

**AVAILABILITY OF THE FINAL “FINDINGS OF FACT AND RECORD OF DECISION” DOCUMENT, WHICH IS PART OF THE ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE 520 & 521 Second St. SE Project**

The “Findings of Fact and Record of Decision” document provides additional information to complete the Environmental Assessment Worksheet (EAW) process for the sites at 520 and 521 Second St. SE in Minneapolis, Minnesota. The sites are located on either side of Second St. SE. between 5th Avenue SE. and 6th Avenue SE. Upon full development, the 520 site would contain 62 residential units in an eight-story structure, and the 521 site 60 residential units and 9,600 sq. ft. of commercial space in a five-story structure.

Copies of the “Findings of Fact and Record of Decision” document and the EAW are available for review at the downtown Minneapolis Public Library located at 250 Marquette Ave, the Southeast Community Library located at 1222 SE 4th Street, and in the office of the City Planning Division at 210 City Hall. Copies of this “Findings of Fact and Record of Decision” document and EAW can also be provided to individuals on a compact disk by request to Michael Orange (refer to contact information below).

At its regular meeting on July 15, 2004, the Zoning and Planning Committee of the City Council considered the “Findings of Fact and Record of Decision” document and the EAW and decided that there was no need for an Environmental Impact Statement for this proposal. On July 23, 2004, the City Council decided to not order the development of an Environmental Impact Statement and therefore make a Negative Declaration, and that the Findings of Fact and Record of Decision set forth in Petn No 269779 be adopted.

For further information, contact J. Michael Orange, Principal Planner, Minneapolis Planning Division, Community Planning and Economic Development Department, City Hall Room 210, 350 S. 5th Street, Minneapolis, MN 55415-1385, by telephone at 612-673-2347, or E-mail at [michael.orange@ci.minneapolis.mn.us](mailto:michael.orange@ci.minneapolis.mn.us).

If you need more information or have special needs, please call the  
Minneapolis Planning Division at 612-673-2597.

# **FINAL FINDINGS OF FACT AND RECORD OF DECISION**

## **ENVIRONMENTAL ASSESSMENT WORKSHEET For the 520 & 521 Second St. SE Project**

**Location: 520 & 521 Second Street SE 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**

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Minneapolis, MN 55420

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**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 July 23, 2004:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the 520 and 521 Second St. SE 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):

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- 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.

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 520 & 521 Second St. SE Project development according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 subpart 31, Historical Places. The project includes the demolition of one or more buildings that are located within a nationally designated historic district. Exhibit A includes the project summary, and Exhibit B includes the Record of Decision.

**II. EAW NOTIFICATION AND DISTRIBUTION**

On May 21, 2004, the City caused the EAW to be published and distributed to the official EQB mailing list and to the Project's official project mailing list. The EQB published notice of availability in the *EQB Monitor* on May 24, 2004. 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 letters 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 July 15, 2004, 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 eight written comments during the public comment period from the following:

1. Soap Factory, Ben Heywood, June 6, 2004
2. Metropolitan Council, June 18, 2004
3. U of M, The Environmental Law Group, Ltd., June 22, 2004
4. Minnesota Historical Society, June 22, 2004
5. Schafer Richardson, June 23, 2004
6. Minnesota Department of Natural Resources, June 23, 2004
7. National Park Service, June 23, 2004
8. Marcy Holmes and Nicollet Island East Bank Neighborhoods, June 23, 2004

The following section provides a summary of these comments and responses to them (Exhibit D includes the letters). After the close of the public comment period, the City received an additional six letters which are listed at the end of this section and included in Exhibit D:

##### 1. Soap Factory

**Comment:** The EAW needs to more directly address the implications of the demolition/construction of 520 2nd Street SE on the 1892 wood frame Soap Factory building.

**Response:** Exhibit G addresses the issue of demolition; however, it does not provide specific information as regards the project's potential impact on the 1892 wood frame Soap Factory building. Also the Minneapolis Heritage Preservation Commission (HPC) will consider this issue as a part of the Commission's review of the application for a Certificate of Appropriateness, and the Commission may require the developer submit additional information as a part of a complete application. All other comments noted for the record, with special consideration of comments 1, 3, and 5 by the HPC

##### 2. Metropolitan Council

**Comment:** Sanitary sewer connection plans . . . need to be submitted to both the MPCA and the MCES for review and permit."

