



BOARD MEETING

Monday, March 24, 2025

10:00 a.m. – 12:30 p.m.

Fifth Floor Conference Room, Veterans Service Building, 20 W. 12th St., Saint Paul, MN 55155

Virtual – Livestream available at <http://www.mn.gov/caapb>

Board Packet – <https://mn.gov/caapb/board-meetings/>

Proposed AGENDA

10:00 a.m. Meeting Kick-Off

Item 1. Board Member Appointment

Item 2. USS Ward Gun (*public hearing and action*)

Item 3. Update: Capitol Area Zoning and Design Rules (*public hearing and action*)

Item 4. The Pillbox Commemorative Works Application (*action*)

Item 5. Rice Street BRT Station and Location & Design Approval (G Line) (*action*)

Item 6. Park Street Congregate Living Variance (*action*)

Item 7. Jackson Street reconstruction design (*action*)

Item 8. Capitol Area Stormwater Management Study (*action*)

Item 9. Nellie Stone Johnson Update

Item 10. Other Project Updates

Item 11. Approve Minutes from September 24, 2024 & December 11, 2024

12:30 p.m. Adjourn

Board Meeting Packet Items

- Memo and Resolution: USS Ward Gun
- Memo and Resolution: Capitol Area Zoning and Design Rules
- Memo and Resolution: Pillbox Commemorative Work
- Memo and Resolution: Rice Street BRT Station and Location & Design Approval (G Line)
- Memo and Resolution: Park Street Congregate Living Variance
- Memo and Resolution: Jackson Street
- Memo and Resolution: Capitol Area Stormwater Management Study
- Memo on Nellie Stone Johnson
- Memos for other projects
- Draft Minutes from September 24, 2024 & December 11, 2024



Capitol Area Architectural and Planning Board

Freeman Building
625 Robert Street North
Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

Date: March 24, 2025
To: Capitol Area Architectural and Planning Board members
From: Tina Chimuzu, Planner Fellow, Capitol Area Architectural and Planning Board (CAAPB)
CC: Erik Cedarleaf Dahl, Executive Secretary, CAAPB
Peter Musty, Principal Planner & Zoning Administrator, CAAPB
RE: **AGENDA ITEM #2 - USS Ward Gun**



The USS Ward Number Three Gun

The USS Ward World War I-era Navy Destroyer became an important part of American history on December 7th, 1941. One and a half hours prior to the Japanese attack on Pearl Harbor,

during her patrol of Hawaiian waters, the Ward encountered a Japanese submarine attempting to infiltrate Pearl Harbor. The crew, which was composed of Naval Reservists from Minnesota, fired on and sunk the enemy vessel using the USS Ward Number Three Gun, therefore attaining the first American caused casualty of the second world war.

The entire crew of the Ward survived the war and returned home, eventually helping to petition the Minnesota Veterans of Foreign Wars (VFW) and through it, the United States Navy, to loan the USS Ward Number Three Gun to the Minnesota Department of Veterans Affairs with the assurance that the State properly maintain it.

This Minnesota VFW group, naming themselves the “First Shot Naval Vets,” were a prominent feature of the city of Saint Paul. The last surviving member of the USS Ward’s crew from Pearl Harbor, Alan Sanford, passed away in January of 2015.

The Gun, which is owned by the United States Navy, was installed on the State Capitol grounds in 1958 and currently sits on the south edge of the lower Capitol Mall, west of the Veterans Service Building near 25 12th Street West. – *Photo and History from application by Randall Dietrich, Executive Director, Minnesota Military and Veterans Museum and The Minnesota Historical Society.*



The USS Ward Number Three Gun and its crew. “NH 97446” *Naval History and Heritage Command*

Staff Acceptance of Application, Review, and Preliminary Findings

On August 18, 2024, CAAPB Staff received an application from Randal Dietrich, Executive Director of the Minnesota Military & Veterans Museum (MMVM), for removal of the Commemorative Work USS Ward Number Three Gun from the Capitol Mall to the Minnesota Military & Veterans Museum.

In 2023, the Minnesota State Legislature allocated funds to the Minnesota Department of Military Affairs for the construction of a new 40,000 square foot Military and Veterans Museum on 32-acres at Camp Ripley (just north of Little Falls). The new facility, to open in 2026, will replace a very modest museum at Camp Ripley that has served veterans and their families for more than 40 years.

The application from Executive Director Dietrich is included in the packet, as well as images of the Minnesota Military and Veterans Museum in Little Falls (near the entry to Camp Ripley on Highway 371), letters of support, drawings of the proposed museum location of the gun, and a description of the proposal.

As per Minnesota Rules 2400.2703 Subpart 7., Item A, CAAPB staff reviewed the application within 10 calendar days and determined it to be complete by 8/26/2024.

Thereafter, CAAPB staff proceeded to review the request for removal and assess the Commemorative Work per conditions in Minnesota Rules 2400.2703 Subpart 6., upon which staff determined that the removal request meets the condition in Minnesota Rules 2400.2703 Subpart 6., Item C.

Subp. 6. Conditions for modification or removal of an existing artwork.

A. there has been sustained, broad-based, and documented public objection to the artwork;

B. the artwork conflicts with the guiding principles in subpart 1, item A;

C. the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;

D. the site for the artwork is no longer safely accessible to the public or is due to be demolished; or

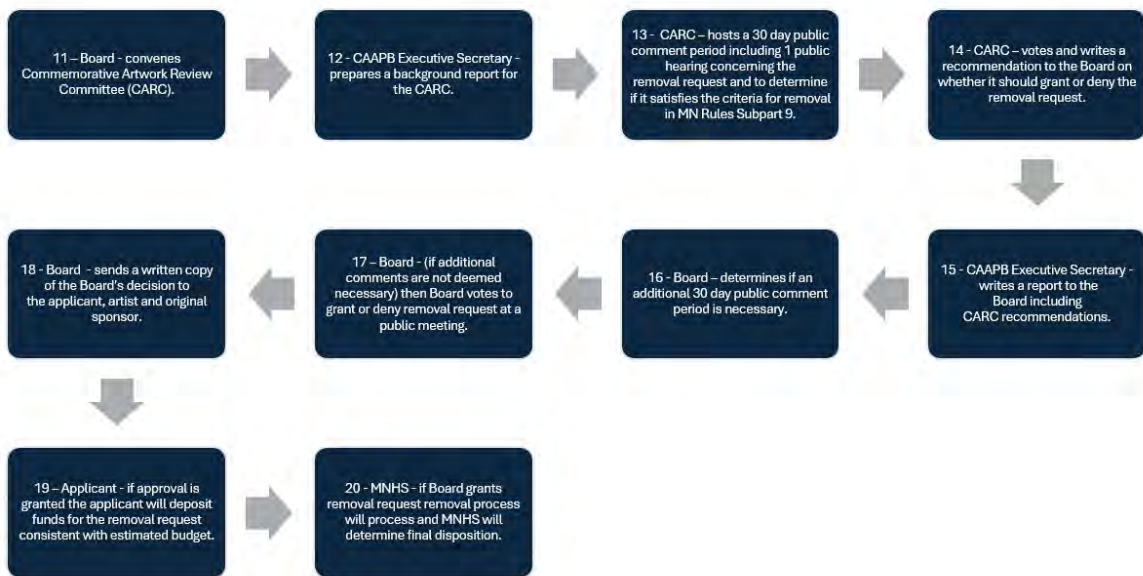
E. significant changes in the use, character, or design of the site require a re-evaluation of the relationship of the artwork to the site.

In the preliminary findings relevant to the rules for Commemorative Works, the CAAPB staff together with MNHS, and in consultation with the Department of Administration, established that though the Agency had over the years done an outstanding job of maintaining and restoring the important artifact, unfortunately there are currently no dedicated funds for future maintenance works. However, considering the Gun's steel material and continued outdoor exposure, a lack of dedicated maintenance funds would lead to its continued degradation. In light of this, staff determined that the application for removal meets the conditions for M.R. 2400.2703, Subpart 6, Item C., therefore recommending to the Board that the application be moved forward in the review process.

Commemorative Works Removal Process – USS Ward Number Three Gun (1 of 2)



Commemorative Works Removal Process – USS Ward Number Three Gun (2 of 2)



Public Comment and Public Hearing

Guided by M.R. 2400.2703 Subpart 7, Item D, with the Board's affirmation, CAAPB staff facilitated a 30-day Public Comment period from December 3, 2024, to January 7, 2025 (35-days) and a Public Hearing on December 19, 2024 to gather public input on whether conditions in Minnesota Rules 2400.2703, Subpart 6, Item C., have been met for the Board to consider the application to remove the USS Ward Number Three Gun from the State Capitol Mall.

Subp. 6. Conditions for modification or removal of an existing artwork.

- A. *there has been sustained, broad-based, and documented public objection to the artwork;*
- B. *the artwork conflicts with the guiding principles in subpart 1, item A;*
- C. *the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;***
- D. *the site for the artwork is no longer safely accessible to the public or is due to be demolished; or*
- E. *significant changes in the use, character, or design of the site require a re-evaluation of the relationship of the artwork to the site.*

According to the rules, after the public comment period and hearing, CAAPB staff are required to prepare a written summary of public comments and provide a recommendation to the Board on whether to accept the application and proceed to the next step in review process. A majority vote of the full Board is required to accept the application for removal as complete and advance

the application for further review by the Commemorative Artwork Review Committee (CARC), to be convened by the Board upon acceptance of the application.

This memo to the Board includes the required “written summary of the public comments” on the application.

Public Comment Summary

CAAPB staff received a total of 17 public comments. 8 comments were submitted during the Public Comment period that was conducted between December 3, 2024 and January 7, 2025, and 9 comments were submitted at the Public Hearing held on December 19, 2024.

Of the 17 comments received, only 16 were counted because 1 person submitted their comment twice for the Public Hearing, both in writing and in person.

Public Comment period between December 3, 2024, and January 7, 2025 - of the 8 comments that were submitted,

- 1 comment affirmed the moving of the USS Ward Gun to the Minnesota Military and Veterans Museum,
- 1 comment affirmed that conditions in Minnesota Rules 2400.2703 Subpart 6., Item C., have been met for the Board to review the request.
- 3 comments opposed the moving of the USS Ward Gun from the State Capitol Grounds.
- 3 comments were general questions pertaining to the process, which the CAAPB staff responded to.

Public Hearing held on December 19, 2024 - 1 comment was submitted twice both in writing and in person. Therefore, only 8 out of 9 comments were counted. Of the 8 comments submitted before or during the hearing,

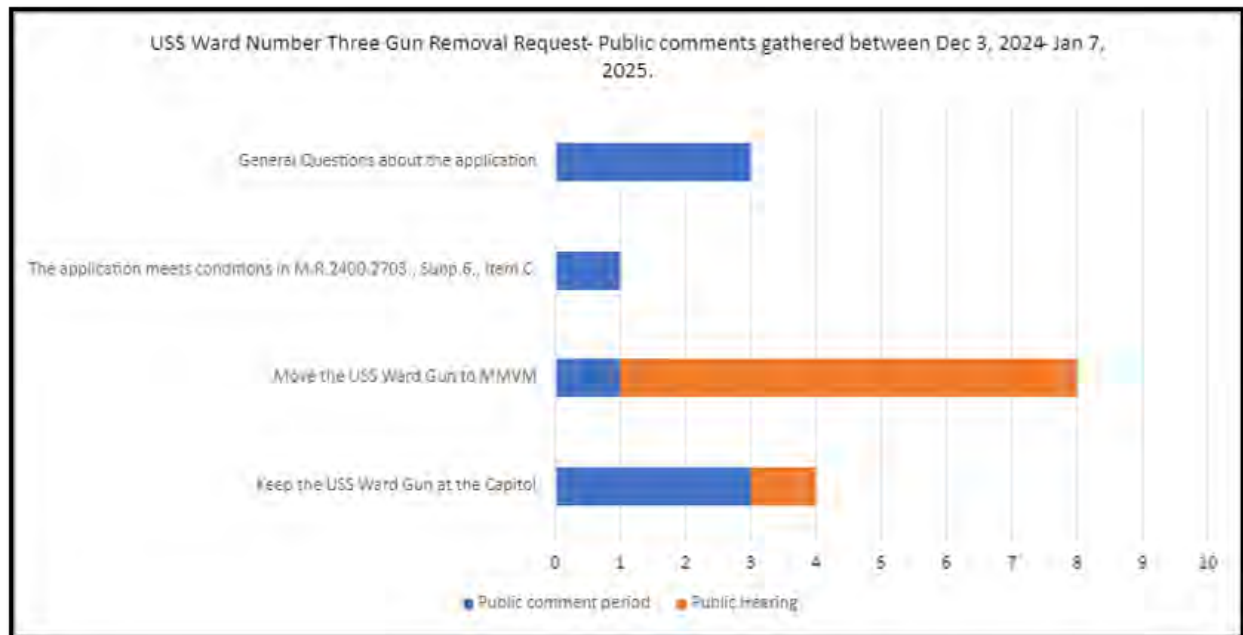
- 7 comments were in support of moving the USS Ward Gun to the Minnesota Military and Veterans Museum.
- 1 comment opposed the proposal to remove the USS Ward Gun from the State Capitol Grounds.

Overall, of the 16 comments that were counted,

- 8 were in support of moving the USS Ward Number Three Gun to Minnesota Military & Veterans Museum.
- 1 affirmed that the request meets conditions in Minnesota Rules 2400.2703., Subpart 6, Item C.

- 4 were in opposition of moving the USS Ward Number Three Gun to MMVM, they wanted it to stay put at the Capitol Grounds.
- 3 were general questions which the CAAPB staff responded to.

Figure 1 A summary of public comments received from December 3, 2024 to January 7, 2025, including for the Public Hearing on December 19, 2024.



Note: An entire listing of the comments can be found in Attachment C for the Board’s review.

Recommendation

Based on the staff's preliminary findings and public comments, **CAAPB Staff recommend that the Board accept that the criteria from Minnesota Rules 2400.2703 Subpart 6., Item C** have been met, and the **application can proceed to the next step in the Commemorative Work removal review process.**

Per M.R. 2400.2703, Subpart 7, Item E, following the public comment period and recommendation from staff, "The board shall then meet and host a public hearing to invite additional public comments and consider the modification or removal request, staff report and recommendation, and public comments that the board received before and during the public hearing. After considering all public comments, the board shall vote on whether the modification or removal request meets one or more of the conditions in subpart 6 and may advance for further review. A majority vote of the full board is required to accept the application and advance the application for further review."

Suggested Board Resolution

The Capitol Area Architectural and Planning Board ("Board") determine that the application submitted by Randal Dietrich on August 18, 2024, to remove the USS Ward Gun from the Capitol Mall, meets the condition in *Minnesota Rules 2400.2703 Subpart 6., Item C*, "the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;" Specifically, the Board authorizes staff to:

- Convene a Commemorative Artwork Review Committee and proceed to review the artwork identified in the removal request and the applicant's proposed plan for removal.
- On behalf of the Commemorative Artwork Review Committee, open a 30-day public comment period and hold one public hearing to gather additional input on the removal request.

The Board wishes to further make clear that approval of these intermediate steps in the Rules process does not communicate approval nor disapproval of any portion of the current proposal by the applicant, and approval of these steps does not equate to agreement or judgement as to the veracity of any claim or assertion within the received application.

Commemorative Artwork Review Committee

If the Board votes to accept that the request to remove the USS Ward Number Three Gun from the Capitol Grounds meets the condition in the Minnesota Rules 2400.2703, Subpart 6, Item C, and moves the application for further review, then the Board must convene a Commemorative Artwork Review Committee (CARC) which will:

- Review the artwork identified in the modification or removal request and the applicant's proposed plan for modification or removal.
- The committee shall vote and make a written recommendation to the full board on whether the board should grant or deny the removal request based on the criteria in M.R. 2400.2703, Subpart 9.

The CARC must include:

- 1) one board member;
- 2) one architectural adviser;
- 3) one person appointed by the commissioner of the Department of Administration to represent the agency;
- 4) a representative from the Minnesota Historical Society;
- 5) two professionals appointed by the board experienced in the fields of visual art, public art, art history, architecture, or history. One of the professionals must have knowledge of artwork conservation;
- 6) two members of the public appointed by the board;
- 7) up to five additional committee members appointed by the board as needed for professional expertise; and
- 8) board staff that oversee and support the committee's work.

Commemorative Artwork Review Committee Recommendations

Pending the Board resolution, CAAPB staff compiled recommendations for membership to the Commemorative Artwork Review Committee which are being forwarded to the Board Chair for approval.

DESIGNATION	NOMINEE
<i>(1) one board member;</i>	Rep. Isaac Schultz
<i>(2) one architectural adviser.</i>	Micheal Bjornberg

<i>(3) one person appointed by the commissioner of the Department of Administration to represent the agency;</i>	Kari Suchy, Administration Facilities Director
<i>(4) a representative from the Minnesota Historical Society;</i>	Lindsey Rulon Miller, Capitol & MNHS Sites Art Program Specialist
<i>(5) two professionals appointed by the board experienced in the fields of visual art, public art, art history, architecture, or history. One of the professionals must have knowledge of artwork conservation;</i>	Dr. Kate Beane Tom Braun, Senior Objects Conservator, MNHS
<i>(6) two members of the public appointed by the board;</i>	Paul Mandell, Former CAAPB Executive Secretary Roger Brown, Immediate Past President, USS St Paul
<i>(7) up to five additional committee members appointed by the board as needed for professional expertise; and</i>	Dave Bellefeuille, Chief of Admin Services and a Navy Veteran. Greg Donofrio, Associate Dean of Faculty, University of Minnesota - College of Design Chad Roberts President & CEO, Ramsey County Historical Society
<i>(8) board staff that oversee and support the committee's work.</i>	Erik Cedarleaf Dahl, Executive Secretary Tina Chimuzu, Planner - Fellow

Attachments:

1. **Attachment A: USS Ward Number Three Gun Applicant documents** – this includes the Application for Removal of the USS Ward Number Three Gun from Randal Dietrich, Executive Director of the Minnesota Military & Veterans Museum.
 - a. Attachment A2: Supplemental materials for the USS Ward Number Three Gun application.
2. **Attachment B: Summary of Public Comments** – this summary includes a listing of all public comments gathered from the 30-day Public comment period from December 3, 2024, to January 7, 2025, and the Public Meeting held on December 19, 2024.
3. **Attachment C: CAAPB Staff Report** – A report containing staff findings on whether the application meets conditions in *M.R. 2400.2703 Subpart 6*.
4. **Attachment D: A letter from Randal Dietrich** – this was submitted by the Applicant following the Public Comment period of December 3, 2024, to January 7, 2025.

DATE: 16 August 2024

TO: Capitol Area Architectural and Planning Board
RE: Application for Removal of an Existing Artwork

PART 1 – CONTACT INFORMATION

Organization: Minnesota Military & Veterans Museum
Contact: Randal Dietrich
Email: rdietrich@mnmilitarymuseum.org
Phone: 320-616-6050
Address: Camp Ripley
15000 Highway 115
Little Falls, MN 56345

PART 2 - SUBJECT

USS Ward Number Three Gun

This large gun, from a World War I-era Navy Destroyer, fired on and sank an enemy vessel in the very early morning of December 7, 1941. The crew was comprised of Naval Reservists from Minnesota. After the war, the United States Navy agreed to loan the gun to the Minnesota Department of Veterans Affairs with the assurance that the state properly maintain it (please see supplemental materials, Part 2/Items A & B). The gun was installed on the State Capitol grounds in 1958. The gun is owned by the United States Navy.

In 2023, the Minnesota State Legislature allocated funds to the Minnesota Department of Military Affairs for the construction of a new 40,000 square foot Military and Veterans Museum on 32-acres at Camp Ripley (Just north of Little Falls). The new facility, to open in 2026, will replace a very modest museum at Camp Ripley that has served veterans and their families for more than 40 years.

This new facility, dedicated to veterans of all service branches, will be a more appropriate location for this military artifact.

The Museum's current collection includes extensive archives of the USS Ward and artifacts from the Minnesota veterans who served on-board (Part 2/Item C).

The Museum's commitment to Naval history is further evidenced by the recent acquisition, with the assistance of Governor Walz, of the sail and rudder of the USS Minneapolis-St Paul. The SSN-708 was a Los Angeles-Class nuclear submarine decommissioned in 2008.

The Navy approved this request and the Museum promptly dispatched four semi-trailers to Bremerton, Washington to retrieve these immense artifacts (Part 2/Item D). Extensive restoration is underway with work to be completed in time for the 2026 grand opening.

PART 3 – REMOVAL CONCEPT

As the Minnesota Department of Veterans Affairs is currently identified on the Navy's loan agreement, the Museum shared plans for the removal, restoration and relocation of the Ward gun with MDVA and has secured the department's endorsement (Part 3/Item A). MDVA has requested that the Navy draft a new loan agreement inserting Museum in place of MDVA.

In addition, representatives of the Museum (Part 3/Item B) and the Minnesota Navy League (Part 3/Item C) traveled to Washington D.C. to brief the United States Naval History and Heritage Command (NHHC) who is also in support of the plan.

The Museum has commissioned a local conservator to issue a report on the current condition of the gun (Page 1 of this report provided as Part 3/Item D).

The museum will remove, restore and relocate this artifact according to standards set by NHHC and prominently display it indoors at the new camp Ripley Museum for better long-term conservation and year-round interpretation (Part 3/Item E). As the centerpiece of the WWII exhibit gallery, visitors will be immersed in the sights and sounds that these Minnesota sailors would have encountered on December 7, 1941.

After the move, the former location of the gun will be seeded with grass (Part 3/Item F).

PART 4 – CONDITIONS AND CRITERIA

Generally, the new Military and Veterans Museum at Camp Ripley will be a more appropriate location for the USS Ward gun as it is a military artifact owned by the United States Navy. It is important to note that the story of the USS Ward and crew is featured on the first panel of the WWII Memorial (dedicated in 2007) just north of the Veterans Service Building on the State Capitol grounds (Part 4/Item A).

Current Museum board member and former MDVA Commissioner Larry Herke was in support of this plan and, prior to his retirement, had briefed the Governor's Office.

Further, this proposed move might align with the recent Capitol Mall Design Framework to develop a process that will create a Capitol Mall that is *more welcoming for more Minnesotans*.

If approved, the removal could begin later this year.

PART 5 - FUNDING

In May 2024, The Legacy Committee of the Minnesota State Legislature provided \$275,000 "for a grant to the Minnesota Military and Veterans Museum at Camp Ripley for the restoration, relocation, and interpretation of the USS Ward Number Three Gun and World War II display. Funding can also be used for site reclamation and improvements at the location of the removed work."

There was broad, bipartisan support for this bill with Representatives Lillie, Newton, and Schultz and others signed onto the bill in the House and Senators Mitchell, Hawj and Howe in the State Senate.

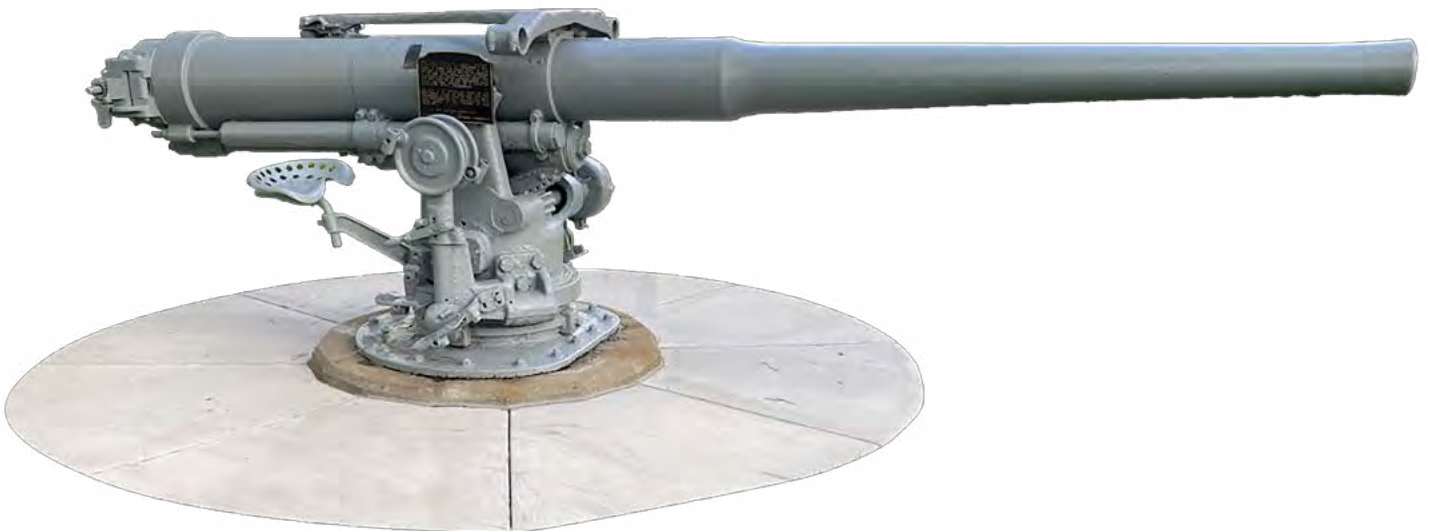
The Museum will cover any additional costs with private funds.

SUPPLEMENTAL MATERIAL



APPLICATION FOR REMOVAL OF AN EXISTING ARTWORK

TO: Capitol Area Architectural and Planning Board
FROM: Minnesota Military & Veterans Museum
RE: USS Ward Gun #3



PART 2

A. USS Ward Gun & Sailor Names

Photos of the USS Ward gun and plaque with sailor names: 4/9/24



PART 2

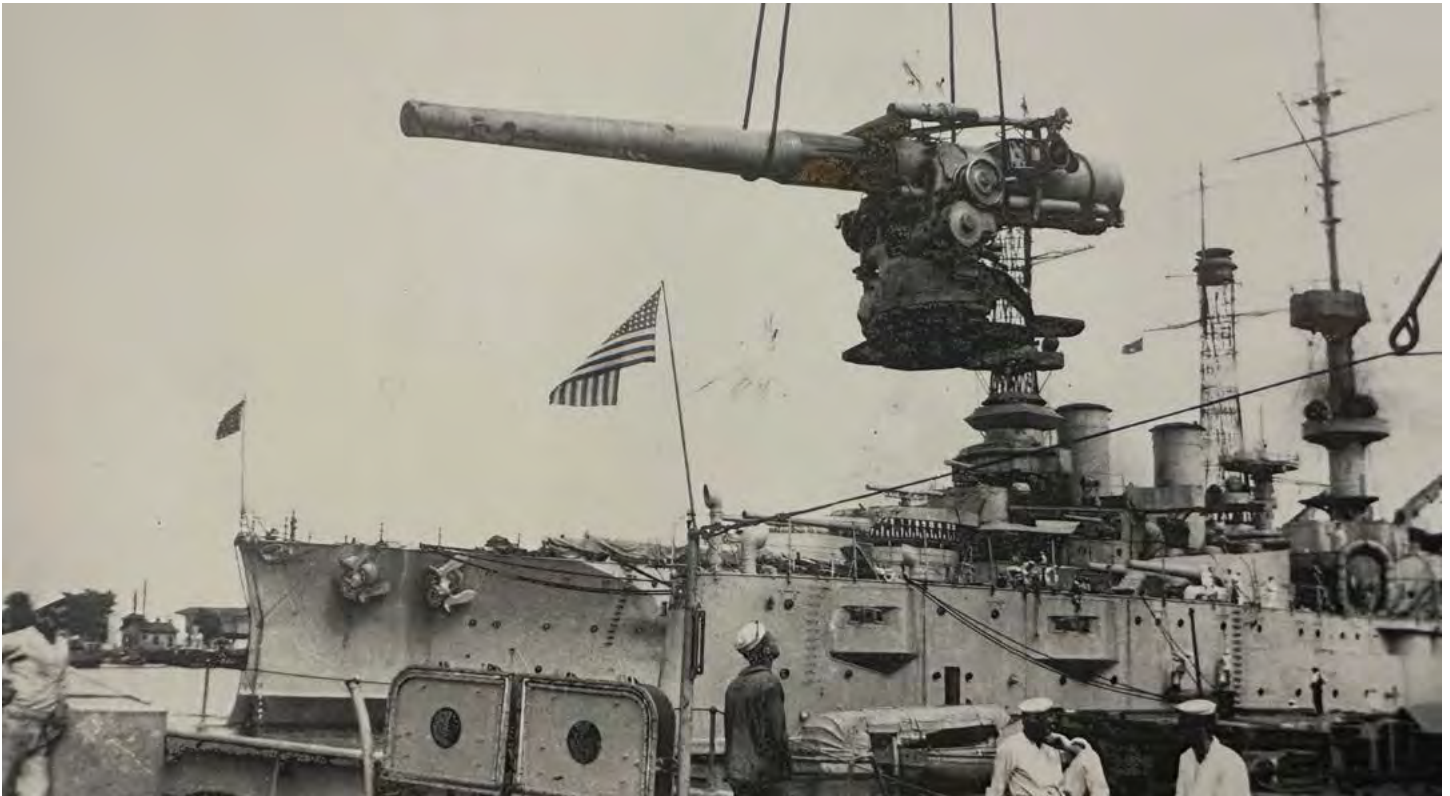
A. USS Ward Gun



PART 2

B. USS Ward in 1918

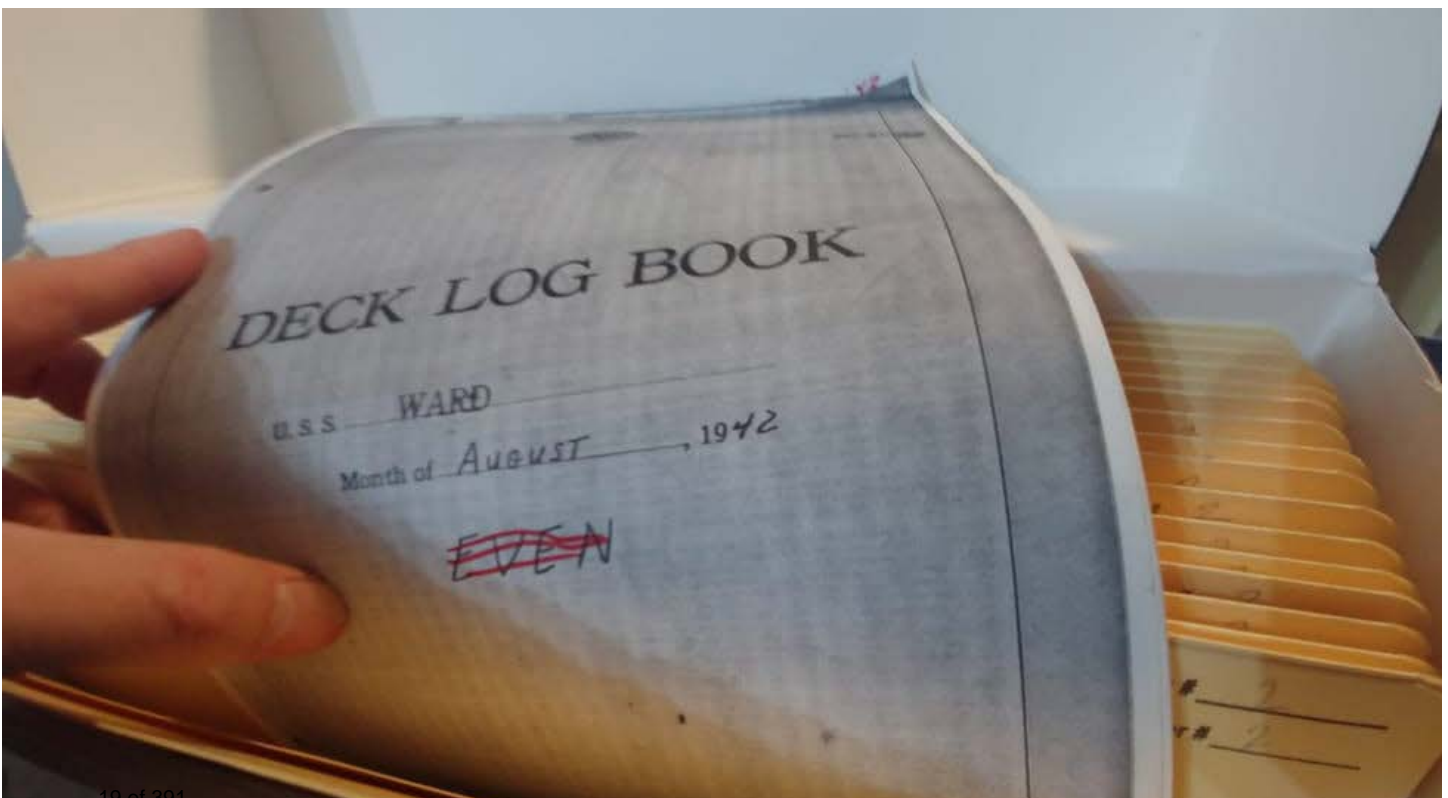
Construction of the USS Ward at Mare Island Naval Yard (CA): 1918



PART 2

C. USS Ward archives

Archives and artifacts at the MN Military & Veterans Museum



PART 2

D. Submarine

Sail and rudder of the USS Mpls-St Paul submarine (SSN-708)



PART 3

A. MDVA Letter to the U.S. Naval History and Heritage Command



MINNESOTA DEPARTMENT OF VETERANS AFFAIRS Office of the Commissioner

20 W 12th St, St Paul, MN 55155
Phone: 651-296-2562 • Fax: 651-296-3954
MinnesotaVeterans.org • 1-888-LinkVet

January 2, 2024

Admiral Samuel Cox
Naval History and Heritage Command
805 Kidder Breese Street SE
Washington Navy Yard, DC 20374-5060

RE: USS *Ward* Gun #3

Dear Admiral Cox,

I have been briefed on your December 1, 2023 meeting with our state delegation (Joe Fraser, Brooks Berg and Randal Dietrich) and was pleased to hear of your support for the relocation of the gun to a new Minnesota Military & Veterans Museum at Camp Ripley.

