

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

## **ENVIRONMENTAL ASSESSMENT WORKSHEET**

### **Currie Park Lofts Development (Phase 1: Five15 on the Park; Phase 2: to be named)**

**Location:** 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> Street South; 1505 4<sup>th</sup> Street South, City of Minneapolis, Hennepin County, Minnesota.

**Responsible Governmental Unit (RGU):** City of Minneapolis

	<b>RGU</b>	<b>Proposer / Project Contact</b>
<b>Contact persons</b>	City of Minneapolis Becca Farrar-Hughes	Fine Associates LLC on behalf of Currie Park Developments, LLC Robert Kueppers
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**Final action (refer to Exhibit D):** 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 June 20, 2013:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Currie Park Lofts Development (Phase 1: Five15 on the Park; Phase 2: to be named) were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).
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 potential effects;
  - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

## Findings of Fact and Record of Decision – Currie Park Lofts Development EAW

- 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, including other EISs.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal 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 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 site.

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

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

The City of Minneapolis prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Currie Park Lofts Development according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 subpart 19, Residential Development (D) - Greater than 375 attached residential units and Connected Actions and Phased Actions per 4410.1000, subpart 4. Exhibit A includes the project summary, and Exhibit B includes the Record of Decision.

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

On May 7, 2013, the City published the EAW and distributed it to the official EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on May 13, 2013, as well. Exhibit C includes the public notification record and mailing list for distribution of this EAW.

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

Exhibit E 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 June 20, 2013, meeting. Notification of this Zoning and Planning Committee public meeting was provided with the EAW and to all persons or agencies commenting on the EAW.

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

The City received twelve (12) written comments during the public comment period on the dates identified from the following:

1. Minnesota Department of Transportation, June 5, 2013
2. Metropolitan Council, June 6, 2013
3. Minnesota Department of Natural Resources, June 11, 2013 (with an affiliated letter to the applicant dated June 6, 2013)
4. West Bank Community Coalition, June 11, 2013
5. Minnesota Pollution Control Agency, June 12, 2013
6. Pillsbury United Communities / Brian Coyle Center, June 12, 2013
7. Siegel Brill PA (including attachments), on behalf of Riverside Plaza Tenants Association, June 12, 2013
8. Cedar Riverside Youth Council, June 12, 2013
9. Resident – Janet Curiel, June 12, 2013
10. Resident – Danielle Mayfield, June 12, 2013
11. Resident – Joan Scully, June 12, 2013
12. Moratorium Signature Petition, June 12, 2013

The following section provides a summary of these comments and responses to them (Exhibit E includes the complete comment).

**1. Minnesota Department of Transportation (MnDOT)**

**Comment:** Noise - “Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. MnDOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise.”

**Response:** Noted for the record. The applicant has been provided with a copy of the letter with the appropriate MnDOT contact.

**Comment:** Permits and Right-of-Way – “For the LRT project, Temporary Orders in Street (Commissioners Order # 92209) was taken along 4th Street South and part of 15th Ave South. These are the adjoining streets of the review area. The Temporary Orders expires 12/01/2014. This means these areas are treated as MnDOT right-of-way. Therefore, any work done within these areas before 12/01/2014 will require a permit.”

**Response:** Noted for the record. The applicant has been provided with a copy of the letter with the appropriate MnDOT contact.

**2. Metropolitan Council**

**Comment:** “The staff review finds that the EAW is complete and accurate with respect to regional concerns and raises no major issues of consistency with Council policies.”

**Response:** Noted for the record.

**Comment:** Item 8 – Permits and Approval Required – At the time that permits are submitted to the MPCA for each segment of the sanitary sewer, this information must also be submitted to the Metropolitan Council for review and approval.

**Response:** Noted for the record. The applicant has been provided with a copy of the letter with the appropriate Metropolitan Council contact.

**Comment:** Item 13 – Water Use; and Item 17 – Water Quality: Surface Water Runoff – The Metropolitan Council encourages efforts to promote the efficient use of water and to protect and enhance the region’s water supply sources. The Metropolitan Council has provided grant funding for this project, including line items for stormwater management. The Council’s Conservation Toolbox and Stormwater Reuse guide may be useful tools.

**Response:** Noted for the record. The applicant has been provided with a copy of the letter with the appropriate Metropolitan Council contact.

**3. Minnesota Department of Natural Resources (DNR)**

**Comment:** Item 11 – Due to several state-listed mussels near the project area in the Mississippi River and that storm sewer inlets discharge to the Mississippi River, it is important that effective erosion prevention and sediment control practices be incorporated into the stormwater plan.

**Response:** The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to stormwater management and an erosion and sediment control plan. Further, the applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development should the project be approved.

