



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

Date: August 20, 2009

To: Council Member Gary Schiff, 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 Stone Arch Phase II project located at 600 Main Street SE in response to a petition signed by more than 25 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 petitioners failed to demonstrate that the project may have the potential for significant environmental effects.
3. The City of Minneapolis makes the finding that the petition for an EAW for the Stone Arch Phase II project on the property located at 600 Main Street SE is denied.
4. The City of Minneapolis City Council shall adopt the proposed Findings of Fact and Record of Decision document.

Ward: 3

Prepared by: Becca Farrar, Senior Planner, 612-673-3594 Approved by: Jason Wittenberg, Development Services Supervisor Presenters in Committee: Becca Farrar, Senior Planner
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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: Cordelia Pierson, as a representative for the petitioners, filed a petition requesting the preparation of an Environmental Assessment Worksheet (EAW) for the project known as Stone Arch Phase II (Project) proposed at 600 Main Street SE with the Minnesota Environmental Quality Board (EQB) on July 30, 2009. The EQB subsequently assigned the City of Minneapolis as the Responsible Governmental Unit (RGU) after determining that the petition was complete and valid. The basis of the petition is that the petitioners believe that the development project meets mandatory criteria for an EAW under the following categories: natural areas and historical places as well as various discretionary criteria that they believe may have the potential for significant environmental impacts. The petitioner's complete statement and reasons for the petition are attached.

FINDINGS OF FACT AND RECORD OF DECISION

ENVIRONMENTAL ASSESSMENT WORKSHEET

for

Stone Arch Phase II

**Location: 600 Main Street SE, City of Minneapolis, Hennepin County,
Minnesota.**

Responsible Governmental Unit (RGU): City of Minneapolis

Contact Information:

RGU – City of Minneapolis: Becca Farrar, Senior Planner –Development Services, Community Planning & Economic Development (CPED), City of Minneapolis, Room 300 Public Service Center, 250 S. Fourth Street, Minneapolis, MN 55415, direct: 612.673.3594, fax: 612.673.2526, rebecca.farrar@ci.minneapolis.mn.us

Petitioner’s Representative: Cordelia Pierson, 512 SE 7th Street, Minneapolis, MN 55414, direct: 612.379.8196, cordelia.pierson@gmail.com

Project Contact: Steve Minn, Principal, Call Your Bluff Development, LLC & Bluff Street Development, LLC, 1701 Madison Street NE, Suite 111, Minneapolis, MN 55413, direct: 612.436.3200, Steve.Minn@lupedevelopment.com

BACKGROUND AND SUPPORTING INFORMATION

On August 3, 2009, the City of Minneapolis received a petition forwarded from the Minnesota Environmental Quality Board (EQB) that had been filed by Cordelia Pierson. The petition requests the preparation of an Environmental Assessment Worksheet (EAW) for the project known as Stone Arch Phase II proposed at 600 Main Street SE. The EQB determined that the City is the appropriate Responsible Governmental Unit (RGU) for the decision on the petition (**Attachment 1**). The EQB published the notice in the EQB Monitor on August 10, 2009, that the City was assigned as the RGU pursuant to EQB Rules 4410.0500 Subpart 3. The full petition and associated petition materials have been attached for reference (**Attachment 2**).

A. PROJECT DESCRIPTION

Call Your Bluff Development, LLC & Bluff Street Development, LLC, has proposed to construct a six-story residential building with 79 units on a site that currently contains a

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surface parking lot on the property located at 600 Main Street SE ([Attachment 3](#)).