For decades the gun has sat outside of our offices at the State Veteran Services Building. We are eager to see a new chapter to be written in the history of this storied WWII artifact. It is story of great importance to the nearly 300,000 Minnesota Veterans, their families and our entire state.

We believe this new facility, adjacent to a Minnesota State Veterans Cemetery-Little Falls, to be the ideal location and fully endorse their plan to remove, restore and relocate the gun inside this new facility which will open to the public in 2026. The prominent placement it will enjoy at the heart of the WWII Exhibition Gallery is befitting of the service of the Minnesota Naval Reservists who made history the morning of December 7, 1941.

We would ask that our loan agreement, and the attendant requirements, pass from the Minnesota Department of Veterans Affairs to the Minnesota Military & Veterans Museum at Camp Ripley.

Thank you for your consideration of this request and thank you for your service.

A handwritten signature in black ink that reads "Bradley S. Lindsay".

Bradley S. Lindsay
Commissioner

brad.lindsay@state.mn.us

PART 3

B. Museum letter to the U.S. Naval History and Heritage Command



Minnesota Military & Veterans Museum

15000 Highway 115 • Little Falls, MN 56345 • Camp Ripley
Phone: 320-616-6050 • mnvetmuseum.org

January 12, 2024

Admiral Samuel Cox
Naval History and Heritage Command
805 Kidder Breese Street SE
Washington Navy Yard, DC 20374-5060

RE: USS *Ward* Gun #3

Dear Admiral Cox,

As Board President of the Minnesota Military and Veterans Museum, I would like to formally request the opportunity to remove USS *Ward* Gun #3 from our State Capitol grounds, restore it according to Navy standards and relocate it indoors at our new museum to open at Camp Ripley. This vibrant training facility, consisting of more than 53,000 acres, is state owned property. Remarkably, the Mississippi River runs through this expansive camp. Our new museum will be at the crossroads of two major highways to provide tremendous exposure and easy access to visitors.

The Minnesota Department of Veterans Affairs endorses this plan and MVDA Commissioner Lindsay has signed a letter of support.

In addition, state legislators have committed to introducing a bill in the 2025 legislative session to fund this effort.

As was noted in your December 1st meeting with our team, the museum is already in possession of an abundance of stories and artifacts from the Minnesota Naval Reservists who proudly served aboard the USS *Ward*.

Our team has traveled the country studying the best practices of military museums. We are confident of our abilities to effectively display the gun as the centerpiece of our WWII exhibit gallery. We will be sure to note your role and that of your team.

I would like to invite you to speak at our grand opening in 2026.

Thank you for your consideration of this request and thank you for your service.

A handwritten signature in cursive script that reads "Mark Ritchie".

Mark Ritchie
Board President, Minnesota Military & Veterans Museum
Civilian Aide to the Secretary of the Army
donaldmarkritchie@gmail.com

PART 3

C. MN Navy League letter to CAAPB



Minnesota Council

Navy League of the United States

June 9, 2022

Capital Area Architectural Review Board
204 Administration Building
50 Sherburne Ave, Suite 204
St. Paul, MN 55155

Dear Capital Area Architectural Review Board,

The Minnesota Navy League Council is writing to support movement of the USS Ward (DD-139) 4"/50 caliber gun that sits on the Minnesota Capital grounds in St. Paul to a new indoor facility at the Minnesota Military Museum at Camp Ripley.

The USS Ward gun has a special place in Minnesota history as this gun was manned by Minnesota Naval Reservists and used on December 7, 1941 to sink a two-man Japanese midget submarine, just prior to the massive attack on Pearl Harbor by the Japanese fleet. The gun was placed on the Capital grounds in 1958 as part of the Minnesota centennial celebration. The last surviving member of the Minnesota gun crew was Alan Sanford who died in January 2015.

At its current site, the gun is exposed to the elements and will continue to degrade. Moving it to an indoor facility at Camp Ripley will preserve this important part of Minnesota's Naval history.

Sincerely,

William L. James III

William L. James III, President, Minnesota Navy League Council

PART 3

D. Conservation Report by Paul Storch (15 pages)

Paul S. Storch, M.A., PM-AIC
Museum Science Consultants
890 Palace Avenue
St. Paul, MN 55102
H: (651) 690-3276/C: (651) 263-0953
blitzpost@hotmail.com



Mr. Randal Dietrich
Executive Director
Minnesota Military & Veterans Museum

February 14, 2024

CONDITION REPORT: USS WARD #3 GUN

PROJECT DESCRIPTION:

The purpose of this project is to document the current condition of the USS Ward #3 gun that is currently installed as a memorial on the Minnesota State Capitol Mall prior to the move of the gun to a permanent indoor location. This report will also compile and summarize the history of preservation and conservation efforts to date in order to inform the proposed restoration of the gun.

The goal of this project is to produce useful baseline data that can be used to prepare an RFP for the actual conservation/restoration project.

This report will include the object description, current condition, conservation summary, photographic documentation, recommendations for restoration, and references.

OBJECT DESCRIPTION¹:

The object is Gun #3 and is a 4"/50mm naval gun manned by St. Paul reservists on the U.S.S. Ward, which fired the second shots by Americans at Pearl Harbor on December 7, 1941, at a Japanese mini-submarine. Based on a submarine wreck found off Hawaii in 2002, the Ward struck the conning tower of the submarine, creating two large holes on either side of the tower, which caused the submarine to

PART 3

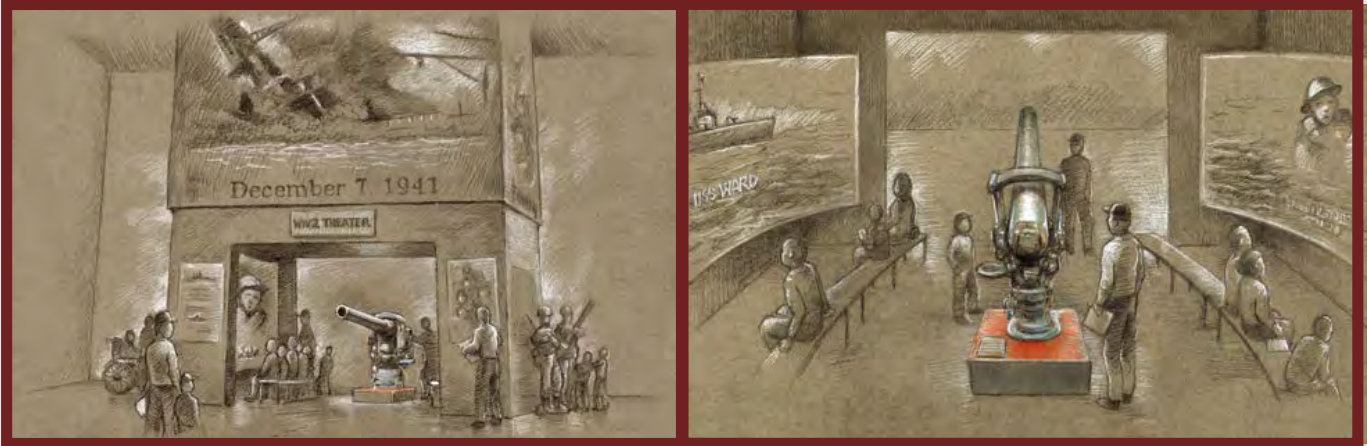
E. New Facility Renderings: Exteriors (2026)



PART 3

E. New Facility Renderings: Interior floor plan (2026)

Prominent placement of the USS Ward gun in the WWII exhibit gallery



PART 3

F. State Capitol ground restoration plan

Planned restoration work at the site of removal on the Capitol grounds



PART 4

A. WWII Memorial Panel

Current inclusion of the USS Ward on the first panel of the WWII Memorial



PUBLIC COMMENTS ON WHETHER CONDITIONS IN MINNESOTA RULES 2400.2703 SUBPART 6 HAVE BEEN MET FOR THE CAAP BOARD TO REVIEW THE APPLICATION TO REMOVE THE USS WARD GUN FROM THE CAPITOL MALL

A. Comments received between December 3, 2024 – January 7, 2025, during the Public Comment period.

No	Date	Comment	Mode of submission
1	12/2/2024	The Minnesota Military and Veterans Musuem is a much better venue one that the present one of it hidden in the shrubbery on the Capitol grounds. The USS Ward's deck gun fired the opening of the Pearl Harbor debacle. It is a very important artifact of Minnesota's military history and should be interpreted in a fitting way that will be done in the Minnesota Military Veterans Museum. Thank you.	Email
2	12/2/2024, 12/3/2024	<p>I am writing to ask for clarification on the proposed removal. Is the overall plan to have the World War One Memorial, removed for repair and restoration then reinstalled? Or is it to remove the Memorial all together from the Capitol Mall? Also, the link contained in this latest update on the Memorial doesn't open to a web form for public comment. Will there be a web form, or is there a specific email address that people will need to submit their comments to regarding the Memorial?</p> <p>I didn't notice a solicitation being sent to request input on restoration. Was posted during this process, and could I see obtain a copy? We just had some World War Two pieces restored in NW/WC Minnesota, that would be similar to the gun from the USS Ward, so I am curious about how that process went for CAAPB.</p> <p>I'm sorry, I did not come across the Memos from the MMVM but was able to review them now. Thank you for directing me to them for more clarity. I do have one follow up question, as the USS Ward Gun serves as the state's WWI Memorial on the Capitol Mall, is there a tentative plan for a replacement WWI Memorial currently?</p>	Email
3	12/2/2024	Keep the USS Ward Gun. Don't remove it. It is our history, whether you like it or not	Email
4	12/2/2024	It seems as though this is very much a part of Minnesota history and should stay here. Incidentally, about 20 years ago I noticed the footplate on the gun was loose. I reported it and saw that it was immediately repaired.	Email

5	12/4/2024	<p>I am interested in the background of the removal discussions for the WW2 Navy cannon? can you send me info on</p> <ol style="list-style-type: none"> 1. how cannon got there? it's ties to Minnesota and the petitioner to add it to Capitol area.? 2. identification of any other historical markers, signs, labels & art currently on in mall area . I assume you have a complete inventory.? 3. where this cannon will go if removed 4. what plans your committee has to replace it? or leave space empty? <p>thank you.</p>	Email
6	12/11/2024,	<p>After reviewing all materials, I believe that the removal request meets the condition of M.R. 2400.2703 Subpart 6., Item C., "the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork."</p> <p>As a Minnesotan, I am glad this artifact will be relocated to the museum for restoration and display, and commend Randal Dietrich and his staff for their efforts.</p>	Email
7	12/12/2024	<p>I'm not against removing the Gun, under the conditions outlined. But there is nothing to indicate what will happen to Gun after removal. Will the Military Musium keep it? Will it be scrapped? I would like to see it saved in some way.</p>	Email
8	12/19/2024	<p>Hello CAAPB staff and advisory board, I would like to submit a public comment on the subject of the USS Ward deck-gun on display at the MN State Capital Mall.</p> <p>As a fan of Minnesota history and of our veterans, I am grateful that Minnesota has had this unique artifact in connection to America's opening shots of WWII on public display, and the special relationship it has with Minnesota. I am proud that Minnesotan's were the first to fire shots on the enemy in defense of our country in WWII, and that such history has always been easily publicly available without barriers.</p> <p>Primary preference: If possible, I believe that the gun should stay on the MN State Capital Mall as an easily accessible, honored place to teach and preserve that important state history. As it is on the State Capital Mall, it is among other memorials and monuments to Minnesota history and Minnesota military history (such as the nearby MN Medal of Honor Recipients memorial), and is easily visible from the road so that passersby may see it and either</p>	Email

		<p>remember what happened, or be curious enough to pull over and visit it someday and learn more about this important history.</p> <p>Alternative preferences: If due to maintenance concerns, weather erosion from outdoor display, or climate change concerns, the Ward gun must be moved I have thought of the following options which are suitable for continued historic preservation and public display. All involve the deck gun being kept in Minnesota for memorial and historical purposes.</p> <p>A. The deck gun stays in it's current location, and the state can build a roofed structure around it with clear plexiglass style walls around it to protect it from further weather damage. If this is not ideal due to funding, may I recommend contacting the local Twin Cities Scouts of America – Northern Star Council and seeing if any scouts would be interested in building such a structure as an Eagle Scout Project?</p> <p>B. The deck gun be moved to another indoor location still on the MN State Capital Mall, such as inside the MN State Capital itself, or inside the lobby of the MN Veterans Administration or Military-National Guard Administration buildings.</p> <p>C. The deck gun be moved to the nearby MN History Museum for permanent indoor display.</p> <p>D. The deck gun be moved to the Commemorative Air Force Twin Cities Chapter hanger museum at the South St. Paul Airport for permanent display; either always inside its hanger where they have a small but impressive WWII artifact museum, or displayed mostly indoors but occasionally outdoors on temporary basis during good weather for special events such as their early summer and early fall swing dances where the CAF display their aircraft and other artifacts outside their main hanger which is itself mostly turned into a dance hall with a live big-band, with the exception of the small WWII museum area in the back of the hanger.</p> <p>E. The deck gun be moved to the new, and currently under construction, Minnesota Military Museum located adjacent to the MN National Guard base Camp Ripley for permanent indoor display.</p> <p>F. The deck gun be moved to the Duluth Maritime History Museum of Canal Park adjacent to the lift bridge, as the gun is a unique piece of Minnesota maritime history.</p>	
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		Thank you for considering my public commentary. I hope the USS Ward deck gun can remain in Minnesota for public display in some capacity, as “it is history, that deserves to be remembered.”	
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B. Comments received on or before December 19, 2024, during the Public Hearing

No	Date	Comment	Mode of comment
9	12/13/2024	<p>I strongly support the proposal to move the USS Ward Gun to the MN Military Musuem by Camp Ripley as they have the capacity to maintain this important piece of MN military history. In addition I think more people will see it and lean about it at our military museum.</p> <p>I am a MN combat veteran who has deployed multiple times, and a military researcher (full-time retired volunteer). I legally can not, and do not speak for the VFW or American Legion, but as an individual who is a Vice Commander at both I can say our membership supports this.</p>	Email
10	12/18/2024	<p>I had planned to attend the hearing tomorrow however now I am unable to make it. I am interested to hear others’ opinions and thoughts. From my perspective the USS Ward gun has been on the Capitol grounds since 1958 and is made to be outdoors in a central location. I remember being in Oahu for the 70th Anniversary of the Pearl Harbor attack. It was so neat to see the information and pictures of the USS Ward and crew. I took pride in our Minnesota connection and still do. I knew the Ward gun was at the Capitol and it sparked renewed interest in telling others and showing others where it is located. My dad and I have also visited it several times. I agree it needs to be maintained however it should be maintained at its current site...the Capitol Mall area. I do not agree it should be taken to Little Falls for the new museum that has not been built yet. In a recent article there is mention that many items are still in storage because there’s not enough room to display them in the current building. It also mentions how the current location deters people from coming to the museum because of the imposing gates of Camp Ripley. . New museum aims to tell the stories of Minnesota veterans Artsandculture grandrapidsmn.com</p> <p>The better alternative is to keep and maintain the gun at the Capitol grounds and not be moved to Little Falls. Maybe this is the impetus to keep it maintained at our capital city of St. Paul rather than moving it to a less central location.</p>	Email

11	12/19/2024	<p>Thank you for allowing me to attend to this public hearing. My name is Brooks Berg and I am a retired navy captain. I served in the Sub-marine force of the United States navy. I also volunteer currently at the Dr Harold C Deutsch World War 2 history center as a member of the World War 2 round table. I also work with Randal in a limited fashion to work on restoration of the Little Falls museum area. The USS Ward gun is an artifact that deserves and demands better protection from the elements, it is a hugely valuable piece of artwork, as I see its being called here to the State of Minnesota. Randal Dietrich as executive director is here and I know he will be a proud owner of the...should it be decided to transition it away from the Capitol mall area. Randal recently hosted a meeting online on December 16th for commemoration of Battle of the Burge with noted author Alex Kershaw who wrote about the subject. Randal is such enormous proponent of Minnesota History that he pointed out to Minnesota veterans that were featured in the book prominently by Alex Kershaw the author and this is the type of work that Randal induces for the museum as the owner of this gun.</p> <p>This gun has been exposed to extreme weather conditions of Minnesota for more than 60 years, its hot, its cold, its icy, its next to a roadway with salt, potassium and everything else. If it is allowed to sit out there...you showed pictures of what it looks like now, I can't imagine what its looking like underneath that paint. Being a navy veteran I know that rust is insidious and attacks everywhere all the time. So not being a conservator, am just an engineer that served on submarines if you see rust like that you get nervous. If we don't do something in the right manner to preserve that gun, that gun will probably not be around too much longer perhaps, so we need to take care of it.</p> <p>And I don't think painting over rust is a valuable solution, or a solution that this valuable piece of a Minnesota history deserves. I think painting over it just paints over the problems instead of addressing the root cause of the problems, which is galvanic cell corrosion and some other things that are going on there. So the viable solutions being presented by removing this gun from Capitol mall to where it will be properly conserved and displayed. I know, I have seen it several many times in the last couple of years here, its not plainly visible to people that aren't exactly looking for it, and so if you are out there, you don't know exactly where to go, you are not going to find it in my opinion. Placing it in a museum with other hugely important Minnesota artefacts like this, where people actually go on purpose to see something like this makes sense to me and probably to a whole bunch of other people.</p>	In person
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		Thank you for allowing me to speak my piece.	
12	12/19/2024	<p>Good afternoon, and thank you for the time here Tina to speak to the committee on this important topic. My name is Bill James, I am the area president for the navy league of the United States for the Upper Midwest, encompassing all of Minnesota as well as the Dakotas, Iowa and parts of Nebraska. The Navy League of the United States is a time-honored citizen led non-profit association that was formed during the Teddy Roosevelt administration. Our mission is to educate, advocate and support on behalf of the active duty and veterans of the United States Navy Marine Corp, the US Coast Guard and the Merchant Services. So, we are a citizen led team that focuses on kind of the water team if you will. So, looking at the history behind the ward and particularly the gun that is on the mall here, it is our concerted belief that we need to preserve this artifact long term so that future generations can take advantage of understanding the relevancy and importance of the history that was involved with the ward during World War 2. Obviously Randal has got a great plan for a brand new museum up in that Camp Ripley, and its a perfect location to move this gun to, that location restored so that it can reside in a safe secure, better environmentally controlled area so that future generations to come can learn about the history, and the background and the relevance and the importance of this important military artwork. So as the representatives of the Department of the Navy and marines and Coast Guard here, we'd like to have continuity of supporting not only the mission of the armed forces involved, but also the history and legacy that goes on with their great past. Where the gun sits today obviously its challenged due to the environmentals, other structural support issues and it would be a real travesty if it continued to deteriorate to the point where it would have to be removed and then obviously scraped out. So we think its a great moment in time to pick up this artefact, get it professionally reconditioned and then to put in a great brand-new museum so that future generations can enjoy and visually learn about it.</p> <p>Thank you.</p>	In person
13	12/19/2024	<p>Thank you for allowing me to speak, I am a consulting objects conservator and one time I kind of worked for the Minnesota Historical Society and was involved with the actual hands on work on the Ward Gun and I submitted 3 documents to the CAAP Board that outline the history, the maintenance history of the gun since atleast 1958, through my active work on it was in 2009 and then there is a report from MNHS dated 2015, so you can get the actual details from that. I was contracted by</p>	In person

		<p>Randal Dietrich earlier this year and I completed a current edition report and conservation recommendations for the gun in February and so I would just like to read my conclusions from that. As documented in the condition report submitted to the Minnesota Military and Veterans Museum in February. The Ward 3 Gun currently on outdoor display is actively deteriorating resulting in continued metal losses and disfigurement. This is evident in the various paint loss areas which have exposed the underlying metal to active corrosion. Active corrosion of iron alloys which the gun is primarily composed of is indicated by flaking metal surfaces, yellow and orange corrosion products and rust staining on the painted surfaces, all of those indicators are present on the gun, including relatively large areas of metal loss on the recoil tubes which have exposed the interior springs and as was previously mentioned here, the current location of the gun is exposing it to aerosolized sodium chloride salt particles from road salt which are driving the corrosion reaction. The best course of action to preserve the USS Ward Gun and to prevent further alteration of the significant historic object is to remove it from outdoor display and store it in a controlled indoor display environment.</p> <p>Thank you.</p>	
14	12/19/2024	<p>Thank you, Bill Strusinski, and the Ward Gun was having issues when I was Commissioner of Administration back in 1978 with the restoration. We couldn't get funds to restore it or keep it appropriately conditioned, so I think this a great opportunity to get it reconditioned and to relocate to some place where there would mean a little bit more visibility for everybody, and suffice and help educate the world as to the importance of that artefact.</p> <p>Thank you</p>	Online
15	12/19/2024	<p>Hi, Doug here, not too much to add, I am really excited to see the Ward Gun restored and put in a place where it can be saved and shown to future generations, I think where its at right now is detrimental to it and happy to see this process move forward.</p>	Online
16	12/19/2024	<p>Good afternoon, thanks for the time to speak, I am Gary Carlberg, while I am combat deployed veteran myself, I really want to speak more on behalf of my father who was a World War 2 Vet that served in the pacific. That maintaining the condition and repairing what we have lost already and rebuilding this would be a high priority to my Dad, who appreciated going to the museums and seeing the equipment and things from when he served. And so I really think the paint</p>	In person

		<p>to me its not really such a big deal, but the bit where the metal is deteriorating and some of the smaller pieces, the springs and some of the other parts that can't be replaced or would be significantly expensive that has me very concerned. So I think this is a good thing we are doing to move it into the Camp Ripley where so many other people could see it, I think its good.</p> <p>Thank you.</p>	
17	12/19/2024	<p>Sorry I couldn't get audio to work. I'm a member of the small group designing exhibits for the new museum, and just wanted to stress how central the USS Ward gun, restored, will be to the visitor experience entering the galleries. It will be the first tableau visitors experience, with mannequins telling the stories of the US Navy reservists who served the gun.</p>	<p>Online written comment read by Erik Cedarleaf Dahl</p>



Capitol Area Architectural and Planning Board

625 Robert Street North

Saint Paul, MN 55155

651-757-1500

<https://mn.gov/caapb/>

Date: 9/16/2024
To: Capitol Area Architectural and Planning Board (CAAPB)
From: Erik Cedarleaf Dahl, Executive Secretary, CAAPB
Peter Musty, Principal Planner, CAAPB

Commemorative Work Application for Removal (Relocation): USS Ward Gun



The USS Ward Number Three Gun

This large gun, from a World War I-era Navy Destroyer, fired on and sank an enemy vessel in the very early morning of December 7, 1941. The crew was comprised of Naval Reservists from Minnesota. After the war, the United States Navy agreed to loan the gun to the Minnesota Department of Veterans Affairs with the assurance that the state properly maintain it (please see supplemental materials, Part 2/Items A & B). The gun was installed on the State Capitol grounds in 1958. The gun is owned by the United States Navy.

In 2023, the Minnesota State Legislature allocated funds to the Minnesota Department of Military Affairs for the construction of a new 40,000 square foot Military and Veterans Museum on 32-acres at Camp Ripley (Just north of Little Falls). The new facility, to open in 2026, will replace a very modest museum at Camp Ripley that has served veterans and their families for more than 40 years.” – *Photo and History from application by Randall Dietrich, Executive Director, Minnesota Military and Veterans Museum*

Staff Acceptance of Application, Review, and Preliminary Findings

CAAPB Staff received an application from Randal Dietrich, Executive Director of the Minnesota Military & Veterans Museum, for removal of the Commemorative Work USS Ward Gun from the Capitol Mall on 8/19/2024. CAAPB staff reviewed the application and determined it to be complete on 8/26/2024 (within the 10 days allowed per Minnesota Rules “Rules” 2400.2703, Subp. 7).

The application from Executive Director Dietrich is included in the packet, and he will be in attendance at the Board meeting to answer questions about the application. The application includes images of the Minnesota Military and Veterans Museum in Little Falls (near the entry to Camp Ripley on Highway 371), letters of support, drawings of the proposed museum location of the gun, and a description of the proposal.

According to the Rules, once CAAPB staff determine that an application is complete, board staff must review the modification or removal request and analyze whether the request meets one or more of the conditions in Minnesota Rules 2400.2703, subp. 6.

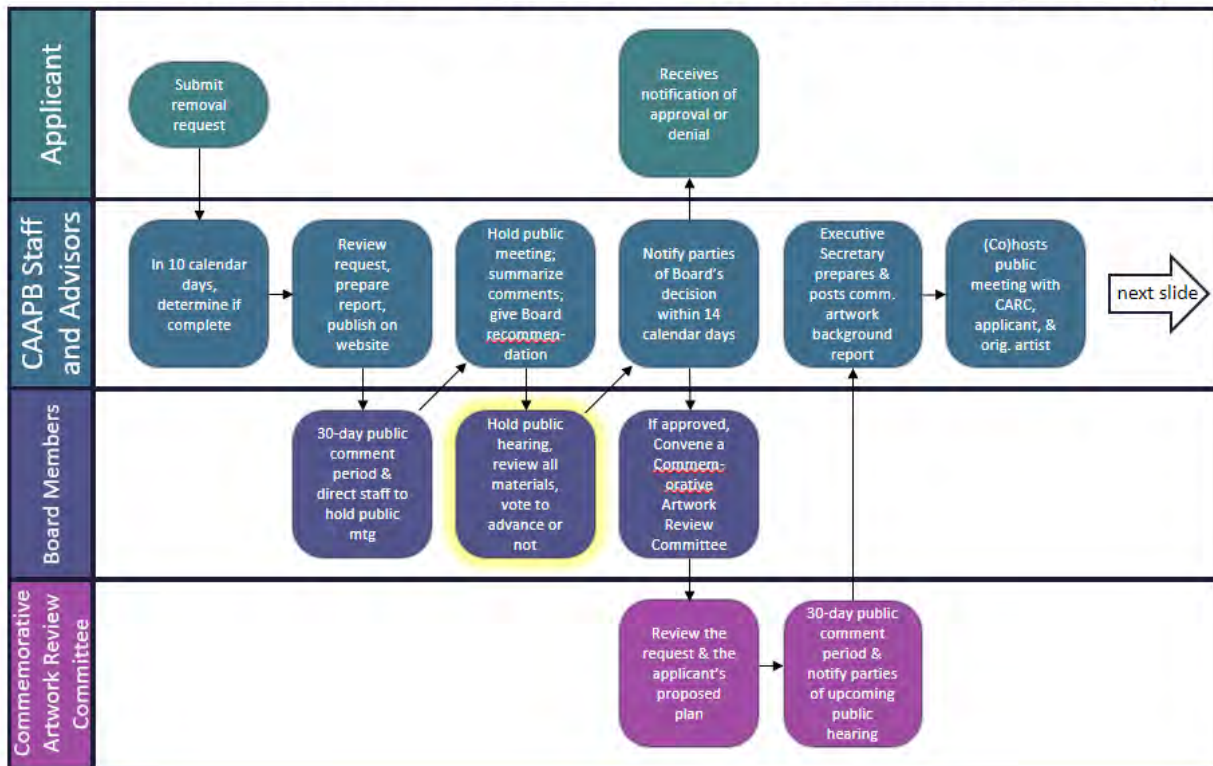
Subp. 6. Conditions for modification or removal of an existing artwork.

- A. there has been sustained, broad-based, and documented public objection to the artwork;*
- B. the artwork conflicts with the guiding principles in subpart 1, item A;*
- C. the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;*
- D. the site for the artwork is no longer safely accessible to the public or is due to be demolished; or*
- E. significant changes in the use, character, or design of the site require a re-evaluation of the relationship of the artwork to the site.*

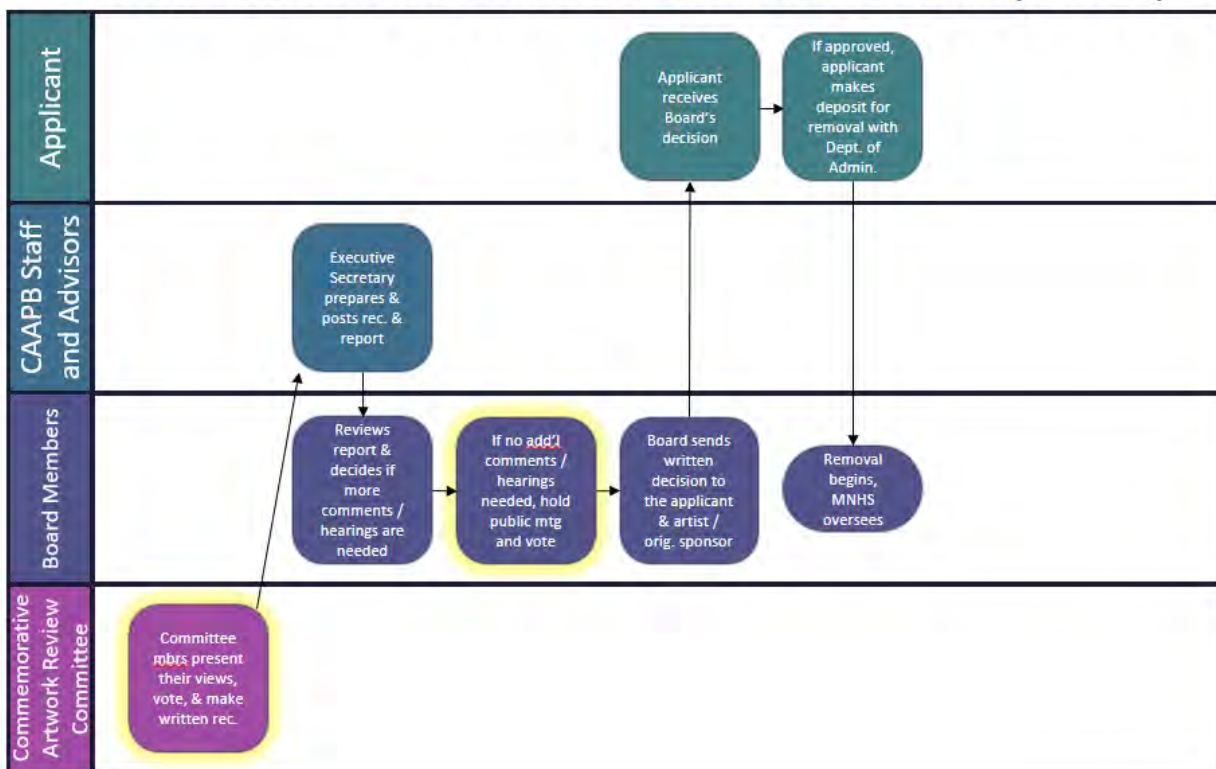
As directed by Rules, CAAPB staff reviewed the application within 10 calendar days of receipt and assessed the Commemorative Work based on the required conditions in Subpart 6. **CAAPB staff finds that the removal request meets the condition of M.R. 2400.2703 Subpart 6., Item C.**, “the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork.”



Commemorative Works Removal Process (1 of 2)



Commemorative Works Removal Process (2 of 2)



Preliminary findings relevant to Rules for Commemorative Works

CAAPB staff recently benefited from seeing information related to the process of establishing the current site of the USS Ward Gun at the Capitol Mall and the process of maintaining the gun over the years. CAAPB staff, assisted by MNHS staff, consulted with the Department of Administration RECS and FMD leads. The Department of Administration has done an excellent job caring for the USS Ward Gun, an important artifact from the first days of the United States' involvement in World War II (Pearl Harbor). The USS Ward gun is made of steel and the outdoor exposure to elements will continue to impact its integrity. The Department of Administration received one-time funding for maintenance of the Ward Gun and performed maintenance and restoration at that time. Unfortunately, there are currently no dedicated funds for future maintenance. The exposure to elements will continue to degrade this valued piece of history. The lack of dedicated maintenance funds for an outdoor memorial will inevitably result in continued degradation. Therefore, this application for removal of the USS Ward Gun meets the conditions for M.R. 2400.2703, Subpart 6, item C. and the CAAPB staff recommends moving the Commemorative Work removal process forward.