**Comment:** Peregrine falcons are a state-listed threatened species that has been documented nesting on the Riverside Plaza Apartments and Offices. Construction activities are not expected to affect the birds however, if the birds exhibit unusual behaviors, the DNR should be contacted.

**Response:** Noted for the record. The applicant has been provided with a copy of the letter with the appropriate DNR contact.

**Comment:** The EAW should have included the Natural Heritage Information System (NHIS) record query results so that reviewers could be fully informed of potential natural resource impacts. The information also should have included whether the project has the potential to adversely impact rare features and if so avoidance or mitigation measures identified.

**Response:** Noted for the record. The Site, designated as urban neighborhood by *The Minneapolis Plan for Sustainable Growth*, is in an established commercial, industrial and residential area of Minneapolis that has been fully developed since the late 19<sup>th</sup> century. It is approximately one block from the Cedar-Riverside Activity Center and from Cedar Avenue and Riverside Avenue, which are both designated Commercial Corridors in this location. It is in close proximity to the University of Minnesota which is a designated Growth Center. With the exception of Currie Park, vegetation is limited to isolated lawns and landscaping around single and multi-family buildings with brush in areas along the Hiawatha LRT corridor. A turf grass cover on portions of the Site is a temporary condition following demolition of the blighted buildings. A Natural Heritage Information System Data Request Form was submitted to the Department of Natural Resources on April 25, 2013, to request identification of fish, wildlife and ecologically sensitive resources with a response received on June 6, 2013. Based on the above-listed comments, provided an adequate stormwater management and erosion and sediment control plan are provided for the site, and that the peregrine falcons located within the vicinity are monitored, the proposed project does not have the potential to adversely impact rare features.

#### 4. West Bank Community Coalition (WBCC)

**Comment:** The WBCC does not support the EAW after hearing from community members and after consideration of the issues covered in the document. This issue of overcrowding and neighborhood density has not been thoroughly addressed. The WBCC believes the establishment of the proposed conditional use pertaining to the development fails to address critical issues facing the community as it would be: 1. detrimental to the public health, safety, comfort or general welfare; and 2. injurious to the use and enjoyment of other property in the vicinity. The development worsens density and in doing so eliminates open space and adversely impacts the already overcrowded park. The lack of space for recreational purposes will have adverse social and psychological effects on people in the neighborhood. The crowding is contrary to the Open Space and Parks “vision themes” of the Comprehensive Plan.

**Response:** Noted for the record. Redevelopment of this type within an urban setting is neither unique nor unanticipated. The purpose of an EAW is as a fact finding document. As noted in the Minnesota Environmental

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Rules Part, 4410.0300, “Environmental documents shall contain information that addresses the significant environmental issues of a proposed action.”

“Environmental documents shall not be used to justify a decision, nor shall indications of adverse environmental effects necessarily require that a project be disapproved. Environmental documents shall be used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.”

Minnesota Rules 4410.0200, subpart 23 defines environment as the “physical conditions existing in the area that may be affected by a proposed project. It includes land, air, water, minerals, flora, fauna, ambient noise, energy resources, and artifacts or natural features of historic, geologic, or aesthetic significance.

The completed staff report for the project dated March 4, 2013, thoroughly evaluates the proposal in the context of the applicable findings and requirements for Phase 1 of the proposed development. The EAW evaluates the proposed development within the identified categories that include consistency/compatibility with plans and land use regulations. Each individual phase of the project will require City approvals including but not limited to the Heritage Preservation Commission, Planning Commission, Zoning and Planning Committee and City Council.

The EAW is a worksheet; environmental review itself has no approval authority over a project. That authority rests exclusively with review of the required land use applications. The function of environmental review is information-gathering. The purpose of the EAW is to identify the impacts of the proposed project not study the adequacy or lack thereof of amenities in the area that are independent of the project. Amenities are defined as a useful or pleasant facility or service, something that contributes to physical or material comfort, or a feature that increases attractiveness or value, especially of a piece of real estate or a geographic location. To require an EIS because there is a perception by some that a new development would result in the overuse of a neighborhood amenity of which the City has no authority or formal jurisdiction over would not meet the intent of the Minnesota Environmental Policy Act and the applicable Minnesota Rules. Further the effects identified are not environmental, they are social impacts.

Several comments that were submitted discuss the inadequacy of area open space and Currie Park due to fact that the area is already densely populated and state that allowing the development is contrary to Chapter 7: Open Space and Parks, and the associated “vision themes” of the *Minneapolis Plan for Sustainable Growth*, the City’s Comprehensive Plan.

