

II. EAW NOTIFICATION AND DISTRIBUTION

On January 30, 2004, the City caused the EAW to be published and distributed to the official EQB mailing list and to the project's mailing list. The EQB published notice of availability in the *EQB Monitor* on February 2, 2004. A notice was printed in the *StarTribune* newspaper on February 12, 2004, regarding the availability of the EAW, and the public comment period.

Exhibit C includes the public notification record.

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

The City held a public comment meeting at Marcy School on February 18, 2004. An audio tape recording of this meeting is available for review in the office of the City Planning Division, Room 210 City Hall. A summary of the comments received at this meeting is provided in Exhibit D. Exhibit D also includes all comment letters received throughout the entire EAW process. The Zoning and Planning Committee of the Minneapolis City Council held a public meeting on the EAW and the draft of this "Findings of Fact and Record of Decision" document during its June 10, 2004, regular meeting. Notice of this meeting was provided to the official EQB mailing list, to the project's mailing list and to all who provided comment on the EAW. The Minneapolis City Planning Commission's Committee of the Whole on June 10, 2004 received the EAW and the draft Findings of Fact. Notification of these public meetings was distributed via the City's standard notification methods and to the official list of registered organizations.

IV. SUBSTANTIVE COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS

Written comments were received from 18 reviewers of the EAW. Their names are listed in the following "Table One. Pillsbury A Mill EAW Comments", and in Exhibit D. Exhibit D also provides a copy of the complete written comment submitted by each reviewer. Comments were also received from 12 persons at the Public Comment Meeting held on February 18, 2004. Persons providing comment at that meeting are also listed in Table On. An audio tape of all comment at that meeting is available for review in the office of the City Planning Division, 210 City Hall. A written summary of the comments received is provided in Exhibit D as the "Record of Comments Received".

The comments, both written and those provided at the public comment meeting, addressed 23 topical areas. These topical areas, and the reviewers commenting on them, are described in the following "Table Two. Pillsbury A Mill EAW Comments by Topic". This table is also included in Exhibit D. The response to these comments in this section will be organized by these topics, with representative comments provided at the beginning of each topic.

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

After the close of the public comment period, the City received additional letters which are listed at the end of this section and included in Exhibit D. Exhibit H includes additional information from the Planning Division as regards the decision making process for the EAW.

A. The Proposed Height of the Structures

These comments have been divided into four sub topics: The proposed heights in relation to height limits and guidelines; the proposed heights in relation to impacts on the A Mill; the effect of the proposed heights on adjacent properties; and how the effect of the proposed heights has been and could be assessed.

1. The proposed heights in relation to height limits and guidelines

Comments:

Minnesota Department of Natural Resources: The proposed building heights, ranging from 8 to 27 stories, far exceed the height allowed by State Shoreland Rules and the standards and guidelines for the Critical Area Corridor and the Mississippi National River and Recreation Area. These Critical Area standards and policies apply to the entire Corridor, which extends from the river to the centerline of 2nd Street SE, not just the 300 feet of the Shoreland Management Program, which is a different regulatory program. The document appears to disregard the intent of these standards by proposing that Conditional Use Permits can be obtained.

Friends of the Mississippi River: Proposed heights exceed critical area standards almost ten-fold, which will dramatically change the character of this section of riverfront as viewed from the river.

Marcy-Holmes Neighborhood Association: Height of new riverfront development should not exceed the Red Tile Elevator. We need to see alternatives that fit within various height guidelines.

Bluff Street Development: Given the careful process for both designations, it would be difficult to take historic-preservation regulation seriously in the future, if preservation-agency and critical-area reviewers acquiesced on so clear a breach of regulations, in so important a district.

Response:

The EAW in Figure 5.4 on page 6, and Table 6.1 on page 9, and in the discussion of visual impacts at the top of page 71, provided a description of the heights of the existing structures and the proposed structures both absolutely in height above mean sea level and relative to grade.

TABLE TWO: COMMENTS BY TOPIC
SUMMARY OF WRITTEN COMMENTS AND THOSE RECEIVED AT THE PUBLIC COMMENT MEETING

A. HEIGHT

- 1. Limits and Guidelines
 - 1-DNR
 - 3-Metro Council
 - 5-FMR
 - 6-Marcy Holmes
 - 10-NPS
 - 14-Bluff
 - 16-MHS
 - 18-Fried
 - C-4 Minn
 - C-6 Tucker
 - C-8 Flakne
- 2. A Mill
 - 4-NTrust
 - 6-MH
 - 10-NPS
 - 14-Bluff
 - 16-MHS
 - C-5 Morrison
 - C-8 Flakne
 - C-9 G Meyer
 - C-11 Elo
- 3. Adjacent Properties
 - 6-MH
 - 7-MPRB
 - 12-U of M
 - 13-Soap
 - 14-Bluff
 - 16-MHS
 - C-4 Minn
 - C-10 Brazaitis

4. Assessment

- 6-MH
- 10-NPS
- 14-Bluff
- 16-MHS
- C-1 T Meyer
- C-6 Tucker
- C-9 G Meyer

B. CONCRETE

- ELEVATORS**
- 6-MH
 - 15-MHS
 - C-6 Tucker

C. PHASING

- 2-Brazaitis
- 4-NTrust
- 8-Wallin
- 10-NPS
- C-1 T Meyer
- C-2 Jones
- C-3 Langer
- C-10 Brazaitis
- C- 11 Elo