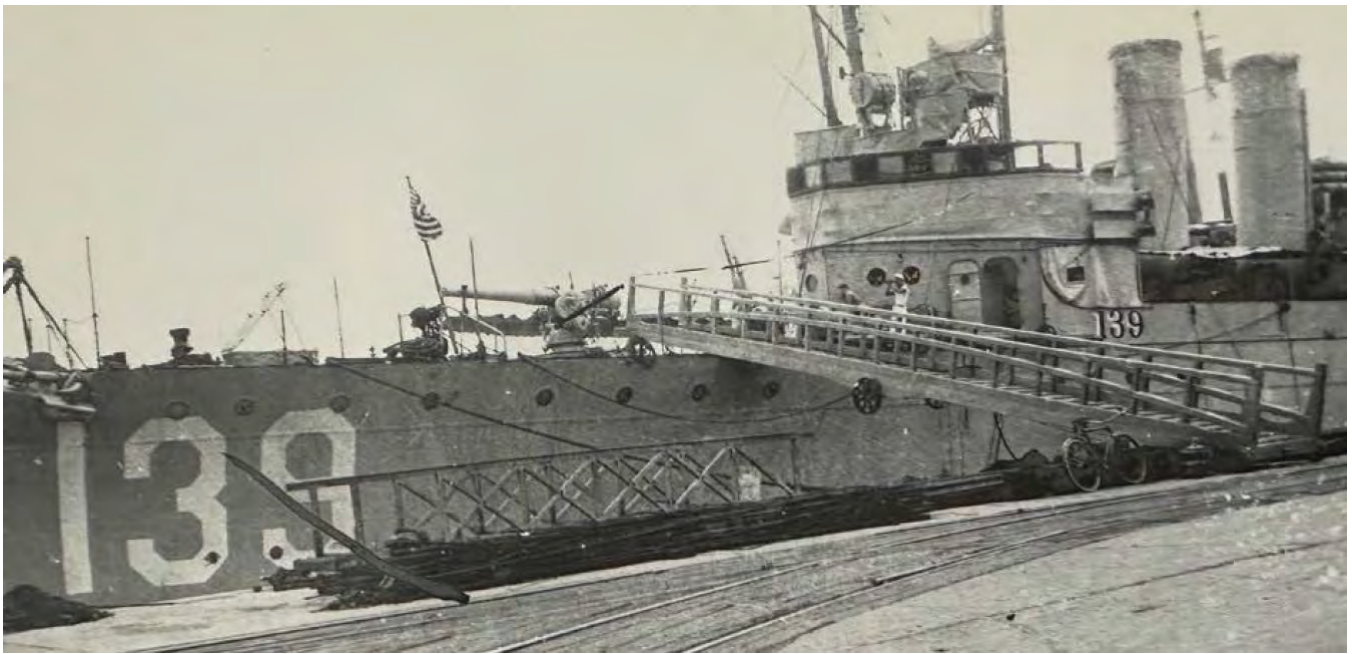
Important note: In addition to information related to the history of the gun, its ownership, and its siting here at the Capitol, CAAPB staff is aware of the particular importance of the gun to veterans groups and veterans families based in Saint Paul, the long process of establishing the gun in its site on the Capitol Mall, and the process of maintaining the gun over the years. This is important information that Staff will offer the CARC and the public for review and discussion in the coming process.

This memo to the Board serves as the required 'report' to the Board on the completed application. The memo and the application are available on the CAAPB website.

With the Board's affirmation, staff will set a 30-day public comment period and direct CAAPB staff to host/cohost at least one public meeting to gather input on whether the removal request meets one or more of the conditions in subpart 6. The public meeting may be hosted, organized, and managed according to subpart 10. Once the 30-day comment period and public meeting are complete, CAAPB staff will prepare a written summary of the public comments and provide a recommendation to the CAAPB on whether to accept the application and proceed to the next step in review process. A majority vote of the full CAAPB is required to accept the application for removal as complete and advance the application for further review by the Commemorative Artwork Review Committee (CARC), established by the CAAPB.

The CARC must include:

- 1) one board member;
- 2) one architectural adviser;
- 3) one person appointed by the commissioner of the Department of Administration to represent the agency;
- 4) a representative from the Minnesota Historical Society;
- 5) two professionals appointed by the board experienced in the fields of visual art, public art, art history, architecture, or history. One of the professionals must have knowledge of artwork conservation;
- 6) two members of the public appointed by the board;
- 7) up to five additional committee members appointed by the board as needed for professional expertise; and
- 8) board staff that oversee and support the committee's work.



Staff will develop a recommendation for membership of the CARC and forward it to the Board Chair for approval after the public hearing to keep the very thorough Rules process moving forward expeditiously. The image above is the USS Ward with the gun mounted. The image below is a rendering of the Minnesota Military and Veterans Museum now under construction near Little Falls, MN in central Minnesota (near Camp Ripley).



Suggested Board Resolution

The Capitol Area Architectural and Planning Board (“Board”) authorizes its staff to move forward the process required by CAAPB’s Rules for Commemorative Works, as it relates to the application filed on August 18, 2024, to remove the USS Ward Gun. Specifically, the Board authorizes Executive Secretary to:

- create a report for the Board (see attached memo as preliminary draft) that outlines the preliminary findings, and asks the Board to authorize Executive Secretary to move forward with next steps as directed by the Rules;
- publish the application information at CAAPB website;
- publish the staff report (Board memo) to the website;
- hold a public hearing;
- form a Commemorative Artwork Review Committee (CARC) (see memo).

The Board wishes to further make clear that approval of these intermediate steps in the Rules process does not communicate approval nor disapproval of any portion of the current proposal by the applicant, and approval of these steps does not equate to agreement or judgement as to the veracity of any claim or assertion within the received application.

Chimuzu, Tina (CAAPB)

From: Dietrich, Randal <rdietrich@mnmilitarymuseum.org>
Sent: Tuesday, January 7, 2025 2:39 PM
To: Chimuzu, Tina (CAAPB); Musty, Peter (CAAPB); Dahl, Erik C (CAAPB)
Cc: Mark Ritchie; Brooks Berg; Darryl Sannes; Gary Carlberg; Anna Long; Paul Storch; Stephen E. Osman; Roger J. Reinert; Isaac Schultz; Richard Nash; Bill Strusinski; Doug Thompson; Nancy Haas; Bill James
Subject: Public Input: USS Ward Gun removal application

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Tina Chimuzu (CAAPB Planner-Fellow),

As this first phase of [public input draws to a close today at 4:30](#), I thought I'd offer a recap of what I heard leading up to and during the December 19th hearing. Please include this among the formal input to be shared with CAAP Board members.

"This crucial piece of Minnesota – and American – history deserves a place of prominence and honor," said Minnesota Department of Veterans Affairs Commissioner Brad Lindsay in a written statement. "We are excited for this new chapter in the story of the USS Ward Gun #3. The Minnesota Department of Veterans Affairs has been a proud steward of the gun, and we believe now is the right time to remove, restore, and relocate this artifact to the new Minnesota Military and Veterans Museum at Camp Ripley. We will forever be grateful for the service of the Minnesota Naval Reservists who made history the morning of Dec. 7, 1941."

The Ward Gun has been exposed to Minnesota's harsh weather for decades and is now at risk of significant deterioration. The Minnesota Military & Veterans Museum has committed to professionally restore the artifact (in accordance with U.S. Naval History & Heritage Command standards), ensuring its long-term preservation and preparing it for prominent display in its forthcoming world-class facility. Scheduled to open in 2026, the museum will feature a dedicated World War II gallery where the Ward Gun will hold a place of prominence, preserving its story for future generations.

During the hearing a host of supporters, including veterans, historians and military preservation experts, advocated for moving the gun to a controlled indoor environment to ensure its preservation and display. Key testimonies, [both online and in person](#), highlighted the artifact's historical significance as a symbol of Minnesota's role in shaping history and its urgent need for professional restoration.

Paul Storch, a highly-regarded artifact preservation specialist, emphasized the gun's deteriorating condition, describing it as "actively deteriorating" and in need of immediate attention. Mr. Storch earlier provided complete conservation reports, via email, to the CAAP Board. Navy League Midwest President Bill James supported the relocation, calling the new museum "the perfect location" for the artifact, ensuring its protection and ongoing accessibility to the public.

I also heard a former Department of Administration official comment that funds had not been available for the Ward gun's proper care decades ago, and a proud Navy veteran described his grave concern about the gun's current disposition.

The relocation effort is part of a larger initiative to honor Minnesota's military legacy through the development of a 40,000-square-foot museum set to open in 2026. This museum will offer immersive exhibits, educational programming, and a fitting tribute to the more than 300,000 Minnesotan veterans who served in World War II.

While no decisions were made at the December 19th hearing, I hope the board heard the unanimous support for the proposal, signaling a shared commitment to preserving Minnesota's military history.

In partnership,

Randal Dietrich
Executive Director
MN Military & Veterans Museum



Capitol Area Architectural and Planning Board

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<https://mn.gov/caapb/>

Date: March 24, 2025
To: Capitol Area Architectural and Planning Board members
From: Opticos Design; Erik Cedarleaf Dahl, Executive Secretary;
Peter Musty, Principal Planner & Zoning Administrator
RE: Zoning and Design Rulemaking

Summary

With this memo, CAAPB staff is presenting to the Board a proposed update to the Zoning and Design Rules Chapter 2400, which establishes zoning and design regulations for the Capitol Area in Saint Paul, Minnesota. This update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol Area and refine existing rules to more effectively regulate and manage the Capitol Area's physical environment. The project aims to make the Rules more current, use plain language, and be comprehensive, flexible, and responsive to current needs.

This memo includes a summary of the project, and also includes recommendations from the project team's review of the existing Rules, focusing on their use and implementation. They include improvements to the Rules for general clarity in its organization, clarity about the intended form of future development in the Capitol Area, and flexibility in standards.

Project Context

The Capitol Area Zoning and Design Rules (Title 2400) is a regulatory document adopted by the CAAPB focused on preservation and growth.

The Board first adopted zoning rules in 1973. In 1999, the Board updated the Comprehensive Plan for the Minnesota State Capitol Area and, in 2000, adopted an update to the Zoning and Design Rules to assure compatibility with the new Comprehensive Plan and serve the best interests of the Board, the state government, and the public. In 2010, the Board initiated a complete rewrite of the Zoning and Design Rules to incorporate much of the recent work of the City of St. Paul in related zoning and land use decisions and planning.

In 2018, the Board initiated an update to the Comprehensive Plan and engaged the people of the Capitol Area over a three-year period to understand their vision and hopes for this area. As the culmination of this effort, the 2040 Comprehensive Plan, adopted in 2021, provides a framework for action by the Board in its guidance of the area's development over the next 20 years.

While the Comprehensive Plan sets the vision for the Capitol Area, the Zoning and Design Rules then implement the Comprehensive Plan, setting out the specific rules and standards with which all development must comply. The Zoning and Design Rules are reviewed and updated following any update to the Comprehensive Plan.

This proposed rule update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol and surrounding zoning ordinances of St. Paul and refine existing rules to better regulate and manage the Capitol Area's physical environment. The proposed rules are necessary to align the rules with the latest Comprehensive Plan and the current City of St. Paul zoning ordinances while refining the zoning and design rules for clarity, conciseness, and ease of use.

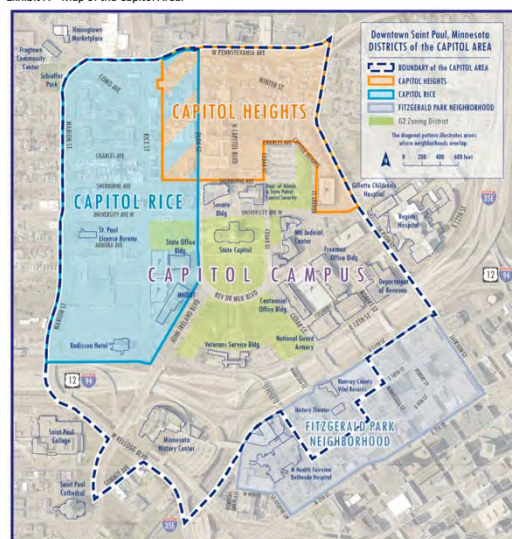
Purpose and Authority: Statutory authority for this rulemaking is derived from Minnesota Statutes, Section 15B.06, which grants the Board authority to adopt zoning and design rules, and Minnesota Statutes, Section 15B.03, Subd. 6, which provides general rulemaking authority to fulfill the purposes of the chapter.

Project Funding and Rulemaking: The Minnesota Legislature provided the CAAPB funds to update the Rules by June 30, 2025. The development of the Rules will require formal approval by CAAPB. It will go through the formal Administrative Rulemaking process per the permanent Rulemaking process (Minn. Stat. 12.05 to 14.28), following the Office of Administrative Hearings (OAH), Minnesota Administrative Rule, Minnesota Rules, chapter 1400 process (see the rulemaking manual hosted by the Minnesota Department of Health).

Project Area: The project area aligns with the boundary of the Capitol Area (Exhibit A), which encompasses approximately 60 blocks of the City of St. Paul surrounding the Capitol building. The area includes the Capitol Campus and institutional residential and commercial areas in three city neighborhoods and extending across the interstate.

Relevant Documents: In addition to Minnesota statutes, the project will consider existing policy

Exhibit A – Map of the Capitol Area.



direction and rules related to the future development of the Capitol Area in the following documents.

- Zoning & Design Rules for the Minnesota State Capitol Area (2010)
- 2040 Comprehensive Plan for the Minnesota State Capitol Area (2021)
- Saint Paul for All 2040 Comprehensive Plan (2022)
- City of St. Paul Code of Ordinances (2024)

Consultant Team: The consultant team selected through an RFP process comprises the following.

- **Opticos Design** will lead the project in the review and drafting of the Rule update
- **Cardo** will support Opticos in the Rules update and serve as the local liaison.
- **SRF Consulting** will support Opticos in the review and vetting of documentation related to the Rules update

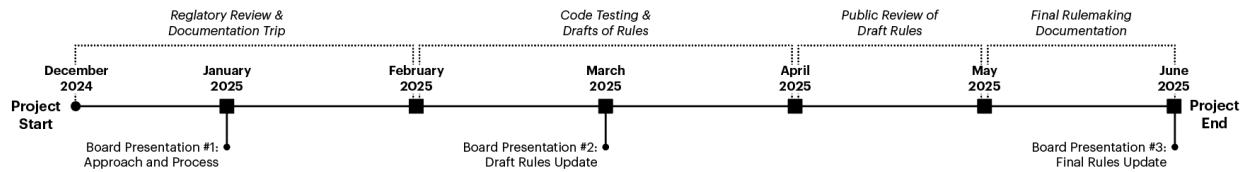
Scope and Timeline

An update to the Rules requires reviewing and revising the existing Rules and related documents. Due to resource and time constraints, major rewrites, major new elements, or extensive research may not be included. Revisions will focus on attaining compliance with the 2040 Comprehensive Plan's policy, achieving clarity, correcting errors, and potentially identifying elements that need to be added in the future.

A summary of the project's scope and timeline is presented below.

- **Regulatory Review & Documentation Trip (Dec - Jan).** The project team reviewed relevant documents and toured the Capitol area with CAAPB staff to document and analyze the physical characteristics of local development to aid in the discussion and understanding of expectations for future development. Due to constraints, the review did not include analysis the Capitol Rice Development Framework, attached to the Comprehensive Plan via Chapter 7A, which outlines a process for approval of an MX Master Plan for the former Sears site.
- **Code Testing & Drafts of Rules (Feb - Mar).** The project team tested existing conditions and typical sites in the project area to understand what development outcomes the existing Rules encourage. The tests include visualizations of desired outcomes to illustrate potential refinements to the Rules update. Based on findings from previous tasks, the project team drafted updated rules and delivered Draft of Rules to CAAPB. The Draft Rules do not include edits to the Rules version of the Capitol Rice Development Framework. The public comment period of the Draft Rules is anticipated for April 2025.

- **Final Rulemaking Documentation (May - Jun).** The project team will incorporate public comment responses, ALJ input, and CAAP Board and staff input into the final proposed version of the Rules update and support CAAPB staff in submitting the proposed rule revisions for adoption.



Approach & Summary of Proposed Changes

Opticos’ review and revisions focused on three key aspects of using and implementing the Rules. Since implementation of the Rules will be administered by a range of staff over many years, the revisions stress clarity and flexibility:

- A. **General Clarity.** Is the content clear in its organization, and what is it expected to communicate? The following proposed changes provide greater clarity in the intent and requirements of the codes, reducing ambiguity and misinterpretation.
 - a. Relocation of text
 - i. Definitions
 - ii. Parts
 - b. Removal of definition of terms not used/not current
 - c. Addition of definition of terms used
 - d. Update of graphics for consistency in graphic style and legibility
 - e. Incorporation of references to Minnesota Statutes
 - i. Historic preservation
 - ii. Projects on public lands
 - iii. Stormwater management
 - f. Alignment with other relevant planning documents
 - i. 2040 Comprehensive Plan
 - ii. Capitol Rice Development Framework
 - iii. City of St. Paul Municipal Code
- B. **Clarity about Intended Built Form.** Do the individual zoning districts clarify the intended range of built outcomes and corresponding design elements? The following proposed changes are based on best practices in form-based codes to help create a more predictable and efficient regulatory environment while promoting desirable built form outcomes. These practices also enhance the effectiveness and usability of the Rules.
 - a. Consolidation of building types

- b. Addition of frontage types
 - c. Addition of massing and articulation standards
 - d. Addition of parking configuration
 - e. Renaming of Moderate Density District to Mixed Residential District
 - f. Renaming of Central Corridor Overlay to Capital Rice District Overlay
- C. **Flexibility in Standards.** Is there content potentially posing barriers to development or are exclusionary in nature? The following proposed changes are consistent with the 2040 Comprehensive Plan to encourage diverse development, affordable housing, and/or infill development.
- a. Removal of minimum lot width requirements
 - b. Removal of lot coverage requirements
 - c. Removal of lot size requirements
 - d. Removal of off-street parking requirements
 - e. Removal of standards that would prevent certain demographics from residing in the Capitol area

Rulemaking Process

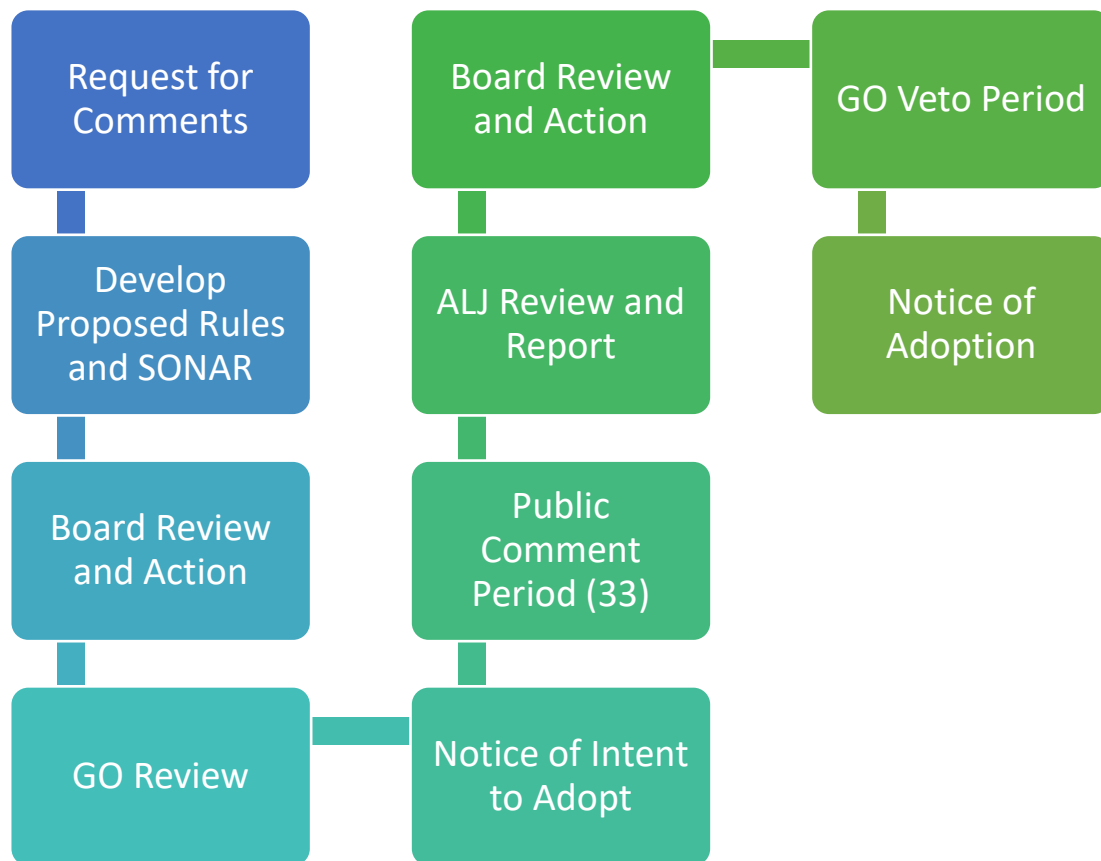
As defined in the Administrative Procedures Act, “‘Rule’ means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure.”¹

This definition means that rule language must be enforceable and must implement the statute, make the statute specific, or govern the agency’s organization or procedure.²

The rulemaking process will adhere to the Administrative Procedures Act (APA) and Minnesota Rules Chapter 1400. CAAPB engaged stakeholders through public meetings, requests for comments, and other outreach efforts to ensure an inclusive and well-informed rule development process. A Preliminary Request for Comments was issued from January 13 to February 13, 2025, providing an opportunity for early public input.

¹ Minn. Stat. § 14.02, subd. 4.

² Minn. Stat. § 14.03, subd. 3(a)(1).



Draft Rules

The proposed draft rules are included in the Board packet. Attachment A.

Draft SONAR

The proposed draft Statement of Need and Reasonableness (SONAR) is included in the Board Packet as Attachment B. A SONAR is a document that explains the proposed rules and provides justification for their necessity and appropriateness. A SONAR explains the Board's reasoning for proposing the rules, outlining the problem the rules aim to address and why the proposed rules are a reasonable approach. In the SONAR we delineate the evidence and arguments supporting the need for the proposed rules. It also includes an explanation of how the rules might affect certain costs and other regulations and any potential impacts or consequences of the proposed rules. Staff will walk through the SONAR during the Board meeting.

Draft Notice of Intent to Adopt

The draft Notice of Intent to Adopt the proposed rules is included in the Board packet as Attachment C.

Suggested Board Action:

The Capitol Area Architectural & Planning Board (CAAPB) approves the preliminary draft of the proposed rules and draft of the Statement of Need and Reasonableness.

The Capitol Area Architectural & Planning Board (CAAPB) authorizes CAAPB staff to issue a Notice of Intent to Adopt after Governor Office review.

The Capitol Area Architectural & Planning Board (CAAPB) authorizes CAAPB staff to proceed with all necessary steps of the Administrative Procedures Act to conduct rulemaking on the Zoning and Design Rules.

Minnesota Capitol Area Architectural and Planning Board

**Proposed Amendment to Rules Relating to Capitol Area Zoning and Design; Minnesota Rules, 2400
Revisor's ID Number R-04921; OAH Docket No. 25-9055-40559**

I, Peggy Flannagan, certify that I am a member and the Chair of the Capitol Area Architectural and Planning Board, a board authorized under the laws of the state of Minnesota; that the following is a true, complete, and correct copy of a resolution that the Capitol Area Architectural and Planning Board adopted at a properly convened meeting on March 24, 2025; that a quorum was present; and that a majority of those present voted for the resolution, which has not been rescinded or modified. The Board resolved the following:

1. Erik Cedarleaf Dahl, the Executive Secretary of the Capitol Area Architectural and Planning Board, is authorized and directed to sign and to give the Board's Notice of Intent to Adopt Rules Without a Public Hearing in the Revisor of Statutes draft, file number R-04921, dated 3/24/2025, identified as Minnesota Rules, parts 2400, with any modifications approved by the Board. The Executive Secretary must give this notice to all persons who have registered their names with the Board to receive notice of Board rulemaking proceedings. The Executive Secretary must also publish the notice in the *State Register*. Furthermore, the Executive Secretary is authorized and directed to do anything else needed to complete this notice.
2. If there are fewer than 25 outstanding hearing requests, the Executive Secretary of the Capitol Area Architectural and Planning Board is authorized and directed to sign the Order Adopting Rules and to do anything else needed to adopt these rules without a hearing.
3. If there are 25 or more outstanding hearing requests, the Executive Secretary of the Capitol Area Architectural and Planning Board is authorized and directed to act as the Board's representative at the hearing and do anything else needed to adopt these rules with a hearing. This includes authority to sign the Order Adopting Rules if there are no modifications to the rules other than modifications approved by the Board.

3/24/2025

Peggy Flannagan, Chair
Capitol Area Architectural and Planning Board

Attachments:

1. **Draft Rules**
2. **Draft SONAR**
3. **Draft Notice of Intent to Adopt**

CHAPTER 2400
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD
CAPITOL AREA ZONING AND DESIGN RULES

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2400.2000 TITLE.

This chapter shall be known and may be cited as the "Capitol Area Zoning and Design Rules."

2400.2005 AUTHORITY AND DUTIES OF BOARD.

This chapter is enacted pursuant to the authority granted to the Capitol Area Architectural and Planning Board by Minnesota Statutes, sections 15B.01 to 15B.31, 15B.34.

The board must accept applications for and issue any certificate or permit required by this chapter; keep and maintain all plans, files, and records pertaining to them; and perform all other functions necessary for the orderly administration of this chapter. The board may delegate any or all of these duties to the zoning administrator with the exception of approval for commemorative artworks, variances, conditional use permits, board approvals required by Minnesota statutes, and other approvals referred for action by the board.

2400.2010 PURPOSES.

This chapter is adopted by the Capitol Area Architectural and Planning Board to further the statutory purposes of the board under Minnesota Statutes, section 15B.01, to:

- A. preserve and enhance the dignity, beauty, and architectural integrity of the Capitol, the buildings immediately adjacent to it, the Capitol grounds, and the Capitol area;
- B. protect, enhance, and increase the open spaces within the Capitol area when deemed necessary and desirable for the improvement of the public enjoyment;
- C. develop proper approaches to the Capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and
- D. establish a flexible framework for growth of the Capitol buildings which will be in

keeping with the spirit of the original design.

2400.2015 APPLICABILITY AND SCOPE.

No Capitol area building or structure shall be erected, converted, enlarged, reconstructed, or altered, and no Capitol area building, structure, or land shall be used for any purpose that is not in conformity with this chapter.

~~If the application of any portion of this chapter to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, the determination shall not affect the application of the provision to any other property.~~

2400.2020 EXCEPTIONS.

Subpart 1. **Essential services.** Essential services are permitted as authorized and regulated by law and rule, and are exempt from the application of this chapter.

Subp. 2. **Voting places.** This chapter shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

2400.2025 SEVERABILITY.

If any portion of this chapter is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed and the determination shall not affect the validity of the remainder of the chapter.

2400.2030 INTERPRETATION RULES OF CONSTRUCTION.

In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control. Illustrations in this chapter are provided for purposes of describing, clarifying, or providing examples; the illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

2400.2035 OTHER CITY, LOCAL, REGIONAL, STATE, AND FEDERAL LAWS AND REGULATIONS.

Subpart 1. **Conflicting laws and regulations.** This chapter, established by the state of Minnesota, shall take precedence over the laws and regulations of city, local, and regional authorities, except as otherwise specifically provided.

Subp. 2. **Reference to other laws and regulations.** In addition to the requirements of this chapter, all uses and development shall comply with all other applicable city, local, regional, state, and federal laws and regulations. All references in this chapter to other city, local, regional, state, or federal laws and regulations are for informational purposes only, and do not constitute a complete list of the laws and regulations. These references do not imply any responsibility by the board for enforcement of other city, local, regional, state, or federal laws and regulations.

Subp. 3. **Current versions and citations.** All references to other city, local, regional, state, or federal laws and regulations in this chapter are intended to refer to the most current version and citation for those laws and regulations. If the references are no longer valid due to repeal or renumbering, the new laws and regulations intended to replace those cited shall apply.

2400.2040 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Abut.** "Abut" means having a common boundary or relationship at either a common property line, street, or alley.

~~Subp. 3. **Accessory use.** "Accessory use" means a use that is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.~~

Subp. 3a. **Addition request.** "Addition request" means the application form that an applicant submits to the board requesting the addition of a new artwork and describing why the applicant believes that the artwork should be added to the commemorative artwork collection.

Subp. 4. **Adjacent.** "Adjacent" means located nearby, with or without contact.

Subp. 5. **Adjoin.** "Adjoin" means having a common boundary or relationship at a common property line.

Subp. 6. **Adult uses.** "Adult uses" means those uses that are not open to the general public but exclude members of the public by means of age and in which there is an emphasis on the presentation, display, depiction, or description of specific sexual activities or specific anatomical areas. Adult uses include adult bookstores, adult motion or minimotion picture theaters, adult massage parlors, adult saunas, adult health clubs, cabarets, and other similar uses.

Subp. 7. **Alley.** "Alley" means a dedicated public way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Subp. 8. **Antenna.** "Antenna" means any system of wires, poles, rods, towers, reflecting disks, dishes, or similar devices used for the transmission or reception of communication external to or attached to the exterior of any building, or freestanding elsewhere on the property.

Subp. 8a9. **Applicant.** "Applicant" means a person or group that submits an application for an addition, modification, or removal of the artwork.

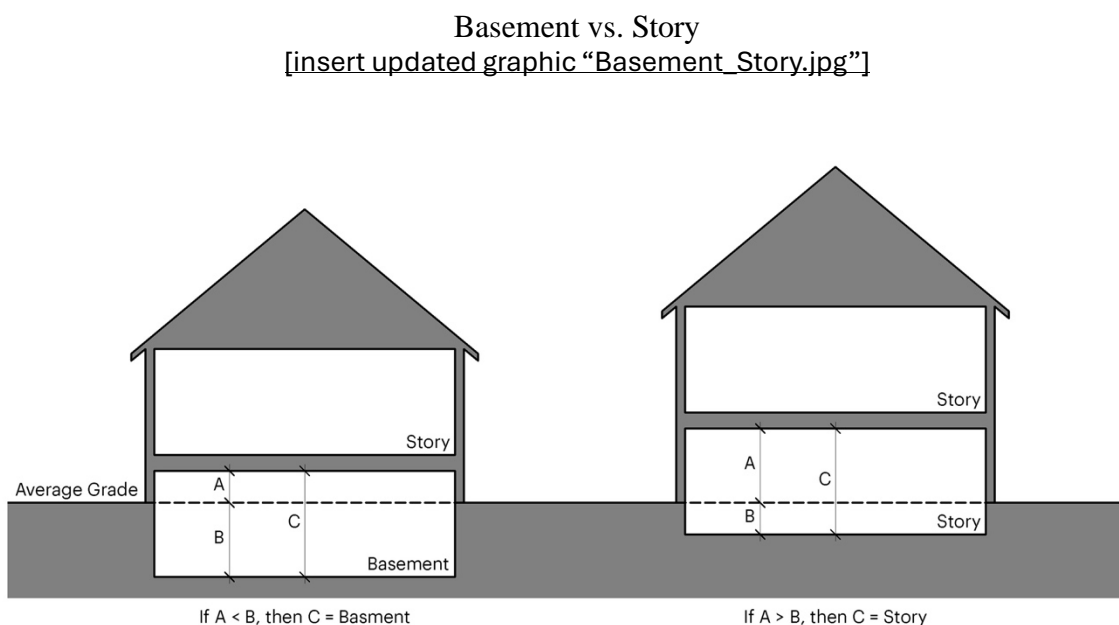
Subp. 8b10. **Architectural advisers.** "Architectural advisers" means the three members of the Advisory Committee on Architecture and Planning established under Minnesota Statutes, section 15B.11, who are responsible for advising the board on all architectural and planning matters.

Subp. 911. **Auto body shop or repair center.** "Auto body shop" or "repair center" means a shop in the business of making repairs to any motor vehicle.

Subp. 4012. **Auto convenience market.** "Auto convenience market" means a place where gas, oil, lubricants, or minor accessories are sold directly to the public on the premises in combination with everyday items normally found in a convenience store or supermarket.

Subp. 4113. **Automobile service station.** "Automobile service station" means an establishment where automotive fuel, tires, batteries, accessories, and parts for passenger automobiles are sold or installed.

Subp. 4214. **Basement.** "Basement" means that portion of a building, partly or wholly below grade, so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.



Subp. 4315. **Bed and breakfast residence.** "Bed and breakfast residence" means a dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premise.

Subp. 4416. **Block.** "Block" means the property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating; between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Subp. 16a. **Block-scale.** "Block-scale" means the building form is either individually as large as a city block or collectively arranged along a street to form a continuous façade as long as most or all of a block.

Subp. 4517. **Board.** "Board" means the Capitol Area Architectural and Planning Board as created by Minnesota Statutes, section 15B.03, subdivision 1.

Subp. 4917a. **Board staff.** "Board staff" means the employees of the Capitol Area Architectural and Planning Board, led by the executive secretary, who execute the decisions of the board.

Subp. 4618. **Boarding or rooming house.** "Boarding or rooming house" means a building designed for or used as a one-family or two-family dwelling and containing guest rooms where lodging, with or without meals, is provided for compensation on a daily, weekly, or monthly basis.

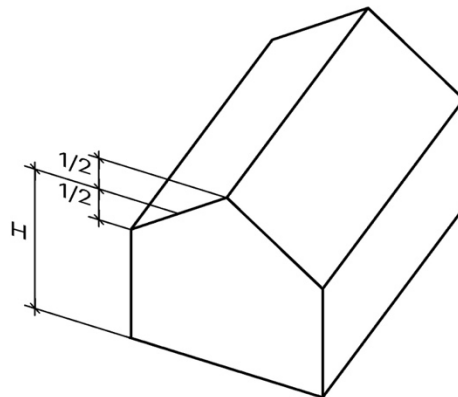
Subp. 4719. **Building.** "Building" includes structure and any part thereof.