As stated in Chapter 7: Open Space and Parks, “The governance of the parks and recreational areas in Minneapolis is unlike most other municipalities in the United States. The Minneapolis Park and Recreation Board (MPRB) is legally separate from the City. It is the Board, rather than the City, which is responsible for maintaining and developing the Minneapolis park system.” The MPRB serves the nearly 400,000 Minneapolis residents, offering recreational, environmental and other park programs and services for all ages. The Minneapolis park system includes over 182 park properties throughout the city and 49 year-round staffed recreation centers.

This chapter in the *Minneapolis Plan for Sustainable Growth* strives to set goals and objectives that allow the City of Minneapolis and the MPRB to work both collaboratively and independently to protect, enhance, and create a variety of open spaces and recreational opportunities for the citizens of Minneapolis. The chapter briefly touches on the MPRB Comprehensive Plan as well as the issues that currently affect the park and recreation system and present both challenges and opportunities in the future. Additionally, this chapter presents policies created by the City of Minneapolis within its larger comprehensive plan update process. These policies are intended to support and expand upon the MPRB vision and goals. The policies in this chapter support, encourage and promote maintaining and improving the accessibility of open spaces and parks to all residents across the entire City. There are no requirements for individual developments to provide or create additional parkland as they are developed in dense urban settings throughout the City regardless of the perceived need. As previously noted, the MPRB is legally separate and is responsible for maintaining and developing the Minneapolis park system.

**5. Minnesota Pollution Control Agency**

**Comment:** MPCA Staff has reviewed the EAW and has no comments at this time.

**Response:** Noted for the record.

**6. Pillsbury United Communities / Brian Coyle Center**

**Comment:** Concern expressed regarding the impact the development will have on the residents of the neighborhood that are already living in overcrowded conditions with a high concentration of households in poverty. Green space and community meeting space is limited and already stressed to capacity. The development will bring added strain to already scarce green space for recreational use and the services that the Brian Coyle Center provides. The City should conduct an environmental study of the potential impact of this new development regarding the health and well-being of the current residents.

**Response:** Noted for the record. See above-listed response to Comment #4.

**7. Siegel Brill PA, on behalf of Riverside Plaza Tenants Association (RPTA)**

**Comment:** RPTA has concerns about adding housing units to a neighborhood is already densely populated. One of the primary concerns is the impact of the project on recreational amenities in the neighborhood (Currie Park) which is already subject to heavy use. RPTA is also concerned about the impact that this development would have on the safety of pedestrians and bicyclists in the neighborhood.

**Response:** Noted for the record. See above-listed response to Comment #4.

**Comment:** The EAW is incomplete and contains inadequacies as follows:

(1) It acknowledges but fails to investigate the project's impact on existing recreational resources - there is no demographic information of expected residents or information on the capacity of Currie Park; indoor recreation areas are no substitute for outdoor recreational space.

(2) The EAW fails to investigate the project's impact on pedestrian and bicycle safety - in particular pedestrian access to Currie Park and the lack of information on the effect that the added traffic would have on pedestrian access to Currie Park and the Brian Coyle Center; all ingress/egress by motor vehicles including deliveries will take place adjacent to a pedestrian easement; the project will result in the increase in bicycle use; the lack of a multi-modal traffic conflict study is a shortcoming of the EAW and it is therefore incomplete.

(3) The EAW fails to consider fully the project's compatibility with the Comprehensive Plan – specifically Chapters 2 and 7 of the plan which focus on transportation; the EAW is incomplete and must be revised to consider the compatibility of the project with these provisions of the Comprehensive Plan.

(4) The EAW includes inaccurate information regarding the zoning of the contiguous property – the document gives the impression that future residential development is unknown; because the parcel is designated for mixed-use and is eligible for a rezoning, such a rezoning could provide for more residential development than is permitted under the current zoning; the developer has previously submitted and received financial support for a higher density project than identified in the EAW; the SHPO letter does not prohibit, merely suggest a lower building height on the site so conceivable the building could be taller than proposed.