D. CONSTRUCTION

- IMPACTS**
- 7-MPRB
 - 10-NPS
 - 13-Soap

E. PLANS AND

PLANNING

- 6-MH
- 10-NPS
- 14-Bluff
- C-1 T Meyer
- C-6 Tucker
- C-8 Flakne
- C-12 White

F. CONFLICT WITH INDUSTRIAL USE

- 12-U of M
- 14-Bluff
- C-4 Minn

G. EXACTIONS

- 3-Metro
- 5-FMR
- 7-MPRB

H. TRAFFIC

- 3-Metro
- 7-MPRB
- 9-Lincoln
- 14-Bluff
- C-4 Minn
- C-6 Tucker
- C-7 Lincoln

I. AIR QUALITY

- 7-MPRB

J. STORM RUNOFF

- 1-DNR
- 3-Metro
- 5-FMR
- 7-MPRB

K. SOIL

CONTAMINATION

- 10-NPS

L. PERMITS AND APPROVALS

- 3-Metro

M. VIEW OF FALLS

- 7-MPRB

N. CHUTES CAVE

- 1-DNR

O. SPRINGS AND HOTEL

- 10-NPS

P. WHITE WATER PARKING

- 1-DNR
- 14-Bluff
- C-4 Minn

Q. UTILITY

- ADEQUACY**
- 14-Bluff
 - C-4 Minn
 - C-8 Flakne

R. EXTENSION OF 4TH AVENUE

- 5-FMR
- 6-MH
- 7-MPRB
- 16-Bluff

S. 6TH AVENUE GREENWAY

- 10-NPS

T. DIAGEO SITE

- 10-NPS
- 11-Madsen
- 14-Bluff
- C-4 Minn
- C-8 Flakne

U. INDEPENDENCE OF PREPARER

- 16-MHS

V. ERRATA

- 6-MH
- 7-MPRB
- 14-Bluff

W. NEED FOR AN EIS

- 3-Metro
- 4-NTrust
- 12-U of M
- 14-Bluff
- 16-MHS

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

The applicable standards and guidelines for regulation of height of structures were presented in three sections of the EAW. Section 27, beginning on page 71, describes the Minneapolis enforced standards. First, the standards of the Zoning Code beginning on page 71, includes the necessary findings for any change in the standards. Second, beginning on page 74, the Guidelines of the Minneapolis Heritage Preservation Commission are provided. Third, the standards of the Mississippi River Corridor Critical Area were presented in Section 14, beginning on page 28, and expanded in two advisory letters from the DNR included in the 12 page “Appendix to Question 14” at the end of the EAW. The Marcy-Holmes Neighborhood Plan was noted in Section 9 on page 15, but not discussed in Section 27.

The discussion of the C3A Zoning District in Section 27, beginning on page 71, should have been expanded to include, in addition to the purpose, the standards for regulation of density and building bulk as follows:

In addition to regulating the uses permitted in the C3A District, provisions of the District also regulate the number of housing units permitted and the total building area on the site, expressed as a ratio to the ground area of the site. The area of the A Mill site, after rededication of 5th Avenue, which is proposed by the developer, will be 324,077 sf., and will be the basis for the following calculations.

In the C3A District, each housing unit is required to be “supported” by 400 sf of site area. The permitted number of housing units on the A Mill site is 810 units. This can be increased by the use of permitted bonuses. Section 548.130 (a) of the Code provides a bonus of 20% for providing enclosed parking, and Section 527.140 provides an up to 20% bonus for participating in a Planned Unit Development. These bonuses, if granted as part of the development approval process, would increase the permitted number of housing units to 972 units, and then to 1134 units. The proposer could also increase the permitted number of units on the site by seeking a variance.

In the C3A District, one square foot of site area supports 2.7 square feet of building area. This is called the “Floor Area Ratio” or FAR. The project as proposed contains 1,850,058 sf of floor area, not including parking structures. The permitted floor area on the site is 875,070 sf. The floor area can be increased by the bonuses discussed above. If granted, they would increase the permitted floor area to 1,050,084 sf and then 1,225,098 sf. The proposer can increase the permitted floor area at the site by seeking a variance, in addition to the permitted bonuses from the Heritage Preservation Commission, Planning Commission or City Council.

In the C3A District building height is also regulated directly, limiting height to 4 stories or 56 ft above grade. The height of buildings can be increased by the City Planning Commission and City Council based on findings identical to those listed on page 73 of the EAW for Sections 551.480 and 551.710 of the Zoning Code.

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

The discussion of the Marcy-Holmes Neighborhood Plan should have been part of Section 27. The Plan is available on the Organization's web site at www.marcy-holmes.org. The Plan on page 2-2, discussing new housing unit production, and on Figure 2-1 Housing Plan, identifies five areas for new multi-family housing construction. The A Mill site and area, with the condition the housing is not adversely impacted by adjacent industrial uses, is one of those sites. Figure 8-1 on page 8-7 identifies the A Mill site as within the area of relaxation of the 4 story height limit in the C3A District. The degree of relaxation of limits is provided on page 8-6, "Buildings can be as tall as the Red Tile Elevator -- or about 190 ft above Main Street -- between 2nd Street and Main Street".

2. The proposed heights in relation to impacts on the A Mill

Comments:

National Trust for Historic Preservation: The minor adjustments made to the proposed plan do not adequately address the overall scale of the development in terms of its impact on the context of the historic Mill, nor the radical alteration of the views of the site afforded from the river and from other locations within the St. Anthony Falls Historic District. Enacting the plan in its current form will greatly diminish the value of the Pillsbury "A" Mill as a seminal site in the industrial and economic development of Minneapolis

Response:

The importance of the landmark Pillsbury A Mill and the designations it has received are described beginning on page 67 of the EAW. The relationship of all new construction to the A Mill and other structures on the site will be specifically approved by the Minneapolis Heritage Commission and, on appeal, the City Council.

3. The effect of the proposed heights on adjacent properties

Comments:

University of Minnesota: The EAW fails to appropriately and scientifically evaluate the environmental consequences of, including those related to air, noise, odor vibrations and visibility of attempting to site such large scale residential towers in the immediate proximity of a large working steam plant.

The Soap Factory: Perhaps contrary to the popular view, we would favor less *massive* structures at a *greater* height.

Bluff Street Development: Thus, even though the number of units is slightly less than Cedar Square West, the sheer architectural volume of this project is actually much greater than Cedar Square West. In its combination of height and bulk, this project is without precedent in Minneapolis.

Response:

The potential noise impacts of the steam plant on nearby residential structures, and how they increase with the height of the structures were discussed beginning on page 61 of the EAW and illustrated in Figure 24.1. The potential impact of stack emissions for buildings 15 stories and higher was recognized, and the inability to assess it at this time was described on page 63 of the EAW. These impacts have been the subject of additional investigation, which is reported in the following Section F "Conflict with Industrial Use", including a revised Figure 24.1. As part of the City's mandated site plan review process, the description and mitigation of the noise impact of the steam plant on the adjacent Stone Arch Apartments was required. This same tool and requirement is available for use at the A Mill site. See also the following section F. Conflict with Industrial Use.