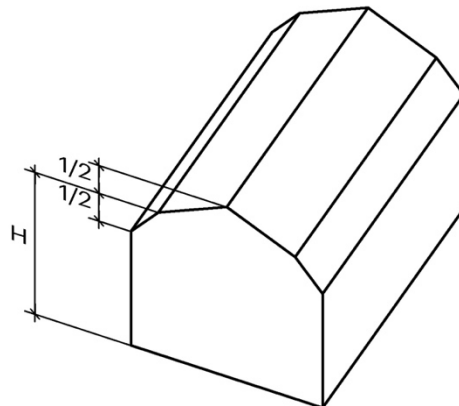
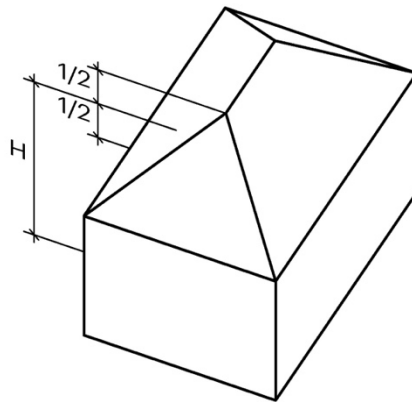
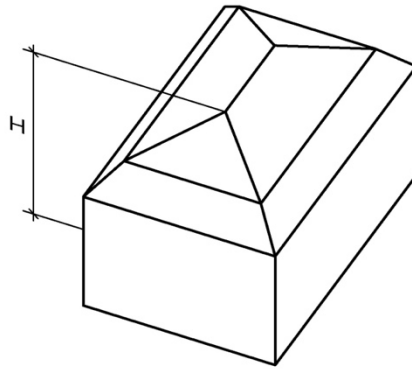
Subp. 19a. **Accessory building.** "Accessory building" means a building which is subordinate to the principal building and is incidental to the use of the principal building on the same lot.

Subp. 19b. **Principal building.** "Principal building" means a building in which the principal use of the zoning lot upon which it is situated is conducted.

Subp. 4820. **Building height.** "Building height" means the distance measured from the established grade, to the highest point of the parapet coping for flat roofs, to the highest point of mansard roofs, to the average height between eaves and the highest ridge for pitched or hipped roofs, or to the highest point of any equipment mounted on the building, with the exception of antennas, towers, and flagpoles.

Measurement of Height, Pitched, Hipped, and Mansard Roofs
[insert updated graphics]

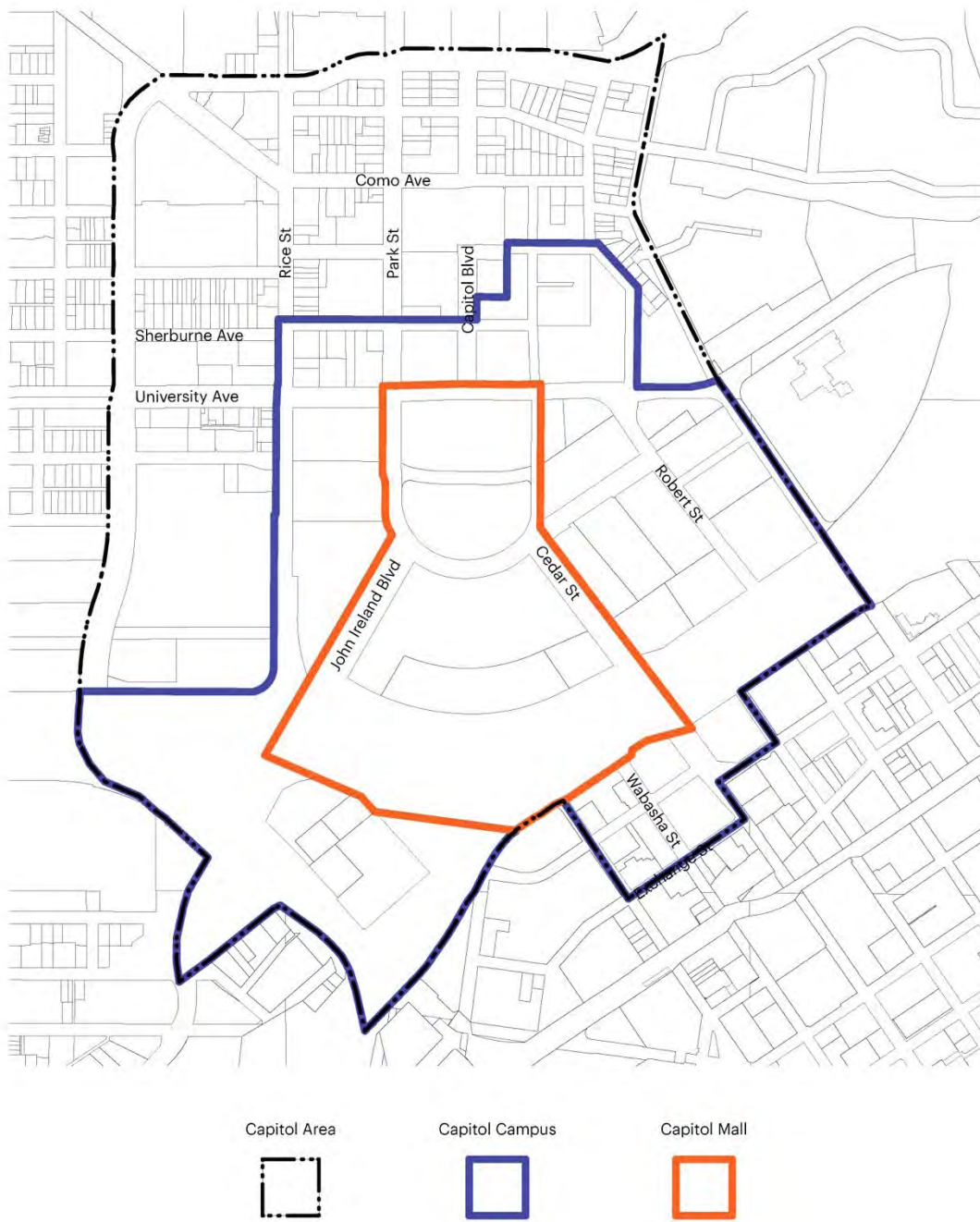




Subp. 1921. **Capitol area.** "Capitol area" has the meaning given in Minnesota Statutes, section 15B.02.

Capitol Area Map

[insert new graphics]



Subp. 21a. Capitol building. “Capitol building” means the State Capitol building.

Subp. 21b. Capitol campus. “Capitol campus” means the entirety of the urban subdistrict of the Capitol area that includes the Capitol mall and State Capitol building, open spaces; all state workplaces and affiliated institutional workplaces, including the Minnesota History Center, the office buildings adjacent related to functioning of the State, and the streets and public spaces included within.

Subp. 21c. **Capitol complex.** “Capitol complex” means State-owned buildings and grounds managed by the Department of Administration in the Capitol area.

Subp. ~~19b~~21d. **Capitol grounds.** "Capitol grounds" means the exterior areas of any state-owned land in the Capitol area including state-owned rights-of-way, the Capitol mall, and the exterior courtyards of state-owned buildings.

Subp. ~~19e~~21e. **Capitol mall.** "Capitol mall" means the open space between the Department of Transportation Building, Centennial Office Building, Veterans Services Building, and the Capitol, including the lawn surrounding the Capitol building. There are two parts of the mall, which are connected by Rev Dr Martin Luther King Jr Boulevard (MLK blvd.).

- A. Upper mall. The open space north of MLK blvd. where the Capitol building is located.
- B. Lower mall. The open space south of MLK blvd. and north of 12th st., east of John Ireland blvd, and west of Cedar st.

Subp. ~~1922d~~22d. **Commemorative artwork.** "Commemorative artwork" means a monument, memorial, or other type of original piece in any style, expression, genre, or media that is the unique creative expression of an artist designed to memorialize cultural, social, and political aspects of Minnesota's history. A commemorative artwork expresses or reflects the collective memory of an individual person, group, or event. Commemorative artwork serves four primary functions:

- A. to memorialize and remember;
- B. to inform and inspire the viewer;
- C. to have lasting historic and cultural significance; and
- D. to accentuate and enhance the urban landscape.

Commemorative artwork may be event-based, temporary, or long-term. Any commemorative artwork that is event-based as defined under subpart ~~41a~~48 is not within the scope of this subpart.

Subp. ~~2023~~23. **Comprehensive plan.** "Comprehensive plan" means the plan adopted by the board pursuant to Minnesota Statutes, section 15B.05, including any unit or part of the plan and any amendment to all or parts of the plan.

Subp. 24. **Construction.** "Construction" means the process and any acts of removing, enlarging, erecting, altering, or assembling that results in permanent improvements of any scale to public or private infrastructure, buildings, or other structures. Maintenance work related to preserving any permanent improvements, or temporary improvements to support temporary activities, is not considered construction.

Subp. 21. **Conditional use.** "Conditional use" means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

- A. ~~certain conditions as detailed in this chapter exist; and~~
- B. ~~the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.~~

Subp. 25. **Contiguous.** "Contiguous" means abutting.

~~Subp. 23. **Corner lot.** "Corner lot" means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than 135 degrees.~~

~~Corner Lots, Interior Lots, and Through Lots~~

Subp. ~~24~~26. **Day care.** "Day care" means the care of one or more children on a regular basis, for periods of less than 24 hours per day. Day care includes family day care, group family day care, and group day care as defined in items A to C.

- A. "Family day care" means a day care program providing care for not more than ten children at one time that is licensed by the county as a family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- B. "Group family day care" means a day care program providing care for no more than 14 children at any one time, of which no more than ten are under school age, that is licensed by the county as a group family day care home. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- C. "Group day care" means a day care program providing care for more than six children at one time that is licensed by the state or the city as a group day care center. Group day care includes programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school-age children, after-school programs, infant day care centers, cooperative day care centers, and Head Start programs.

Subp. 27. **Demolition.** "Demolition" means the process of tearing down, dismantling, or destroying a structure, such as a building or a part of a building.

Subp. ~~24a~~28. **Design framework.** "Design framework" means a plan that provides a structure for the organized development of an area to prevent ad hoc decision-making.

Subp. ~~24b~~28a. **Design process.** "Design process" means the process that the board follows after the board approves a request for the addition or modification of a commemorative artwork and includes:

- A. the designer or design consultant selection and hiring process: soliciting, selecting, and hiring a designer or design consultant;

B. the approval of a schematic design: the description of the overall design concept for an artwork;

C. design development: a refined version of the schematic design with scaled drawings showing the architectural and site plan details and list of materials;

D. the review and execution of construction documents: the instructions for contractors to build the artwork; and

E. the bidding process: the search for a contractor to execute the artwork based on price and qualifications.

Subp. ~~24e~~**28b. Designer.** "Designer" means a person recognized as the lead practitioner in the creative vision and design development of an artwork.

Subp. ~~25~~**29. Development.** "Development" means the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Subp. ~~25a~~**30. Disposition.** "Disposition" means the termination of ownership and possession of an artwork from the commemorative artwork collection through sale, donation, or demolition.

Subp. ~~26~~**31. Drive-in restaurant.** "Drive-in restaurant" means a business establishment whose principal business is the selling of food, frozen desserts, or beverages to the customer in a ready-to-consume state, in individual servings, and where the customer is served and consumes these foods, frozen desserts, or beverages in an automobile parked on the premises.

Subp. ~~28~~**32. Dwelling unit.** "Dwelling unit" means a building or portion of a building, designed for occupancy by one family for residential purposes and having cooking facilities.

Subp. ~~32a.~~ **Accessory dwelling.** "Accessory dwelling" means a secondary dwelling unit with complete independent living facilities for one or more persons that is located on a property that has a separate primary building.

Subp. ~~32b.~~ **Multi-family dwelling.** "Multi-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other.

Subp. ~~32c.~~ **Single-family dwelling.** "Single-family dwelling" means a building or unit that consists of one dwelling unit occupied by one household.

Subp. ~~32d.~~ **Townhouse dwelling.** "Townhouse dwelling" means a single-family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.

Subp. ~~29~~**33. Elevation.** "Elevation" means the height of a point expressed in feet above mean sea level, sea level datum of 1929 adjusted.

Subp. ~~30~~**34. Emergency housing facilities.** "Emergency housing facilities" means a building where homeless or abused persons receive overnight shelter on a time-limited basis but are not expected to remain on a 24-hour-per-day basis.

Subp. ~~34~~35. **Essential services.** "Essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply, or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection to those services, but not including buildings, which are necessary for the furnishing of adequate service by the utilities or municipal departments for the general health, safety, or welfare.

Subp. ~~32~~36. **Family.** "Family" means one or more persons, but not more than four if unrelated, living as a single housekeeping unit in a dwelling.

Subp. ~~33~~37. **Fast food restaurant.** "Fast food restaurant" means a business establishment whose principal business is the selling of standardized, preprepared, quick-order, and packaged foods in a ready-to-consume state, packaged in nonreturnable, disposable containers or wrapping, where the customer may consume these foods while seated at fixed tables or counters located within a building or in a vehicle after being served at a drive-through window. All restaurants with drive-through windows are considered fast food restaurants.

Subp. ~~34~~38. **Floor area.** "Floor area" means the sum of the horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area is exclusive of areas of unfinished basements, unfinished attics, or attached garages and structured parking.

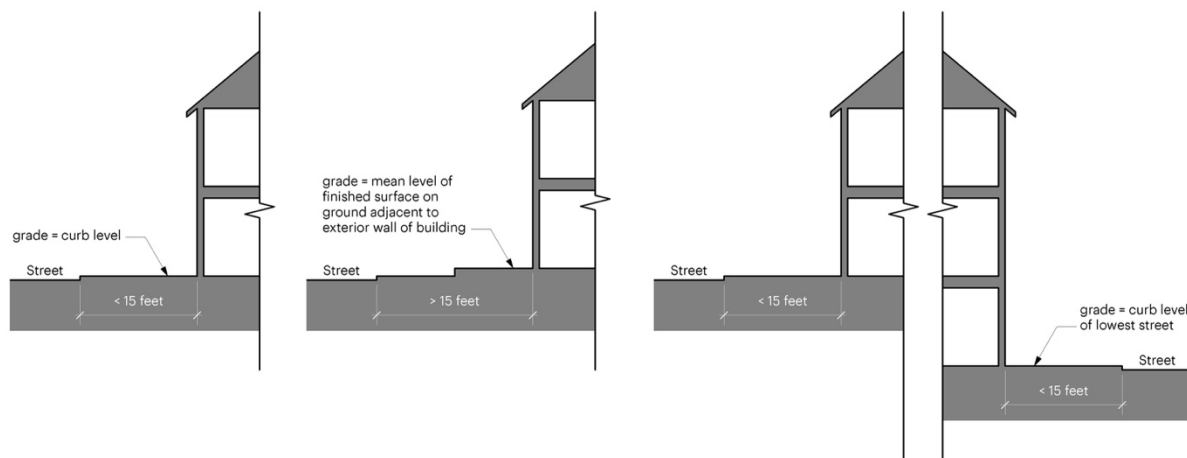
Subp. ~~35~~38a. **Floor area ratio or FAR.** "Floor area ratio" or "FAR" means the total floor area of all buildings or structures on a zoning lot divided by the area of that lot.

Subp. ~~36~~. ~~**Front setback line.** "Front setback line" means a line parallel to the front lot line that establishes the minimum front yard depth of a zoning lot.~~

Subp. ~~37~~39. **Grade.** "Grade" means the elevation established for regulating the number of stories and the height of buildings. For buildings having a wall or walls on or within 15 feet of a street line, grade is curb level, or its equivalent, opposite the wall or walls. When a building has frontage on more than one street, the lowest curb level applies. For buildings having all walls more than 15 feet from a street line, grade is the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings. The existing grade of the property may not be raised around a new building or foundation in order to comply with the height requirements of this chapter.

Grade Measurements

[insert updated graphic "Grade_Measurements.jpg"]



Subp. 3840. **Gross leasable floor area.** "Gross leasable floor area" means the total floor area of a building or structure designed for the tenants' occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. Gross leasable floor area includes sales and integral stock areas, but excludes stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for tenant or internal use.

Subp. 41. **Historic property.** "Historic property" any district, site, building, structure, or object that is determined eligible for or listed in the National Register of Historic Places by Public Law 89-665, or designated in Minnesota Statutes, sections 138.662 and 138.664.

Subp. 3942. **Home occupation.** "Home occupation" means an occupation or business carried on in a dwelling unit by the resident, provided the use is limited in extent, incidental and secondary to the use of the dwelling unit for residential purposes, and does not change the character of the dwelling unit.

Subp. 43. **House-scale.** "House-scale" means the building form is similar in scale to houses and within small-scale environments comprised of small buildings separated from adjacent buildings and setback from the street and sidewalk.

Subp. 4044. **Housing for the elderly.** "Housing for the elderly" means a multiple-family structure controlled by either a public body, institutional body, or nonprofit corporation, 80 percent of whose occupants are 65 years of age or over.

Subp. 4145. **Impervious coverage.** "Impervious coverage" means the total area of all buildings, measured at grade; all accessory structures, including pools and patios; and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than three feet, pervious pavement, and green roofs.

Subp. 42. **Interior lot.** "Interior lot" means any lot other than a corner lot.

Subp. 42a46. **Lifespan.** "Lifespan" means the time that an artwork is displayed in the Capitol area, which is:

- A. event-based: an artwork displayed in the Capitol area for up to 14 days;
- B. temporary: an artwork displayed in the Capitol area 15 days to one year; or
- C. long-term: an artwork displayed in the Capitol area for more than one year.

Subp. 4347. **Live-work unit.** "Live-work unit" means a dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant lives and works.

Subp. 4448. **Loading space.** "Loading space" means an off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Subp. 4549. **Lot.** "Lot" means a parcel of land occupied and used, or intended to be occupied and used, by a building or a group of buildings, together with yards and open spaces as are required under this chapter, whether or not specifically designed as such on public records.

Corner Lots, Interior Lots, and Through Lots

[insert current graphic]

Subp. 49a. **Corner lot.** "Corner lot" means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than 135 degrees.

Subp. 49b. **Interior lot.** "Interior lot" means any lot other than a corner lot.

Subp. 4649c. **Lot area.** "Lot area" means the total horizontal area within the lot lines of the lot.

Subp. 4749d. **Lot depth.** "Lot depth" means the median horizontal distance between the front and rear lot lines.

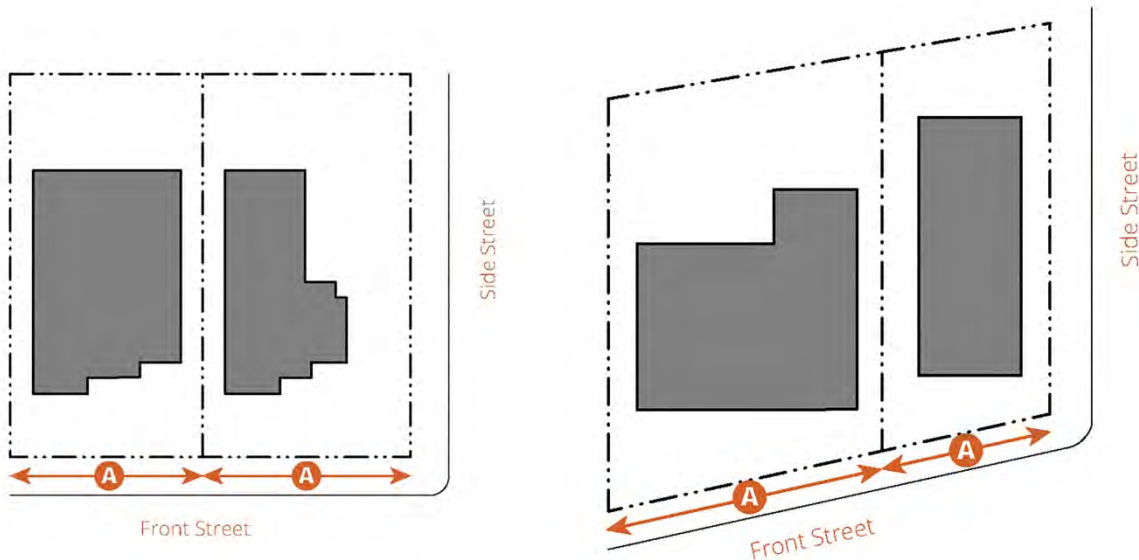
Subp. 4849e. **Lot frontage.** "Lot frontage" means the width of a lot measured along the line separating the lot from any street, except that, for a lot that abuts on more than one street, the lot frontage is the sum of the width of the lot measured along the line separating the lot from the street yielding the least width plus one-half of the widths of the lot measured along the lines separating the lot from the other streets.

Subp. 4949f. **Lot of record.** "Lot of record" means a parcel of land, the dimensions of which are shown on a document or map on file with the county recorder or registrar of titles or in common use by state, municipal, or county officials, and that actually exists as shown.

Subp. 5049g. **Lot width.** "Lot width" means the horizontal distance between the side lot lines,

measured at the two points where the building line or setback line intersects the side lot lines.

Lot Width Measurement is Measured at Building Line
[insert updated graphic "Lot_Width.jpg"]



Subp. 7749h. **Through lot.** "Through lot" means an interior lot with frontage on two streets.

Subp. 5450. **Major thoroughfare.** "Major thoroughfare" means an arterial street designated as a major artery or freeway in the comprehensive plan.

Subp. 54a51. **Modification.** "Modification" means a process that changes the meaning, character, appearance, or interpretation of an artwork. A modification includes:

- A. a relocation: the movement of an existing artwork to a different location in the Capitol area;
- B. a structural modification: the addition, removal, or alteration of any physical aspect of an artwork; or
- C. a recontextualization: the addition of interpretive material to an artwork, such as additional signage.

Subp. 54b51a. **Modification request.** "Modification request" means an applicant's request to modify a specific artwork that the applicant submits to the board on an application form describing why the applicant is requesting to modify or relocate the artwork and including the primary concept and proposed plan elements of modification to the artwork and surrounding site.

Subp. 52. **Multiple-family dwelling.** "Multiple-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other.

Subp. 5352. **Nonconforming building or sign.** "Nonconforming building or sign" means a building or portion of a building or a sign that lawfully existed prior to the effective date of the

applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, no longer conforms to this chapter pertaining to the district in which it is located.

~~Subp. 54. **Nonconforming use.** "Nonconforming use" means a use of land or a building that lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.~~

Subp. 55**54. Nuisance.** "Nuisance" means an unreasonably offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of unreasonable annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line that can be perceived by or affects a human being; or the unreasonable generation of an excessive or concentrated movement of people or things including, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, passenger traffic, invasion of nonabutting street frontage by traffic, or noise or congregation of people, particularly at night.

Subp. 56**55. Nursing home.** "Nursing home" has the meaning given in Minnesota Statutes, section 144A.01, subdivision 5.

Subp. 57**56. Obscuring fence.** "Obscuring fence" means a fence that is 80 percent or more opaque.

Subp. 58**57. Off-street parking lot.** "Off-street parking lot" means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles. This includes adequate driveways, access ways, parking bays, garages, or combinations thereof, but does not include public roads, alleys, and streets.

~~Subp. 59. **One-family dwelling.** "One-family dwelling" means a building designed exclusively for and occupied by one family.~~

Subp. 60**58. Parking space.** "Parking space" means an area of definite length and width, exclusive of drives, aisles, or entrances giving access, that is fully accessible for the parking of a ~~permitted~~ vehicle.

Subp. 61**59. Pawn shop.** "Pawn shop" means a place where a broker or other personnel loans money on deposit or pledge of personal property or other valuable thing.

Subp. 60. **Pedestrian-oriented.** "Pedestrian-oriented" means development that is designed to emphasize sidewalk, building, and site design that facilitates easy access for pedestrian movement over vehicular movement. Buildings in such developments are generally placed close to the street and the main entrance is oriented to the street sidewalk.

Subp. 62**61. Person.** "Person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

Subp. 63**62. Pervious pavement.** "Pervious pavement" means pavement that is designed and

maintained to allow precipitation to infiltrate into the ground to reduce the volume and slow the rate of stormwater runoff. Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and similar materials.

~~Subp. 64. **Principal building.** "Principal building" means a building in which the principal use of the zoning lot upon which it is situated is conducted.~~

~~Subp. 65. **Principal use.** "Principal use" means a use that is the primary use of the zoning lot upon which it is situated and that is:~~

~~A. specifically listed in the table of uses as a permitted or conditional use in the zoning district in question; or~~

~~B. wholly consistent with the purpose of the district and the general character of the enumerated principal uses of that district.~~

Subp. ~~65a~~**63. Public hearing.** "Public hearing" means a formal proceeding held by the board to receive comments from interested parties, including members of the public, on a proposed issue or action before the board for consideration or possible decision under part 2400.2703~~2705~~, subparts 3 and 7.

Subp. ~~65b~~**63a. Public meeting.** "Public meeting" means a meeting that is open to attendance by the public and is hosted online or in a physical location accessible to the public.

Subp. ~~66~~**64. Public utility.** "Public utility" means a person duly authorized under federal, state, or municipal laws to furnish to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Subp. ~~66a~~**65. Removal.** "Removal" means the removal of an artwork from the Capitol grounds. Removal, in the case of painted wall signs, means a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is still visible.

Subp. ~~66b~~**65a. Removal request.** "Removal request" means an applicant's request to remove a specific artwork that the applicant submits to the board on an application form describing why the applicant is requesting to remove the artwork and including a potential disposition plan and a concept plan for restoration of the site after the artwork is removed.

Subp. ~~67~~**66. Restaurant.** "Restaurant" means a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within a building.

Subp. ~~78~~**67. Setback.** "Setback" means the distance required to obtain front, side, and rear yard open space provisions of this chapter, measured from the lot line to the above-grade faces of the building.

Subp. ~~67a~~**67a. Front setback line.** "Front setback line" means a line parallel to the front lot line that establishes the minimum front yard depth of a zoning lot.

Subp. 67b. **Rear setback line.** "Rear setback line" means a line parallel to the rear lot site line extending between the side lot lines.

Subp. 67c. **Side setback line.** "Side setback line" means a line parallel to the side lot line extending between the front and rear lot lines.

Subp. ~~69~~68. **Sign.** "Sign" means words, numerals, figures, devices, designs, or trademarks used to show or advertise a person, firm, profession, business, service, product, or message, or to provide information, warnings, or directions, including the kinds of signs described in items A to Y.

- A. "Accessory sign" means a sign that pertains to the principal use of the premises.
- B. "Advertising sign" means a nonaccessory sign related to an activity, service, or business not carried out on the premises upon which the sign is placed.
- C. "Announcement sign" means a business sign that provides an announcement of church services or other religious activities, or a directory of offices or activities within a building or group of buildings.
- D. "Billboard" means an advertising sign more than 16 square feet in area.
- E. "Blade sign" means a single-sided, non-internally illuminated sign up to two square feet in size that hangs under a porch or a two-sided, non-internally illuminated sign that is attached to the façade and projects from the wall into the front setback.
- F. "Building-mounted sign" means a wall, canopy, awning, marquee, or projecting sign.
- G. "Business sign" means an accessory sign relating to the activity, service, or business conducted on the premises upon which the sign is placed. "Canopy sign" means a sign painted, stamped, perforated, stitched, or otherwise applied either on an awning or canopy or its valance.
- H. "Canopy sign" means a sign painted, stamped, perforated, stitched, or otherwise applied either on an awning or canopy or its valance.
- I. "Directional sign" means a sign that conveys information or requirements about orientation and direction.
- J. "Flashing, animated, or moving sign" means a sign that intermittently reflects lights from either an artificial source or from the sun; a sign that has movement of any illumination, such as intermittent flashing, scintillating, or varying intensity; or a sign that has any visible portions in motion, either constantly or at intervals, that may be caused either by artificial or natural sources.
- K. "Freestanding sign" means a sign not attached to any building and supported by uprights or braces, or mounted on the ground. Pylon and monument signs are types of freestanding signs.

L. "Identification and name plate" means a sign stating the name of a person, firm, or institution.

M. "Illuminated sign" means a sign upon which artificial light is directed or which has internal lighting.

N. "Marquee sign" means a permanent roofed structure attached to and supported by the building and projecting over public right-of-way.

O. "Monument sign" means a freestanding sign not attached to a building where the base of the sign structure is on the ground or a maximum of 12 inches above the adjacent grade, and the width of the top of the sign is no more than 120 percent of the width of the base.

P. "Nonaccessory sign" means a sign that does not pertain to the principal use of the premises.

Q. "Political sign" means a temporary sign that displays information pertaining to an upcoming governmental district, city, county, state, or national election, or an issue pending before the legislature.

R. "Projecting sign" means a sign attached to a building or other structure and extending beyond the surface of the portion of the building line or extending over public property.

S. "Pylon sign" means a freestanding sign supported by one or more poles with a clear space of ten feet or greater between the bottom of the face of the sign and the ground.

T. "Real estate sign" means a business sign placed upon a property advertising that particular property for sale, for rent, or for lease.

U. "Real estate development sign" means a business sign placed on the premises of a subdivision or other real estate development.

V. "Roof sign" means a sign, any part of which is erected upon, over, or above a roof of a building.

W. "Temporary sign" means any type of sign, flag, banner, or similar object other than a political sign intended to be displayed for a short time for special events except as otherwise regulated in this chapter. A vehicle or portable sign is not a temporary sign.

X. "Transit shelter sign" or "bench sign" means an advertising sign affixed to the side or length of a transit shelter or bench that is unrelated to the transit purpose of the shelter or bench.

Y. "Vehicle sign" or "portable sign" means a portable business sign painted on or attached to a vehicle or a chassis with wheels, skids, or other frame that is not permanently mounted in the ground or attached to a building and used for temporary messages or announcements.

Z. "Wall sign" means a sign erected against a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which it is erected. Wall signs include murals, whether painted or applied upon the walls with a commercial message or content. In the case of murals, any lettering or symbols that relate directly to the nature of business on the premises shall be considered in the allocation of signage for the property.

AA. "Window sign" means a permanent or temporary sign posted inside a storefront or window that provides or advertises information concerning certain products, prices, or other messages directly related to the conduct of business on the premises. Window sign does not include the temporary posting of flyers or promotions for timely events of a religious, civic, or neighborhood nature.

BB. "Yard sign" means a two-sided, non-internally illuminated sign up to four square feet in size that hangs from a post in the front setback.

Subp. 7068a. **Sign area.** "Sign area" means the area within a continuous perimeter enclosing the limits of writing, representation, and any other integral part of the sign display, excluding the supporting structure. When the faces of a back-to-back sign are parallel or within 35 degrees of parallel, the sign face area shall be determined on the basis of only one side of the sign. If the sign faces are not within 35 degrees of parallel, the sign face area shall be determined on the basis of the sum of the areas of each sign face.

Subp. 68b. **Disrepair.** "Disrepair" means a condition in which the sign has deteriorated to the point where at least one-fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; where paint is peeling, chipping, or flaking from the structure surface; where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.

Subp. 70a69. **Spatial envelope.** "Spatial envelope" means the shared, multidimensional space surrounding an artwork.

Subp. 7470. **Story.** "Story" means the part of a building included between the surface of one floor and the surface of the next floor or, if the topmost floor, the ceiling or roof next above. A basement is not counted as a story.

Subp. 7270a. **Story, half.** "Story, half" means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of at least seven feet six inches. For the purpose of this chapter, the gross floor area is only that area having at least four feet clear height between the floor and ceiling.

Subp. 7371. **Street.** "Street" means a public dedicated right-of-way, other than an alley, that affords the principal means of access to abutting property.

Subp 71a. **Primary Street.** "Primary street" means the street designated to bear the address and

primary entrance to the building.

Subp. 7471b. **Street line.** "Street line" means the property line separating private or public property from a designated street right-of-way.

Subp. 7572. **Supervised living facility licensed by the Department of Human Services.** "Supervised living facility licensed by the Department of Human Services" means one main building or portion of the building on one zoning lot where children or persons with developmental or physical disabilities or who have a chemical dependency reside on a 24-hour basis under the auspices of a program licensed by the Minnesota Department of Human Services to provide lodging, care, training, education, supervision, habilitation, rehabilitation, or treatment they need but that for any reason cannot be furnished in their own homes. Supervised living facilities specifically do not include hospitals, prisons, juvenile detention centers, reformatories, residential facilities for programs licensed by the Minnesota Department of Corrections, foster homes, or treatment centers operated by the commissioner of human services.

Subp. 7673. **Supervised living facility licensed by the Department of Health.** "Supervised living facility licensed by the Department of Health" means one building or portion of the building on one zoning lot that is licensed by the commissioner of health as a rooming or boarding house and receives 50 percent or more of its residents under a contract with state or local government human service agencies to provide lodging for people with developmental disabilities or chemical dependency.

Subp. 78. ~~**Townhouse dwelling.** "Townhouse dwelling" means a one family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.~~

Subp. 77. ~~**Through lot.** "Through lot" means an interior lot with frontage on two streets. Subp. 78. **Townhouse dwelling.** "Townhouse dwelling" means a one family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.~~

Subp. 7974. **Transitional housing facility.** "Transitional housing facility" means a building or portion of a building on one zoning lot where persons who may or may not have access to traditional or permanent housing, but who are capable of living independently within a reasonable period of time, reside on a 24-hour-per-day basis for approximately 30 days, and participate in program activities to facilitate their independent living.

Subp. 75. **Tribal flag plaza.** "Tribal flag plaza" means the plaza in lower mall displaying flags of federally recognized tribes in the borders of the State of Minnesota. The tribal flag plaza includes its flags, related signage, and plantings. The tribal flag plaza is not considered a commemorative work nor a memorial and is not subject to part 2400.2705.