**Response:**

- (1) The EAW does not state that adding new residents would result in a potential negative impact on Currie Park. The EAW discloses that the developer is electing to include landscaped areas for family recreation, and notably for children’s activities on an enclosed terrace that is surrounded by many of the family units planned for this development. These units would have direct access to the terrace and its facilities in order to optimize their usefulness to the residential community. These outdoor recreational areas are intended to mitigate any overuse of the recreational facilities of Currie Park by the new residents. The inclusion of these areas as a component of the project is in direct response to previous neighborhood concerns and the perception that the development would result in an overuse of the recreational facilities of Currie Park. Indoor recreational facilities and spaces are provided in the interior of the development. As noted in the EAW the proposed development would replace surface parking lots, dilapidated structures and a vacant house with a mixture of housing choices that are lacking or underrepresented in this neighborhood. Phase 1 will add 208 rental units affordable at 50% and 60% MMI levels (out of 259 units) to the housing supply in the urban core of Minneapolis. Information on the capacity of Currie Park is not applicable for the purposes of this EAW.
- (2) Public Works has reviewed the layout of the proposed site including the location of the singular curb cut (consolidation of curb cuts is encouraged by Public Works) in conjunction with all applicable civil related drawings and the TDMP for Phases 1 and 2. Public Works has no additional comments; the TDMP is approvable in its current form and adequately addresses the multi-modal nature of the site. Many neighborhoods in Minneapolis have high levels of pedestrian and bicycle activity. Public Works has thoroughly evaluated the proposal and has no concerns that this development would be unsafe for the existing or additional pedestrians and bicyclists in the neighborhood. The pedestrian easement was maintained in its current location to meet the desires of the neighborhood. This easement has always been shown abutting a drive aisle to the existing development. The areas are separated and defined. In addition, Public Works has been working on finalizing the plans for the reconstruction of 15<sup>th</sup> Avenue South and 4<sup>th</sup> Avenue South; the streets that are directly abutting the project site. The reconstruction of these streets is anticipated to begin around the same time that the project is constructed in 2014 and would consist of the full reconstruction of the streets which includes full removal of existing street surface, subgrade correction, aggregate base, paving, curb and gutter, signage and drive entrance reconstruction. Sidewalks, streetscape elements, and utility work will be completed as needed. The anticipated street cross-section includes designated bicycle lanes on both sides of 15<sup>th</sup> Avenue South and 4<sup>th</sup> Street South. As part of the design process, Public Works engaged various stakeholders and the proposed layouts address pedestrians and bicycles.
- (3) The EAW adequately addresses the project’s compatibility and consistency with *The Minneapolis Plan for Sustainable Growth* by evaluating the relevant Land Use, Housing and Urban Design Policies as well as the applicable small area plan policies and guidelines recommended in the *Franklin-Cedar/Riverside Area Master Plan* and the *Cedar Riverside Small Area Plan*. The Travel Demand Management Plan addresses the project’s compatibility with City of Minneapolis Transportation Goals including the *Ten-Year Transportation Action Plan*, *Access Minneapolis* and the applicable policies outlined in Chapter 2 of *The Minneapolis Plan for Sustainable Growth*. The EAW correctly does not discuss the compatibility with Chapter 7, Open Space and Parks as the project proposal does not propose or include a public park; this chapter is not relevant. Further, this chapter is dedicated to collaborative efforts between the City and the MPRB; not requirements of individual property owners or developers.
- (4) As stated in the EAW: “No development rights are being requested for the contiguous property and the timing and design of any future development of that property are uncertain. In 2007, when Currie Park Developments, LLC was purchasing that property, there were plans for development of the contiguous property. The recession and stagnation of the real estate market that occurred in the following years made those plans no longer infeasible at this time. Moreover, a substantial portion of that site is occupied by a structure that was formerly a saloon operated by the John Gund Brewing Company. The State Historical

Preservation Office (SHPO) has recently indicated that any future development of the contiguous property should “lower the building height down to 2 or 3 stories right around the smaller historic structure.”

Development of the contiguous property at 1501-1507 6<sup>th</sup> St. S. will be contingent on the market demands that exist at an undetermined time in the future. The property at 1501-1507 6<sup>th</sup> Street South does contain the John Gund Brewing Building, which has been determined eligible for listing on the National Register of Historic Places by SHPO, and the I1 zoning of that site with an ILOD result in limitations to the use of the property for a multifamily complex.

At this time there are no plans, or even a general design concept, for a future development of the contiguous property, and therefore an environmental review for that parcel cannot be completed at this time.

If development of the contiguous property becomes feasible as a multifamily housing development, and Currie Park Developments, LLC still owns the property, an EAW will be prepared as required, consistent with the Minnesota Environmental Review Rules, Connected Actions and Phased Actions per 4410.1000, subpart 4” which states: “In connected actions and phased actions where it is not possible to adequately address all the project components or stages at the time of the initial EAW, a new EAW must be completed before approval and construction of each subsequent project component or stage. Each EAW must briefly describe the past and future stages or components to which the subject of the present EAW is related.”

**Comment:** In addition the City should make a positive declaration on the need for an Environmental Impact Statement (EIS) because the project has the potential for significant environmental effects – this is due to the degradation of Currie Park as adding hundreds of new residents will place additional demand on this already over-used park; and the project would threaten pedestrian and bicycle safety by increasing traffic on 15<sup>th</sup> Avenue and by failing to include any measures to ensure safe pedestrian passage from the existing residences to Currie Park and the Brian Coyle Center.

**Response:** Noted for the record. The above listed response addresses both of these restated concerns. Staff has thoroughly analyzed the project and concludes that the project does not have the potential for significant environmental effects based upon the required findings and the evaluation of the four criteria as noted below. As previously noted, the environmental review itself has no approval authority over a project. That authority rests exclusively with review of the required land use applications. The function of environmental review is information-gathering.