In 2001, this site was proposed as a second phase of a planned unit development for the Stone Arch Apartments. Phase I is located across Main Street SE to the north. After staff review and public hearings the proposal was modified to eliminate the planned unit development; however, the 600 Main Street SE “triangle” was rezoned to add the Industrial Living Overlay District (ILOD) at the same time as the Stone Arch Apartments Phase I site (BZZ-186). While the original Phase I of the Stone Arch Apartments was approved for 273 units, as a part of a lawsuit brought by Metal-Matic, the Hennepin County District Court issued an Order and Memorandum on September 24, 2002, determining in part that the variances granted by the City exceeded the minimum lot density limitations in the Minneapolis Zoning Code and required the project to reapply for a density variance, “up to 20 percent off the statutory minimum for and ILOD as per 525.520.” At this time the City revised the zoning code to increase the maximum allowable variance to 30 percent. The City Planning Commission approved a 30 percent variance to allow 221 units for Stone Arch Phase I on March 17, 2003 (BZZ-1050). The Stone Arch Phase I was constructed to a total of 221 units. On March 3, 2005, the Board of Adjustment approved a nonconforming use certificate for vehicle parking on the 600 Main Street SE site (BZZ-2201). At its meeting of March 23, 2009, the City Planning Commission denied the following applications (BZZ-4319):

- **Rezoning:** From the I2 Medium Industrial District and ILOD Industrial Living Overlay District to the C3A Community Activity Center District.
- **Conditional Use Permit:** To allow 98 dwelling units.
- **Conditional Use Permit:** To increase the height from 2.5 stories in the SH Shoreland Overlay District and from 4 stories in the C3A District to 6 stories 70 feet.
- **Variance:** To reduce the south interior side yard setback from 15 feet to various distances down to zero feet at the closest point to the property line.
- **Site Plan Review.**

This decision of the City Planning Commission was appealed. The City Council denied the appeal at its meeting of April 24, 2009, in part based on findings of fact that high density residential development is not appropriate on the parcel, which is outside of an Activity Center.

The revised project is still six stories, but now has no ground floor retail and is proposed for 79 units. There is no longer an application to rezone the site. Also, the building location has been moved north to eliminate the need for a setback variance and to move the above ground portions of the structure out of the SH Shoreland Overlay District. It is still in the MR Mississippi River Critical Area District. The conditional use permit to increase height is now only to increase the height in the I2 Medium Industrial District from four stories, or 56 feet, to six stories, or 70 feet. A variance to decrease the lot area per dwelling unit by the maximum allowable 30 percent is now requested to increase the number of units, from the 56 allowed in the district with two density bonuses, to 79 units. A conditional use permit and site plan review is required for any project with five or more units.

For additional background information on former development projects as well as the current development proposal please see the CPED – Planning Division staff report which was most recently completed for the project ([Attachment 4](#)).

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A. ARGUMENTS OF THE PETITION

The petitioners make several arguments in support of requiring an EAW prior to the City's consideration of the land use applications for the site including mandatory and discretionary triggers.

(1) In regard to the mandatory triggers, the petitioners believe the preparation of an EAW is mandatory according to EQB Rule 4410.4300 Subpart 30, "Natural areas" and Subpart 31, "Historical places".

(2) In regard to the discretionary triggers, the petitioners believe the project has the potential for significant environmental effects as it pertains to numerous items and as such a discretionary EAW should be ordered according to EQB Rule 4410.1100 Subpart 6.

1. Application of the EQB Rules pertaining to the mandatory preparation of an EAW

(1) In regard to EQB Rule 4410.4300 Subpart 30, "Natural areas", the rule states that for projects resulting in the permanent physical encroachment on lands within a national park, state park, wilderness area, state lands and waters within the boundaries of the Boundary Waters Canoe Area, scientific and natural area, or state trail corridor when the encroachment is inconsistent with laws applicable to or the management plan prepared for the recreational unit, the DNR or local government unit shall be the RGU.

The petitioners claim that this category has three separate components: (1) permanent physical encroachment on land; (2) the affected lands are within a national park; and (3) the encroachment is inconsistent with laws applicable to or the management plan prepared for the recreational unit.