Subp. 80. ~~**Two-family dwelling.** "Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other.~~

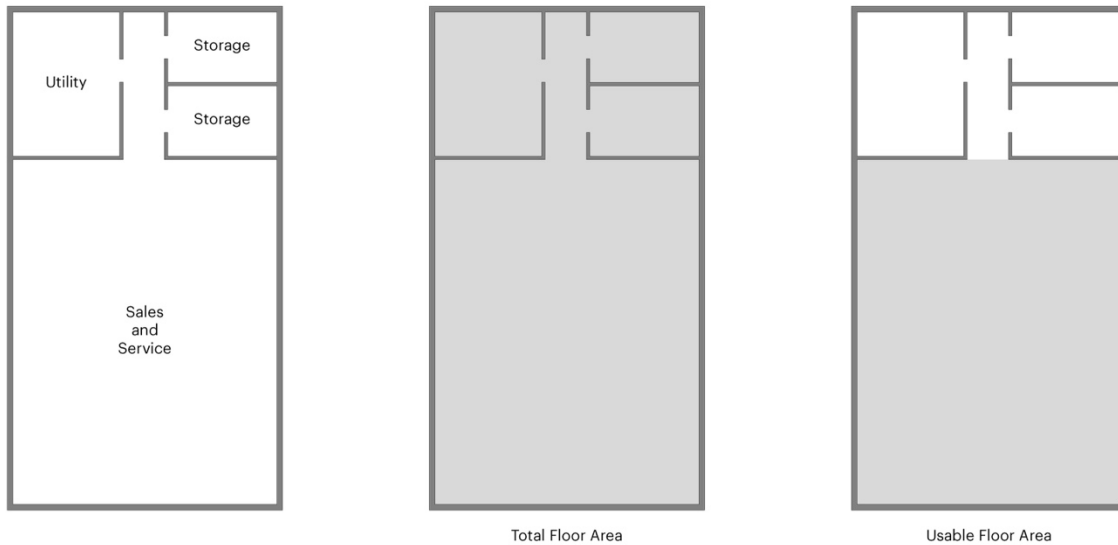
Subp. 8176. **Underground structure.** "Underground structure" means a completed building designed to be built partially or wholly below grade that was not intended to serve as a substructure or foundation of a building.

Subp. 8277. **Usable floor area.** "Usable floor area" means the floor area used for or intended to

be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, and all that area devoted to employee workspace, but excluding floor area that is used or intended to be used principally for the storage of merchandise, hallways, or elevator or stair bulkheads, or for utilities or sanitary facilities.

Usable Floor Area

[insert updated graphic "Usable_Floor_Area.jpg"]



Subp. 8378. **Use.** "Use" means the principal purpose for which land or a building is arranged, designed, or intended, or for which land or building is or may be occupied.

Subp. 78a. **Accessory use.** "Accessory use" means a use that is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.

Subp. 78b. **Conditional use.** "Conditional use" means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

- A. certain conditions as detailed in this chapter exist; and
- B. the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.

Subp. 78c. **Interim use.** "Interim use" means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subp. 78d. **Permitted use.** "Permitted use" means a use that is allowed by-right within a zoning district pursuant to part 2400.2205.

Subp. 78e. **Principal use.** "Principal use" means a use that is the primary use of the zoning lot upon which it is situated and that is:

A. specifically listed in the table of uses as a permitted or conditional use in the zoning district in question; or

B. wholly consistent with the purpose of the district and the general character of the enumerated principal uses of that district.

Subp. 78f. **Nonconforming use.** "Nonconforming use" means a use of land or a building that lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.

Subp. 8479. **Used for.** "Used for" includes arranged for, designed for, intended for, maintained for, or occupied for.

Subp. 8580. **Wind energy conversion system.** "Wind energy conversion system" means an electrical generating facility composed of one or more wind turbines and accessory facilities, including power lines, transformers, substations, metrological towers, and similar components that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on site or distributed into the electrical grid.

Subp. 8681. **Wind turbine.** "Wind turbine" means a piece of electrical generating equipment that converts the kinetic energy of flowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Subp. 8782. **Yard.** "Yard" means the open spaces on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except as otherwise provided in items A to C and this chapter.

A. "Front yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot lines and the nearest point of the principal building.

B. "Rear yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. "Side yard" means an open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.

Subp. 8884. **Zoning administrator.** "Zoning administrator" means an employee of the board designated by the board upon the recommendation of the executive secretary to implement, monitor compliance with, and manage all parts of the zoning and design rules under this chapter in the

Capitol area. The executive secretary shall serve as the zoning administrator in the designee's absence.

Subp. 8985. **Zoning lot.** "Zoning lot" means a single tract of land, composed of one or more lots located within a single block, that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot must be in one zoning district and satisfy this chapter with respect to area, size, dimension, and frontage as required in the district in which the zoning lot is located.

2400.2100 ZONING DISTRICTS ESTABLISHED.

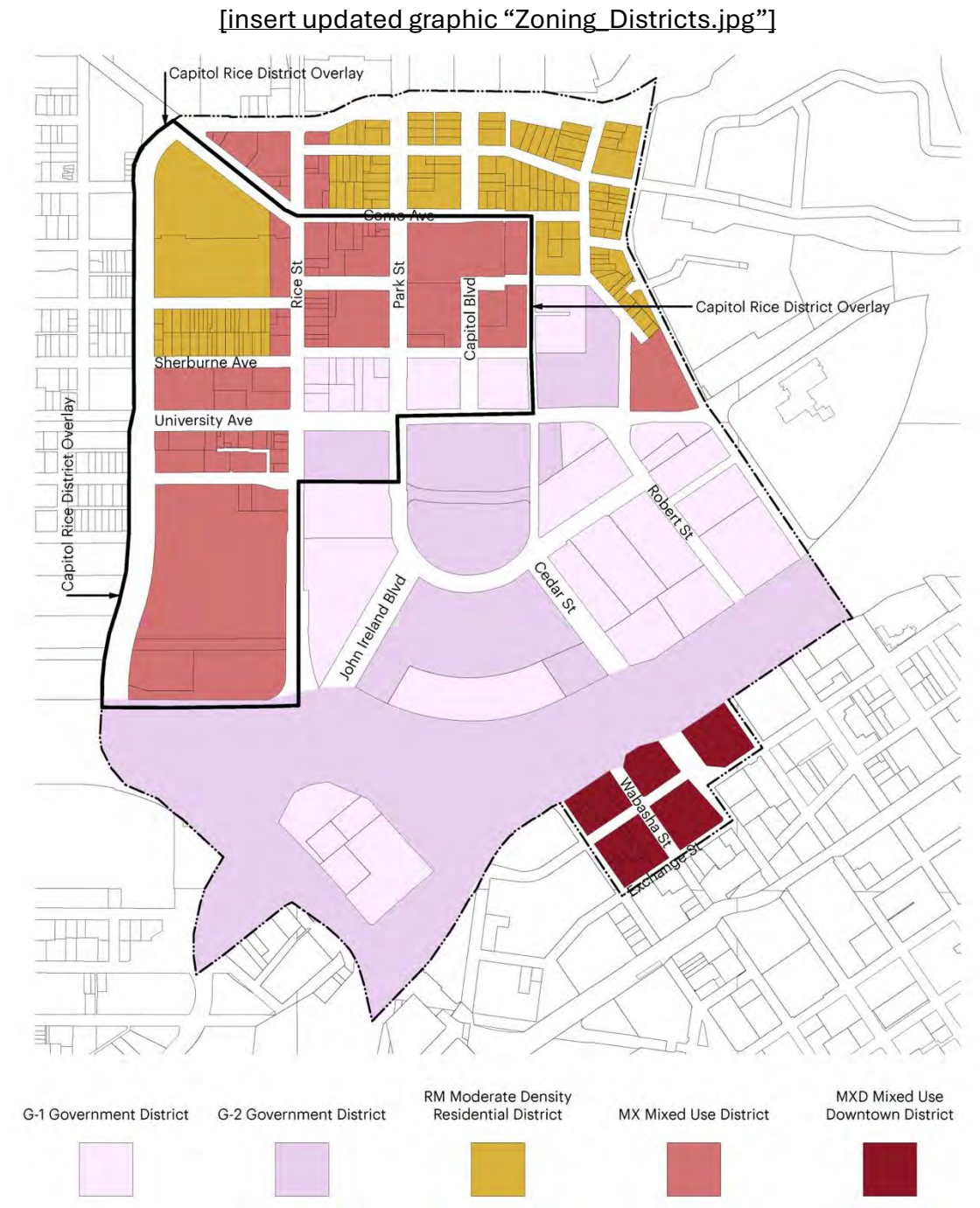
The following zoning districts and overlay for the Capitol area are established:

- A. government district (G-1);
- B. government district (G-2);
- C. ~~moderate density~~ mixed residential district (~~RMMR~~);
- D. mixed use district (MX);
- E. mixed use - downtown district (MXD); and
- F. ~~central corridor~~ Capitol rice district overlay (~~CC-OCRD~~).

2400.2105 ZONING MAP.

Subpart 1. **Establishment of zoning districts.** The Capitol area is divided into zoning districts as shown on the official zoning map entitled Zoning ~~Districts~~ districts for the Capitol area in subpart 2. The map and any amendments with all explanatory material are part of this chapter.

Subp. 2. **Zoning districts for the Capitol area.**



Subp. 3. 2400.2110 Zoning district boundaries. Where uncertainty exists with respect to the boundaries of any of the districts established in this chapter as shown on the official Capitol area zoning district map in part 2400.2105, subpart 2, then items A to D govern.

A. Where district boundaries are indicated as approximately following the center line of streets or highways, street lines, or highway right-of-way lines, the center lines are the boundaries.

B. Where district boundaries are indicated as approximately following the lot lines, the lot lines are the boundaries.

C. Where district boundaries are indicated as being approximately parallel to the center lines of the street or the center lines of right-of-way lines of highways or railroads, the district boundaries shall be construed as being parallel to the center lines and at the distances from them indicated on the Capitol area zoning district map.

D. Where unzoned property exists, or where, due to the scale, lack of detail, or illegibility of the zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown on the map, the exact location of district boundary lines shall be determined by the board upon the written application of a property owner or upon its own motion.

2400.22102110

G-1 GOVERNMENT DISTRICT.

Subpart 1. **District intent.** The intent of the G-1 Government District is to provide for the orderly growth of state government and the preservation and enhancement of existing structures within the Capitol area.

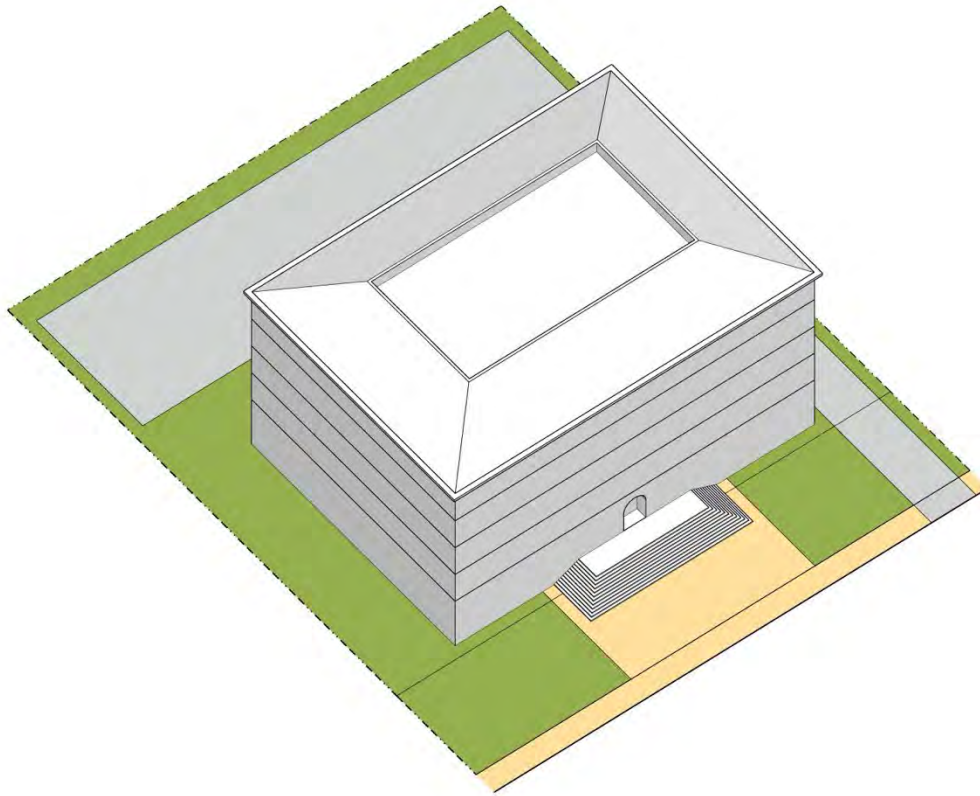
G-1 Government District

[insert updated graphic “G-1_District_Map.jpg”]



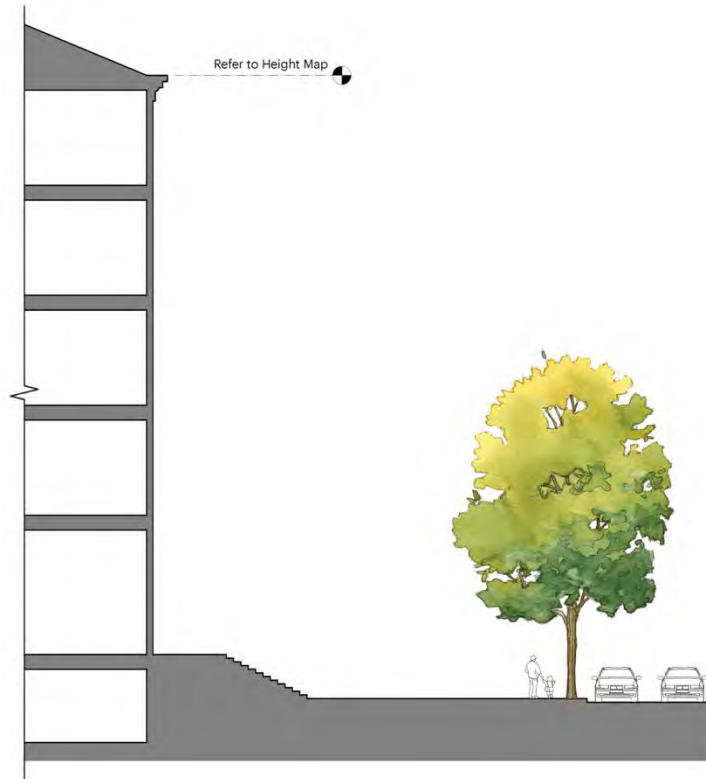
Building and Parking Placement Example

[insert updated graphic “G-1_Building_Placement.jpg”]



Building Height Measurement Example

[insert updated graphic “G-1_Building_Height.jpg”]



Examples of Typical Buildings and Views, G-1 District
[insert current images]

Subp. 2. **Building placement.** The following minimum setbacks apply to building placement in the G-1 district:

	Minimum setback
Front yard	See frontage map (part 2400.2400)
Corner side yard	Zero feet
Interior side yard	Zero feet
Rear yard	Zero feet

Subp. 3. **Building types.** The following building types, described in part 2400.2500, are considered appropriate for the G-1 district. Other building types are acceptable upon approval by the zoning administrator, provided that they meet the lot, height, and frontage requirements and design standards of this chapter.

Building Types	Minimum lot width
Civic building	60 feet

Parking building	60 feet
Podium building	60 feet
Liner building	60 feet

Subp. 4. **Parking placement.** Surface parking must be located behind the rear plane of the principal building on the lot. ~~On corner lots, surface parking may be located in a side yard but shall be set back at least 30 feet from the corner of the property.~~ Surface parking must be screened and landscaped as specified in part 2400.2630.

Subp. 5. **Lot area and coverage.** ~~Lot area and coverage requirements for the G-1 district are as follows:~~ **Building height.** Building heights must comply with part 2400.2300.

Subp. 6. **Stormwater management.** All proposed projects must comply with part 2400.2635.

Building type	Minimum lot size
All buildings	10,000 square feet
Maximum impervious coverage	85 percent of lot area

Subp. 7. **Historic preservation.** All proposed projects must comply with part 2400.3125.

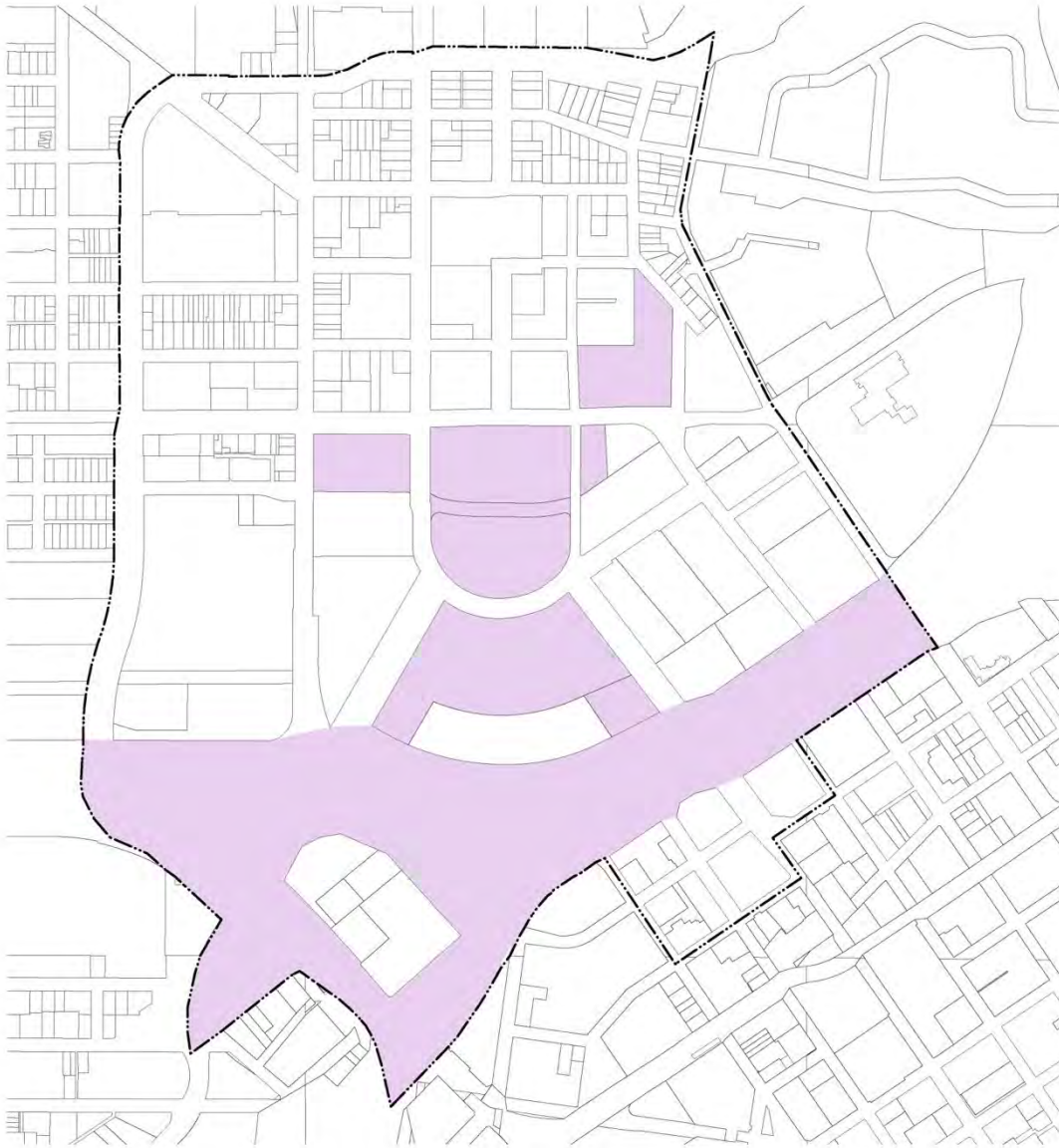
Subp. 8. **Projects on public lands.** All proposed projects must comply with part 2400.3120.

2400.22152115 G-2 GOVERNMENT DISTRICT.

Subpart 1. **District intent.** The intent of the G-2 Government District is to provide for the preservation and enhancement of the State Capitol, and the creation and preservation of open space within the Capitol area.

G-2 Government District

[insert updated graphic “G-2_District_Map.jpg”]



Examples of Typical Buildings and Views, G-2 District
[insert current images]

Subp. 2. **Parking placement.** Surface parking within the G-2 district is considered an interim use pursuant to part 2400.3150, with the intent that it will ultimately be replaced with underground parking or structured parking in another zoning district. Surface parking must be screened from the streets and adjacent uses as specified in part 2400.2630.

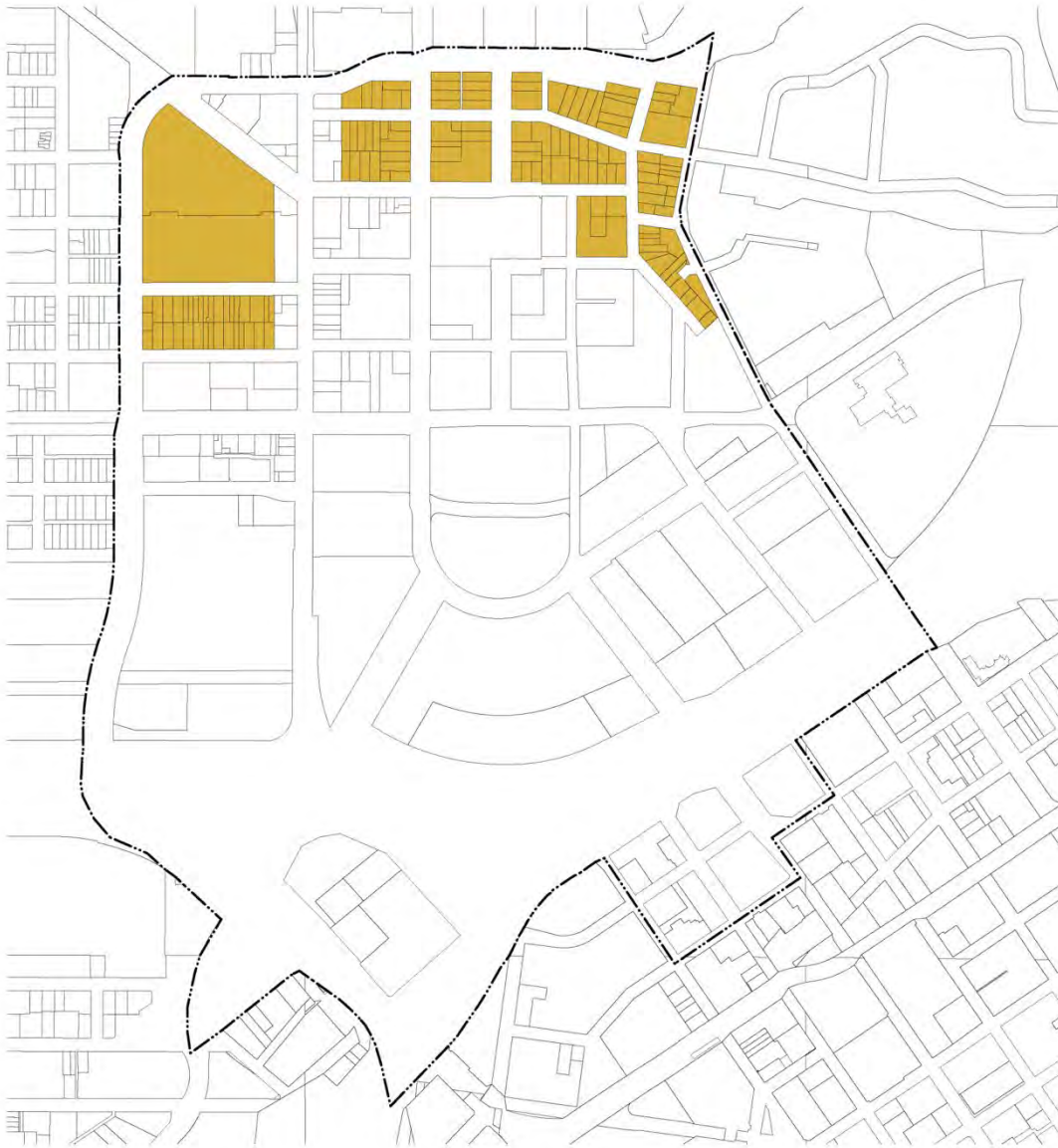
Subp. 3. **Stormwater management.** All proposed projects must comply with part 2400.2635

Subp. 4. **Historic preservation.** All proposed projects must comply with part 2400. 3125.

Subp. 5. **Projects on public lands.** All proposed projects must comply with part 2400.3120.

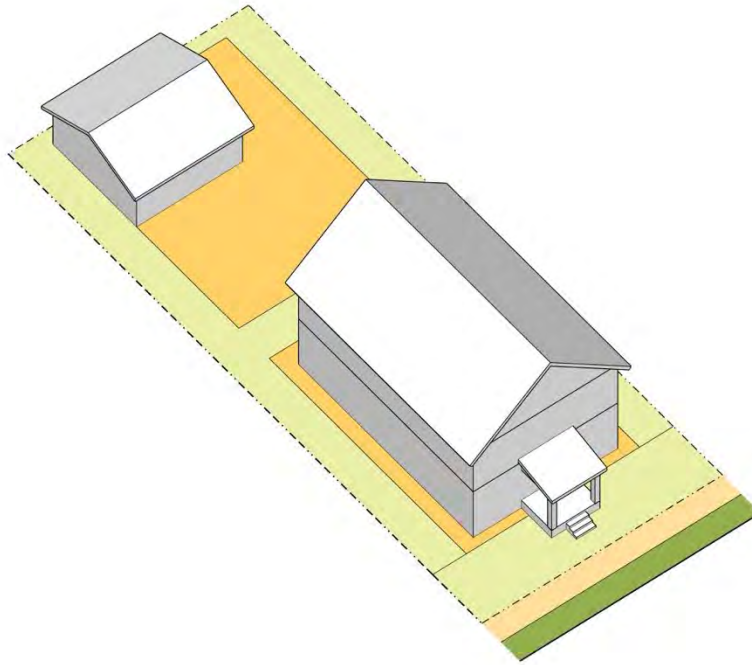
Subpart 1. **District intent.** The MR Mixed RM Moderate Density Residential District is intended to protect the residential qualities and character of neighborhoods adjacent to the Capitol campus while encouraging infill and redevelopment for a range of ~~moderate density~~ housing types, including middle housing and limited service uses. New development must be ~~at a human scale, pedestrian-oriented to the street~~ and designed with sensitivity to Capitol views and public spaces.

MR Mixed RM MODERATE DENSITY Residential
[insert updated graphic “MR_District_Map.jpg”]

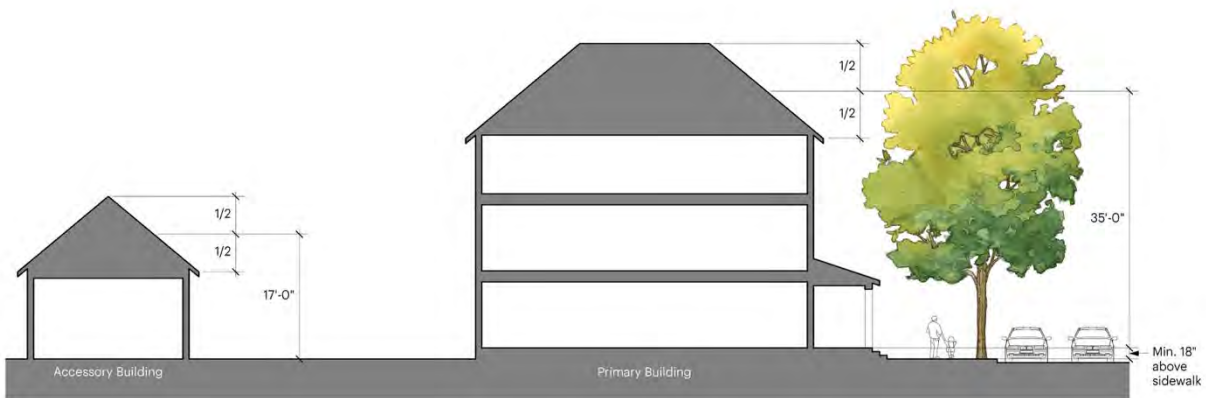


Building and Parking Placement Example

[insert updated graphic “MR_Building_Placement.jpg”]



Building Height Measurement Example
[insert updated graphic “MR_Building_Height.jpg”]



Examples of Typical Buildings and Views, ~~RM~~MR District
[insert current images]

Subp. 2. **Building placement.** The following minimum setbacks apply to building placement in the ~~RM~~MR district:

Principal Building

Front yard

Minimum setback

See frontage map (part 2400.2400)

Corner side yard	Five feet
Interior side yard	Five feet
Rear yard	<u>25-20</u> feet

Accessory Building	Minimum setback
Corner side yard	Five feet
Interior side yard	Three feet
Rear yard	Three feet
Rear yard from alley	One foot
Separation from principal building	Six feet

Subp. 3. **Building types.** These building types, described in part 2400.2500 are considered appropriate for the ~~RM-MR~~ district. Other building types are acceptable upon approval by the zoning administrator, provided that they meet the lot, height, and frontage requirements and design standards of this chapter.

Building Type	Minimum lot width
One family	35 feet
Two family twin	20 feet/unit
Two family duplex	35 feet
Townhouse	20 feet
Small apartment (3-4 units) <u>Small multiplex (1 to 4 units)</u>	40 feet
Large apartment multiplex (5 plus units) <u>(5 or more units)</u>	50 feet
<u>Courtyard multiplex</u>	Not applicable
Carriage house	50 feet
<u>Commercial block</u>	
<u>Podium</u>	
All nonresidential buildings	

Subp. 4. **Parking placement.** ~~Parking may be located in the following locations:~~

- A. ~~within an attached or detached garage;~~
- B. ~~on a driveway leading to a garage, located outside of the front yard setback. Parked vehicles on driveways shall not block the sidewalk; and~~
- C. ~~on a paved area meeting the following standards:~~
 - (1) ~~located in a side or rear yard behind the rear plane of the principal building on the lot; and~~
- A. set back a minimum of three feet from side and rear lot lines, including alleys. Residential use parking may be located within an attached or detached garage, on a driveway leading to a garage, not within the front yard setback, or on a paved area meeting the following standards:
 - (1) the parking is located in a side or rear yard behind the rear plane of the principal building on the lot;
 - (2) the parking is set back a minimum of three feet from side and rear lot lines, including alleys; and
 - (3) parked vehicles on driveways must not block the sidewalk.
- B. Nonresidential or mixed use may be located in surface or structured parking.
 - (1) Structured parking is encouraged.
 - (2) Surface parking must be located behind the rear plane of the principal building on the lot or within a side yard, provided that
 - a) no more than 70 feet of lot frontage along the primary abutting street is occupied by parking or driveways; and
 - b) parking and driveways on abutting lots are at least 150 feet apart.
 - c) On corner lots, surface parking must be set back at least 30 feet from the corner of the property. Surface parking must be screened and landscaped as specified in part 2400.2630.

Subp. 5. ~~Lot area and coverage.~~ Lot area and coverage requirements in the RM district are as follows:

Building Type	Minimum lot size
Single family detached	5,000 square feet
Two family (per unit)	3,000 square feet
Townhouse (per unit)	2,400 square feet

Multi-family (per unit)	1,200 square feet
Maximum impervious coverage	40 percent lot area
Maximum accessory building coverage	35 percent rear yard

Supb. ~~65~~. **Building height.** Building heights in the ~~RM-MR~~ district must comply with part 2400.2300 and the following additional maximum height requirements:

Building	Maximum height
Primary building	35 feet
Accessory building	17 feet
Carriage house	25 feet

Subp. 6. **Stormwater management.** All proposed projects must comply with part 2400.2635

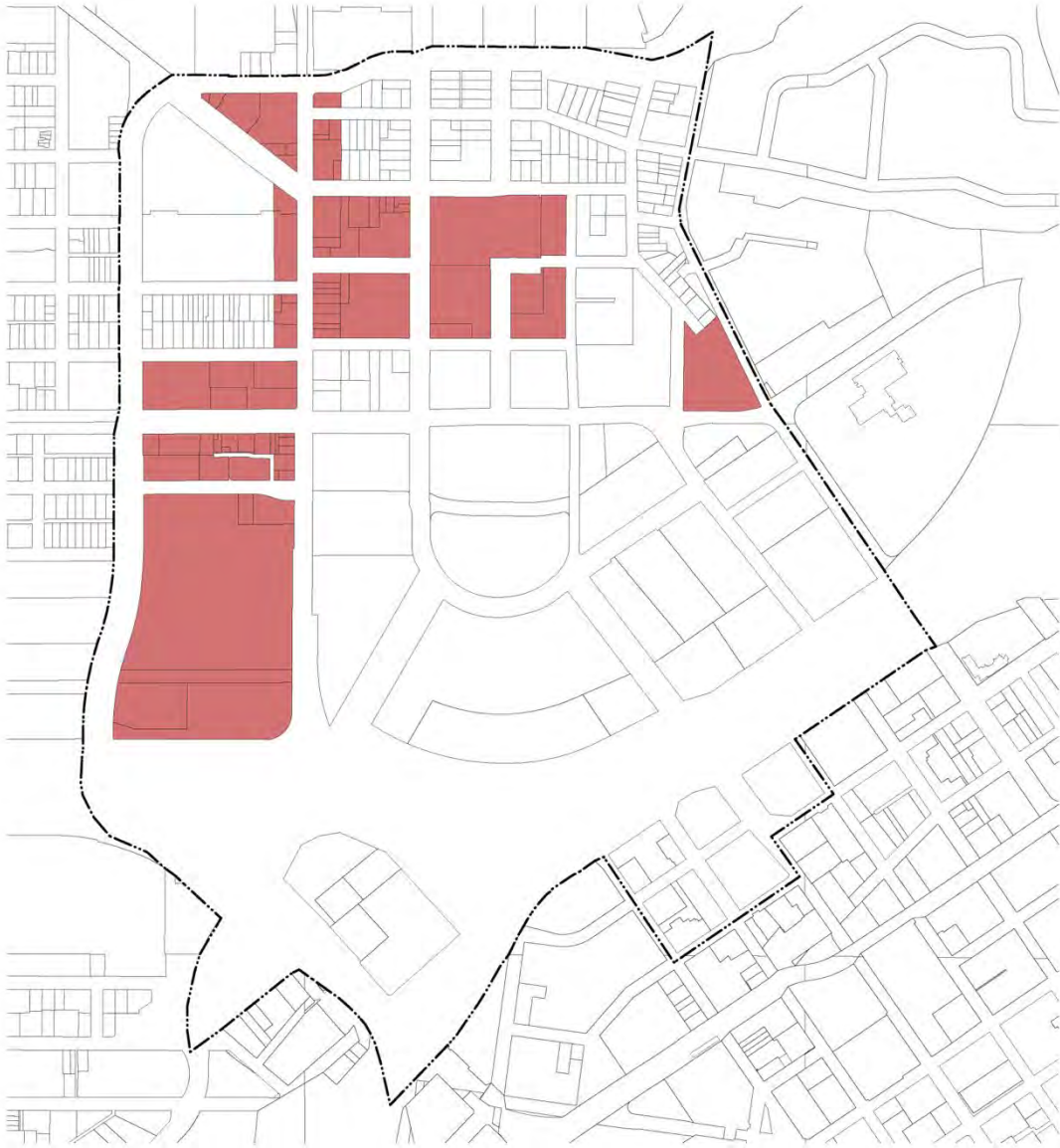
Subp. 7. **Historic preservation.** All proposed projects must comply with part 2400. 3125.