**8. Cedar Riverside Youth Council (CRYC)**

**Comment:** The CYRC Board unanimously does not support the project until a more in-depth environmental study is conducted. The additional density in this highly populated neighborhood and the impacts on the already overcrowded and overused park space is of concern. The crowding is contrary to the Open Space and Parks “vision themes” of the Comprehensive Plan. The issues should be considered in a more in-depth environmental study as the development is not in the best interest of the public and will damage the environment; the City should not approve the development in its current form.

**Response:** Noted for the record. See above-listed response to Comment #4.

**9. Resident – Janet Curiel**

**Comment:** Concerned that the EAW did not address health issues around the already high-density population in the neighborhood. Currie Park is over-crowded and overused. A more in-depth environmental study should be done before any building/construction takes place.

**Response:** Noted for the record. See above-listed response to Comment #4.

**10. Resident – Danielle Mayfield**

**Comment:** Concerned about the long-term impacts of new residential units in an already crowded environment. There is already a shortage of open space. Put a moratorium on the development until we study what the long-term effects will be on the community.

**Response:** Noted for the record. See above-listed response to Comment #4.

**11. Resident – Joan Scully**

**Comment:** The community is densely populated and it is difficult to find a place to park much less outdoor recreational space. There is an apparent need to create “gluts” of humans, concrete structures, traffic and parking problems contradicts residents’ efforts to create a good quality of life. Perhaps Fine Associates could locate their development where there is less congestion and more space.

**Response:** Noted for the record. See above-listed response to Comment #4.

**12. Moratorium Signature Petition**

**Response:** Attached and noted for the record.

**V. ISSUES IDENTIFIED IN THE EAW**

Two significant environmental impacts and issues were identified in this EAW; traffic and historic issues. As noted in the EAW, further investigations would be required in the future before Phase 2 and the potential Phase 3 can be developed.

A Traffic Demand Management Plan (prepared by RLK Incorporated) that analyzed the traffic impact from Phases 1 and 2 concluded that the study area intersections would operate acceptably for both the No-Build and Build scenarios, and that peak hour vehicular traffic generated by Phase 1 and 2 would have negligible impacts on the surrounding roadway network. Phase 3 land uses have not been determined yet and their potential traffic impact will be addressed by a separate traffic analysis at the time of Phase 3 development.

The State Historic Preservation Office (SHPO) has concluded that the Phase 1 building would have no adverse impact on the nearby historic buildings (Cedar Square West/Riverside Plaza, the John Gund Brewing Company complex, and Fire Station G/Mixed Blood Theatre). However, SHPO has noted that development of Phase 2 has the potential to affect Fire Station G and development of Phase 3 has the potential to affect the John Gund Brewing Company complex. SHPO has suggested that the height of new Phase 2 and Phase 3 buildings be reduced to 2-3 stories in the area immediately adjacent to the historic structures but that height could be stepped up further away. Further historic review would therefore be necessary for both Phase 2 and Phase 3 at the time of their development.

**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 (RGU), the City of Minneapolis in this circumstance, 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 and within the comment letters are localized and can be mitigated through the City’s land use application process. The identified effects are reversible until the potential final discretionary approvals of each phase of the proposed project are granted through the City approval process. Each phase will require City approvals including but not limited to the Heritage Preservation Commission, Planning Commission, Zoning and Planning Committee and City Council.

**B. Cumulative potential effects:**

The issues identified in the EAW shall be resolved via the City's land use approval process on a project by project basis. All major future redevelopments within the area would be considered through the formal land use application process that has been applied to this project. 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. 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.

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

The City has discretionary authority through its land use approval process, and the City and State have authority through the permit approvals required for this project to address, mitigate or avoid the environmental effects identified in the EAW and the comment letters.

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 formal development review efforts.

It is important to note that City Staff and the City Planning Commission consider the context, character, and compatibility of new development.

**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, including other EISs:**

The construction of additional residential structures in this area follows many precedents, and is a known event with known effects. Redevelopment of this type within an urban setting is neither unique nor unanticipated. The environmental effects of this redevelopment can be anticipated and controlled by the City’s formal land use application and regulatory processes.

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

Based on the EAW, the “Findings of Fact and Record of Decision” document, and related documentation for this project, the City of Minneapolis, as the (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 Currie Park Lofts Development (Phase 1: Five15 on the Park; Phase 2: to be named) were

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prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).

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 potential effects;
  - 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, including other EISs.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal 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 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 site.