If the anticipated petition to rezone the site to C3A is granted, a Conditional Use Permit granted by the City will be required for all structures on the site more than 56 ft or four stories tall. As part of the consideration of the approval of each permit, by Code, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

1. Access to light and air of surrounding properties.
2. Shadowing of residential properties or significant public spaces.
3. The scale and character of surrounding uses.
4. Preservation of views of landmark buildings, significant open spaces or water bodies.

Potential impacts of the height of the proposed buildings on adjacent properties are captured and specifically addressed by the City's land use review and approval process.

4. How the effect of the proposed heights has been and could be assessed

Comments:

Marcy-Holmes Neighborhood Association: The building heights listed in the chart should include heights of buildings on both sides of the Mississippi from the Third Avenue bridge downstream to the new U of M steam plant and the new Guthrie theater. For a project this size "nearby" should be more than just a few blocks away.

National Park Service: The EAW should consider the effect of the project on views from the west bank of the St. Anthony Falls Historic District and from other sites on the district's east bank, taking into account the significance of the viewshed to the Historic District and to specific sites within it.

Bluff Street Development: The City will need to engage an independent consultant—with no ties to any of the parties in this EAW process—to demonstrate the full range of shadow impacts, especially at morning and afternoon rush hours during each season. In high-urban settings like this location, shadows are issues of both community esthetics and public safety.

Thomas Meyer, 710 S 2nd Street: Mr. Meyer found the presentation of the visual impact of the proposal in the EAW deficient and asked it be expanded to include views from public spaces such as the Mill City Museum, The Plaza on Chicago Avenue at the Metrodome, and the new Guthrie Theater site. He asked the views also reflect the materials that would be used on the buildings.

Response:

As part of their mandatory review and specific approval of any significant structure heights at the A Mill site, the Commissions and their staff can receive additional studies from additional points and in additional detail.

The proposer has prepared illustrations of alternate height and massing arrangements for the site. These illustrations are found in Exhibit G. Please note illustrations A through D are of the Main Street new development elevations only. Present, most significantly the silos, and proposed development along 2nd Street SE, are not illustrated. The background for the proposed 4th Avenue walkway and any potential redevelopment along 2nd Street have not been provided in these illustrations. The Pillsbury sign is not represented above the "Red Tile Elevator". With these limitations, Illustration A is the project proposal discussed for the redevelopment of the Pillsbury A Mill Complex in the EAW. It is and continues to be the proposed project... Illustration B limits all building heights to the height of the "Red Tile Elevator". C, D, and E illustrate different combinations of building height and massing.

The impacts of the building heights are visual and relational. The guidelines and standards presented in the EAW and above provide direction for acceptability. The acceptable impact cannot be technically determined or defined by additional studies. In Minneapolis, it will be determined by the judgment and recommendations of the City's professional staff, testimony and comment at public hearings, the recommendations of first the Heritage Preservation Commission and then the City Planning Commission, and by the City Council following the review process of the City.

B. Concrete Elevators

Comment:

Minnesota Historical Society: The EAW indicates that the City's Heritage Preservation Commission (HPC) has approved a Certificate of appropriateness for the demolition of the historic concrete grain elevators with a condition for review and approval of project plans...the action by the HPC in advance of the EAW is out of sequence.

Response:

The conditioned nature of the approval was noted on page 74 of the EAW and expanded in the Appendix to Question 27, which provides the background and actual report of the

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

Commission's action. The reasons for allowing demolition of the elevators as part of the development of the site are expanded in the comment of the Marcy-Holmes Neighborhood Association. The findings in the staff report included in the appendix of the EAW identified the contribution of the elevators, the difficulty of any reuse, and the conditions that allowed the necessity for the assurance the elevators could be removed for site planning purposes in the yet to be approved plan for preservation and redevelopment of the entire site. Nothing in the conditional approval excuses the project proposer from making project changes or implementing mitigation measures, nor does the HPC action bind the RGU in their determination on the requirement for an EIS, or the HPC or the RGU in review of alternate development plans for the site.

The comment on process is noted.

C. Project Phasing

Comments:

Edna Brazaitis, 4 Grove Street: Our record is not good in protecting historic structures that are not in use. The City should require that the A-Mill be the first part of the project acted on by the developer as a condition of granting any further permits.

National Trust for Historic Preservation: I would like to request that the developer submit a comprehensive phasing plan for the entire development that will clearly identify the construction schedule for all properties, as well as the proposed treatments for the historic buildings during any periods in which they will be vacant.

Winston Wallin, 333 South 7th Street: The worst result would be the sale and development of the eastern portion of the site with modern buildings with no economic incentive remaining to restore the historic structures.

Response:

At the public comment meeting the proposer reviewed the agencies contacted and the protections provided to secure and preserve the buildings at the site. No plan or commitment has been provided for the staging of development of the various parcels identified on Figure 5.3 on page 5 and in Table 6.1 on page 9 of the EAW.

A schedule for the sequence of development of the site could be made part of the Heritage Preservation Commission approval the project and will be part of the City Planning Commission's approval of the Planned Unit Development agreement for the development of the site. See also Section VI. C., sections 1 and 2.

D. Construction Impacts

Comments:

Minneapolis Park and Recreation Board: Measures should be undertaken to ensure that construction noise, dust, and vibrations do not negatively impact the use of Father Hennepin Bluffs Park. The potential impact of vibrations from demolition and construction on the fragile river bluffs should also be examined.

National Park Service: The A Mill is already buttressed due to early problems with the structure's physical integrity. The pre-construction conditions of each historic building should be documented. Procedures should be specified for the close monitoring of each historic building during construction. The effect of vibrations on Chute's Cave and Tunnel and other underground tunnels (*during demolition and construction*) should be addressed.

Response:

The impacts of the demolition process are identified and discussed in Section 24 on page 59 and on page 82 of the EAW. The potential sensitivity of the A Mill was not identified in that discussion.

