



**Request for City Council Committee Action  
From the Department of Community Planning & Economic Development**

**Date:** November 1, 2005

**To:** Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

**Prepared by:** Michael Orange, Principal Planner

**Approved by:** Barbara Sporlein, Director, Planning Division

**Subject:** Determination of the need for an Environmental Impact Statement and the adequacy of the EAW for the proposed Loring Park Development Project at 1367 Willow Street and 1368 LaSalle Avenue.

**Previous Directives:** None

**RECOMMENDATION:** The Department of Community Planning & Economic Development—Planning Division recommends the Zoning and Planning Committee and the City Council make the following findings and not require the preparation of an Environmental Impact Statement for this Project:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Loring Park Development Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
  - Type, extent, and reversibility of environmental effects.
  - Cumulative effects of related or anticipated future projects.
  - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City the EAW is adequate and no EIS is required provides no endorsement, approval, or right to develop the proposal by the City and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City’s process for considering the specific discretionary and ministerial permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site.

Consequently, the City does not require the development of an Environmental Impact Statement for the project.

<b>Financial Impact:</b> Not applicable
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<b>Community Impact:</b> See attached “Findings Document” and the EAW for the proposed Loring Park Development Project
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**Ward:** 6

**Neighborhood Notification:** See attached “Findings Document”

**City Goals:** See the EAW for the proposed Loring Park Development Project

**Zoning Code:** See and the EAW for the proposed Loring Park Development Project

**Living Wage/Job Linkage:** Not applicable

**Other:** Not applicable

### **Background and Supporting Information**

See attached “Findings of Fact and Record of Decision” and the previously distributed Loring Park Development Project Environmental Assessment Worksheet

# DRAFT FINDINGS OF FACT AND RECORD OF DECISION

## ENVIRONMENTAL ASSESSMENT WORKSHEET For the Loring Park Development Project

**Location: 1367 Willow Street and 1368 LaSalle Avenue in the City of Minneapolis,  
Hennepin County, Minnesota**

**Responsible Governmental Unit: City of Minneapolis**

**Responsible Governmental Unit**

City of Minneapolis  
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**Proposer**

1375 Willow Street Associates LLC  
Joseph Bagnoli  
McGrann Shea Anderson Carnival Room  
Straughton & Lamb, Chartered  
800 Nicollet Mall Suite 2600  
Minneapolis, MN 55402

612 339-2347

612 339-2386

**Final action (refer to Exhibit E):** Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for the above Project, the City of Minneapolis concluded the following on **X**:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Loring Park Development Project (Project) were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The Project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
  - Type, extent, and reversibility of environmental effects.
  - Cumulative effects of related or anticipated future projects.
  - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the Project proposer, or of environmental reviews previously prepared on similar projects.

4. The finding by the City the EAW is adequate and no EIS is required provides no endorsement, approval, or right to develop the proposal by the City and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City's process for considering the specific discretionary and ministerial permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site.

Consequently, the City does not require the development of an Environmental Impact Statement for the Project.

## **I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION**

The City of Minneapolis prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Loring Park Development Project according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 subpart 19 Residential Development. The Project proposes construction of more than 375 attached residential units. Exhibit A includes the Project summary, and Exhibit B includes the Record of Decision.

## **II. EAW NOTIFICATION AND DISTRIBUTION**

On September 23, 2005, the City caused the EAW to be published and distributed to the official EQB mailing list and to the Project mailing list. The EQB published notice of availability in the *EQB Monitor* on September 26, 2005. Exhibit C includes the public notification record and these mailing lists.

## **III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION**

Exhibit D includes the comment letter received. The Zoning and Planning Committee of the Minneapolis City Council considered the EAW and the draft of this "Findings of Fact and Record of Decision" document during its November 10, 2005, meeting. Notification of this public meeting was distributed via the City's standard notification methods and to the official list of registered organizations (refer to Exhibit C).

## **IV. SUBSTANTIVE COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS**

The City received one written comment during the public comment period from:

1. Metropolitan Council, October 18, 2005

The following section provides a summary of this comment and response (Exhibit D includes the letter).

**1. Metropolitan Council**

**Comment:** “The EAW raises no issues of consistency with Council policies or impacts on regional systems.”

**Response:** Noted for the record

**V. ISSUES IDENTIFIED IN THE EAW**

The sole environmental issue identified in this EAW is the impact of the proposed building heights and bulk, including the impact of this redevelopment on the Shoreland District created by Loring Pond. These potential impacts will be directly addressed by the City during the land use approval process for this Project.

**VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA**

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the responsible governmental unit, the City in this case, to compare the impacts that may be reasonably expected to occur from the Project with four criteria by which potential impacts must be evaluated. The following is that comparison:

**A. Type, Extent, and Reversibility of Environmental Effects**

The environmental effects identified in the EAW are the Project's inconsistency with the provisions of the site's present designation under the zoning ordinance.

**B. Cumulative Effects of Related or Anticipated Future Projects**

Residential development at this site is consistent with the overall objective of the Plan and the zoning regulations of the City. Specific design elements of this proposal may be mitigated during the City's land use approval process. No other project is related to this Project.

**C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority**

The City has considerable discretionary authority through its land use approval process and ministerial authority through the permit approvals required for this Project, to address, mitigate or avoid the environmental effects identified in the EAW.

**D. Extent to which Environmental Effects Can be Anticipated and Controlled as a Result of other Environmental Studies Undertaken by Public Agencies or the Project Proposer, or of Environmental Reviews Previously Prepared on Similar Projects.**

The construction of another residential building on the edge of the downtown of a central city follows many precedents, and is a known event with known effects.

## **VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT**

Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for this Project, the City of Minneapolis, the responsible governmental unit (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Loring Park Development Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The Project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
  - Type, extent, and reversibility of environmental effects.
  - Cumulative effects of related or anticipated future projects.
  - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
  - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the Project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City the EAW is adequate and no EIS is required provides no endorsement, approval, or right to develop the proposal by the City and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City’s process for considering the specific discretionary and ministerial permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site.

Consequently, the City does not require the development of an Environmental Impact Statement for the Project.

### **Exhibits:**

- A. Project Description
- B. Record of Decision
- C. Public notification record
- D. Comment letters
- E. Council/Mayor action

## **EXHIBIT A**

### **Project Description**

Willow Street Associates proposes a redevelopment located of the blocks east and west of Spruce Place between Grant Street and 14th Street on the eastern edge of Loring Park. The 2.51 acre site includes the entire block presently occupied by Eitel Hospital west of Spruce Place, and the southern edge of the block east of Spruce Place. A 275 unit, 38 floor, condominium building with 4800 sf of retail space served by 337 parking spaces is proposed for the parcel east of Spruce Place. West of Spruce Place the construction of a two new, linked, 6 floor apartment buildings and the renovation of the former Eitel Hospital will provide 204 housing units and 2000 sf of retail space served by 242 parking spaces.

**EXHIBIT B**

**Environmental Review Record for the Loring Park Development  
Project Environmental Assessment Worksheet**

**CHRONOLOGY IN COMPLIANCE WITH THE PROCEDURES OF THE MINNESOTA  
ENVIRONMENTAL POLICY ACT**

<b><u>DATE</u></b>	<b><u>ITEM</u></b>
9/23/05	City staff distributes EAW to official EQB mailing list and Official Project List.
9/26/05	Minnesota Environmental Quality Board (EQB) publishes notice of availability in <i>EQB Monitor</i> . 30-day comment period commences.
10/26/05	End of EAW public comment period.
11/10/05	Zoning and Planning Committee (Z & P) of the City Council considers the “Findings of Fact and Record of Decision” report, provides recommendation to the City Council.
????	City Council approves Z & P Committee recommendation and makes a finding of Negative Declaration: EAW is adequate and no EIS is necessary.
????	Mayor approves Council action regarding EAW
????	City publishes notice of Council/Mayor decision in <i>Finance and Commerce</i> . Moratorium on issuance of final permits lifted.
????	City publishes and distributes Notice of Decision and availability of final “Findings” report to Official EQB List and the Official Project List
????	EQB publishes Notice of Decision in <i>EQB Monitor</i> .

## EXHIBIT C

### Public Notification Record

The following describes the public notification process of the Planning Division for the Loring Park Development Project EAW:

1. The City maintains an updated list based on the Official EQB Contact List. The Planning Division also distributes copies of the EAW via interoffice mail to elected and appointed officials, City staff and others who have expressed interest in the Project.
2. A notice of the availability of the Loring Park Development Project EAW, the dates of the comment period, and the process for receiving a copy of the EAW and/or providing comment was published in the EQB Monitor on September 26, 2005, and provided to the City's Communications/Public Affairs office for notice and distribution.
3. The Planning Division distributed the Notice of Decision with information regarding the final "Findings" document to the Official EQB Contact List and the Project list.
4. The EQB published the Notice of Decision in the *EQB Monitor*.

**Attached:**

Official EQB Contact List

## **EXHIBIT D**

### **Comments Received on the Eclipse Condominiums Project EAW**

Comment letter was received from the Metropolitan Council, October 18, 2005 (see attached)

**EXHIBIT E**

**Council /Mayor Action**