The subject property is located within the Shoreland (SH) Overlay District, Mississippi River (MR) Critical Area Overlay District, as well as the Mississippi National River and Recreation Area (MNRRA). The boundaries of the MR Overlay District and MNRRA are coterminous and MNRRA is a unit of the national park system. The development would result in a permanent physical encroachment on land within a national park, however, it is the City's position that the development is not inconsistent with the laws applicable to or the management plan prepared for the recreation unit. The letter from Superintendent Paul Labovitz ([Attachment 5](#)), on behalf of the United States Department of the Interior dated March 23, 2009, was in response to the former proposal that was submitted for the site not the current proposal. Additionally, it states within that letter, "The *MNRRA Comprehensive Management Plan (CMP)* incorporates by reference the requirements of the state Critical Area Program, Shoreland Management Program, and other programs and plans that implement the plan's visions." There are no specific policies or regulations that are cited within that letter that illustrate inconsistencies other than quoting that the *Marcy-Holmes Master Plan* identifies this area as future park land. It is important to note that this plan has not been adopted into the current Comprehensive Plan that the City is legally bound to utilize when evaluating development proposals and is only an advisory document. Further, when reviewing the contents of the *MNRRA CMP*, the plan states that "this plan will not prevent new development or expansion of existing development in the corridor that is consistent with state and regional land use management programs. It is not a regulatory

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document and does not mandate actions by non-NPS entities. The National Park Service and the commission do not have the approval authority over local plans and ordinances and they do not have authority to approve or deny project-specific land use decisions.” Planning Staff has identified numerous ways in which the proposed development is consistent as it pertains to plans which implement the *MNRRRA CMP’s* vision, as listed below:

The Minneapolis Plan does not have a specific designation for this parcel, but it is located across the street from the east edge of a designated Activity Center, which is the closest land use feature. While there is not a specific designation or land use feature on the site, the housing chapter provides guidance for residential development throughout the city. The plan has the following relevant policies and implementation steps from the housing chapter:

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.

Implementation Steps

Provide regulatory incentives for affordable housing development.

Foster partnerships with housing developers, financial institutions, faith communities and others to extend the City’s capacity to create affordable housing.

Support mechanisms such as community land trusts and housing cooperatives to create long term affordable housing.

4.11 Minneapolis will improve the availability of housing options for its residents.

Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Provide and maintain moderate and high-density residential areas.

Promote mixed-income housing development that offers a range of dwelling unit sizes and levels of affordability.

Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods.

The Minneapolis Plan has additional guidance in City Form Chapter (Chapter 9):

9.2 Minneapolis will continue to preserve the natural ecology and the historical features that define its unique identity in the region.

Implementation Steps

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Incorporate natural features and historic sites into planning and development in order to link the city with the river.

Continue to revitalize the Central Riverfront as a residential, recreational, cultural and entertainment district.

Increase public recreational access to and across the river in the form of parks, cyclist/pedestrian bridges, greenways and trails along the river.

Ensure that future riverfront development will be consistent with the City's Critical Area Plan.

Improve the aesthetics of land use along the river.

Develop new housing near amenities located along the riverfront.

Complete the North Mississippi regional parks system and its connections to North Metro communities.

9.3 Minneapolis will support the preservation and expansion of the existing open space network, including greenways.

Implementation Steps

Support the Park Board's "no net loss" of parkland policy.

Prioritize the expansion of the park system in ways which increase connections and linkage between different areas of the city.

Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

Promote the development of financing, maintenance and community involvement tools that encourage the greening and improvement of transportation corridors and public spaces.

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

Implementation Steps

Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

The Minneapolis Plan for Sustainable Growth has now been approved by the Metropolitan Council, but has not yet been formally adopted by the City Council following the Metropolitan Council action. It is not the adopted comprehensive plan and does not have the same legal status as *The Minneapolis Plan*; however, staff still looks to this document for guidance in land use decisions. It designates this parcel as parkland, as the plan incorporates the land use maps of adopted small area plans, in the case the Marcy-Holmes plan, but it also states that the City should "encourage the development of medium to high density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas." The plan lists medium density as 20-50 units an acre and high density as 50-120 units an acre. This project has a density of 95 units an acre, toward the upper end of the high density category.