The proposer has agreed to provide documentation and monitoring during demolition and construction on any impacts on the historic structures, including seismically monitoring the caves, tunnels and historic buildings.

The Heritage Preservation Commission may choose to amend its conditional approval of the demolition of the elevators, and make part of any future approvals, acceptance of the proposer's commitment to provide this precaution and information.

E. Plans and Planning

Comments:

Marcy-Holmes Neighborhood Association: The EAW misses some needed references to the Marcy-Holmes Master Plan and pertinent MHNA statements regarding the A Mill complex.

Bluff Street Development: District planning is necessary before rezoning. Rezoning for a project of this scale requires a "40-acre study" including the blocks up to University Avenue.

National Park Service: The MNRRA Comprehensive Management Plan (CMP) recommends the reuse, protection, restoration and rehabilitation of historic buildings and the protection and interpretation of cultural resources sites in general. To know how well the proposed project fits with the historic preservation aspects of MNRRA's CMP, we need a more specific description of how each historic building in the Pillsbury A Mill Complex will be treated and more information on the project's potential to affect other historic resources.

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

Response:

References to the Marcy-Holmes Neighborhood Plan were missed in the EAW. The discussion of the Marcy-Holmes Neighborhood Plan should have been part of Section 27. The Plan is available on the Organization's web site at www.marcy-holmes.org. The Plan on page 2-2, discussing new housing unit production, and on Figure 2-1 Housing Plan, identifies five areas for new multi-family housing construction. The A Mill site and area, with the condition the housing is not adversely impacted by adjacent industrial uses, is one of those sites. Figure 8-1 on page 8-7 identifies the A Mill site as within the area of relaxation of the 4 story height limit in the C3A District. The degree of relaxation of limits is provided on page 8-6, "Buildings can be as tall as the Red Tile Elevator -- or about 190 ft above Main Street -- between 2nd Street and Main Street". This recently prepared Plan also provides significant local context for the rezoning recognizing the cessation of milling operations at the site.

In the Mississippi National River and Recreation Area Comprehensive Management Plan, this district is recognized as one where cultural resources are generally more significant than natural resources. The project seems generally in compliance at the comprehensive level. The measure of compliance would seem to rest more in the "second tier", where partner roles are most significant.

F. Conflict with Industrial Use

Comments:

The University of Minnesota: The University is concerned the proposed residential development in this industrial area may be incompatible with operation of the steam plant

Response:

Determination of Stack Height: An extensive review of the Environmental Impact Statement, air emission permit and supplements to the permit was needed to establish and confirm the height above Main Street of the University of Minnesota steam plant stacks. Various heights were identified in the documents ranging from 213.3 feet to 263.8 feet. From the first supplement to the application (1 December 1994) "The Southeast Plant stack heights in the model were increased to 80.42 m (263.8 ft) to reflect actual dimensions." "The original modeling used stack heights of 65 m (213.3 ft) (the deminimis height) from a base elevation of 235.66 m (773 feet) which were taken from the MPCA's source inventory list. In the revised modeling Foster Wheeler has obtained and used actual building dimensional elevations." Therefore, since the Main Street elevation is 812 feet, the actual height of the stacks is 225 feet above grade as confirmed in the second supplement to the permit (12 April 1996) "The plant has four identical stacks situated on the Southeast Plant roof, which are approximately 225 feet above grade and 14 feet in diameter. Two are currently being utilized, one each by Southeast Plant Boiler #3 and #4." The stack height assumed in the EAW was erroneously based upon an earlier estimate.

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

The adjusted heights of buildings relative to the actual stack height are shown in the table below. It can be seen that only two of the proposed buildings will be higher than the stack.

Location	Building Height (ft)		Height above Stacks (El. 1037)
	Stories	Elevation (msl)	
A Mill Complex Machinery House Warehouse #2	3	varies	-168
Parcel A			
Parcel B	9	930	-107
Parcel C	8	920	-117
Parcel D	15	962	-75
Parcel E	24/27	1109	72
Parcel D/E Phase 3	10	912	-125
Parcel F	24	1052	15
Parcel G	20	1012	-25
Parcel F/G Phase 3	10	912	-125