2400.22252125 MX MIXED USE DISTRICT.

Subpart 1. **District intent.** The intent of the MX Mixed Use District is to foster vital commercial streets that serve the needs of surrounding neighborhoods and the Capitol campus, and to encourage pedestrian-oriented and transit-supportive development along these corridors.

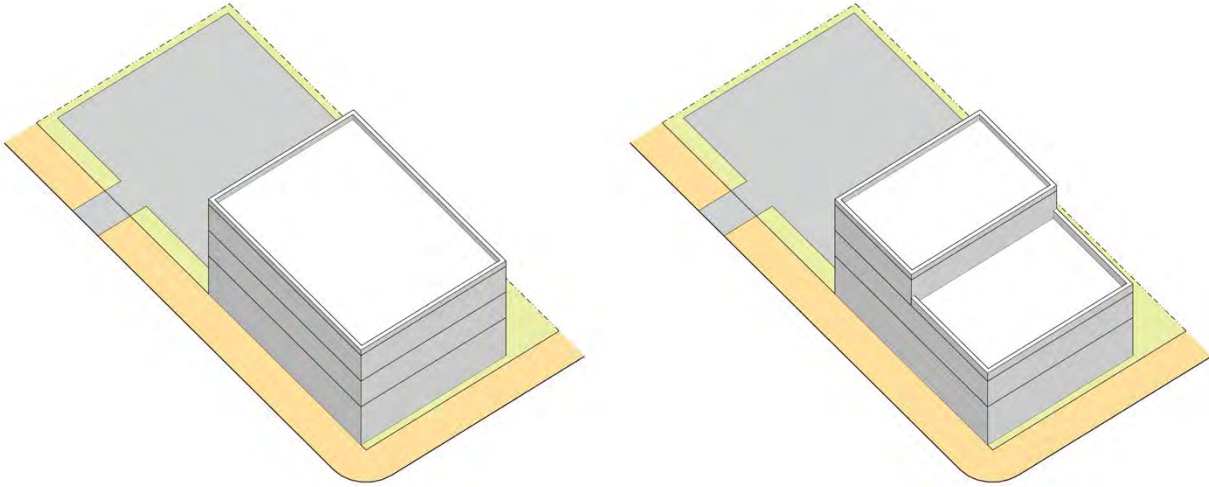
MX Mixed Use District

[insert updated graphic “MX_District_Map.jpg”]

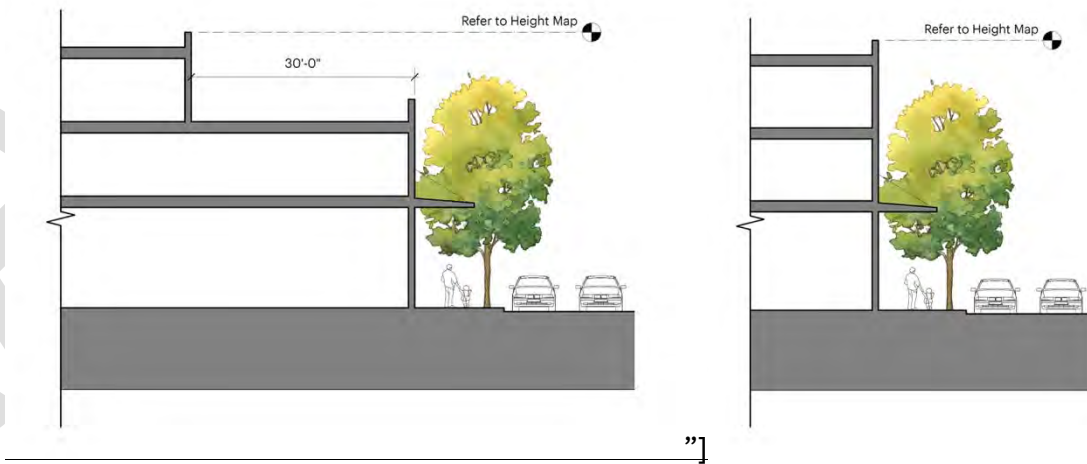


Building and Parking Example

[insert updated graphic “MX_Building_Placement.jpg”]



Building Height Measurement Example
[insert updated graphic “MX_Building_Height.jpg”]



Examples of Typical Buildings in the MX District
[insert current images]

Subp. 2. **Building placement.** The following minimum setbacks apply to building placement in the MX district:

Principal Building

Minimum setback

Front yard

See frontage map ([part 2400.2400](#))

Corner side yard

Zero feet

Interior side yard

10 feet adjacent to residential use

Rear yard

Zero feet

Buildings accessory to nonresidential uses must meet the same setback requirements as principal buildings.

Buildings accessory to residential uses must meet the setback requirements of the ~~RM-MR~~ district.

Subp. 3. **Building types.** These building types, described in part 2400.2500 are considered appropriate for the MX district. Other building types are acceptable upon approval by the zoning administrator, provided that they meet the lot, height, and frontage requirements and design standards of this chapter.

Building Type	Minimum Lot Width
Civic building	60 feet
Commercial block building	35 feet
Podium building	60 feet
Parking building	60 feet
Liner building	60 feet
Single-family detached	35 feet
Two-family twin	25 feet
Two-family duplex	35 feet
Townhouse	20 feet
Small apartment (3-4 units) <u>Small multiplex (1 to 4 units)</u>	40 feet
Large apartment multiplex (5-plus units) <u>(5 or more units)</u>	50 feet
Carriage house	Not applicable

Subp. 4. **Parking placement.**

A. Residential use parking may be located within an attached or detached garage, on a driveway leading to a garage, ~~outside~~ not within the front yard setback, or on a paved area meeting the following standards:

- (1) the parking is located in a side or rear yard behind the rear plane of the principal building on the lot;
- (2) the parking is set back a minimum of three feet from side and rear lot lines,

including alleys; and

- (3) parked vehicles on driveways must not block the sidewalk.

B. Nonresidential or mixed use may be located in surface or structured parking.

- (1) ~~s~~Structured parking is encouraged.
- (2) Surface parking must be located behind the rear plane of the principal building on the lot or within a side yard, provided that
 - a) no more than 70 feet of lot frontage along the primary abutting street is occupied by parking or driveways; and,
 - b) parking and driveways on abutting lots are at least 150 feet apart.
 - c) On corner lots, surface parking must be set back at least 30 feet from the corner of the property. Surface parking must be screened and landscaped as specified in part 2400.2630.

~~Subp. 5. **Lot area and coverage.** Lot area and coverage requirements in the MX district are as follows:~~

Building type	Minimum lot size
Non-residential or mixed use	None
Single-family detached	5,000 square feet
Two-family (per unit)	3,000 square feet
Townhouse (per unit)	2,400 square feet
Multi-family (per unit)	1,200 square feet
Maximum impervious overage	85 percent of lot area

~~Subp. 65. **Building height.** Building heights in the MX district must comply with part 2400.2300.~~

~~Subp. 6. **Stormwater management.** All proposed projects must comply with part 2400.2635~~

~~Subp. 7. **Historic preservation.** All proposed projects must comply with part 2400.3125.~~

2400.22302130 MXD MIXED USE DOWNTOWN DISTRICT.

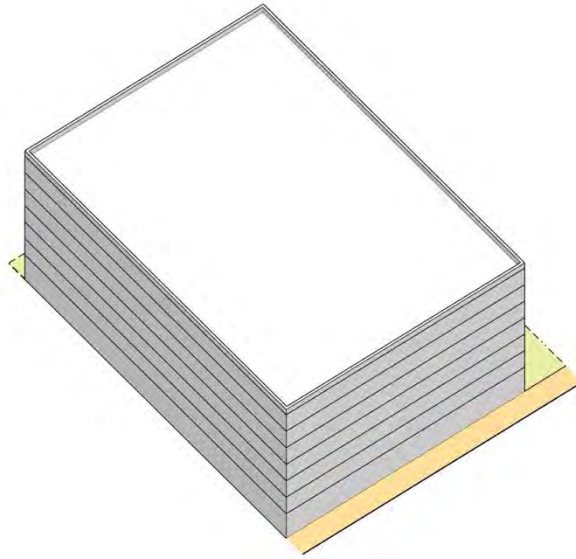
Subpart 1. **District intent.** The intent of the MXD Mixed Use Downtown District is to ensure that the portion of the Capitol area that extends into downtown St. Paul maintains its visual relationship to the Capitol campus while fostering a vital mix of uses that support both the Capitol campus and the downtown.

MXD Mixed Use Downtown District
[insert updated graphic “MXD District Map.jpg”]

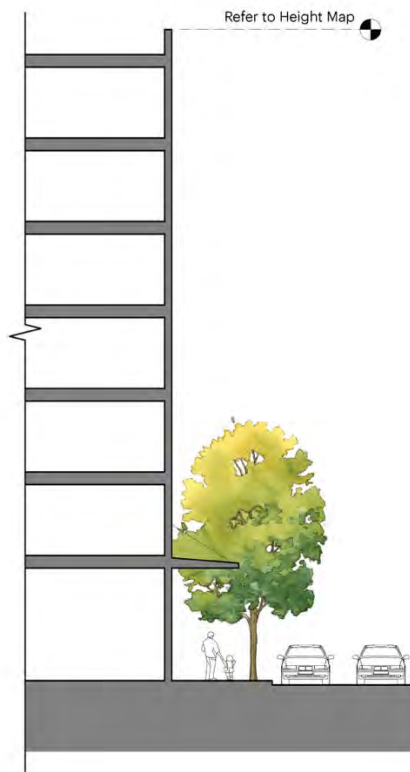


Building and Parking Placement Example

[insert updated graphic “MXD_Building_Placement.jpg”]



Building Height Measurement Example
[insert updated graphic “MXD_Building_Height.jpg”]



Examples of Typical Buildings in the MXD District
[insert current images]

Subp. 2. **Building placement.** The following minimum setbacks apply to building placement in the MXD district:

Principal Building	Minimum setback
Front yard	See frontage map (<u>part 2400.2400</u>)
Corner side yard	Zero feet
Interior side yard	<u>Zero feet; Ten-10</u> feet if adjacent to residential use
Rear yard	Zero feet

Subp. 3. **Building types.** These building types, described in part 2400.2500, are considered appropriate for the MXD district. Other building types are acceptable upon approval by the zoning administrator, provided that they meet the lot, height, and frontage requirements and design standards of this chapter.

Building Type	Minimum Lot Width
Commercial block building	35 feet
Podium building	60 feet
Parking building	60 feet
Liner building	60 feet
Large apartment (5 plus units) <u>multiplex (5 or more units)</u>	50 feet

Subp. 4. **Parking placement.**

~~Off-street parking is not required.~~ Surface parking is prohibited.

Structured parking must be underground or fully enclosed by other permitted uses at ground level, with the exception of necessary entrances and exits.

~~Subp. 5. **Lot area and coverage.** Lot area and coverage requirements in the MXD district are as follows:~~

Building type	Minimum lot size
All buildings	None
Maximum impervious overage	85 percent of lot area

Subp. 65. **Building height.** Building heights in the MXD district must comply with part 2400.2300.

Subp. 6. **Stormwater management.** All proposed projects must comply with part 2400.2635

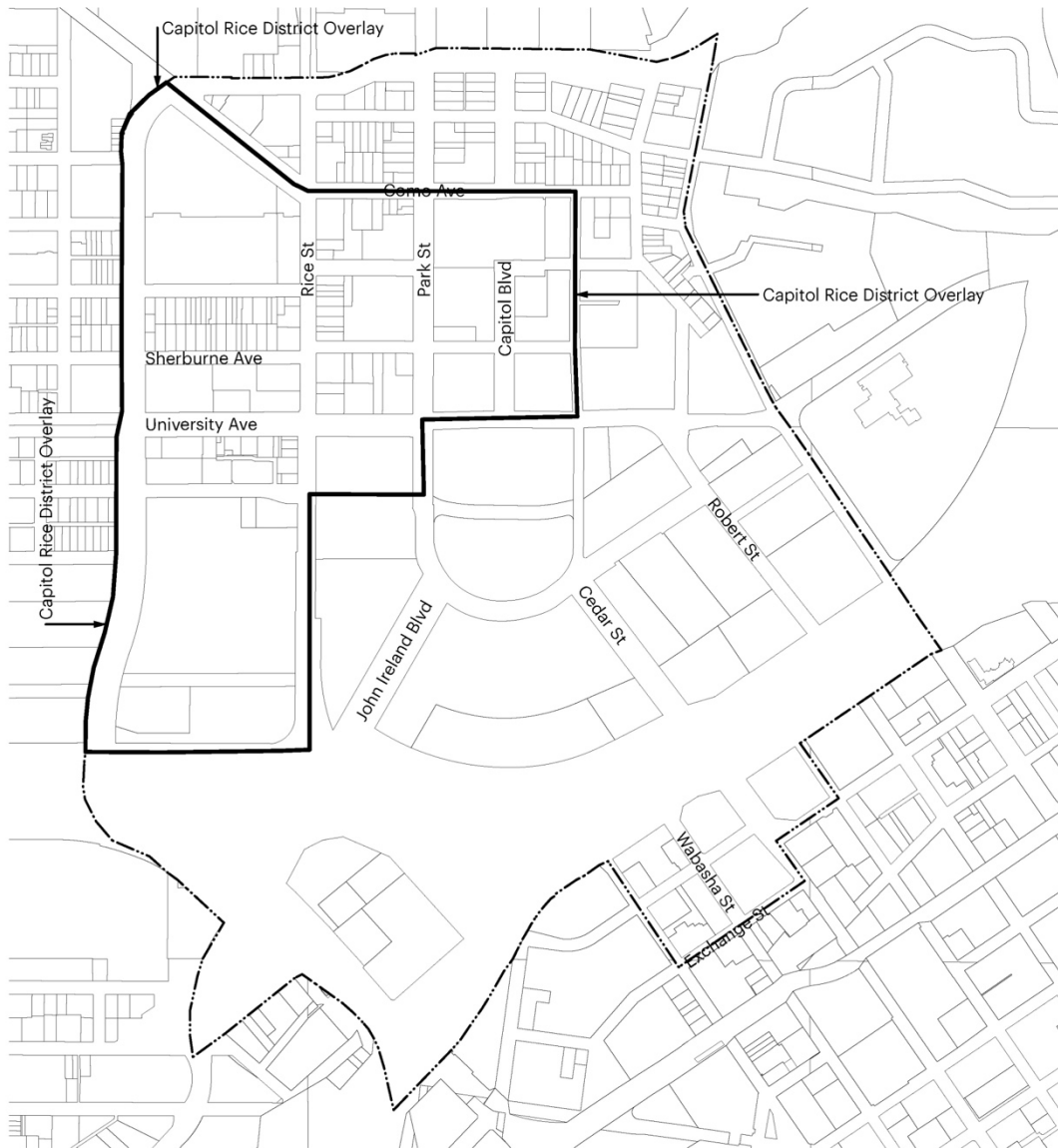
Subp. 7 **Historic preservation.** All proposed projects must comply with part 2400. 3125.

2400.22352135 CRD CAPITOL RICE DISTRICT-CENTRAL CORRIDOR (CC) OVERLAY DISTRICT.

Subpart 1. **District intent.** The CRD Capitol Rice District-Central Corridor (CC) Overlay District is established to promote development and redevelopment along the planned central corridor light rail transit line consistent with the Capitol Rice Development Framework. It is intended to foster development that intensifies land use and economic value; to promote a mix of uses that will enhance the livability of station areas; to improve pedestrian connections, traffic, and parking conditions; and to foster high quality buildings and public spaces that help create and sustain long-term economic vitality.

CRD Overlay

[insert new graphic “CRD_Overlay_Map.jpg”]



Subp. 2. **Boundaries.** The boundaries of the CC Overlay District are as shown on the zoning map in part 2400.2105.

Subp. 32. **Relationship to other regulations.** Properties located within the CRD CC Overlay District are subject to the provisions of the primary zoning district and the CRD CC Overlay District. Where provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district apply.

Subp. 43. **Prohibited uses.** The following uses are prohibited in the CRD CC Overlay District:

- A. auto convenience market;
- B. auto service station;

C. auto repair station; and

D. car wash.

Subp. 54. ~~Minimum intensity~~ **Building area and height.**

A. A minimum floor area ratio of 1.0 is required. Public gathering space, landscaped areas, outdoor seating areas, and areas for public art may be counted toward building square footage in calculating the minimum floor area ratio.

B. A new building with less than the required floor area ratio is allowed on a developed zoning lot where an existing building will remain, provided that the board determines the new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.

~~(1) total lot coverage and floor area ratio for the zoning lot are not reduced; and~~

~~(2) the new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.~~

C. New buildings shall be a minimum of two stories in height. Maximum building heights must comply with part 2400.2300.

Subp. 5. **Blocks.** The following standards apply to new blocks in the CRD Overlay:

A. Where a new block is created, the block shall be defined on all sides by the public realm except where attaching to an existing block.

B. New blocks shall not exceed 700 feet on any side. Mid-block connections in the form of pathways or streets are encouraged to create smaller, walkable block patterns.

Subp. 6. **Frontages.** ~~and frontage use.~~ The following standards apply to new buildings in the ~~CRD Overlay District:~~

A. A minimum of 50 percent of ground floor building frontage along University Avenue and Rice Street must be occupied by uses that encourage pedestrian activity and interest, including, but not limited to, retail and service uses, meeting rooms, eating areas, and offices serving the public. Buildings owned or lease-purchased by the state are exempt from this requirement, although active uses are encouraged on the ground floor frontage of state buildings.

B. For any new block, one of four frontage types in compliance with parts 2400.2400 to 2400.2410 shall be applied to each new block face. The frontage assignment will be mapped clearly and reviewed by the board. These mapped assignments may be adopted as conditions of master plan or zoning permit approval. Additional frontage types or location-specific conditions may be specified and approved concurrent with the proposed

mapping of frontage types.

Subp. 6. ~~Parking standards.~~

~~A. For nonresidential uses, the number of off-street parking spaces required is a minimum of 60 percent to a maximum of 85 percent of the off-street parking standards in part 2400.2820. The maximum may be exceeded if the additional parking spaces are structured in a ramp or deck, underground, or within a building. State office buildings and other state uses are exempt from the maximum parking requirement.~~

~~B. There is no minimum parking requirement for residential uses. A maximum of one space per unit may be provided. The maximum may be exceeded if the additional parking spaces are structured.~~

Subp. 7. Exemptions. Where an existing building or its accessory parking does not conform to the ~~CC-CRD Overlay District~~ requirements or serves an existing nonconforming use, the building may be expanded without fully meeting the requirements of this part as long as the expansion does not increase the nonconformity.

Subp. 8. MX master plan submittal requirements. The Capitol Rice Development Framework (CRDF) (including project review requirements) adopted by reference from Chapter 7A in the Comprehensive Plan) outlines the processes and requirements necessary for review and board consideration of redevelopment of larger sites in the CRD Overlay. The submittal requirements outlined in the CRDF, including the MX master plan will be required by the zoning administrator and the City of St. Paul to perform reviews.

2400.2200 GENERAL USE PROVISIONS.

Subpart 1. Scope. The district regulations in this part list permitted and conditional uses in the primary zoning districts and note applicable development standards and conditions.

Subp. 2. Permitted uses. Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with this chapter.

Subp. 3. Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with this chapter. Persons wishing to establish, change, or expand a conditional use shall obtain a permit as specified in part 2400.3150.

Subp. 4. Permitted or conditional uses. Uses listed as "P/C" may be either permitted or conditional depending on their compliance with the standards and conditions in parts 2400.2700 to 2400.2740.

Subp. 5. Prohibited uses. Any use not listed as either "P" or "C" in a particular district, or any use not determined by the board to be substantially similar to a listed permitted or conditional use, shall be prohibited in that district.

Subp. 6. Development standards. ~~A "Y" in t~~The column entitled "StandardsReferences"

indicates that permitted and conditional uses are subject to the specific standards and conditions of parts 2400.2700 to 2400.2740, identifies the part of the Rules where the specific standards and conditions, in addition to all other provisions of this chapter, for the permitted and conditional uses are provided.

Subp. 7. **Combination of uses.** Any permitted or conditional uses may be combined on a parcel or within a building, provided that all uses meet other provisions of this chapter, including any specific development standards.

2400.2205 TABLE OF PERMITTED AND CONDITIONAL USES BY DISTRICT.

	G-1	G-2	RMMR	MX	MXD	StandardsReferences
A. State-Owned Institutions and Facilities						
1. The Capitol of Minnesota, including but not limited to executive, judicial, and legislative uses	P	P				
2. Commemorative artworks, monuments, or memorials	P	C	C	C	C	¥2400.2705
3. State of Minnesota offices, including but not limited to executive, judicial, legislative and administrative offices	P			P	P	
4. State of Minnesota museums, historical centers and tourist information facilities	P			P	P	
5. Parking facilities, surface lots	C	C		P		¥2400.2630; 2400.2805 to 2400.2830
6. Parking facilities, underground	P	P		P		2400.2805 to 2400.2830
7. Parking facilities, structured, aboveground	P			P	P	2400.2805 to 2400.2830
8. Permanent open spaces that preserve and enhance the Capitol area, including but not limited to, lawns, gardens, landscaped areas, and plazas	P	P	P	P	P	
9. Underground structures containing permitted uses for State-owned institutions and facilities	P	P	P	P	P	2400.2710¥
10. Other uses necessary for the satisfactory and efficient operation of the facilities of state government and to provide adequate public access to them	P	C		C	C	
B. Civic and Institutional Uses						
1. Day care centers, home day care	C		P/C	P	P	2400.2710¥
2. Public parks and recreation facilities	P	C	P	P	P	
3. Public buildings and uses	P	C	P	P	P	
4. Place of worship: church, synagogue, temple	C		P	P	P	¥

	G-1	G-2	<u>RMMR</u>	MX	MXD	<u>Standards</u> <u>References</u>
or mosque						
<u>5.</u> Residence associated with place of worship, including rectory or convent	C		P	P	P	
<u>6.</u> School, grades K-12	C		P	C	P	¥
<u>7.</u> Trade school, business school, art school, or similar enterprise				C	P	¥
<u>C. Residential - Family Living</u>						
One <u>1.</u> Single-family detached dwellings			P	P		
Two <u>2.</u> Multi-family dwellings, two to four units			P	P		
Townhouse dwellings			P	P		
Multiple family dwellings, three and four unit			P	P		
<u>3.</u> Multiple-family dwellings, five or more units			C	P	P	¥
Carriage Accessory house dwellings			P	P	P	<u>2400.2605</u> ¥
<u>4.</u> Housing for the elderly			C	P	P	¥
<u>D. Residential - Congregate Living</u>						
<u>1.</u> Foster home, freestanding foster care home			P	P	C	¥
<u>2.</u> Community residential facility, licensed human service			C	C	C	<u>2400.2715</u> ¥
<u>3.</u> Community residential facility, licensed correctional or Health Department licensed			C	C	C	<u>2400.2715</u> ¥
<u>4.</u> Emergency housing facility; shelter for battered persons, transitional housing facility			C	C	C	<u>2400.2715</u> ¥
<u>5.</u> Hospice			C	C	C	¥
<u>6.</u> Nursing home, boarding care home, assisted living			C	C	C	<u>2400.2715</u> ¥
<u>7.</u> Rooming house, boarding house			C	C		<u>2400.2715</u> ¥
<u>E. Mixed Commercial-Residential Uses</u>						
<u>1.</u> Home occupation			P/C	P/C	C	<u>2400.2720</u> ¥
<u>2.</u> Live-work unit			C	P	P	<u>2400.2720</u> ¥
<u>3.</u> Mixed commercial-residential use				P	P	
<u>F. Public Services and Utilities</u>						
<u>1.</u> Antenna, cellular telephone	P/C		P/C	P/C	P/C	<u>2400.2725</u> ¥
<u>2.</u> Electric transformer or gas regulator substation	C		C	C	C	
<u>3.</u> Utility or public service building	C		C	C	C	
<u>G. Commercial Uses</u>						
<u>1. Offices</u>						
Administrative or professional office	C			P	P	
Artist, photographer, or other professional studio	C			P	P	

	G-1	G-2	<u>RMMR</u>	MX	MXD	<u>Standards</u> <u>References</u>
<u>2. Medical Facilities</u>						
Clinic, medical or dental	C			P	P	
Hospital	C			C	C	<u>2400.2630</u> ¥
Veterinary clinic				P	P	¥
<u>3. Retail Sales and Services</u>						
<u>General retail</u> *	€		€	P	P	¥
<u>a. Bank, credit union</u>	C			P	P	
<u>b. Business sales and services</u>				P	P	
<u>c. Dry cleaning, commercial laundry</u>				P	P	
<u>d. Food and related goods sales</u>	C			P	P	
<u>e. Garden shop, greenhouse</u>				C		
<u>f. General retail</u>	C		C	P	P	<u>2400.2730</u>
<u>g. Laundromat, self-service</u>				P	P	
<u>h. Mortuary, funeral home</u>				C		
<u>i. Outdoor sales, primary and accessory</u>				C		
<u>j. Photocopying</u>	C			P	P	
<u>k. Post office</u>	P			P	P	
<u>l. Service business</u> *	C		C	P	P	<u>2400.2730</u> ¥
<u>m. Small appliance or engine repair</u>				C		
<u>Outdoor sales, primary and accessory</u>				€		
<u>4. Food and Beverages</u>						
<u>a. Bar, tavern</u>				C	C	
<u>b. Catering</u>				P	P	
<u>c. Coffee shop, tea house</u>	P		C	P	P	<u>2400.2730</u> ¥
<u>d. Restaurant</u>	P			P	P	<u>2400.2730</u> ¥
<u>e. Restaurant, fast food without drive through</u>				C	C	<u>2400.2730</u> ¥
<u>Bar, tavern</u>				€	€	¥
<u>5. Lodging</u>						
<u>a. Bed and breakfast residence</u>			C	C		¥
<u>b. Hotel, inn, motel</u>				P	P	
<u>6. Commercial Recreation and Entertainment</u>						
<u>a. Health, sports club</u>	C			C	P	
<u>b. Indoor recreation</u>				C	P	
<u>c. Theater, assembly hall</u>	C			P	P	
<u>7. Automobile Services</u>						
<u>a. Auto convenience market</u>				C		<u>2400.2235</u> ¥
<u>Car wash</u>				€		¥
<u>Auto service station</u>				€		¥
<u>b. Auto repair station</u>				C		<u>2400.2235</u> ¥
<u>c. Auto service station</u>				C		<u>2400.2235</u>
<u>d. Car wash</u>				C		<u>2400.2235</u>
<u>H. Parking and Transportation</u>						

	G-1	G-2	<u>RMMR</u>	MX	MXD	<u>StandardsReferences</u>
1. <u>Private parking facility, surface lot</u>	<u>C</u>		<u>P</u>	<u>C</u>	<u>C</u>	<u>2400.2630; 2400.2805 to 2400.2830</u>
2. <u>Private parking facility, underground</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>2400.2805 to 2400.2830</u>
3. <u>Private parking facility, structured above ground</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>2400.2805 to 2400.2830</u>
4. <u>Public or shared parking facility, surface lot</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>2400.2630; 2400.2805 to 2400.2830</u>
5. <u>Public or shared parking facility, underground</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>2400.2805 to 2400.2830</u>
6. <u>Public or shared parking facilitypublic or commercial, structured, above ground</u>	C		C	C	C	<u>2400.2805 to 2400.2830</u> ¥
7. <u>Public transit stations, bus stops, and other related facilities</u>	C	C	P	C	P	<u>2400.2625; 2400.2925</u> ¥
<u>I. Limited Production, Processing and Storage</u>						
1. <u>Accessory buildings, structures, and uses</u>						<u>2400.2605</u>
2. <u>Amateur radio antenna, satellite dish</u>	<u>C</u>		<u>C</u>	<u>P</u>	<u>C</u>	<u>2400.2615</u>
3. <u>Limited production and processing*</u>				C		<u>2400.2735</u>
4. <u>Mail order house</u>				C	C	
5. <u>Outside storage of construction materials and equipment, temporary</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	
6. <u>Printing and publishing</u>				C	C	
<u>Wholesale establishment</u>				€	€	
<u>Accessory buildings, structures, and uses</u>						
<u>Amateur radio antenna, satellite dish</u>	€		€	P	€	¥
<u>Outside storage of construction materials and equipment, temporary</u>	€		€	€	€	
<u>Off-street parking, open or enclosed</u>	€	€	P	P	P	
7. <u>Private recreational facility for multifamily housing</u>			C	C	C	¥
8. <u>Private swimming pool</u>			C	C	P	¥
9. <u>Solar energy systems or devices</u>	C	C	C	C	C	<u>2400.2740</u> ¥
10. <u>Storage within enclosed building</u>	P		P	P	P	
11. <u>Wholesale establishment</u>				<u>C</u>	<u>C</u>	
12. <u>Wind energy systems or devices</u>	C		C	C	C	<u>2400.2740</u> ¥

*See list of typical uses within these categories in parts 2400.2700 to 2400.2740.

2400.31252210 DETERMINATION OF SIMILAR USE.

When a specific use is not listed in a district, the zoning administrator must make the determination of whether a use is similar to other uses permitted in each district. The decision must be based on the following findings:

- A. that the use is similar in character to one or more of the principal uses permitted;
- B. that the traffic generated on the use is similar to one or more of the principal uses permitted; and
- C. that the use is not first permitted in a less restrictive zoning district.

2400.2300 HEIGHT DISTRICTSLIMITS.

Subpart 1. **Requirement.** In order to preserve the State Capitol Building as the dominant structure in the Capitol area, no building shall be constructed to a height greater than the maximum height permitted in the height district, as shown on the map in subpart 6. The maximum height is stated as elevation above sea level, in contrast to St. Paul datum. Conversion is accomplished by adding 694.1 feet to the St. Paul datum in order to determine elevation above sea level. The maximum heights are as described in subparts 2 to 5.

Subp. 2. **Height district 1.** Maximum height in height district 1 is established as 944.0 feet above sea level. This elevation corresponds to the height of the Capitol Building exclusive of the dome; generally, this would allow a building height of four to six stories in the Capitol area.

Within height district 1 in the east Capitol area, building height is further restricted as specified in items A to D.

A. Subdistrict 1a: An area between Robert Street and East Central Park Street, and its geometric extension, from the southeast side of Aurora Avenue to a line extending from the southeast side of 14th Street. Maximum height is 900.1 feet above sea level, 206 feet above St. Paul datum.

B. Subdistrict 1b: An area between Jackson Street and East Central Park Street, and its geometric extension, from the northwest side of 13th Street, and its geometric extension, to a line 250 feet north of University Avenue, drawn east to west between Jackson Street and Robert Street, then turning south along Robert Street to its intersection with University Avenue, then west on University Avenue for 350 feet, and again south to meet the line extending from East Central Park Street. Subdistrict 1a is excluded from the area described in this item. Maximum height is 888.1 feet above sea level, 194 feet above St. Paul datum.

C. Subdistrict 1c: An area between Jackson Street and East Central Park Street from the northwest side of 13th Street, and its geometric extension, to the southeast side of Columbus Avenue, and its geometric extension, and that area between Cedar Street and Minnesota Street, and Columbus Avenue and 12th Street. Maximum height is 876.1 feet above sea level, 182 feet above St. Paul datum.

D. Subdistrict 1d: An area between Jackson Street and Minnesota Street from the southeast side of Columbus Avenue, and its geometric extension, to the southeast side of 12th Street. Maximum height is 864.1 feet above sea level, 170 feet above St. Paul datum. Should the part of Minnesota Street in this subdistrict be vacated, the building height restriction in its

right-of-way shall be an elevation of 831.1 feet, 137 feet above St. Paul datum.

Subp. 3. **Height district 2.** Maximum height in height district 2 is established as 966.0 feet above sea level. Boundaries for this district are ~~are as described~~ in the map in subpart 6.