**Response:** This and all other comments are noted for the record

**3. University of Minnesota, The Environmental Law Group, Ltd.**

**Comment:** The EAW does not describe the nearby industrial uses, including the University's Southeast Steam Plant, nor the project's compatibility with these uses. The project may cause a groundwater dam effect that will impact the steam plant. The EAW fails to adequately evaluate important environmental considerations including the potential for groundwater infiltration resulting from proposed development in the area. It does not describe the environmental consequences including those related to air, noise, odor, and vibration of attempting to site the proposed development in the immediate proximity of a large working steam plant, as well as the cumulative effects of the similar adjacent proposed developments. Air emissions are not addressed, especially on rooftop gardens. The City should require that an EIS be prepared for the development.

**Response:**

- **Groundwater:** Footings for the proposed buildings will be placed above the level of the groundwater and so they will have no impact on it.
- **Air emissions:** The building sites are approximately 700 ft distant from the stacks. The proposed 520 building is approximately 130 ft below the actual height of the stacks and as reported in Pillsbury A Mill Complex "Findings of Fact" approximately 190 to 215 ft below the effective height of the stacks. The proposed 521 building is approximately 160 ft below the actual height of the stacks and as reported in Pillsbury A Mill Complex "Findings of Fact" approximately 220 to 240 ft below the effective height of the stacks. Preliminary modeling reported in the "Findings of Fact" for the Pillsbury A Mill Complex did not predict a hazard at this height at this distance.

The EAW for the A Mill project analyzed a similar comment from the University. The air quality analysis examined the potential for exposure to people living in tall buildings. The analysis was of a worst case scenario, which is appropriate for environmental review. It included the following assumptions: 1) the plant's fuel mix would maximize sulfur dioxide emissions, the primary pollutant of concern, 2) assume low-wind conditions when the pollutants tend to disperse more slowly, and 3) assume the wind direction from the steam plant towards the A Mill Project, which is the same as for the 520 & 521 Second St. SE Project. The data for 1991 show that these wind conditions happened for 13 hours (0.37% of the time) during June through July when windows are likely to be open or people may be out on balconies or roof-top gardens.

The analysis showed that under these worst case conditions, only very tall buildings, such as the 27-story building proposed for Parcel E (297 ft. high building at Main St. and Fifth Ave.) may be of concern for brief periods.

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Thus, Steam Plant emissions will likely be well below federal standards for all critical stack pollutants for people using the 5 and 8-story buildings proposed for the 520 and 521 Second St. SE Project.

- **Noise:** The 520 site at is very near or may be within the slant distance of the 60 dBA noise contour of the steam plant predicted in the “Findings of Fact” for the Pillsbury A Mill Complex. Council’s message is clear: now or never

**4. Minnesota Historical Society**

**Comments:** The EAW does not describe the history of the structures to be demolished, the impact of the demolition on the historic district, and the project’s impact on the historic district. . . . We do not believe these sites have potential for significant archaeological sites, and do not recommend a survey of the area.”

**Response:** See Exhibit G Additional Comment on the Historic District impacts.

**5. Schafer Richardson**

**Comment:** “No EIS is required”

**Response:** Noted for the record

**6. Minnesota Department of Natural Resources**

**Comment:** The list of approvals should include DNR Critical Area Program approval of ordinance zoning amendments for lands within the Critical Area Corridor since the proposed rezoning differs from the EQB-approved Ordinances and Plan for the site shown as Light Industrial. Under Minnesota Rules, a local unit of government shall enact only the plans and regulations that affect lands within the Mississippi River Critical Area Corridor that have the written approval of DNR—Critical Area program. Amendments to any Plans and Ordinances that affect the Corridor shall become effective only upon submission, review, and approval by DNR - Critical Area Program.

The EAW must describe the steep slope.

Item No. 27c suggests that the project proposer would seek variances to increase floor area and a conditional use permit to increase the height of the 520 building. Critical Area standards and guidelines would not allow these increases.

**Response:** The slope will be contained on site by the building. The City is engaged in an ongoing effort with the Department of Natural Resources (DNR) Critical Areas Program staff to provide the most effective and efficient implementation of the guidelines for the Mississippi River Critical Area Corridor

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throughout its extent in the City. The City has prepared a comprehensive amendment of the City's Critical Area Plan and submitted it in draft form for review and comment by the DNR in 2003. The Planning Division Director will specifically assure the DNR's continued participation, review and comment on the City's proposed land use decisions and permitting for this proposal and other proposals within the designated Critical Area in Minneapolis.