The Master Plan for the Marcy-Holmes Neighborhood is the approved small area plan for this area. It was approved on December 29, 2003. It is not adopted into *The Minneapolis Plan*, but is adopted into the *Minneapolis Plan for Sustainable Growth*. Small area plans adopted by the City Council, but not amended into the comprehensive plan act as a guideline and a tool to assist in making development decisions, however, existing zoning and land use regulations are applicable

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whether or not these regulations are in keeping with the parameters of the plan. The plan shows the parcel as parkland, so a building would not be in conformance with the land use plan. It also calls (page 5-9) for the acquisition of the site for a “public transition space from the activity node at 6th Avenue and the Stone Arch Bridge to the bike trail to Dinkytown and the U of M campus.” However, the *Marcy-Holmes Plan* states that land to the river side of 4th Street SE may be considered for multi-family development and that industrial properties on the river side of University Avenue should be considered for mixed use development (page 1-2), so a multi-family project would not be out of character for the type of development proposed for the surrounding area.

This site is in the MR Mississippi River Critical Area Overlay District. *The Mississippi River Critical Area Plan* was approved by the City Council on June 16, 2006. The plan divides the riverfront in Minneapolis into three districts that recognize existing land uses. This site is located in the Urban Diversified District, which is the area south of 48th Avenue North to Franklin Avenue. The plan states in the introduction that the Urban Diversified District is, “a mix of industry, businesses, office buildings, housing, a barge terminal, two power plants, parks and parkways, and the University of Minnesota campus.”

The plan says the following about the central riverfront in relation to land uses: “land uses within the Critical Area should relate to their riverfront location in a manner that enhances the river environment. Land uses that may be considered river enhancing will vary depending on the location and context. The City will follow the land use guidelines of *The Minneapolis Plan* except where they may be modified or made more explicit by City-adopted small area plans...” In addition, the plan states about land uses on the central riverfront:

- Downtown is the major growth center of the entire region. It is a dense, mixed-use area of employment, housing, entertainment, and culture. The river corridor is an important element of Downtown, providing open space and recreation while attracting new housing, shops, and offices.
- Housing is expected to play an increasingly significant role in the Central Riverfront.
- The St. Anthony Falls Historic District should be preserved and the riverfront greenway system improved and extended.
- The river corridor should be more closely linked to Downtown via extensions of the street grid and streetscape improvements to key perpendicular streets.
- Development should retain the diversity of land uses and transportation while making the riverfront accessible to the public, subject to other conditions such as public easements or separation from the water by public rights-of-way.
- Residential, commercial and industrial development should occur as appropriate that complements the riverfront or historic atmosphere and environmental resources. Businesses that complement the riverfront or historic atmosphere or those that contribute significantly to the economic well-being of the community are encouraged.
- Development that expands public access to and enjoyment of the river including parks and open space is supported.
- Entertainment, historic, recreational and cultural facilities that would benefit from the river views or land uses related to the river, as well as schools related to studying the river, the natural environment, or river related industry would be supported.

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Staff response: There are several policy documents and policies that have language that support multi-family housing and affordable housing in the central riverfront area. There is also language that indicates the property should be developed as parkland. Absent a specific plan to purchase private property for a park, staff has to consider existing property rights and how the policies relate to a development that is allowed under existing zoning. Based on those facts a multi-family development on this parcel is in conformance with the adopted comprehensive plan, but the density is not in conformance with the comprehensive plan.