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

### **Exhibits:**

- A. Project Description
- B. Environmental Review Record
- C. Public Notification Record
- D. Council/Mayor Action
- E. Comments Received

## EXHIBIT A

### Project Description

The project site comprises approximately 104,963 SF or 2.41 acres of developable property along 15<sup>th</sup> Ave. S. between 4<sup>th</sup> and 6<sup>th</sup> St. S. in Minneapolis (the “Site”). The Site is zoned R6 (Multiple-family) District and is located in the Cedar-Riverside Transit Station Area (TSA), the Pedestrian-Oriented (PO) Overlay District and the University Area (UA) Overlay District. The Site is approximately 4 blocks from the West Bank campus of the University of Minnesota, which is a designated Growth Center.

The project would be developed in two phases: Phase 1 as proposed would include 259 residential units, 5,650 SF of ground level neighborhood-serving retail space, occupy 74,768 SF of land and is planned for construction in 2013-2015; and Phase 2, would include up to 110 residential units which would occupy the remaining 30,195 SF of land, and would be developed after Phase 1 is complete. The two phases of the development will be taken independently through the City’s land use, design and approval process.

Phase 1 would develop a parcel that fronts on 15<sup>th</sup> Ave. S. and extends from 6<sup>th</sup> St. S. to roughly the location of vacated 5<sup>th</sup> St. S. The parcel is currently occupied by parking lots and by a residential single-family structure, formerly a Gluek Brewing Company saloon, with a newer garage. The Minneapolis City Council has required that the former Gluek Brewing Company saloon building (located at 1500 6<sup>th</sup> St. S.) be relocated to another parcel located at 1527 6<sup>th</sup> St. S.

Phase 1 plans a six-story (approximately 74 foot tall) H-shaped building, which would include 259 apartment units (80% affordable at 50% and 60% MMI) and about 5,650 SF of ground-level neighborhood-serving retail space. A total of 242 parking stalls and 280 bicycle spaces would be provided in an underground garage and in a structured parking facility on the first level of the building, with access and egress from 15<sup>th</sup> Ave. S. The commercial space, at the ground level along 15<sup>th</sup> Ave. S., will be used for neighborhood-serving retail uses that would include (1) a child care center totaling 3,000 SF; (2) a 700 SF office use; and (3) a 1,950 SF restaurant, sit down or delicatessen with a maximum of 30 seats.

Exterior materials will include cast stone or masonry, metal panels, cement board panels and metal elements. Features of the building include walk-up units along both 15th Avenue South and 6th Street South, a landscaped courtyard facing 6th Street South and a second floor terrace with children’s playground and picnic areas.

The proposed Phase 2 plan, which is still conceptual, would include up to 110 dwelling units in a six-story building with ground-level and underground parking that would accommodate a total of 102 off-street parking spaces.

Each phase would be an individual project, and it would be reviewed by all applicable City Staff including Public Works and CPED Staff independently. Phase 1 would require the removal (relocation and demolition) of existing structures, and each phase would require excavation for below grade structures. Construction would occur within a developed urban neighborhood. Each phase would have permanent underground stormwater chambers designed to meet the City and Watershed’s requirements for water quality and rate control.

The combination of the total number of dwelling units planned for Phase 1 and Phase 2 (369) and the proposed neighborhood-serving ground-level retail space (5,650 SF) would not trigger the need for a mandatory EAW as Minnesota Environmental Review Rules require that mixed-use developments (4410.4300 subpart 32) are subject to environmental review if a project includes both residential and industrial-commercial components, if the sum of the quotient obtained by dividing the number of residential units by the applicable residential threshold of subpart 19, plus the quotient obtained by dividing the amount of industrial-commercial gross floor space by the applicable industrial-commercial threshold of subpart 14, equals or exceeds one. Phase 1 and Phase 2 has a ratio of .998 which is less than one. However, Minnesota Environmental Review Rules require that the City of Minneapolis prepare an EAW if the total number of units that may ultimately be developed on all “contiguous” land owned by the project proposer exceeds 375 units. Currie Park

## Findings of Fact and Record of Decision – Currie Park Lofts Development EAW

Developments, LLC owns a building and related parking lot at 1501-1507 6th St. S., which is separated from the Currie Park Lofts development land by 6<sup>th</sup> St. S. This property is zoned I1 (Light Industrial) with the Industrial Living Overlay District (ILOD), but it could be developed in the future to include residential units. The City has determined for the purposes of determining whether an EAW is required that the property at 1501-1507 6th St. S. is contiguous to the Site and that more than 6 residential units could ultimately be developed on it thus resulting in a total of 375 attached dwelling units. Based on those conclusions the City has determined that an EAW is required.