**Comment:** The Critical Area program strongly endorses the use of green roofs over a majority of the proposed roof tops, water quality treatment of stormwater from the roof drains prior to entering the City's system and the Mississippi River, and pervious pavers at grade.

**Response:** Noted for the record.

**Comment:** From a natural resources management perspective, the proposed project does not have the potential for significant environmental effects and does not require preparation of an Environmental Impact Statement (EIS).

**Response:** Noted for the record

**7. National Park Service**

**Comment:** "Evaluated as related actions, the proposed Pillsbury A Mill, Phoenix and the 520 and 521 developments would exceed the threshold for a Mandatory Environmental Impact Statement under Minnesota Rules 4410.4400, subpart 21. . . [We] ask the City to clarify its decision not to mandate and EIS for these related actions."

The scale of these projects as described in their EAW's are as follows:

|                | <b>Residential<br/>Units</b> | <b>Commercial<br/>Area</b> |
|----------------|------------------------------|----------------------------|
| A Mill Complex | 1,950 units                  | 105,000 sq. ft.            |
| Phoenix        | 150 units                    | 6,000 sq. ft.              |
| 520            | 62 units                     | none proposed              |
| 521            | 60 units                     | 9600 sq. ft.               |
| Total          | 1,367 units                  | 120,600 sq. ft.            |

First, the combined total of 1,367 proposed residential units is 91.1% of the 1,500-unit minimum threshold for a Mandatory EIS based on the residential use alone. The combined total of 120,600 sq. ft. of proposed commercial space is 8.0% of the 1.5 million sq. ft. minimum threshold for a Mandatory EIS based on the commercial use alone. Combined, they are very close (99%) but still beneath the project standard for a Mandatory EIS required by 4410.4400 subpart 21, if all three were a single or related project.

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Second, and more importantly, the City has found for the reasons discussed in part T “Diageo Site” beginning on page 23 of the “Pillsbury A Mill Draft Findings of Fact and Record of Decision,” the Pillsbury A Mill Complex and the site are not related or cumulative actions. The same reasoning found in that section is the basis for not finding the Phoenix and the 520 and 521 projects are related or cumulative actions with or without the redevelopment of the Pillsbury A Mill Complex.

Third, the EAW identifies the significant and problematic nature of the scale of the necessary variances, which are required to reach the proposed density and bulk for each of the three proposed projects, and therefore may reduce the approved number of housing units and the commercial floor area for each project.

**Comment:** The information on the historic resources and impacts on those resources has not been provided

**Response:** See Exhibit G Additional Comment on the Historic District Impact

**Comment:** "No basis is cited for determining no sensitive species exist on the project site."

**Response:** The findings on the Pillsbury A Mill Complex generally apply to this site. See also DNR comment on no requirement for an EIS. Summarize them

Skips the entire plans discussion MNNRA and CAP

**8. Marcy Holmes and Nicollet Island East Bank Neighborhoods**

**Comment:** “The developer should place 521 Second St. SE in the “transition area” between the “four-story limit area” and the “relaxed height limit area.”

**Response:** Noted for the record

**Comment:** The EAW should have a more complete and professional discussion of the buildings proposed for demolition as well as the surrounding buildings, in particular: Shepard Manufacturing, 129 Sixth Ave SE (W.D. Forbes); the Soap Factory; the houses on the east side of Fifth Avenue SE, including the carriage house facing Second Street SE; and the Salvage Corps Station #2, 525 University Ave. SE (Dunn Brothers). The visual relationship between the proposed buildings and their historic neighbors should be discussed and illustrated.

**Response:** Noted for the record. Also, see Exhibit G Additional Comment on the Historic District Impact.

The City also received the following six additional letters after the close of the public comment period that are hereby included in the record (refer to Exhibit D):

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9. Lupe Development Partners, received June 22, 2004
10. Lupe Development Partners, received June 28, 2004
11. Peer Engineering, received July 7, 2004
12. University of Minnesota, received July 21, 2004
13. Lupe Development Partners, received July 21, 2004
14. Susan Roth email to Amy Lucas, July 22, 2004

**V. ISSUES IDENTIFIED IN THE EAW**

The EAW identified the significant issues for this EAW as those relating to the intensity, scale and design of the proposal, and its relation to the plans, guidelines and regulations discussed in Section 27 of the EAW. These same issues were the focus of the comments by reviewers.