The City Council denied the previous land use application to rezone this site to C3A with the finding that this parcel is outside of the East Hennepin Activity Center and not appropriate for high density zoning. *The Minneapolis Plan* states that that moderate density housing is appropriate adjacent to Activity Centers. The plan identifies medium density housing as 10 to 30 dwelling units per acre and high density as 30 dwelling units per acre and greater. The proposed development at 79 units would have a density of 95 dwelling units per acre, which would be classified as high-density. While the adopted *Minneapolis Plan* is the controlling document, the draft *Minneapolis Plan for Sustainable Growth* and staff policy would classify medium density as 20 to 50 dwelling units per acre. The Industrial Living Overlay District would fall under the category of high density, or 50 to 120 dwelling units per acre. It is staff's opinion that the proposed development density is not in conformance with this policy of the comprehensive plan. This issue, in combination with the denial of the variance to reduce the minimum required lot area per dwelling unit, is the reason for a recommendation of denial for the conditional use permit for 79 units.

Based on the adopted City policies, Planning Staff believes that the project is consistent as it pertains to plans which implement the MNRRA CMP's vision. Therefore, the project would not qualify for a mandatory EAW.

(2) In regard to EQB Rule 4410.4300 Subpart 31, "Historical places", the rules states that for the destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, the permitting state agency or local unit of government shall be the RGU, except this does not apply to projects reviewed under section 106 of the National Historic Preservation Act of 1966, United States Code, title 16, section 470, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, section 303, or projects reviewed by a local heritage preservation commission certified by the State Historic Preservation Office pursuant to Code of Federal Regulations, title 36, sections 61.5 and 61.7. This subpart does not apply to a property located within a designated historic district if the property is listed as "noncontributing" in the official district designation or if the State Historic Preservation Office issues a determination that the property is noncontributing.

The petitioners claim that the project is located within the boundaries of the National Register listed St. Anthony Falls Historic District thus triggering a mandatory EAW and correspondingly that an EAW is mandated because extensive grading to and beneath the bedrock required to construct an underground parking facility will forever destroy archaeological resources that are potentially contained on the site.

Planning Staff has confirmed that the project is outside of the boundaries of the National Register listed St. Anthony Falls Historic District (**Attachment 6**). The petitioner's own exhibit that was submitted as part of the petition package confirms this conclusion. The subject site is also not located within the local district either.

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In 1971 the St. Anthony Falls Historic District was listed on the National Register of Historic Places (NRHP). The southeastern boundary of district was described as the following "...the Mississippi River from Plymouth Avenue Bridge on the northwest boundary to 10th Avenue South (west bank) and 6th Avenue Southeast (east bank) on the southeastern district border. That same year the Minnesota State Legislature established a state historic district with the same name and boundaries of the NRHP St. Anthony Falls Historic District. The legislature also authorized the creation of the Minneapolis Heritage Preservation Commission (HPC) and assigned it design review powers within the state's St. Anthony Falls district. In 1973 the northwestern boundaries of the NRHP district were revised. The boundary along 6th Avenue Southeast remained the same. ([Attachment 7](#) - Map NRHP District Boundary in 1971 and revised in 1973)

In 1991 supplemental information was submitted to the National Register of Historic Places to supplement documentation already on file for the St. Anthony Falls District. The attached map from 1991 was included and showed the southeastern boundary at 6th Avenue Southeast remains the same as the original designation in 1971 ([Attachment 8](#) - Map submitted to the NRHP in 1991 with supplemental information on the St. Anthony Falls Historic District).

In 1988 the Minnesota State Legislature established the St. Anthony Falls Heritage Board to promote historic interpretation. The scope or boundary of the Heritage Board extends further southeast than the National Register listed and stated designation St. Anthony Falls District boundary and extends to Interstate 35W ([Attachment 9](#)). The St. Anthony Falls Heritage Board has no regulatory authority within the Heritage Zone. They are advisory to the legislature and their role is to collaborate, coordinate and advise relative to the interpretive plan. The confusion regarding the boundaries in the EAW petition comes from confusing the boundary or scope of the St. Anthony Falls Heritage Board with the boundaries of the historic district.

