Loop Master Plan, staff was recommending that this item be continued to the next meeting. They had made progress with the developer. The public bathroom issue in particular had been resolved. They had narrowed the focus of discussion down to a couple of issues. He thought the Commission needed to make their own judgements about taking testimony at this meeting. He asked that they reserve discussion and the full staff presentation until the next meeting when they had concluded the discussions with the development team and provided a revised staff report and full staff presentation. The public hearing was opened.

Andrew Hauer, 19 S 1st St, indicated that he had lived at the Towers Condominiums in excess of 25 years and was an original owner. He served as Director of the Downtown Minneapolis Residents Association and had served on that Board for many years. He also served on other boards including the Skyway Advisory Committee. He was at the meeting because of the newspaper article stating that there would be no public restroom facilities.

President Martin noted that had been resolved.

Mr. Hauer stated that he wanted to add that there were people who were going to speak to the number of public urination cases in downtown Minneapolis and especially within that area. The penetration was huge. They got numbers from the Police Department. He also served on a committee that was trying to come to a resolution about what could be done for public urination in downtown Minneapolis. His other request would be that the facilities in Block E, as much as it had been subsidized, and they were adding five new liquor licenses to that establishment, it would be wonderful if they could have the restrooms open 24-hours a day. The hotel would have access 24-hours a day, the bars would be open until 1:00 a.m. and they really needed facilities. There was no reason why the additional investment that was made by the City of Minneapolis and why they couldn't make a small request to have public restrooms at that particular location open 24-hours.

Director Ballentine made note of the concerns raised.

Mike Rollin, 3736 Bloomington Av. S, indicated that he was also raising the issues of restroom accessibility in the downtown area.

President Martin noted that the issue had been resolved and they were continuing to work on it.

Commissioner Krueger stated that he wanted to hear from the public because they came to speak and the Commission didn't have any details on what the resolution was. He wanted to hear the comments. He thought it would be appropriate to limit comments to two minutes.

Mr. Rollin indicated that he works with the Central City Neighborhoods Partnership Restorative Justice Program serving the downtown area and in the year 2001 there were 350 screened arrests for public urination in the downtown area. That did not represent the total number of incidents, but the number of arrests that were screened for their program. 70 of those were conferenced by community members with arrests originating between Hennepin Avenue North to 3rd Avenue North. One of the things that their program had become aware of in this time was the issue of access to restrooms. He shared a couple of cases that came to their program, one individual came downtown to visit a friend and got lost. Each establishment he tried to enter required a cover charge. He offered to let bouncers in two bars hold his wallet and was still refused entry and ended up going in an alley. He wished there were somewhere else he could have gone. Another individual got off his bus downtown and realized he needed to use a restroom. He went to two stores and neither had public restrooms. Still needing to go, he went into an alley on 7th and Hennepin and was subsequently tagged for public urination. These were a couple of examples and they had heard dozens over the past year of incidents in which a person attempted to locate a facility in the downtown area and were not able. While the program had handled some cases in which the person did not attempt to locate a restroom, these examples highlighted the need for well-marked and accessible restrooms for well meaning people who wanted to act responsibly. The consequence of not having restrooms available was criminalization of this basic human need producing personal humiliation, additional policing and court costs and prosecution costs and also costs to the restorative justice program. He encouraged the Commission in their planning discussions to consider the need for more access to public restrooms downtown.

President Martin stated that she believed the Commission heard the message about restrooms.

Mary Turner, 1225 LaSalle Av., indicated she was also involved with the Committee interested in public access restrooms in downtown Minneapolis. She submitted reports that the committee had put together on the incidents and the maps from the community police about where the incidences were to Director Ballentine. As reports show, the increased number of incidences and the problem primarily rested with the over-served bar patrons. That was an area that they were trying to address and bringing people from out of town and from the suburbs into that area which had a high incidence of public urination. Their recommendation was to include in the design plans public restrooms for new and restored buildings.

Unnamed speaker, resident of the Stevens Square neighborhood and volunteer with the Restorative Justice Program, pointed out what often happened was that people were invited to come to downtown Minneapolis for entertainment, they were served alcohol until 12:45 and then they were whisked out the door. He submitted that the City of Minneapolis had an obligation to be a good host and to allow these people a better opportunity to utilize public restrooms as a part of the City's responsibility as a host.

President Martin stated that the Commission had heard the concerns and Director Ballentine had noted that issue was being or had been resolved. He would continue to carry to message to Mr. McCaffery and others.

Commissioner Bradley asked what the status of the bathrooms was?

Director Ballentine replied at the conclusion of a discussion, the developer agreed to add public restrooms near the theater entrance on the second story of the building.

Commissioner Bradley asked what time the skyways closed?

Director Ballentine replied that he would defer the question to Mr. Byers. There is a uniform skyway closure that applied to the whole system. City Hall access is closed at 6:00 p.m.

Byers, staff, replied that the Block E building would be required to stay open the uniform skyway hours program and he believed that was 10:00 p.m. on weekdays and weekend nights.

Commissioner Bradley stated that there would still be public urination after 10:00 p.m.

Byers, staff, replied that the hours of the skyways and the building may not necessarily align to the hours of the establishments in the facility.