No development rights are being requested for the contiguous property and the timing and design of any future development of that property are uncertain. In 2007, when Currie Park Developments, LLC was purchasing that property, there were plans for development of the contiguous property. The recession and stagnation of the real estate market that occurred in the following years made those plans no longer feasible. Moreover, a substantial portion of that site is occupied by a structure that was formerly a saloon operated by the John Gund Brewing Company. The State Historic Preservation Office (SHPO) has recently indicated that any future development of the contiguous property, should “lower the building height down to 2 or 3 stories right around the smaller historic structure.”

Development of the contiguous property at 1501-1507 6<sup>th</sup> St. S. will be contingent on the market demands that exist at an undetermined time in the future. The property at 1501-1507 6<sup>th</sup> Street South does contain the John Gund Brewing Building, which has been determined eligible for listing on the National Register of Historic Places by SHPO, and the I1 zoning of that site with an ILOD result in limitations to the use of the property for a multifamily complex.

At this time there are no plans, or even a general design concept, for a future development of the contiguous property, and therefore an environmental review for that parcel cannot be completed at this time.

If development of the contiguous property becomes feasible as a multifamily housing development, and Currie Park Developments, LLC still owns the property, an EAW will be prepared as required, consistent with the Minnesota Environmental Review Rules, Connected Actions and Phased Actions per 4410.1000, subpart 4. The proposed components of each development shall be reviewed on a case-by-case basis and are subject to final City review and approval.

**EXHIBIT B**

**Environmental Review Record for the Currie Park Lofts Development EAW**

Date	Action
5/7/2013	City Staff distributes EAW to official EQB mailing list and Project List. EAW is posted on the City's website.
5/13/2013	Minnesota Environmental Quality Board (EQB) publishes notice of availability in <i>EQB Monitor</i> and the 30-day comment period commences.
6/12/2013	EAW public comment period closes.
6/20/2013	Zoning and Planning Committee (Z & P) of the City Council considers the "Draft Findings of Fact and Record of Decision" report, provides recommendation to the City Council.
6/28/2013	City Council approves Z & P Committee recommendation and makes a finding of Negative Declaration: EAW is adequate and no EIS is necessary.
7/05/2013	Mayor approves Council action regarding EAW
7/06/2013	City publishes notice of Council/Mayor decision in <i>Finance and Commerce</i> .
7/08/2013	City publishes and distributes Notice of Decision and availability of final "Findings" report to official EQB List and the Project List
7/22/2013	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 Currie Park Lofts Development EAW:

1. The City maintains an updated list based on the Official EQB Contact List. The list used for the Currie Park Lofts Development EAW follows. All persons on that list were sent copies of the EAW. The Planning Division also distributes copies of the EAW to elected and appointed officials, City staff and others who have expressed interest in the project.
2. A notice of the availability of the Currie Park Lofts Development EAW, the dates of the comment period, and the process for receiving a copy of the EAW and/or providing comment was published provided with each copy of the EAW and in the EQB Monitor and was provided to the City's CPED Media office for notice and distribution.
3. CPED 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

Project List

**EAW DISTRIBUTION LIST**  
**March 22, 2013**

**STATE AGENCIES**

**Department of Agriculture** (1 copy)

Becky Balk  
625 N. Robert St.  
St. Paul, MN 55155  
[Becky.Balk@state.mn.us](mailto:Becky.Balk@state.mn.us)

**Department of Commerce** (1 copy)

Ray Kirsch  
85 Seventh Place East, Suite 500  
St. Paul, MN 55101

**Environmental Quality Board** (1 copy)

Environmental Review Program  
520 Lafayette Road North – 4th Floor  
St. Paul, MN 55155-4194  
[EQB.Monitor@state.mn.us](mailto:EQB.Monitor@state.mn.us)

**Department of Health** (1 copy)

Michele Ross  
Environmental Health Division  
625 N. Robert St.  
St. Paul, MN 55155  
[Michele.Ross@state.mn.us](mailto:Michele.Ross@state.mn.us)

**Department of Natural Resources** (3 copies)

Randall Doneen  
Environmental Review Unit  
500 Lafayette Road  
St. Paul, MN 55155-4025

**Pollution Control Agency** (3 copies)

Craig Affeldt, Supervisor  
Environmental Review Unit – 4th Floor  
520 Lafayette Road North  
St. Paul, MN 55155

**Department of Transportation** (2 copies)

Debra Moynihan  
Mn/DOT Office of Environmental Stewardship  
395 John Ireland Blvd., MS 620  
St. Paul, MN 55155

**Board of Water and Soil Resources** (1 copy)

Travis Germundson  
520 Lafayette Rd.  
St. Paul, MN 55155

**LIBRARIES**

**Technology and Science** (2 copies)

Hennepin County Library – Minneapolis Central  
Attn: Helen Burke  
Government Documents, 2nd Floor  
300 Nicollet Mall  
Minneapolis, MN 55401-1992