**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 EAW provided specific studies of the potential traffic and parking impacts for the Project and found no potential impact, and the consultant concluded the trips from the Project will not cause a violation of air quality standards. Emissions from the University of Minnesota Steam Plant are unlikely to create conditions for people using the buildings that would violate governmental air quality standards. Prior to Site Plan approval the City can request additional modeling to confirm the exposure status of the project to noise and other emissions from the University of Minnesota Steam Plant. Standard construction techniques, similar to those used in other similar projects along the River, will be used and regulated by City ordinances and any impacts will be non persistent.

The significance of the environmental effect of the loss by demolition of the existing buildings and construction of new buildings on the sites, which was the reason for the preparation of this EAW, are expanded upon in Exhibit G, and will be determined by the Minneapolis Heritage Preservation Commission and subsequent City reviews described in the EAW. The guidelines of the Minneapolis Heritage Preservation Commission, the plans and regulations of the City, and the Critical Area requirements by the Department of Natural Resources were provided in the EAW and echoed in the comments. The

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regulatory format and tools to assess and resolve these visual and perceptual impacts on the historic district and the adjacent public and private properties are provided in the City's comprehensive development review process.

All of the above factors limit the potential for significant environmental effects of the Project.

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

Proposed developments in the Central Riverfront that continue the transition from industrial use to residential and commercial uses, including the recently approved and constructed "Stone Arch" apartments at 6th Avenue SE and Main St., have been consistently found to be in conformance with the policies of the Comprehensive Plan. The construction of another residential development in this district does not create a precedent or environment for future projects. The Project is not a stage of a subsequent project beyond the identified sites and is not connected to any other development. The traffic and parking study assumed and anticipated growth in traffic and parking demand in the area, and incorporated these assumptions into its findings. All of these factors limit the potential for significant cumulative or unanticipated environmental effects from the Project.

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

The site is presently designated I1, Light Industrial. In this zoning district, and in all industrial districts in Minneapolis, all residential use, except certain community correctional facilities, is prohibited by section 550.60 of the Zoning Code. The site is also within the Industrial Living Overlay District (ILOD). Residential uses are allowed as a conditional use with an ILOD at a much reduced density as proposed. The proposer has no "as of right" permissions or standing to construct a development resembling the proposal without significant and specific discretionary amendments and permissions from the City of Minneapolis.

The process the City will use to review the proposal will be competent and open. In its review of the proposal and determination of the required mitigation, modifications and amendments necessary for approval, the City will have the opportunity to initiate similar studies, have similar information made available, and allow similar opportunities for public participation as are authorized for the EIS process.

The City has the professional staff and regulatory tools to address and resolve the technical issues raised by this proposal. Its review will also provide the only accepted path, approval by our local elected officials, to resolve the major non technical, perceptual, issues of the visual relationships and impacts presented by the proposal. The record created by this EAW process will be available to inform and guide all participants. This local approval process, informed by the record created by this EAW, is the direct,

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effective and efficient venue to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site.

A 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. It simply allows the proposer to formally initiate the City's process for considering the specific discretionary amendments and 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.

**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 in the central riverfront of a central city follows many precedents, and is a known event with known impacts (refer to A Mill EAW).

**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 520 and 521 Second St. SE 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/have not* 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.

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- 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.

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 (refer also to the attached location map, site plan, and elevations):**

#### **A. 520 Second Street SE, the south site**

This 19,750 sq. ft. site is presently occupied by the masonry United Rentals buildings at 520 and 5201/2, and the small masonry building at the northeast corner of the Soap Factory and No Name Gallery parcel at 518 2nd St. SE. The United Rentals buildings will be demolished to accommodate the new building, and the small building on the Soap Factory and No Name Gallery parcel will be demolished to provide a second access to the proposed parking for the new building. The site is separated from Sixth Avenue SE by the two story building occupied by W D Forbes on the corner.

The 520 building will have an 8 story (84 ft above Second St. SE) profile and will contain 62 flats and lofts. The parking will be located in the interior of the site, enclosed by the building. Dual access to the three parking levels providing 98 parking spaces will be from Second Street. The exterior of the 520 building will feature masonry, block and steel facades in an industrial theme reflecting the existing street context. Large window opening and balconies will allow for a higher degree of transparency for residents. The rooftop will be a flat design, terraced and decked with “green” elements for insulation, solar collection and resident use.