As a result, no mandatory EAW for this project is required by the EQB rules as 600 Main Street Southeast is not located within the NRHP listed St. Anthony Falls Historic District or within the state designated St. Anthony Falls Historic District.

2. Applicable exemptions for the project according to EQB Rule 4410.4600.

There are no applicable exemptions for the project. According to EQB Rule 4410.4600, Subpart 12 "Residential development", construction of a sewer residential development if the project contains less than 80 units in a first class city, no part of which is within a shoreland area, delineated flood plain state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, is exempt.

Because a portion of the development, more specifically a segment of the underground parking garage and the drive access to the underground parking garage is located within the shoreland area, the project does not qualify for the exemption. Therefore, the analysis of the discretionary claims focuses on whether the petitioner has met their burden of establishing that "because of the nature or location of the proposed project, the project may have the potential for significant environmental effects."

B. FINDINGS REQUIRED BY THE RULES OF THE EQB

The Rules provide that the designated RGU shall order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the City demonstrates that, because of the nature or location of the proposed project, the project may have the potential for significant environmental effects. The RGU shall deny the petition

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of the evidence presented fails to demonstrate that the project may have the potential for significant environmental effects. The following factors must be considered:

- A. Type, extent, and reversibility of environmental effects;**
- B. Cumulative potential effects of related or anticipated future projects;**
- C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and**
- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.**

The petitioners cite eight criteria that they believe will result in the potential of significant environmental effects should the project be constructed which include:

- (1) The project's permanent physical impact on the environmental quality of the river bluff area within the state-designated Mississippi River Critical Area citing petition, Exhibits 1, 7, 10.
- (2) The project's permanent impact on surface water quality and erosion in the sensitive area near the bluff line, including impacts on the shoreland management area, surface water drainage and sewer issues, citing Exhibit 11.
- (3) The project's permanent impact on an historic district and archeological resources, potential and know, citing Exhibit 12.
- (4) The project's permanent impact on the historic nature and character of the central Mississippi Riverfront Regional Park, citing Exhibit 10.
- (5) The project's permanent impact on the completion of the East River Road Parkway connecting East River Road at the University of Minnesota to Main Street Southeast and the Stone Arch Bridge, a regional non-motorized trail connection of national significance which is currently being considered for funding from federal sources, citing Exhibits 1 and 13.
- (6) The project's permanent impact on the proposed Whitewater Park, citing Exhibit 8.
- (7) The project's permanent impact on traffic patterns in the area, both generated by the development and in relation to trail and road connections existing and proposed in the area.
- (8) The project's permanent impact on subsurface geology and associated state-listed bat species know to in the area, citing the EIS completed for the Pillsbury A-Mill project.

A. Type, extent, and reversibility of environmental effects;

- (1) The exhibits cited do not contain any specific proof that the proposed development would result in significant environmental effects on the environmental quality of the river bluff area.
- (2) The exhibit cited does not oppose the proposed project nor is there any supporting material to support the claim that the project will have significant environmental effects on surface quality and erosion in the sensitive area near the bluff line, including impacts on the shoreland management area, surface water drainage and sewer issues.
- (3) The petition states that with respect to the 600 Main Street SE site that Dr. Scott Anfinson, an archaeologist for the Minnesota State Historical Society documented in 1983 that "some foundations may remain beneath the parkland that now occupies the site." That statement pertaining to the site is mere speculation as no documented evidence is outlined within that study. Further, the subject property is not located within the boundaries of a

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historic district. Therefore, Planning Staff concludes that the burden of proof needed to foster the claim that the project will result in permanent impacts on an historic district and archaeological resources is not present. No proof has been presented which would indicate the potential of significant environmental effects.