**FEDERAL**

**U.S. Army Corps of Engineers** (1 copy)

Tamara Cameron  
Regulatory Functions Branch  
190 Fifth St. E  
St. Paul, MN 55101-1638

**U.S. Environmental Protection Agency** (1 copy)

Kenneth Westlake  
Environmental Planning & Evaluation Unit  
77 W Jackson Blvd., Mailstop B-19J  
Chicago, IL 60604-3590

**U.S. Fish and Wildlife Service** (1 copy)

Twin Cities Field Office E.S.  
4101 American Blvd. East  
Bloomington, MN 55425-1665

**REGIONAL**

**Metropolitan Council** (NOTE: 5 copies IF the

project is in the seven-county metro area)  
Review Coordinator, Local Planning Assistance  
Metropolitan Council  
390 Robert St. No.  
St. Paul, MN 55101-1805

**OTHER**

**National Park Service** (1 copy)

Stewardship Team Manager  
111 E Kellogg Blvd., Suite 105  
St. Paul, MN 55101-1288  
(If project is located within, or could have a direct impact upon, the Mississippi River Critical Area/ Mississippi National River and Recreation Area. This is a 72-mile stretch of river from the mouth of the Crow River at Dayton/Ramsey to the Goodhue County border.)

Findings of Fact and Record of Decision – Currie Park Lofts Development EAW

**State Archaeologist** (1 copy)  
Fort Snelling History Center  
St. Paul, MN 55111-4061

**Minnesota Historical Society** (1 copy)  
State Historic Preservation Office  
345 Kellogg Blvd.  
St. Paul, MN 55102

**Indian Affairs Council** (1 copy)  
Jim Jones, Cultural Affairs Director  
Indian Affairs Council  
113 2nd Street NW Ste 110A  
Bemidj, MN 56601

**Currie Park Lofts Development EAW Project Mailing List 5/6/13**

Currie Park Developments, LLC  
Attn: Bianca Fine  
IDS Center  
80 8th Street South, Suite 1916  
Minneapolis, MN 55402

Fine Associates  
Attn: Bob Kueppers  
IDS Center  
80 8th Street South, Suite 1916  
Minneapolis, MN 55402

Larkin, Hoffman, Daly and Lindgren  
Attn: Peder Larson  
1500 Wells Fargo Plaza  
7900 Xerxes Avenue South  
Minneapolis, MN 55431-1194

Council Member Cam Gordon  
Ward 2 – 307 City Hall

Minneapolis Central Library  
300 Nicollet Mall  
Minneapolis, MN 55401

West Bank Community Coalition  
420 15th Avenue South  
Minneapolis, MN 55454

Steve Poor– Room 300 PSC

Becca Farrar – Room 300 PSC (2 copies)

Erik Nilsson- 210 CH

Allan Klugman – 300 Border Avenue

Dave Jaeger  
Henn. Co. Environmental Services  
701 4<sup>th</sup> Avenue South  
Minneapolis MN 55415

Siegel Brill, PA  
Attn: Mark Thieroff  
100 Washington Ave S, Suite 1300  
Minneapolis, MN 55401

Mohamed Abdullahi  
130 South 6<sup>th</sup> Street #D1604  
Minneapolis, MN 55454

**EXHIBIT D**

**Council /Mayor Action**

**Z&P** - Your Committee, having under consideration the environmental review process for the proposed Currie Park Lofts Development, including Phase 1: Five15 on the Park and Phase 2 which is to be named, located at 1500, 1506 and 1514 6th Street South; 1500, 1501, 1506, 1507, and 1515 5th Street South; and 1505 4th Street South, now recommends that development of an Environmental Impact Statement not be ordered, therefore making a negative declaration, and that the Findings of Fact and Record of Decision set forth in the Department of Community Planning and Economic Development staff report be adopted.

Adopted.

**EXHIBIT E**

**Comments Received on the Currie Park Lofts Development EAW:**

1. Minnesota Department of Transportation, June 5, 2013
2. Metropolitan Council, June 6, 2013
3. Minnesota Department of Natural Resources, June 11, 2013 (with an affiliated letter to the applicant dated June 6, 2013)
4. West Bank Community Coalition, June 11, 2013
5. Minnesota Pollution Control Agency, June 12, 2013
6. Pillsbury United Communities / Brian Coyle Center, June 12, 2013
7. Siegel Brill PA (including attachments), on behalf of Riverside Plaza Tenants Association, June 12, 2013
8. Cedar Riverside Youth Council, June 12, 2013
9. Resident – Janet Curiel, June 12, 2013
10. Resident – Danielle Mayfield, June 12, 2013
11. Resident – Joan Scully, June 12, 2013
12. Moratorium Signature Petition, June 12, 2013