Commissioner Bradley indicated if that was the case and if the building had different hours or could have different hours, wouldn't it be prudent to also have public restrooms on the first floor as well as the skyway?

Director Ballentine responded that staff could explore that with the developer. There were some changes in the proposal that made it more difficult to provide that particular type of access. He also wanted to point out that this was a feature that was common to all buildings in downtown Minneapolis, there was the same accessibility problem from all of the shops and stores on the Nicollet Mall, etc. It is a privately owned system, that was different from the St. Paul system which has some public aspects where the hours of operation could be more regulated. This building would be no different than some of the other buildings in downtown when they close. We also have that problem as the skyway passes through Marshall Fields for instance which is right in the store.

Commissioner Bradley replied that he understood that, but his issue was for \$39 million we ought to be able to get a couple of bathrooms that are accessible for the maximum amount of hours that we can make them. Particularly in lieu of the fact that there were things that they had requested in this development that they were not getting. Because that discussion was not happening today and he didn't know what "horse trading" was going on, he was going to request public restrooms on both levels.

Commissioner Hohmann seconded the restrooms on both levels. At the Committee of the Whole meeting it was mentioned that State law prohibited exterior escalators. He hadn't read the law, but he had heard that there were exterior escalators in Montevideo and the Hiawatha/Lake LRT was supposed to have one. He asked staff to check on that.

Commissioner Krueger asked for clarification if the restrooms were going to be on the skyway level which is the ticketing level for the movie theater or the third level where people would view the movies?

Director Ballentine replied that they would be on the second level where the skyway was, the ticketing level.

Commissioner Bradley stated to help clarify Commissioner Hohmann's comment regarding the escalators, his understanding was that State law prevented them from being unenclosed. They could be enclosed. He asked Director Ballentine to tell the developer that the Commission would like enclosed escalators to the street in glass to match the rest of the development. Director Ballentine replied that they would continue that communication.

Commissioner Bradley thanked Director Ballentine for his involvement with the developer in trying to resolve some of the issues, however he needed to state a frustration. The Commission received a massive package with all kinds of Block E issues and he had Block E drawings going back to the year 2000, so he thought he was prepared for a discussion and disappointed not to have it. He thought that the Commission was prepared to discuss it.

President Martin noted that the Commission would get to discuss it in two weeks.

Commissioner Schiff indicated that he spoke with Dan McCaffery and was concerned about the delay affecting the project and any delayed openings that might happen on Block E. He was assured that they would be able to move forward on schedule and would seek special permissions so that the Hard Rock Café which would be the first to open would open at the beginning of August.

Council Member Goodman, 7th Ward, stated that one thing that was unfortunate about our process was that we go out of our way to get the press in the City of Minneapolis to cover what the City is doing and she thought that was so important and then they print in the paper that there is going to be a public hearing and people show up to testify, herself included, she had it on her calendar to be at the meeting to speak to the issue of public urination and then people come and we don't take their testimony. She thought that was very unfortunate and it occasionally happened at Z&P and she had fought it there as well.

She hoped, with all due respect to the people who had come that wanted to say something, that we encourage them to submit their comments in some other way in case they were unable to come back when the public hearing was going to be open. There were more issues in her mind than just the public restroom issue. She would have spoken to the marquee issue and the bus stop issue. She had a list of issues and thought if we wanted to encourage the press to get people involved and then they show up and we don't take testimony and they have to come back and take more time off of work or out of their busy schedule, that really discouraged people from participating in the public process. She wanted to make that comment because it affected her and her assistant and a number of people who were here.

President Martin noted that a number of people were allowed to testify.

Council Member Goodman replied that she heard them, but thought that there were more that would.

President Martin stated that she asked at the beginning of the meeting how many people were here to speak and there weren't very many more than did talk.

Commissioner Schiff motioned, Krueger seconded to **continue** the public hearing to the July 22, 2002 meeting. **Carried.**

41. **Block bounded by Hennepin Avenue, North 6th Street, First Avenue North, and North 7th Street (5th Ward - CU-1000142) (BZZ-719)**

Application by Block E Interests, LLC for a conditional use permit to allow a non residential conditional use. The developer's application calls for the following: hotel, including ballroom and conference center; cinema complex; retail, including four to six restaurants; underground parking garage of approximately 563 spaces; loading facilities, stairs/mechanical; interior public space; and, exterior public plazas. (Staff, Jack Byers)

The public hearing was opened.

See discussion in item #40 above.

Commissioner Schiff motioned, Krueger seconded to **continue** the public hearing to the July 22, 2002 meeting. **Carried.**

42. **Block bounded by Hennepin Avenue, North 6th Street, First Avenue North, and North 7th Street (5th Ward - SP-1000138) (BZZ-719)**

Application by Block E Interests, LLC for site plan review of a mixed use development. The developer's application calls for the following: hotel, including ballroom and conference center; cinema complex; retail, including four to six restaurants; underground parking garage of approximately 563 spaces; loading facilities, stairs/mechanical; interior public space; and, exterior public plazas. (Staff, Jack Byers)

The public hearing was opened.

See discussion in item #40 above.

Commissioner Schiff motioned, Krueger seconded to **continue** the public hearing to the July 22, 2002 meeting. **Carried.**