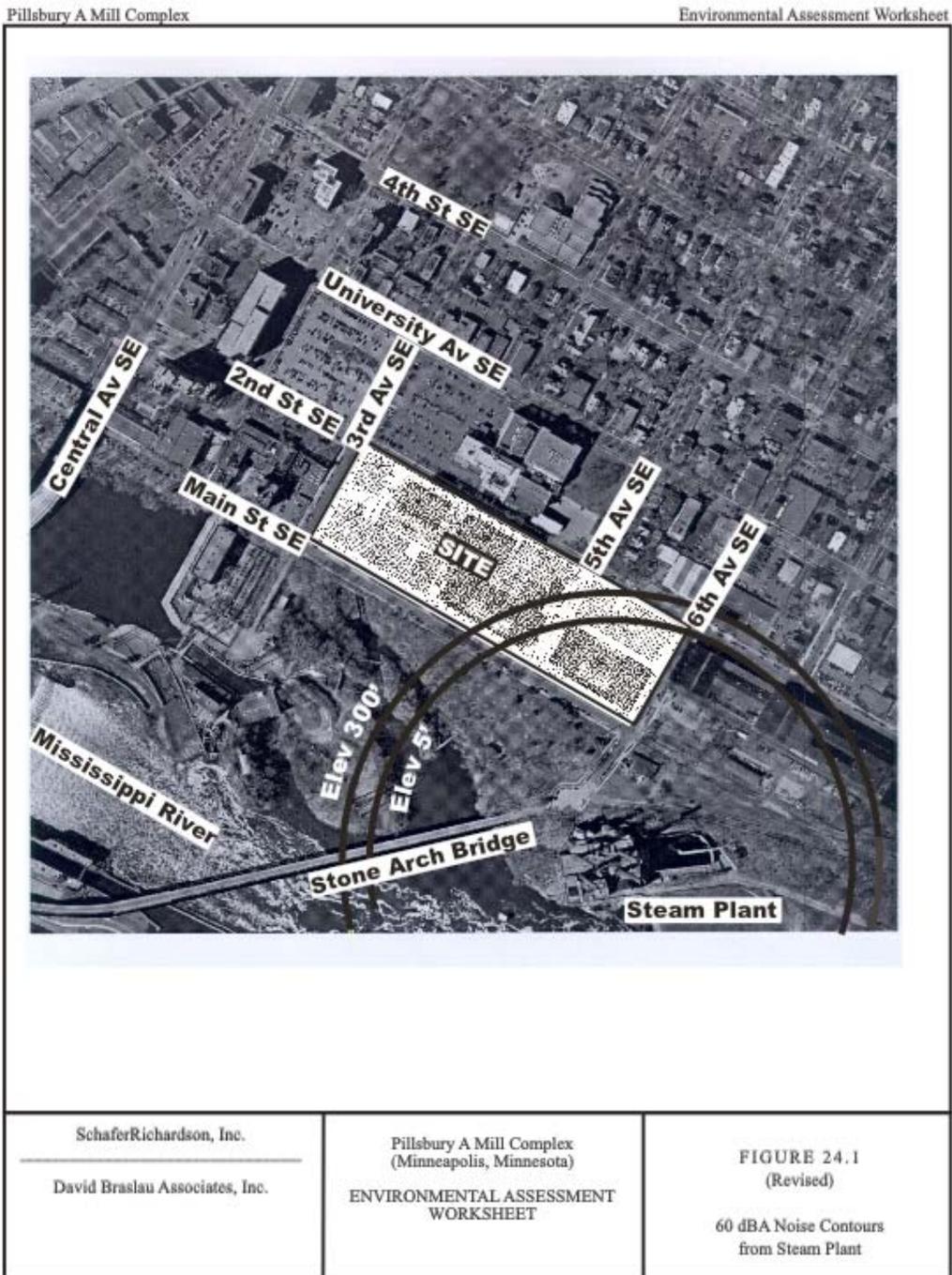
Effect of Increase Stack Height on Air Quality and Noise: The stack height is 15 feet below the tallest proposed structure on Parcel F and 72 feet below the tallest proposed structure on Parcel E. The effective stack height for air emissions, due to plume rise associated with temperature and exit velocity of the stack flow can be considerably higher than the actual stack level. The estimated effective stack height for Boiler #3 is 287 feet while that for Boiler #4 is 307 feet, so that only the Boiler #3 effective stack height will be lower than the proposed building on Parcel E (297 feet above grade).

The greater stack height effects noise level in two ways. The 60 dBA level at 5' above the ground will be further from the stack due to the slant distance effect of extrapolating the sound level observed at a distance of 400 feet from the stack. The 60 dBA level at 300' above the ground will be closer since the increase in radiated sound level above the stack opening begins 85 feet higher than previously assumed. The 60 dBA contours (at 5' and 300' above grade) are shown in a revised Figure 24.1. The virtual sound source for these schematic contours has also correctly relocated to the steam plant stacks.

Except for Parcels F and G, sound levels are expected to be below 60 dBA at all heights. Levels at Parcels F and G may be as high as 62 to 63 dBA, but will not exceed the L50 65 limit of the NAC-2 classification, requiring an exterior-to-interior noise reduction of 30 dBA. Upper level balconies may be enclosed because of wind. Lower level balconies may be exposed to levels just over the daytime standard.

Maximum Predicted Ground Level Concentrations: As part of the Environmental Impact Statement, maximum pollutant concentrations were predicted for a large scale grid extending 10 kilometers in all directions from the plant. Results of that

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project



analysis shows that the highest concentrations were predicted southeast of the plant. Maximum concentrations for the probable fuel burn at the plant are shown in the following table and compared with ambient air quality standards

Maximum predicted concentrations (mmg/m³)

Pollutant (period)	Max. Conc.	Standard
PM10 (annual)	0.61	50
PM10 (24 hr)	22.39	150
NOx (annual)	5.5	100
SOx (annual)	2.69	80
SOx (24-hr)	140.89	365
SOx 3 hr	200.14	1300

Source: University of Minnesota-Environmental Impact Statement; Proposed Alternatives Air Quality Analysis, October 1994; Trinity Consultants, Inc.

It can be seen from the above table that all of these maximum concentrations are well below the ambient air quality standards.

Evaluation of Above Ground Receptors: Under recent guidance issued by the Minnesota Pollution Control Agency for new source review (*MPCA Air Dispersion Modeling Guidance For Minnesota Title V Modeling Requirements And Federal Prevention of Significant Deterioration (PSD) Requirements* (Version 2.1), Minnesota Pollution Control Agency, January 6, 2004) so-called “flagpole” receptors are discussed for above ground-level receptors. For these new source studies some companies have considered open/operable windows or air intakes. The EPA states in its documentation that “we would not consider air at open or operable windows, or at the intakes of mechanically-ventilated buildings, as ambient air for purposes of determining attainment of the national ambient air quality standards. States are free to interpret their own State ambient air quality standards in a more restrictive manner.” For any new building, good building practice indicates design and placement of fresh air intakes at locations that minimize impacts from possible sources, such as roadways, garage exhausts, adjacent building ventilation systems, and nearby commercial or industrial activities.

However, to develop estimates of potential air quality impacts at the exterior of the top floors of the proposed adjacent high-rise buildings on the A Mill Complex site, basic modeling of potential concentrations was performed.

Calculations of dispersion from the Steam Plant stacks were made to predict short-term (3-hour) exposure to SO₂ at the top floor of the buildings on parcels E, F, and G (see EAW Figure 5.3).

The calculation was simplified by limiting the investigation to two meteorological conditions (D Class and E Class Stability) using available data about the emissions from the 1994 Steam Plant EIS. While the stack is 225 feet high, effective stack heights of 287 feet and 307 feet were estimated for Boiler #3 and Boiler #4, respectively, based upon the Holland Formula and data from the Steam Plant EIS. An average effective stack height of 297 feet and combined emissions from both stacks was used for the analysis.