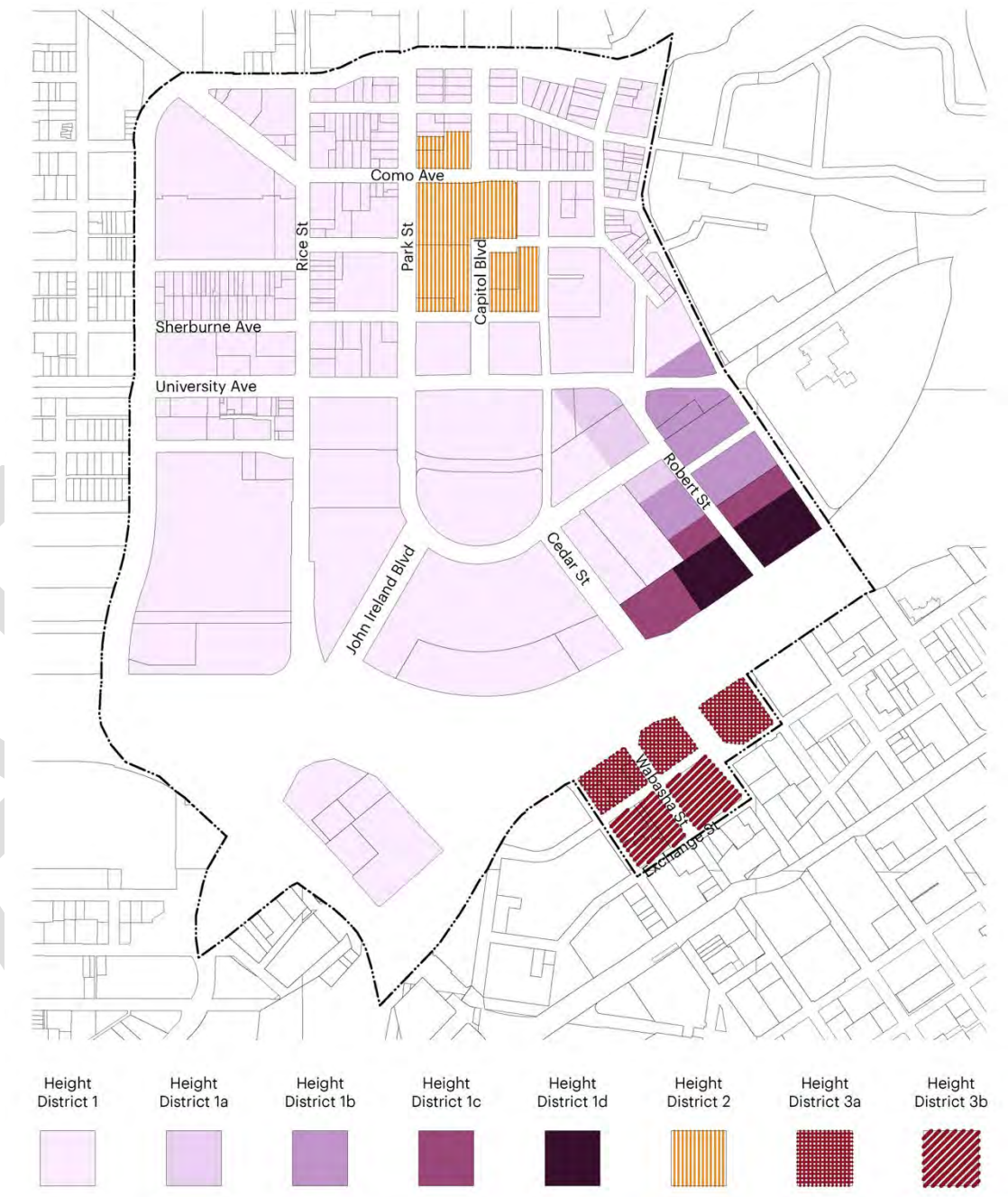
Subp. 4. **Height district 3a.** No building shall be constructed in height district 3a to a height greater than 944.0 feet above sea level; ~~and~~

~~With a floor area ratio greater than 5.0.~~ Boundaries for this district are described in the map in subpart 6.

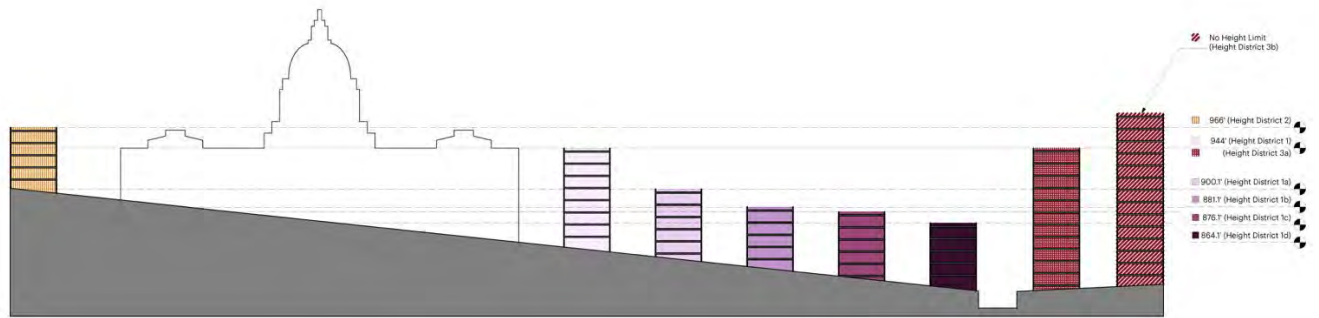
Subp. 5. **Height district 3b.** ~~No building shall be constructed in height district 3b with a floor area ratio greater than 5.0.~~ There is no height limit for buildings in height district 3b. Boundaries for this district are described in the map in subpart 6.

Subp. 6. **Map of height districts in Capitol area.**

[insert updated graphic "Heights_Map.jpg"]



[insert new graphic “Heights_Section.jpg”]



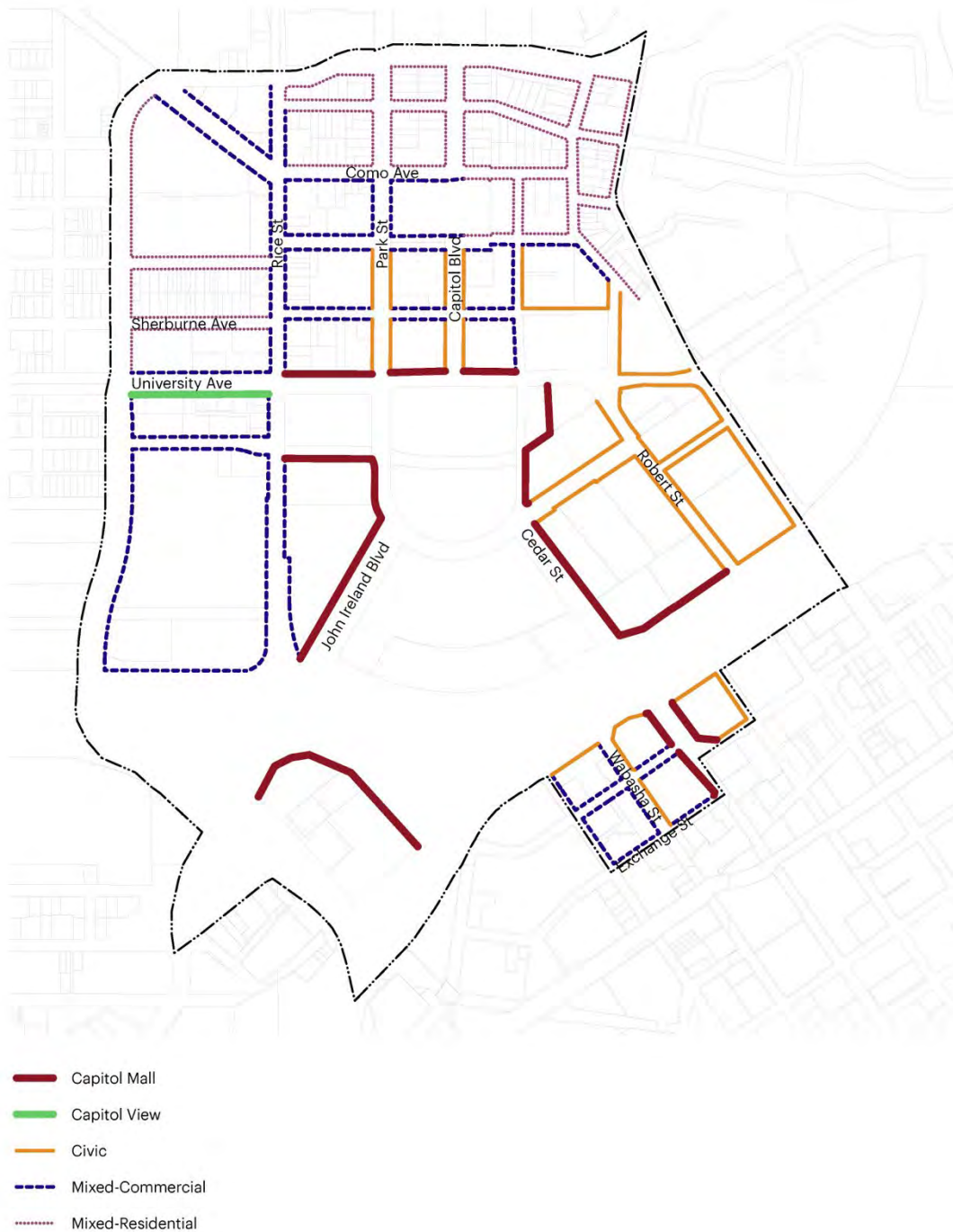
2400.2400 FRONTAGE MAP.

Subpart 1. **Intent.** The intent of this part is to ensure that buildings relate to the public realm and to adjacent buildings in a manner consistent with the statutory purposes of the board as stated in Minnesota Statutes, section 15B.01, and the goals of the comprehensive plan.

Subp. 2. **Requirement.** The frontage map in subpart 3 establishes frontage types (subpart 4 to 8) that are independent of use and height districts. "Frontage," as used in this chapter, means both the setback between the building façade and the front lot line and to the height and disposition of the building façade. In the case of buildings that abut more than one street, frontage requirements apply within each setback from a street as shown in subpart 3.

Subp. 3. **Frontage map.**

[insert updated graphic “Frontages_Map.jpg”]



Frontage Type		Setback from Street	Minimum Height
Capitol Mall		30' - 40'	3 stories
Capitol View		0' - 5'	2 stories
Civic		5' - 15'	3 stories
Flexible		0' - 20' (0' on corners)	2 stories
Residential		15' - 25'	

Subp. 4. **Capitol mall frontage.** Capitol mall frontage type requires a building a minimum of ~~three~~3 stories in height, set back a minimum of 30 feet and a maximum of 40 feet from the lot line. This frontage type is intended to achieve the highest standard of architectural quality for buildings fronting the Capitol mall, as shown in the frontage design standards in part 2400.2405.

Subp. 5. **Capitol view frontage.** In the Capitol view frontage type, buildings must be set back a maximum of ~~five~~5 feet from the lot line for at least 75 percent of their length. Buildings must be a minimum of two stories in height. In order to preserve significant views of the Capitol Building from University Avenue, any portion of the façade above ~~two~~2 stories in height must be stepped back at least 30 feet behind the front plane of the building façade.

Subp. 6. **Civic frontage.** In the civic frontage type, buildings must be set back a minimum of ~~five~~5 feet and a maximum of 15 feet from the front lot line for at least 85 percent of their length and must be a minimum of ~~three~~3 stories in height. Where a new building is adjacent to existing buildings, it must maintain the average setback of those buildings up to a maximum of 15 feet from the front lot line.

Subp. 7. **~~Flexible~~Mixed-commercial frontage.** In the ~~flexible mixed-commercial~~ frontage type, ~~setback from the front lot line depends on building type and location. Residential buildings must be set back a minimum of 15 feet and a maximum of 25 feet, or the average of the block face, if developed. Nonresidential or mixed-use~~all buildings must be set back between a minimum of zero~~0~~ and 25 feet from the front lot line, but must not exceed the average block face setback. Buildings at corner locations must be located ~~within~~between zero and five feet of the front lot line on either street for a distance of 30 feet from the corner and must comply with corner clearance standards in part 2400.2620.

Subp. 8. **~~R~~Mixed-residential frontage.** In the mixed-residential frontage type, ~~residential~~all buildings must be set back a minimum of 15 feet and a maximum of 25 feet, ~~or the average of the block face, where built out. Nonresidential buildings, where present, must be set back between zero and 25 feet from the front lot line,~~ but must not exceed the average block face setback.

2400.2405 MIXED AND NONRESIDENTIAL FRONTAGE DESIGN STANDARDS FOR FRONTAGE TYPES.

The following ~~mixed and nonresidential~~ design standards apply to the Capitol mall, Capitol view, civic, and flexible frontage types as shown in the table in this part. An "S" in the table means that the design standard is mandatory, unless the applicant can demonstrate to the board that there are circumstances unique to the property that make compliance impractical or unreasonable. A "G" in the table means that the design standard is recommended as a guideline. ~~Design standards for residential frontage areas are included in part 2400.2410.~~

	Capitol mall	Capitol view	Civic	<u>FlexibleMixed- Commercial</u>	<u>Mixed- Residential</u>
<u>A. Building fronts must be oriented to the primary abutting street and/or civic space.</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

<u>B. Primary entrances must be accessed directly from and face the street, civic space, passage, courtyard or front yard. [insert current image for Front and Entrances Oriented to the Street]</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>C. Secondary access may be from the side or rear, or, for multifamily buildings, through an interior stairway or elevator and corridor.</u>			<u>S</u>	<u>S</u>	<u>S</u>
<u>D. Building must be faced with cut stone, terra cotta, cast stone, or other materials of similar aesthetics and durability</u>	S				
<u>E. Building must be faced with cut stone or other natural materials, or with brick, split-faced block, or similar masonry materials</u>		S	S	G	
In order to avoid the monotonous and pedestrian unfriendly appearance of facades dominated by <u>F. For residential buildings with garage doors, any attached garage door parallel to a primary street may occupy no more than 50 percent of the width of that building façade, measured at grade. The portion of the façade that contains the garage door must be recessed at least eight feet behind the remainder of the façade.</u>				<u>S</u>	<u>S</u>
<u>G. Roofs must be defined with a discernible cornice line that matches the profile or overall height of and is within two vertical feet of</u> or is compatible with the cornice lines of adjacent abutting buildings	S	G	S	G	<u>G</u>
<u>H. Pitched roofs must be clad with highly durable fire-resistant materials such as standing seam metal, slate, ceramic, or composite tiles</u>	S				
<u>I. Use of green roofs for reductions</u>	G	G	G	G	<u>G</u>

in building energy consumption is strongly encouraged					
<u>J. Freestanding signs on poles or pylons are prohibited within frontage setback areas</u>	S	S	S	S	<u>S</u>
<u>K. Mechanical and electrical equipment such as transformers, air conditioning and heating units, communications antennae, and similar elements within required front and side street setback areas must be screened per 2400.2630</u> must not be visible from any point within the frontage setback area	S	S	S	S	<u>S</u>
<u>L. New vehicular access points are prohibited from streets parallel to the designated frontage. Access and egress must be from streets other than those with designated frontage.</u>	S	S			
<u>M. Where an alley is present, residential parking must be accessed through the alley.</u>				<u>S</u>	<u>S</u>
<u>N. Where no alley is present, residential parking must be accessed from a side street, if a corner lot, or a driveway to a rear yard or garage. [insert current image for Garage Access from Side Street]</u>				<u>S</u>	<u>S</u>
<u>O. Landscaping within the frontage setback shall include a double row of canopy trees meeting the requirements of part 2400.2630</u>	G	G			
<u>P. Front yards for dwellings must be landscaped. Landscaping may consist of trees, shrubs, or groundcovers, in combination with low fences or walls. [insert current image for Landscaped Front Yards]</u>					<u>S</u>
<u>Q. Usable outdoor space must be provided for each dwelling, to the rear or side of the principal</u>				<u>S</u>	<u>S</u>

<u>building, with a rectangular shape and a minimum dimension of eight feet. Usable outdoor space may not be paved. Usable outdoor space for multifamily, townhouse, and carriage house dwellings may be combined and shared by multiple dwelling units.</u>					
<u>R. Continuity of walls: building façades, fences and landscape masses must abut the required building setback line for the specified distance in part 2400.2400, subparts 4 to 7 to achieve contribute to the spatial definition of the frontage and form cohesive walls of enclosure along the street</u>	S	G	G	G	<u>G</u>
<u>S. Buildings shall be designed to be visually consistent with the key features of the majority of buildings on the same block face as follows:</u> Compatibility with visually related buildings, features and places. The following building and site elements must be designed to be visually compatible with the corresponding elements of those buildings, features and places that meet the standards of this chapter and to which the building is visually related: 1. Proportion and dimensions of the building's front façade: the relationship of width of the building to height of the front elevation 2. Proportion of openings: the relationship of width of the windows to height of the windows 3. Rhythm of solids to voids: the relationship of solids to voids in the building's front façade 4. Rhythm of spacing of	S	G	G	G	<u>G</u>

buildings: the relationship of a building to the open space between it and adjoining buildings 5. Rhythm of entrance and porch projections: the relationship of entrances and porch projections to sidewalks 6. Relationship of materials, texture, and color of building façades 7. Roof shapes 8. Scale of building: the size and mass of a building in relation to open spaces 9. Front elevation: the place and orientation of the front elevation of a building, including the shape and composition of its architectural elements • Landscape design: planted areas, plant materials, grading, pedestrian walks and areas, and other landscape elements					
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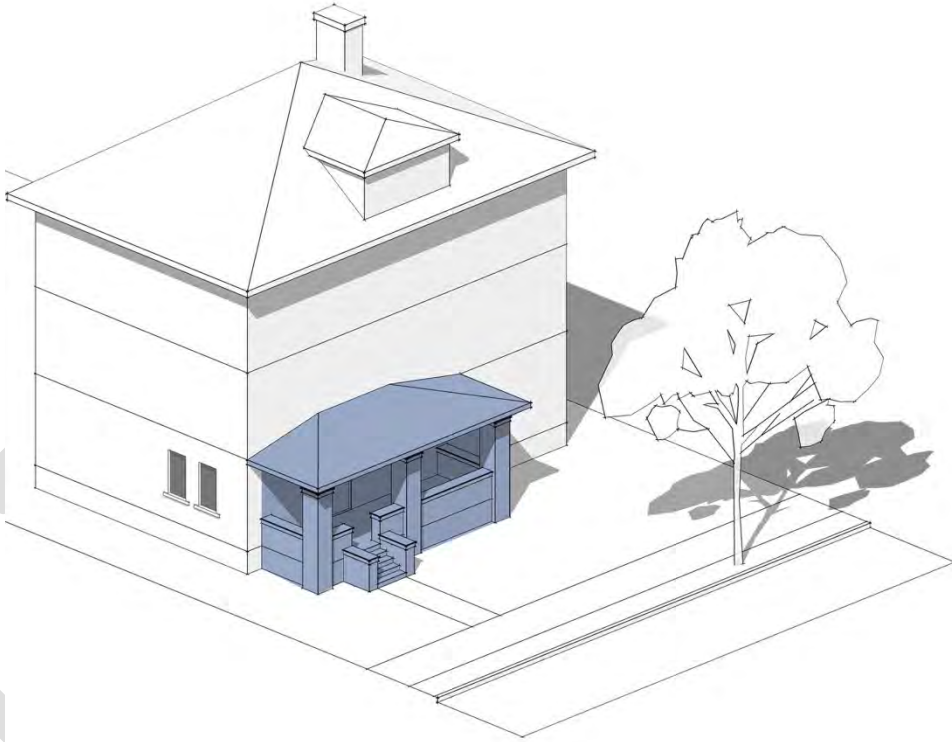
2400.2410 TYPICAL FRONTAGES.

Subpart 1. **Intent.** The intent of this part is to activate the ground floor or a building through a variety of allowed frontages that reflect the intended physical form and character of each zoning district.

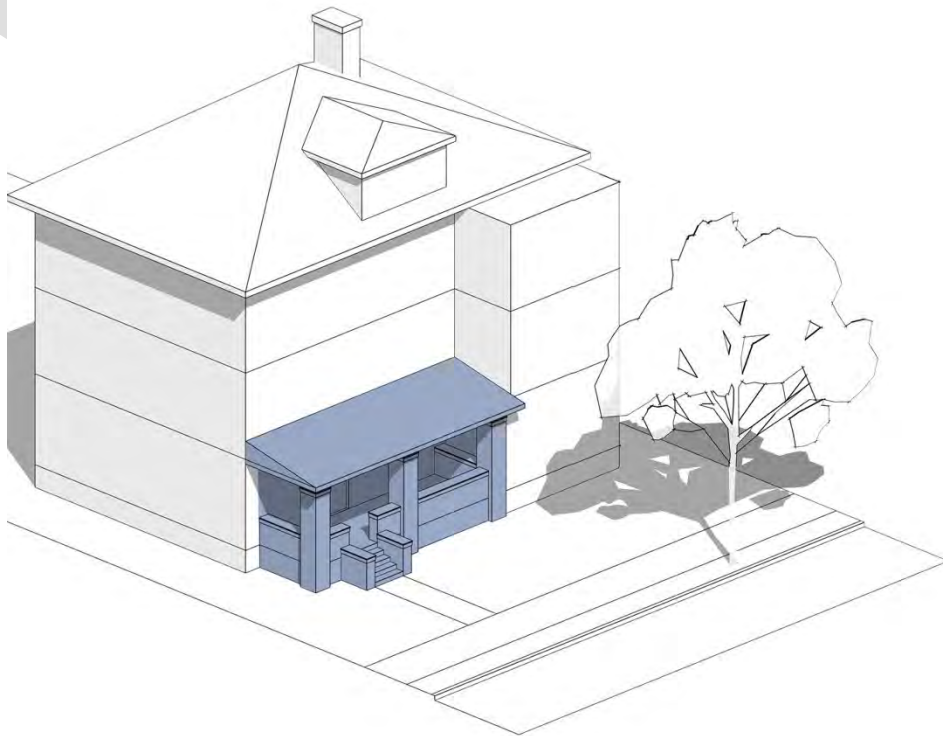
Subp. 2. **Scope.** This part provides examples of typical frontages that are appropriate for the various frontage types in the Capitol area. Other frontages are acceptable upon approval by the zoning administrator, provided that they meet frontage design standards in part 2400.2405.

Subp. 3. **Porch.** A porch is a fully covered structure that either projects (projecting porch) or is a part of the main façade of the building (recessed porch). It can be one to two stories and open on at least two sides.

[insert new graphic “Frontage_Projecting-Porch.jpg”]

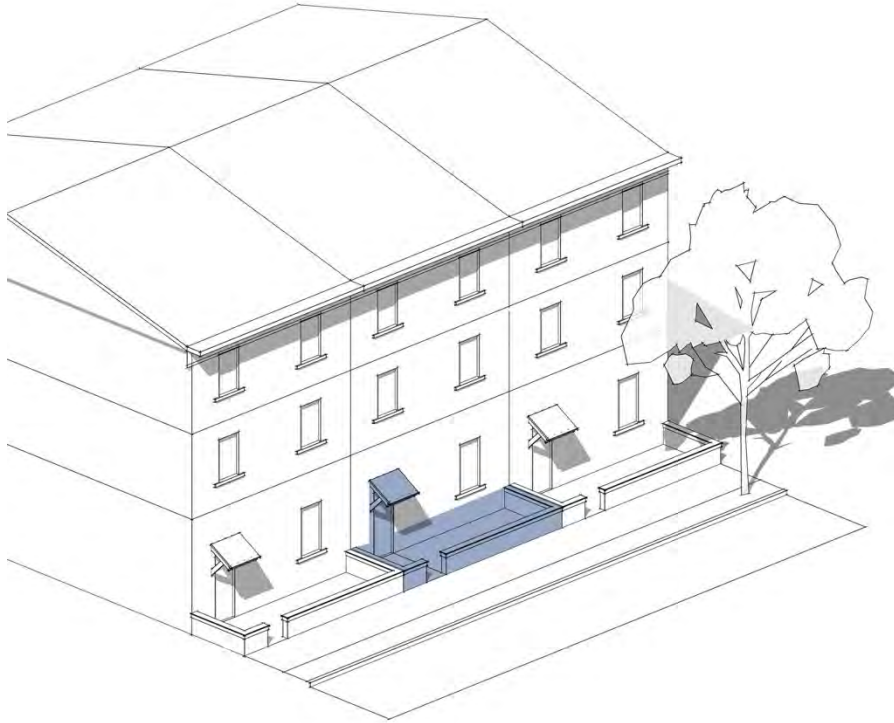


[insert new graphic “Frontage_Recessed-Porch.jpg”]



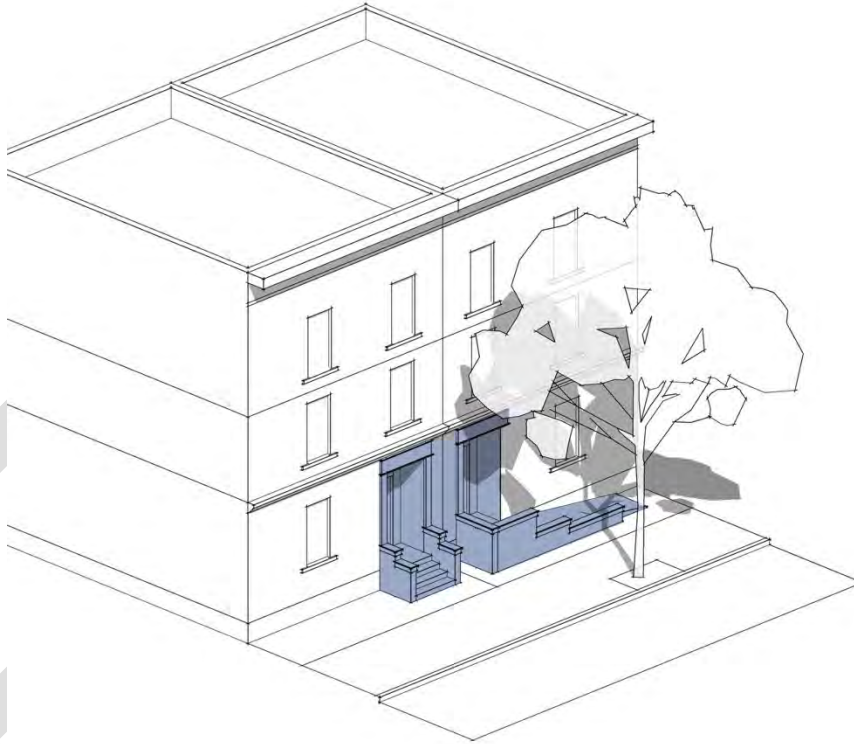
Subp. 4. **Patio.** A patio, sometimes referred to as a dooryard, is a space outside of the front door of a building or unit that is defined by a low wall or hedge and extends alongside the façade. Patios are separated from each other and are typically at grade.

[insert new graphic “Frontage_Patio.jpg”]



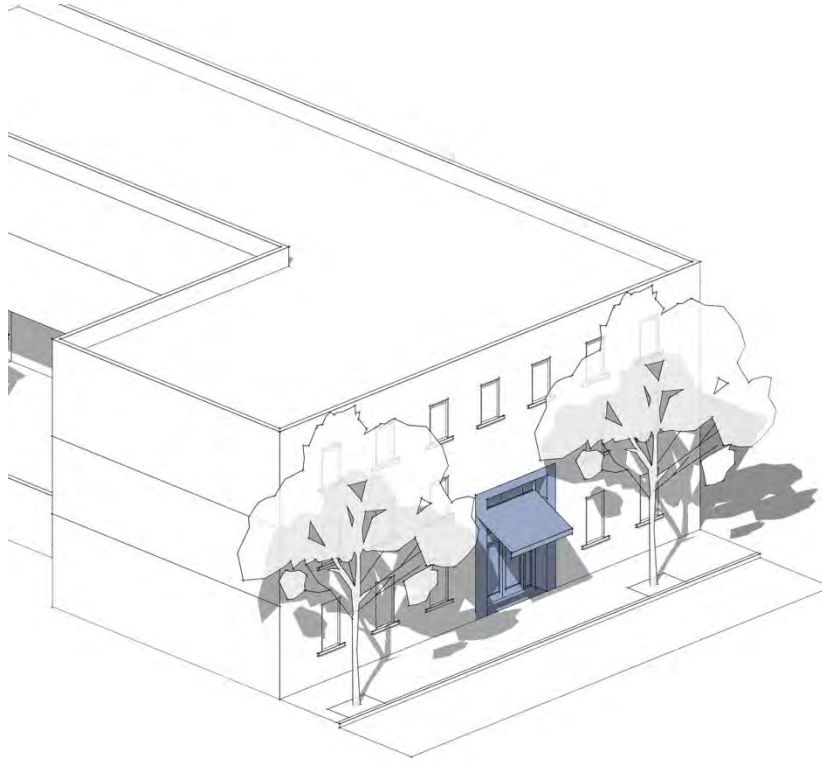
Subp. 5. **Stoop.** A stoop is a small raised landing outside of the front door(s) to a building or unit. Stairs connect the stoop directly to the sidewalk.

[insert new graphic “Frontage_Stoop.jpg”]



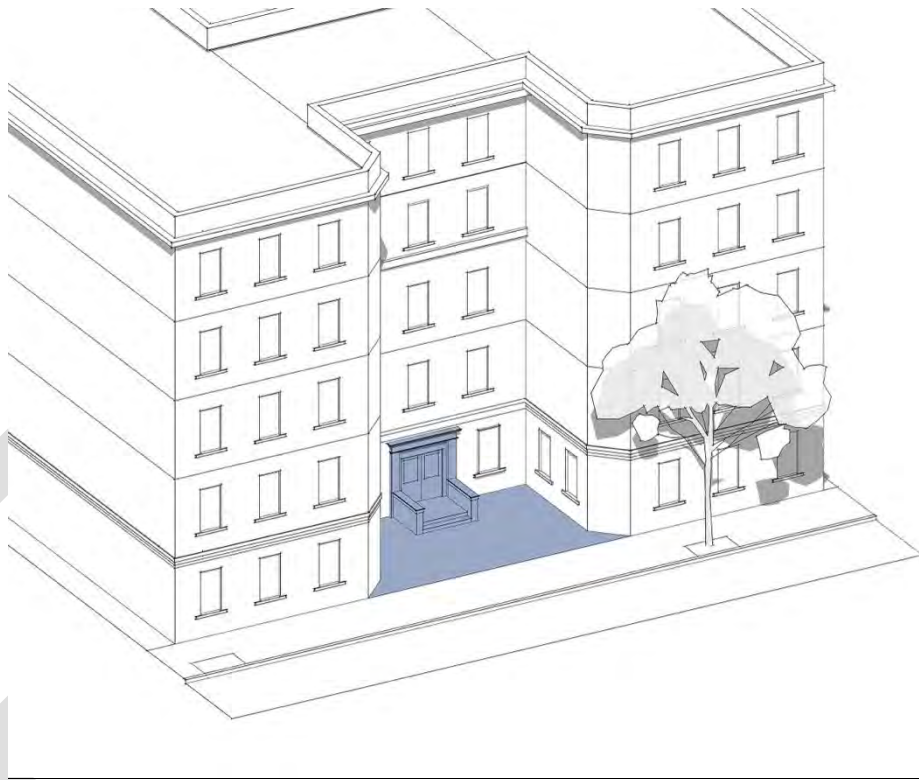
Subp. 6. **Common entry.** A common entry consists of a large opening in the façade that leads directly into the lobby or common space of the ground floor, which provides access to the individual units. The common entry is typically near the front lot line or within a forecourt.

[insert new graphic “Frontage_Common_Entry.jpg”]



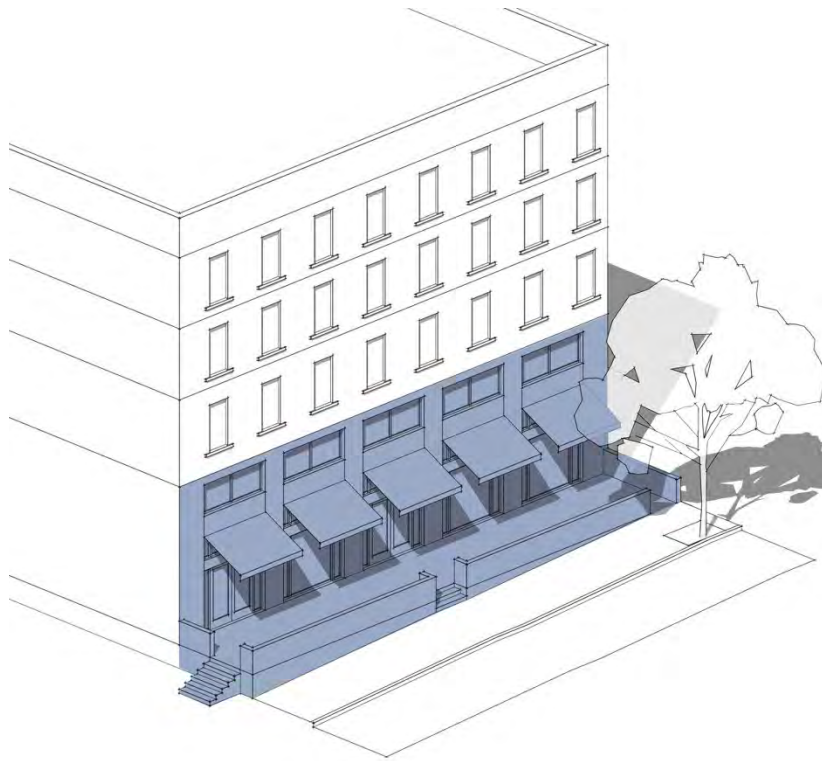
Subp. 7. Forecourt. A forecourt is an open-air space that connects to the public sidewalk and hosts the building's primary entrance(s). This space is a visual extension of the public realm into the site to create a shared garden or courtyard space for housing or an additional shopping or restaurant seating area for retail and service uses. Fences or low walls sometimes enclose forecourts from the street. The forecourt occurs on one lot and is distinct from a plaza, which can be adjacent to multiple lots. The following frontages can be combined with the forecourt: stoop, shopfront, gallery, or arcade.