- (4) The subject parcel is not located within the boundaries of either the local or national St. Anthony Falls Historic District. The subject parcel is currently a surface parking lot. The proposed development has been reviewed by Planning Staff utilizing the policies and plans that are applicable to the development site. The information provided does not indicate that the project will result in significant environmental effects.
- (5) The exhibits cited have generalized information. There is no development plan or specific guidance for how this specific parcel contributes to the completion of the East River Road Parkway connecting East River Road at the University of Minnesota to Main Street Southeast and the Stone Arch Bridge. The subject site has not identified as a physical location for these potential improvements
- (6) The exhibit cited pertains to the proposed Crown Hydro project which is located on the opposite side or west bank of the Mississippi River. The document has no specific reference to the Stone Arch Phase II project or the subject property. In the exhibit cited, the document states, “there is no geographic reference to a specific location or to a particular side of the Mississippi River other than in the St. Anthony Falls area...”, for location of the proposed Whitewater Park.
- (7) There is no exhibit cited, nor any evidence presented that would indicate that the project will result in permanent impacts on the traffic patterns in the area. Further, the City has an approved Travel Demand Management Plan for the first version of the project, which was of a higher density than the current proposal. Planning Staff has directed the applicant to submit a revised version for review and approval should the proposed project move forward.
- (8) There is no evidence presented by the petitioners that the project will result in permanent impacts on subsurface geology as it pertains to the specific development site or why that specific claim would result in the potential for significant environmental effects. In the Pillsbury A-Mill EIS, the Chute’s Cave hibernating Eastern Pipistrelles (bats) is identified as living underneath the specific Pillsbury A-Mill site. There is no mention of 600 Main Street SE and there are no tunnels underneath the site which would support the bat’s habitat. Further, the DNR did not indicate within their correspondence any concern regarding either of these claims.

B. Cumulative potential effects of related or anticipated future projects;

All major future redevelopments within the area will be considered through the formal land use application process that was applied to this project. The City’s existing regulatory processes and framework captures and evaluates development proposals not only from a Planning perspective which encompasses community planning, heritage preservation and development services analysis but also includes evaluations by the Public Works Department related to stormwater management, sewer design, traffic, streets, water, right-of way, etc. This has and will continue to allow the City to manage potential cumulative effects of future development within the vicinity and throughout the City as a whole.

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C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and

The City's formal land use application process is comprehensively administered by City Staff and implemented by experienced Commissions and the City Council. The City's existing regulatory process and framework captures and evaluates development proposals not only from a Planning perspective which encompasses community planning, heritage preservation and development services analysis but also includes evaluations by the Public Works Department related to stormwater management, sewer design, traffic, streets, water, right-of way, etc. Any potential environmental effects are mitigated by the City's review formal development efforts.

D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Redevelopment of this type within an urban setting is neither unique nor unanticipated. Residential, commercial and mixed-use developments that have been significantly more intense have been the subject of EAWs and EISs as well as specific permitting processes. Based on these studies, the environmental effects of this redevelopment can be anticipated and controlled by the City's formal land use application and regulatory processes.

DECISION ON THE NEED FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET

Based on the information in the above analysis, 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 petitioners failed to demonstrate that the project may have the potential for significant environmental effects.
- (3) The City of Minneapolis makes the finding that the petition for an EAW for the Stone Arch Phase II project on the property located at 600 Main Street SE is denied.
- (4) The City of Minneapolis City Council shall adopt the proposed Findings of Fact and Record of Decision document.

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Attachments:

- 1) Letter from the EQB
- 2) Full petition packet
- 3) Site plan of Stone Arch Phase II development proposal
- 4) CPED-Planning Division CPC Minutes, Staff Report, and attachments
- 5) Letter from the US Department of the Interior
- 6) Map of St. Anthony Falls Historic District
- 7) Map NRHP District Boundary in 1971 and revised in 1973
- 8) Map submitted to NRHP in 1991w/supplemental information on the St. Anthony Falls Historic District
- 9) St. Anthony Falls Heritage Board Map
- 10) Developer's response to the petition