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

The results of the analysis are as follows:

Parcel	Distance from Stack	Building Height	D Stability (ppm)	E Stability (ppm)
E	750 ft	297 ft	750	1500
F	600 ft	240 ft	100	40
G	450 ft	200 ft	0	0
	SO2 3-hour standard		1300	1300

The analysis also showed that, under a Stability Class E event, residences below 284 ft on Parcel E, 281 ft on Parcel F and 274 ft on Parcel G are estimated to be at or below the standard.

Therefore, if residences or other occupancy near or above 284 ft on Parcel E, 281 ft on Parcel F, and 274 feet on Parcel G, are approved by the City, additional modeling can be completed. Those investigations should be based on the approved structure heights and locations, more comprehensive meteorological assumptions, and use a time series of actual emission data made available in cooperation with the University of Minnesota or by investigation of MPCA permit files.

Downwash effects: Downwash potential is an issue associated with buildings in the immediate vicinity of the stack. The Environmental Impact Statement evaluated downwash potential for the Steam Plant that is reflected in the maximum concentrations predicted by Trinity Consultants which are seen to be well below ambient air quality standards.

Wind direction and speed versus stability class: Low wind speeds (e.g. higher potential pollutant concentrations) are predominantly from the northwest in the summer months, which at least in part explains highest concentrations southeast of the plant. Stable atmospheres have the highest potential for high pollutant concentrations. Based upon 1991 annual data from the Minnesota Pollution Control Agency, with wind blowing from the steam plant to the proposed high rise buildings, the D or neutral stability class occurred only for 8 hours (or 0.20 %) over the four month period June through September, while the E stability class occurred only for 5 hours (or 0.17 %). Thus, the potential for high concentrations during the summer months when windows are open or balconies are in use is very low.

G. Exactions

Comments:

Metropolitan Council: The Council staff recommends that the City and the Developer work with the Minneapolis Park and Recreation Board (MPRB) to provide access to the Mississippi River Regional Trail from Main Street to East River Road., an Friends of the Mississippi River, It is recommended that some funding be provided to the MPRB to restore native plant communities and wildlife habitat to this park area which will be a major amenity for the development., and, In addition it is recommended that the

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

development provide the City and MPRB with assistance in completing the gap in the Mississippi River Regional Trail between 6th Street and East River Road adjacent to the University of Minnesota.

Minneapolis Park and Recreation Board: Since this park area will serve as a major amenity for the development and will likely receive heavy use from the new residents, it is recommended that the developer provide some funding to restore this park area. Also adjacent to the development is the last remaining original rock face of St. Anthony Falls; restoration of a flow of water over this face has long been a goal of the Minneapolis Park and Recreation Board and other public entities. It would be appropriate for the developer to participate financially in this effort, since it would add another, highly unique amenity to the development area., and, It would therefore be desirable for the proposed development to participate financially in the community's goal of completing the regional trail and road connection from Main Street along the river to the University and then to East River Parkway (commonly referred to as "the missing link").

Response:

These requests and priorities for assistance are noted for the record. If, as proposed, no tax increment district is established to assist in the preservation and reuse of the historic structures, the additional property and other tax revenue generated by the development and those who live, work and shop within it, will become immediately available to the jurisdictions.

H. Traffic

Comments:

Edna Brazaitis, 4 Grove Street: I can easily see hurried commuters using the exits and entrances on the island near De La Salle to avoid the stoplight at Main Street.

Minneapolis Park and Recreation Board: It would be appropriate to examine the impact on Main Street of the traffic generated by the proposed development; it does not appear that this aspect was examined in the EAW.

Bluff Street Development: The current situation at the Metal Matic truck loading dock at 6th Ave. SE and Second Street SE is already difficult, with routine 3-and 4-point truck movements because of a very tight configuration for large trucks. Traffic generated by the new development will intensify this chronic problem.

Response:

These comments, and the very technical comments submitted Thomas Lincoln on behalf of the Marcy-Holmes Neighborhood Association, have been reviewed by the traffic consultant. The consultant has prepared a revision to Section 21 of the EAW that is

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

response to these comments and is made part this document as Exhibit F “Revised EAW Section 21. Traffic”. The primary changes and additions are as follows:

- Increase slightly of the project’s total daily trip generation.
- Confirmation that there will be no access to Main Street.
- Inclusion of a new section addressing why possible roadway improvements creating a “Granary Parkway”, adding a third lane to I-35W and connecting Main Street and East River Road are not considered in the analysis.
- Clarification of the bases for the retail trip generation rates that are used and the addition of a daily total column to Table 21.1.
- Provision of the results of a survey used to estimate trip distribution.
- Reports on the timing and adjustments to better reflect University of Minnesota traffic in the traffic forecasts.
- Amended intersection analysis for 1st Avenue SE and 4th Street SE and for Central Avenue and University Avenue.
- Expanded discussion of and justification for future signalization at University Avenue and 6th Avenue SE.
- Confirmation that the use of just the pm peak hour as appropriate for the analysis
- Confirmation that off street parking supply will fully meet the total expected parking demand. Significant other nearby parking is available on street and in the public parking garage if any circumstances should arise where parking demand exceeds the available off-street supply
- Confirmation that the project will not impact or be impacted by the existing situation of Metal Matic truck maneuvers as only 10% of the project trips are expected to operate on 2nd Street SE east of 6th Avenue SE.

The Air Quality consultant has reviewed these changes and concluded they do not require additional air quality investigation.

Any remaining issues will be resolved as part of the Transportation Demand Management Plan required for this proposal by Section 535.140 of the Zoning Code.

I. Air Quality

Comments:

Minneapolis Park and Recreation Board: The impacts of CO concentrations on Father Hennepin Bluffs Park should be examined.

Response:

The EAW provided an air quality analysis for the University and 6th Avenue intersection, which is two blocks from the park, but carries significantly more traffic that will occur at 6th Avenue at 2nd Street or Main Street. A maximum 1-hour concentration (including

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

background) of 4.4 ppm was predicted for the No-Build 2013 scenario and 4.5 ppm for the Build 2013 scenario. No change in the 4.0 ppm 8-hour concentration was predicted. Since traffic along 2nd and Main Streets will be much lower than on University Avenue, the maximum concentration at Main and 6th Avenue (adjacent to the park) will be considerably lower. Therefore, no adverse air quality impacts are anticipated on or near Father Hennepin Bluffs Park.