#### **B. 521 Second Street SE, the north site**

This 32,979 sq. ft. site will have frontage on both 2nd Street and 6th Avenue SE. This site is presently occupied by the metal United Rentals buildings, and is surrounded by residential uses.

The 521 building will have a 5 story (56 ft above Second Street) profile, and will contain 60 flats and lofts and 9600 sq. ft. of commercial space. Commercial uses are located at street level along both 2nd Street and 6th Avenue SE. A single access from Second Street SE will serve the 67 below grade and 49 surface parking spaces. These 116 spaces will provide parking for the residential and commercial occupants of the building. The exterior of the 521 building will reflect the exterior of the 520 building and feature masonry, block and steel facades in an industrial theme reflecting the existing street context. Large window opening and balconies will allow for a higher degree of transparency for residents. The rooftop will be a flat design, terraced and decked with “green” elements for insulation, solar collection and resident use. Because of the steep change in grade from north to south, the lowest level of retail and parking will be constructed in masonry to permit four stories of wood frame construction above.

EXHIBIT B

**Environmental Review Record for the 520 & 521 Second St.  
SE Project Environmental Assessment Worksheet**

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

| <b>DATE</b> | <b>ITEM</b>  |
|-------------|--|
| 5/21/04     | City staff distributes EAW to official EQB mailing list and Official Project List.   |
| 5/24/04     | Minnesota Environmental Quality Board (EQB) publishes notice of availability in <i>EQB Monitor</i> . 30-day comment period commences.                                  |
| 6/23/04     | End of EAW public comment period.  |
| 7/15/04     | City staff informed the City Planning Commission (CPC), Committee of the Whole regarding the EAW.  |
| 7/15/04     | 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. |
| 7/23/04     | City Council approves Z & P Committee recommendation and makes a finding of Negative Declaration: EAW is adequate and no EIS is necessary.                             |
| 7/29/04     | Mayor approves Council action regarding EAW  |
| 7/31/04     | City publishes notice of Council/Mayor decision in Finance and Commerce. Moratorium on issuance of final permits lifted.   |
| 8/9/04      | City publishes and distributes Notice of Decision and availability of final "Findings" report to Official EQB List and the Official Project List                       |
| 8/16/04     | 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 520 & 521 development EAW:

1. The City maintains an updated list based on the Official EQB Contact List. The list used for the 520 and 521 Second St. SE Project EAW follows. All persons on that list were sent copies of the EAW. The Planning Division also distributes copies of the EAW via interoffice mail to elected and appointed officials and City staff.
2. The City developed a mailing list of parties known to be interested in this project, the Phoenix Lofts EAW, and the Pillsbury A Mill Complex EAW. It serves as the Official project List for these three projects. All who submitted a comment letter or requested information for any of these projects were added to this list (included in this exhibit).
3. A notice of the availability of the 520 & 521 Second St. SE 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 February 2, 2004 and provided to the City's Communications/Public Affairs office for notice and distribution.
4. On 7/7/04, a copy of the proposed Findings of Fact and Record of Decision for the 520 & 521 Second St. SE Project EAW and a notice of the Zoning & Planning Committee Meeting where it will be considered were sent to the expanded Official EQB contact list and to the Official Project List.
5. The Planning Division distributed the Notice of Decision with information regarding the final "Findings" document to the Official EQB Contact List and the Official Project List.
6. The EQB published the Notice of Decision in the *EQB Monitor*.

**Attached:**

Official EQB Contact List

Official Project List

**EXHIBIT D**

**Comments Received on the 520 & 521 Second St. SE Project EAW**

Comments were received from:

1. Soap Factory, Ben Heywood, June 6, 2004
2. Metropolitan Council, June 18, 2004
3. U of M, The Environmental Law Group, Ltd., June 22, 2004
4. Minnesota Historical Society, June 22, 2004
5. Schafer Richardson, June 23, 2004
6. Minnesota Department of Natural Resources, June 23, 2004
7. National Park Service, June 23, 2004
8. Marcy Holmes and Nicollet Island East Bank, June 23, 2004
9. Lupe Development Partners, received June 22, 2004
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11. Peer Engineering, received July 7, 2004
12. University of Minnesota, received July 21, 2004
13. Lupe Development Partners, received July 21, 2004
14. Susan Roth email to Amy Lucas, July 22, 2004

Each written comment follows.

**EXHIBIT E**

**Council /Mayor Action**