J. Storm Runoff

Comments:

Minnesota Department of Natural Resources: Project developers can do more to manage stormwater. For example, given the flat design of the rooftops, this would be an ideal site for green roofs.

Metropolitan Council: The Council staff encourages the City to consider using green roof technology as one method to address stormwater volume.

Response:

Noted for the record. The developer is investigating the feasibility of “green roof” and other technologies under a contract with the Green Institute.

K. Soil Contamination

Comment:

National Park Service: For instance, it is our understanding that it was once common practice for rail workers to dump waste oil at rail terminals such as this. Have soils been tested for such contamination?

Response:

As noted in the EAW, both Phase 1 and Phase 2 Environmental Site Assessments were performed at the site, which collected detailed information on previous land use and used that information to guide a subsurface drilling and chemical testing program. The results of these assessments (summarized in the EAW) showed that there was no evidence of widespread contamination at the site, and also provided background to prepare contingency plans during construction should unexpected environmental conditions come to light.

Complete copies of these reports are available for review at the office of the Minneapolis City Planning Division, 210 City Hall.

L. Permits and Approvals

Comments:

Minnesota Department of Natural Resources: Additionally, any proposed amendments to plans and regulations affecting lands within the Corridor must be submitted to the DNR for review and approval before being legally effective.

Metropolitan Council: The list should include the Metropolitan Council Environmental Services' (MCES) approval of a sanitary sewer service connection.

Response:

Noted for the record

M. View of the Falls

Minneapolis Park & Recreation Board: An additional scenic view which has not been mentioned is that of St. Anthony Falls, the only true waterfall on the entire Mississippi River, which is visible from the Stone Arch Bridge and various riverbank locations. It is likely that it will also be visible from many stories of the proposed project and will, in fact, be a major selling point for the development.

Response:

Noted for the record.

N. Chute's Cave

Comment:

Minnesota Department of Natural Resources: One of our primary concerns, the existence of the Chute's Cave hibernaculum under the site, has been adequately addressed in the EAW.

Response:

Noted for the record. See also D. Construction Impacts.

O. Chalybeate Springs and hotel

Comment:

National Park Service: Chalybeate Springs lies just across Main Street from the Pillsbury A Mill. The condition of this historic spring and the potential for changes in

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

groundwater flow to affect it should be addressed. A hotel once existed at this site as well, and the potential for archeological remains of this hotel should be evaluated.

Response:

The Chalybeate Springs Resort was partially destroyed by the construction of the Pillsbury A Mill tailraces in 1881. The resort was abandoned in the early 1880's, and all superficial traces of the resort have vanished. Buried foundations and occupation debris which may exist would be on public property and not part of the A Mill Complex site.

The comments on the possible changes to groundwater flow are noted for the record.

P. White Water Parking

Comments:

Minnesota Department of Natural Resources: The proposed Whitewater Park recreational facility on the river, at times, may require substantial parking capacity. We recommend that the proposed development include a parking plan and assessment of the entire area to ensure that adequate parking capacity can be achieved

Response:

In the DNR's study for the Mississippi White Water Park, potential parking demand is discussed in section 9.A.1.4 Parking Demand. In that section, Table 10-2-Parking estimate, "is a rough guess of the parking requirements for the course". Daily parking demand for tubers, private boaters and fisherman ranges from 30 spaces to 161 spaces, of which 56 spaces will be provided on site. The peak parking demand will be generated by on-shore spectators for small special events, 333 spaces, and large special events, 1667 spaces. If funding is provided, and when the Park is developed and open, participants and spectators will have access to public and private parking as part of St. Anthony Main on the east bank, and, via the connection of the Stone Arch Bridge, parking on the downtown side of the River. This parking meets the demand for the thousands of spaces used for a Twins or Vikings event. The issue of parking for spectators may be more of an issue of scheduling rather than space. If large and small spectator events can be scheduled for evenings and weekends, and can avoid conflicts with Vikings and Twins, or other Dome events, the parking that serves the much larger Dome events will be available to serve events at the Park.

Q. Utility Adequacy

Comments:

Bluff Street Development: The EAW identifies the need for expanded sanitary sewers under both Main and Second streets to serve this project (84). Adjacent property owners

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

understand that storm and sanitary sewer capacities in the area are undersized for very large developments and, further, that options for expansion under Main Street are problematic.

Response:

Sunde Engineering has confirmed a new watermain link will be needed between 2nd Street and Main Street in 5th Avenue in order to increase the circulation of the distribution system. As is standard practice for the City of Minneapolis, this extension would be paid for by the developer. The actual design and construction would be completed by the City upon petition for the work to be done. The main would become public and a 30' wide easement would be needed around it. It would also be prudent for some of our services to come off of this main for construction convenience purposes. We will also need to add hydrants as necessary per direction of the fire marshal. There no issue with the volume or the capacity of the system. We have 16" and 12" mains in the area that can serve the site adequately. The high-rise buildings will have their own pumps to pressurize water service higher than 4-5 stories ups.

There will not be a problem with the capacity of the existing storm sewer infrastructure, as the development will not discharge an increased rate of flow (the existing site is predominantly hard surface already).

There appears to be sufficiently sized sanitary sewer to handle any potential increase in wastewater flow. We will need to work with staff to connect our services in suitable locations. Sunde Engineering doesn't foresee any problems with the infrastructure from a sewer standpoint.

R. Extension of Fourth Avenue

Comment:

Friends of the Mississippi River: The access through 5th Avenue is very positive, however, access at 4th Avenue should provide a straight path to the river so as to maximize the view to the river from 2nd Street.

Minneapolis Park and Recreation Board: The proposal to create a new pedestrian link along the original axis of 4th Avenue SE will advance the community's goal of fostering connections from neighborhoods to the river. This path should be designed to be clearly visible and accessible to the public, to "read" as public and welcoming, and to feel safe and secure for users passing through the heart of the block.

Bluff Street Development: However, the two cross-axis spaces referred to are mainly access from the project's inner courtyard to Main Street and Second Street (Fig. 5.4). Since the path in the direction of the neighborhood terminates immediately at the research complex right across the street.

Response:

The “Red Tile Elevator”, which will not be demolished, has been constructed in the former 4th Avenue right of way at Main Street, and must be accommodated in the design. The General Mills Riverside Technical Center building has been constructed in the former 4th Avenue right of way between 2nd Street and University Avenue.

The comment is noted for the record.

S. 6th Avenue Greenway

Comment:

National Park Service: The National Park Service provided significant funding to the City of Minneapolis for installation of the Sixth Avenue Greenway, which is adjacent to the proposed A Mill development. The proposed development may adversely impact the greenway and mitigation may be required.

Response:

The comment is noted for the record. The proposer has discussed the activity and design of the 6th Avenue edge of the project with the Marcy Holmes Neighborhood Organization and City staff to assure consistency and compatibility with the Greenway plans.

T. Diageo Site

Comments:

National Park Service: The Diageo site should be fully described and included in the EAW.

Bluff Street Development: Given that there is no distinction between the Diageo site and the rest of the property with respect to transaction, current ownership, program, and resale, the Diageo site must be fully evaluated in the EAW.

Response:

The Diageo site is located across 3rd Ave SE from the A Mill complex. This 38,115 sf site is bounded by Main Street, 3rd Avenue SE, 2nd Street SE, and, on the interior of the block, the St. Anthony Main complex. It is presently occupied by a building constructed in 1981. This parcel was retained by Pillsbury when the A Mill was sold to ADM.

If rezoned to C3A (the adjacent zoning classification of St. Anthony Main), the area of the site could support 95 housing units and commercial mixed use in a building of up to 103,000 sf of active floor area. These intensities could be increased by bonuses provided

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

in the Minneapolis Zoning Code, and approval of a variance from the strict application of the provisions of the District.

In November of 2003, when the preparation of the A Mill Complex EAW was begun, milling had been terminated and the A Mill complex had been acquired from ADM by a limited liability corporation (LLC) of which Schafer Richardson was a part. Plans for the redevelopment of the approximately 8 acre site with 1095 housing units and 105,000 sf of commercial space had been developed, discussed with the neighborhood, and presented to the Heritage Preservation Commission, after which the Commission took a conditional action on a part of the proposal. The A Mill site was a large, contiguous parcel, included the significant A Mill and supporting historic structures, and the proposed development on the site provided coordinated parking, circulation, and development standards. It was intended to be used and experienced as a single mixed use development. The taller buildings on the site were intended to be justified by their provision of a private internal cross subsidy for the preservation and renovation for reuse of the significant historic structures on the site.

At that time Schafer Richardson was also negotiating with Diageo to purchase a parcel across 3rd Avenue SE from the A Mill complex for another LLC, which might have some overlapping but not identical ownership. At that time they were thinking about a mixed use development of 145 to 150 housing units and up to 10,000 sf of commercial space. If Schafer Richardson were the eventual developer of that parcel, it would be self contained, with no sharing of circulation or parking, design control or any internal cross subsidy with the A Mill project.

The Diageo parcel is of a scale that was typical of development along the River and could be undertaken parallel and not sequential to the development of the A Mill site. It is not a part of the sequence or a stage of the development of the A Mill site. Neither the development of the A Mill project nor the development of the Diageo site will induce the development of the other, nor was development of one project a prerequisite for the other. Given the housing development and in place amenities along the River, both projects are justified on their own.

The effect a decision to not include the potential development of the Diageo parcel as part of the A Mill project would have on 4410.4400 Subp 21, Mixed residential and commercial-industrial projects was tested. The A Mill proposal at 1095 units is 73% of the applicable EIS threshold. The 105,000 sf of commercial is 10.5% of the commercial standard. Combined, the A Mill is at 84% of the EIS threshold. The addition of the 145 potential Diageo parcel units would total 1,240 units, 83% of the threshold. The additional 10,000 sf of commercial brings that total to 115,000 sf, 11.5% of that threshold. Combined, they would be at 94% of the standard, or 225 residential units below the threshold for preparing a Mandatory EIS.

With the Diageo parcel on the market, development of the parcel by some group within the next 10 years seemed probable, and its potential development at this level was included for the traffic analysis, but not as part of, the A Mill project.

U. Independence of the Preparer

Comment:

Minnesota Historical Society: Because each page of this EAW carries a credit to the project proposer, questions arise as to the extent to which the City prepared an independent analysis of the project.

Response:

The EAW was prepared under the supervision and at the direction of the City staff.

V. Errata

Noted for the record.

W. Need for an EIS

Comment:

Metropolitan Council: We find that the EAW is complete, and that an EIS is not necessary for regional purposes.

National Trust for Historic Preservation: I strongly urge the City of Minneapolis to request a full Environmental Impact Statement to address these issues before proceeding with any further plans for development.

Bluff Street Development: An EIS is required to address unresolved technical problems

Response:

The site is presently designated I-1, 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 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 provide similar opportunities for public participation as would be provided in an EIS process.

Final Findings of Fact and Record of Decision for the Environmental Assessment Worksheet for the Pillsbury A Mill Project

The City has the experienced appointed and elected officials and professional staff and regulatory format 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 and the opportunity for public, including State Agency, participation that is assured by that process, and informed by the record created by this EAW, is the direct, effective and efficient venue to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site. This process and its participants will assure the evaluation and mitigation of the environmental effects of the proposal.

A finding by the City that the EAW, as extended, 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, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site.

V. ISSUES IDENTIFIED IN THE EAW

The issues identified in the EAW are those identified by the reviewers and commentators and listed in Table Two: Pillsbury A Mill EAW Comments by Topic, in Section IV and Exhibit D of this report. Responses, extensions and revisions to these issues are also found in Section IV.

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

Potential noise and SO₂ impacts in excess of standards from the proximity to the Steam Plant were identified in the EAW and have been further investigated and assessed in Section IV F and do not appear to be beyond the bounds of mitigation at the proposed building heights or at alternate building heights. Traffic and vehicle related air emissions have been studied and revised, and the impact of the project can be accommodated in the City and regional system. Existing city utilities are adequate to serve the project. At this site natural features, with the exception of the Chute's Cave hibernaculum under the site, have succumbed to urbanization and continuous redevelopment since the founding of the City.