[insert new graphic “Frontage_Forecourt.jpg”]



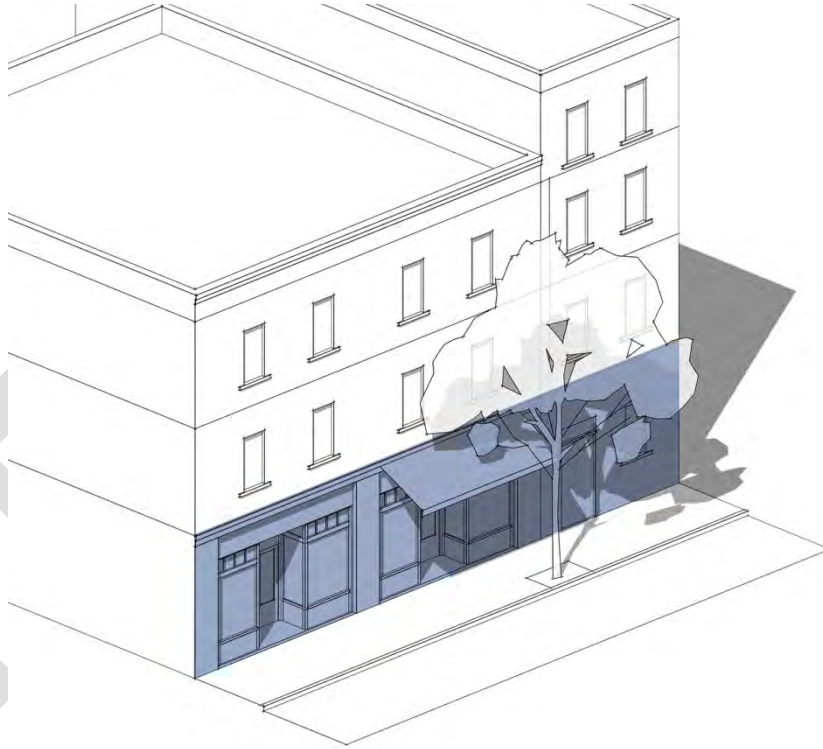
Subp. 8. Terrace. A terrace is an elevated area for pedestrian circulation along the façade that typically provides access to multiple building entrances. Access to the elevated level(s) is provided via stairs and ramps. The terrace frontage is used for retail, service, office uses, or housing to provide outdoor areas along the sidewalk and/or to accommodate an existing or intended grade change.

[insert new graphic “Frontage_Terrace.jpg”]



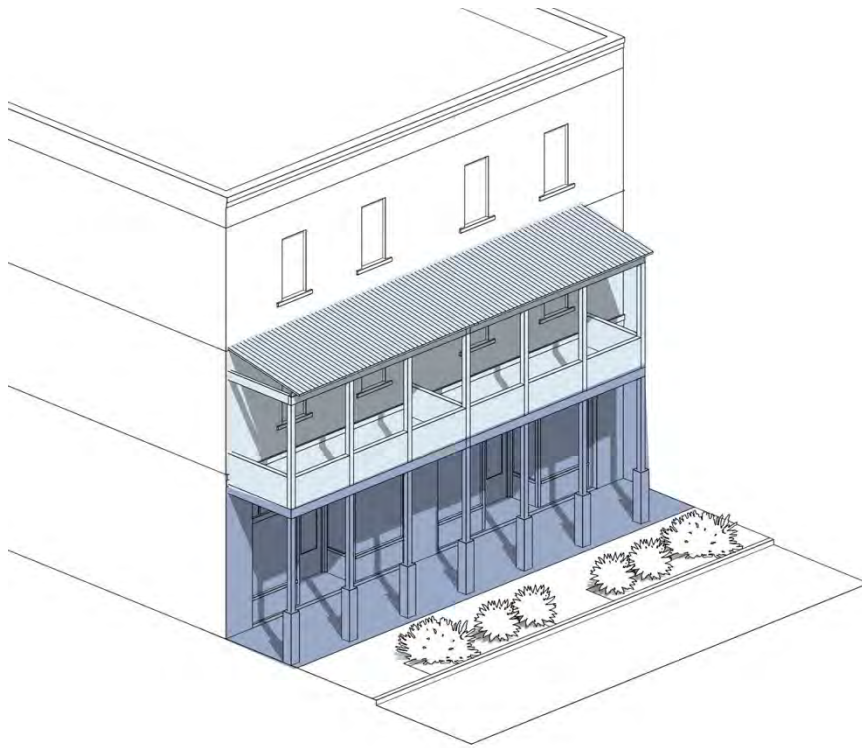
Subp. 9. Shopfront. A shopfront is a discrete and coherent assembly that is composed of an entrance, clear glass, signage and framing elements, sometimes including canopies or awnings. Shopfronts are typically between 15 and 30 feet wide and each correlates with a single ground floor use. The shopfront frontage is intended for service, retail, or restaurant use and includes substantial glazing between the shopfront base and the ground floor ceiling.

[insert new graphic “Frontage_Shopfront.jpg”]



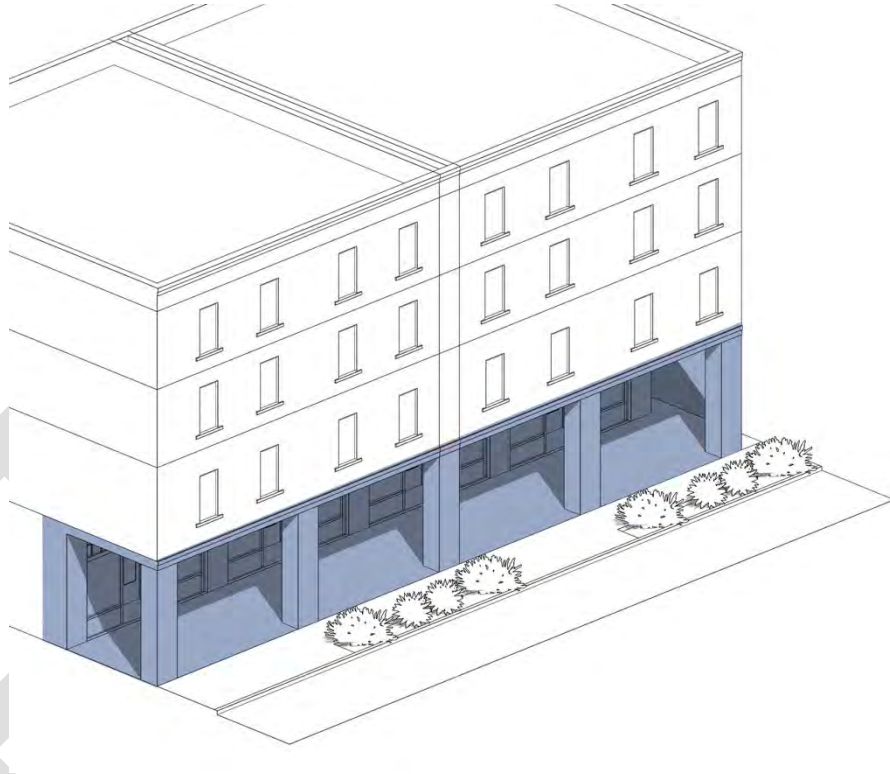
Subp. 10. Gallery. A gallery is a one- or two-story structure that projects from a building façade to cover the sidewalk with a colonnade or arches. When used in nonresidential settings, the gallery is used with the shopfront; when used in residential settings the gallery is used with stoops, patios, and forecourts.

[insert new graphic “Frontage_Gallery.jpg”]



Subp. 11. Arcade. An arcade extends the upper floors of a building over the sidewalk with a colonnade or arches. Occupiable space on the upper floor(s) typically extends over the sidewalk. When used in nonresidential settings, the recessed ground floor façade incorporates the shopfront; when used in residential settings, stoops, patios, and forecourts are included.

[insert new graphic "Frontage_Arcade.jpg"]



~~2400.2410 — RESIDENTIAL FRONTAGE DESIGN STANDARDS.~~

- ~~A. Building fronts must be oriented to the primary abutting street.~~
- ~~B. Primary entrances to ground floor dwellings must be accessed directly from and face the street.~~

~~Fronts and Entrances Oriented to the Street~~

- ~~C. Secondary access may be from the side or rear, or, for multifamily buildings, through an interior stairway or elevator and corridor.~~
- ~~D. Where an alley is present, parking must be accessed through the alley.~~
- ~~E. Where no alley is present, parking must be accessed from a side street, if a corner lot, or a driveway to a rear yard or garage.~~

~~Garage Access from Side Street~~

- ~~F. In order to avoid the monotonous and pedestrian unfriendly appearance of facades dominated by garage doors, any attached garage door parallel to a primary street may occupy no more than 50 percent of the width of that building façade, measured at grade. The portion of the façade that contains the garage door must be recessed at least eight feet~~

~~behind the remainder of the façade.~~

~~G. Usable outdoor space must be provided for each dwelling, to the rear or side of the principal building, with a rectangular shape and a minimum dimension of eight feet. Usable outdoor space may not be paved. Usable outdoor space for multifamily, townhouse, and carriage house dwellings may be combined and shared by multiple dwelling units.~~

~~H. Front yards must be landscaped. Landscaping may consist of trees, shrubs, or groundcovers, in combination with low fences or walls.~~

~~Landscaped Front Yards~~

~~I. The proportion, size, rhythm and detailing of windows and doors in new construction must be compatible with that of adjacent buildings, but need not replicate them exactly.~~

~~J. Open porches and balconies are encouraged on building fronts.~~

~~Open porches~~

~~K. Building façades greater than 40 feet in length must be divided into smaller increments of 20 feet or less by means of divisions or breaks in materials, entry placement, window bays, or other architectural details.~~

~~Longer Buildings Articulated into Smaller Increments~~

2400.2500 Examples TYPICAL of BUILDING TYPES.

Subpart 1. **Intent.** The intent of this part is to generate the intended physical form and character of each zoning district through a variety of allowed building types, establish design parameters for specific building types, regardless of what zoning district in which the buildings are located, and to encourage new building design that respects its context.

Subp. 2. **Scope.** This part provides examples of typical building types that are appropriate for the various zoning districts in the Capitol area. Other building types are acceptable upon approval by the zoning administrator, provided that they meet the lot, height and frontage requirements and design standards of this ordinance.

~~Subp. 3. **One-Family Building.** A one-family building is a single family dwelling with yards on all sides. One-family buildings in the Capitol area are designed to fit on relatively narrow lots with the longest building dimension perpendicular to the street, with an attached or detached garage.~~

Subp. 3. Massing and facade articulation.

A. Facades shall be designed on a background of bays, individual or grouped. Each bay shall be between 5 and 30 feet wide and may vary in width.

B. Facades shall be designed with a change in plane of at least two feet extending from

the ground story through the roof as required below

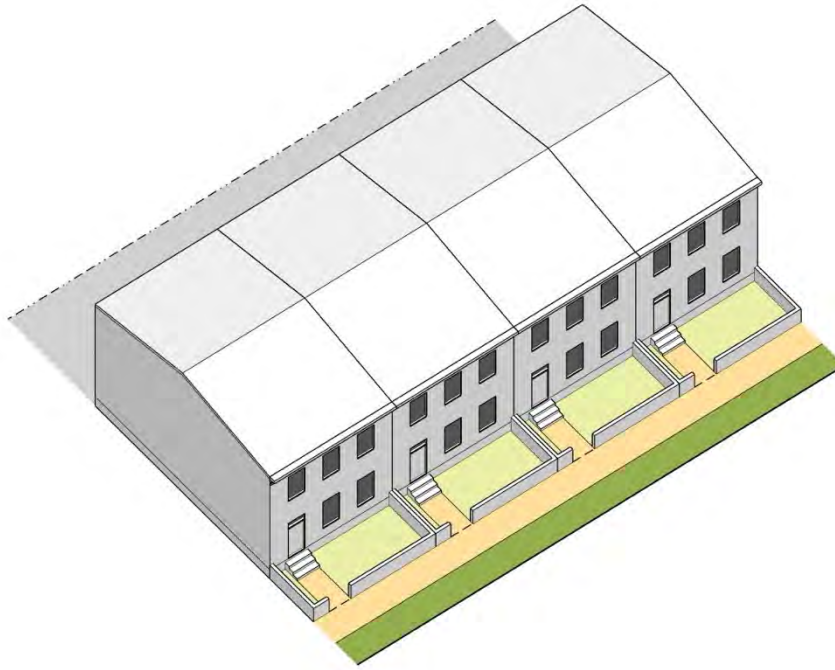
- (1) G-1 and G-2 Districts. Facades longer than 150 feet;
- (2) MX and MXD Districts. Facades longer than 100 feet;
- (3) MR District. Facades longer than 75 feet.

C. Buildings of four or more stories shall design facades to visually express a base, middle, and top.

- (1) Boundaries between the base, middle, and top are articulated by a cornice, projecting profile/string course, or other horizontal element that is consistent across the length of the building.
- (2) The base comprises the lowest story/stories of the building and requires a high attention to detail pursuant to part 2400.2400 to 2400.2410.
- (3) The middle comprises more stories than the base or top and must incorporate the building's primary wall color and finish material.
- (4) The top comprises the roof or cornice treatment to visually cap the building. The top can include the uppermost story, provided that a cornice, projecting profile/string course, and change of material or color are expressed on the façade starting at the floor level of the uppermost story.

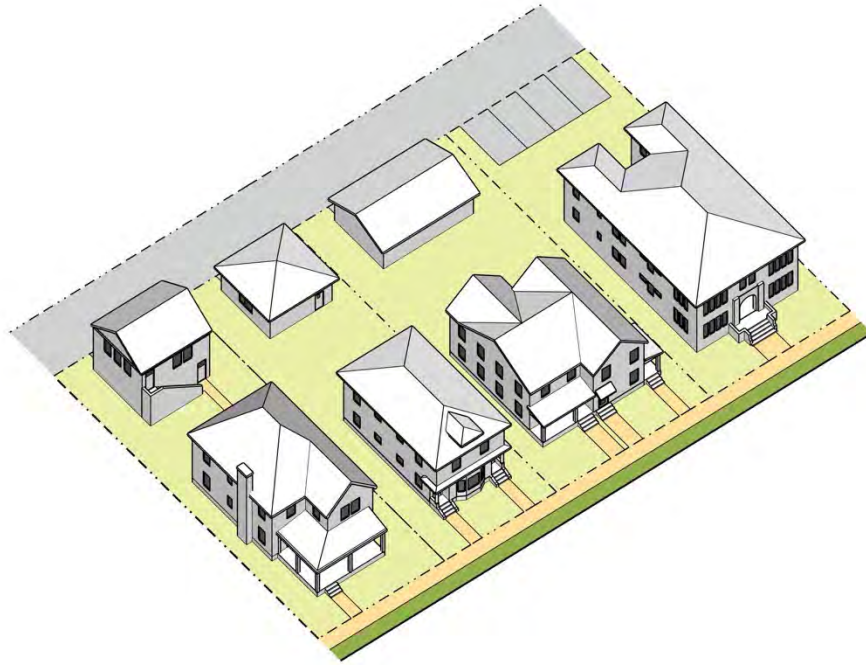
Subp. 64. **Townhouse.** A ~~townhouse~~ is a house-scale building comprised of individual dwelling units within a linear group of horizontally attached dwellings, each having a private entrance and totally exposed front and rear walls to be used for access, light, and ventilation.

[insert updated graphic “Building_Townhouse.jpg”]



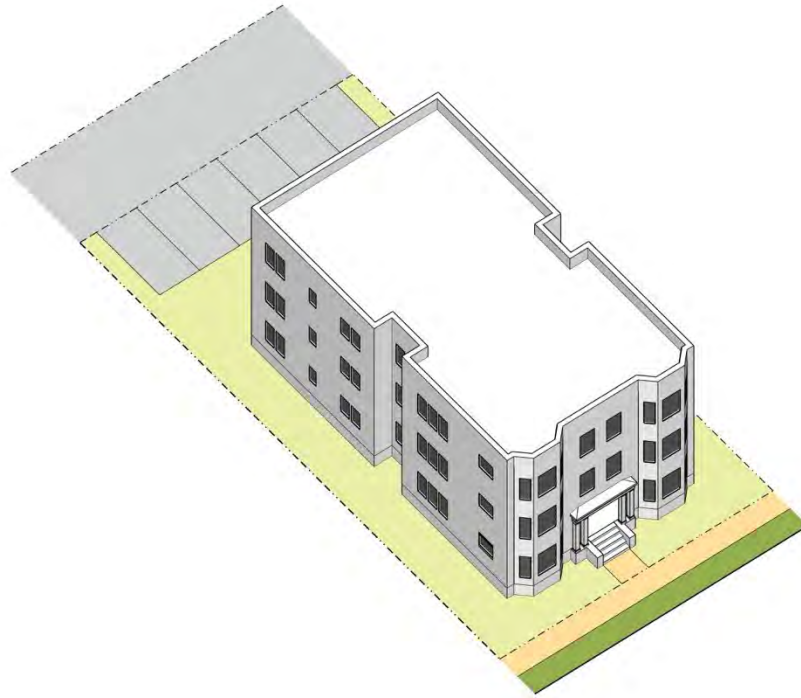
Subp. 75. **Small multiplex** ~~Small apartment, mansion building~~. A small apartment, ~~mansion~~house-scale, building is a multistory-multifamily building designed to resemble a large single-family building, typically with a pitched roof and central entrance oriented to the primary abutting street.

[insert updated graphic “Building_Small_Multiplex.jpg”]



Subp. 86. **Large apartment building, stacked flats multiplex.** A large block-scale apartment building, stacked flats is a multistory building with combined entrances, stairways and elevators, and is composed of single- or two-level occupant spaces stacked on top of each other, typically accessed from a central corridor.

[insert updated graphic “Building_Large_Multiplex.jpg”]



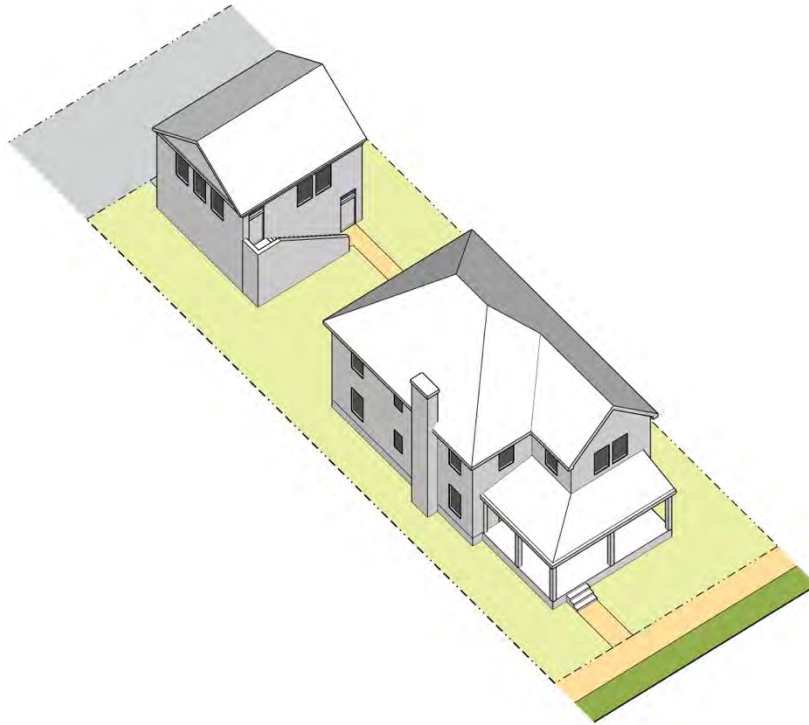
Subp. 97. **Courtyard apartment building multiplex.** A courtyard apartment building is a ~~multi-story~~ house-scale building designed around an open courtyard abutting the primary street, surrounded by building walls on ~~three~~ at least two sides.

[insert updated graphic “Building_Courtyard.jpg”]



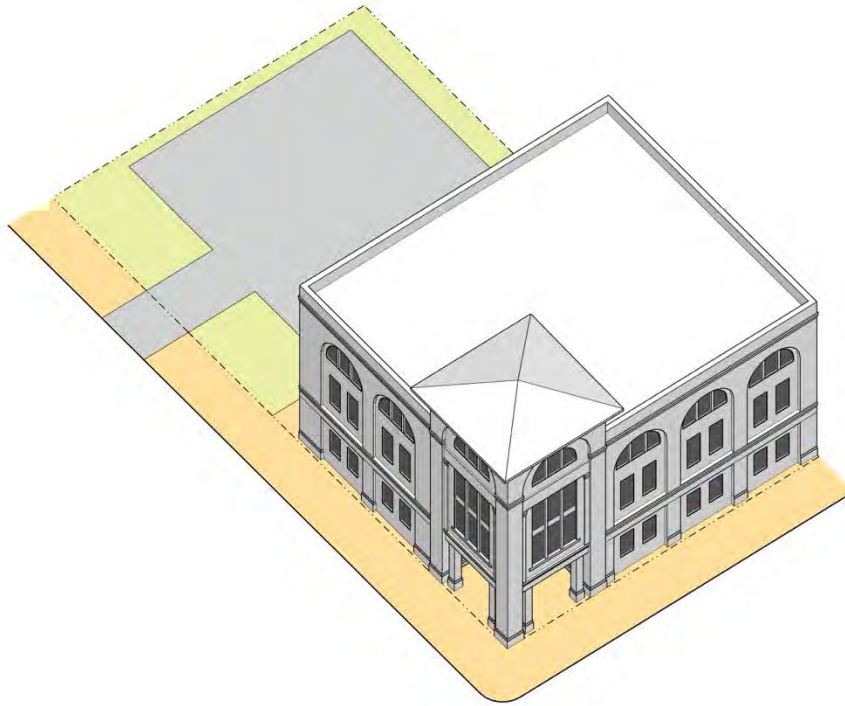
Subp. 408. Carriage house building. ~~A carriage house~~house-scale building is that contains an accessory dwelling unit located above an attached garage, or a group of attached dwelling units located above a series of attached garages. ~~A site plan and a building plan must be submitted to the zoning administrator at the time of application.~~ Carriage house dwellings are exceptions to the one main building per zoning lot requirement. Carriage houses must employ materials, roof pitch, orientation, door and window placement and proportions, and other details compatible with those of the principal building.

[insert updated graphic “Building_Carriage_House.jpg”]



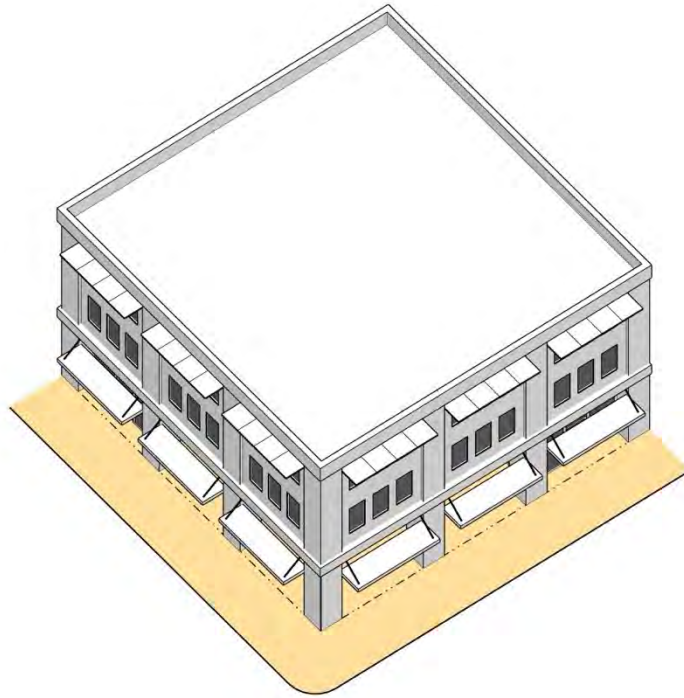
Subp. 119. **Civic building.** A civic block-sale building is a building type with classical proportions and high-quality materials on all sides; predominantly in office use. ~~Civic buildings used for state functions in the Capitol area are planned with the active involvement of the board and other stakeholders.~~

[insert updated graphic “Building_Civic.jpg”]



Subp. 4210. **Commercial block building.** A ~~commercial block building~~ is a ~~multi-story~~ block-scale building that is designed to support a mix of commercial or office uses on the ground floor with office, studio and/or residential units above. Buildings are typically designed with storefront or arcade frontages at ground floor.

[insert updated graphic “Building_Commercial_Block.jpg”]



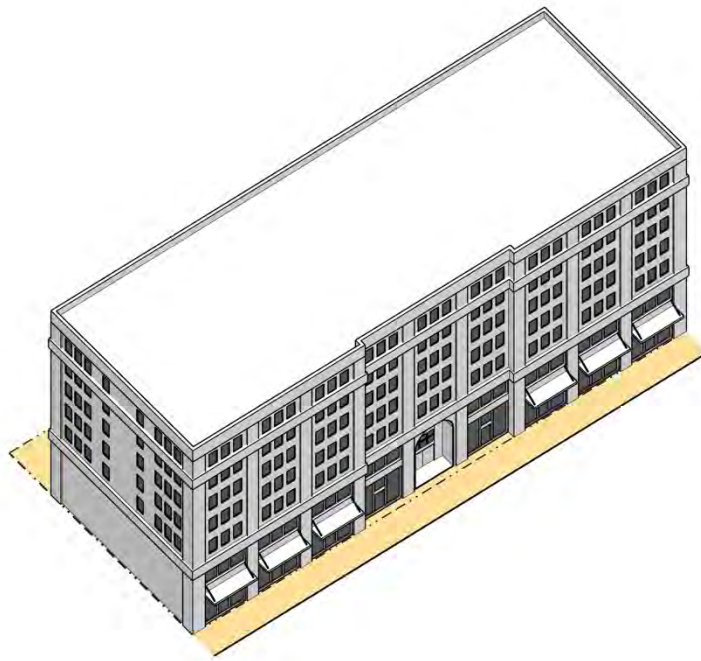
Subp. 13. **Parking building.** A parking building is a multi-story building specifically designed for temporary parking of automobiles, which may also include groundfloor storefronts and upper level office space.

Subp. 14. **Live-work building.** A live-work building is similar to townhouses in scale and detailing, but with a ground floor designed for small commercial, office and service establishments, often with storefront detailing. Live-work buildings are generally placed at or close to the sidewalk, although a forecourt or patio design may be used to allow for outdoor seating space.

Subp. 15. **Liner building.** A liner building is a specialized building designed to conceal an area such as a parking lot or loading dock. While liner buildings may include commercial or residential uses, their limited depth makes them more disposed to residential use. Liner buildings may have a small common front yard, but do not include individual private outdoor spaces.

Subp. 1611. **Podium building.** A podium building is a multistory mixed-use block-scale building in which the upper stories are stepped back from a distinct from the lower base to provide outdoor terraces, to avoid excessive shadowing of streets or public spaces, or to preserve important views.

[insert updated graphic “Building_Podium.jpg”]



~~Subp. 17. **Free-standing workplace.** A freestanding workplace is a variable multistory building type designed to accommodate primarily office functions and limited retail services. A principal entrance is generally oriented to the primary abutting street. Building forms are flexible.~~

2400.2600 SCOPE OF GENERAL REGULATIONS

Parts 2400.2600 to ~~2400.2635-2640~~ establish standards that apply throughout all or a portion of the Capitol area, including standards for accessory buildings and structures, landscaping, and lighting.

2400.2605 ACCESSORY BUILDINGS.

Accessory buildings in all zoning districts must comply with the following standards:

- A. An accessory building attached to a principal building, such as an attached garage, must comply with all the setback and height requirements applicable to the principal building.
- B. Accessory buildings on a zoning lot may occupy up to 35 percent of the rear yard area. The total ground floor area of all accessory buildings must not exceed 1,000 square feet, and shall not exceed the ground floor area of the principal building.
- C. A maximum of two accessory buildings is permitted on any zoning lot.

D. Buildings accessory to residential uses must be set back at least three feet from all interior lot lines and one foot from any lot line adjoining an alley. Accessory buildings on corner lots must be set back the same distance as the principal building from the street side lot line.

E. Buildings accessory to residential uses, with the exception of accessory dwelling units, shall not exceed ~~one~~ one story or 14 feet in height.

2400.2610 EXTERIOR LIGHTING.

A. All outdoor lighting in all use districts, including off-street parking facilities, must be shielded to reduce glare and must be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three footcandles measured at the residence district boundary.

B. All lighting used for the external illumination of buildings must be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

C. Illumination of signs must be directed or shaded downward so as not to interfere with the vision of persons on adjacent highways or adjacent property.

D. Illumination of signs and any other outdoor feature must not be of a flashing, moving, or intermittent type. Illumination must be maintained stationary and constant in intensity and color at all times when in use.

2400.2615 ENCROACHMENTS INTO REQUIRED YARDS.

The following structures or features are permitted to extend into or be located in required yards.

A. Entranceway structures, including walls, columns, and gates marking entrances to housing developments, may be located in a required yard if in compliance with all applicable city and state codes.

B. An open covered porch may project up to ten feet into a required front yard.

C. Porches shall be at least seven and a half (7.5) feet deep (clear). Enclosed porches are not allowed to encroach into required yards.

D. An open and uncovered deck may project up to ten feet into a required rear yard, provided the walking surface of the deck is not higher than eight feet above the adjacent grade.

E. An uncovered deck, paved terrace, or patio not exceeding two feet in height above the adjacent grade is considered landscaping and is not subject to setback or lot coverage requirements.

F. Architectural features such as overhangs, decorative details, and bay windows may extend or project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend or project into a required front yard or rear yard not more than three feet.

G. Accessible ramps for a person with a mobility impairment are exempted and may project into all required yards.

H. Chimneys and fireplaces may project one foot into a required yard.

I. Air conditioning condensers may be located in required side and rear yards.

J. Satellite dish antenna and amateur radio antennas may be located in required side and rear yards, sited in locations that will minimize visibility from the street according to part 2400.2740.

K. Balconies shall measure at least five feet in any direction. Enclosed balconies are not allowed to encroach into required yards.

2400.2620 CORNER CLEARANCE.

On a corner lot at ~~two~~2 intersecting streets, no fence, wall, or other structure is allowed above a height of ~~two~~2 feet from sidewalk grade in the triangular area of the lot included within ~~ten~~10 feet of the corner along each lot line unless the structure is more than 80 percent open.

2400.2625 STREET AND LANDSCAPE ELEMENTS.

Exterior structural elements such as benches, transit shelters, vending equipment, and similar elements in the public right-of-way must be approved by the board for both design and location.

2400.2630 LANDSCAPE AND SCREENING STANDARDS.

Subpart 1. **Visual screens required.** The uses described in item A must be screened when abutting or adjacent to a residential ~~district~~use. Screening shall consist of an obscuring wall or obscuring fence, or other visual screen having a minimum height as required in item A. Whenever visual screens are required, the following standards apply.

A. Height regulations:

- (1) commercial or office uses, ~~4-1/2~~four-and-a-half feet;
- (2) hospital ambulance, delivery, and service areas, six feet;
- (3) utility buildings, stations, or substations, six feet; and
- (4) outdoor storage or service areas for nonresidential or multifamily uses, six feet.

- B. Visual screens must be located completely within the lot~~line~~.
- C. Visual screen locations must conform with front ~~yard~~-setback lines in residential districts.
- D. Upon approval of the board, a required visual screen may be located on the opposite side of an alley right-of-way from the nonresidential ~~zone~~use, when mutually agreeable to affected property owners. Maintenance is the responsibility of the person required to erect the screen.
- E. The land between the screen and the ~~property-lot~~ line must be landscaped and maintained so that all plant materials are healthy and the area is free from refuse and debris.
- F. Required visual screens must have no opening for pedestrians or vehicles except as shown on an approved site plan.

Subp. 2. **Landscaping of off-street parking lots.** All off-street parking lots of more than four parking spaces must be landscaped as follows:

- A. A landscaped area at least eight feet in width must be provided between parking lots and the abutting street. Screening within this area must include a masonry wall, decorated fence, berm, or hedge that forms a screen between ~~three~~3 and 3-1/2 feet in height, plus ~~one~~1 deciduous shade tree planted every 40 feet on center.
- B. A landscaped area at least six feet in width must be provided along side and rear lot lines between parking lots and abutting residential uses. Screening within this area must include a fence or wall at least 90 percent opaque, between 4-1/2 and ~~six~~6 feet in height, plus at least ~~one~~1 tree and ~~five~~5 shrubs for every 50 lineal feet of ~~property-lot~~ line.
- C. Off-street parking lots larger than 50 spaces must include 300 square feet of landscaped islands for every 50 spaces over 50. Each landscaped island must be a minimum of ~~ten~~10 feet in width and 300 square feet in area.

Subp. 3. **Landscaping of open areas.** The remainder of any landscaped area not occupied by trees or shrubs must be covered with turf grass, native grasses, or other perennial flowering plants, vines, shrubs, or trees. The use of drought-tolerant, native vegetation must be prioritized.

Subp. 4. **Plant materials; standards and maintenance.** Plant materials used in visual screens, parking lot landscaping, or other applications must meet the following standards:

- A. The genus and species of all plant materials must be identified on all plans submitted for permit approval. Priority must be given to native and/or climatically appropriate trees, shrubs, and grasses wherever appropriate pursuant to Minnesota Statutes section 15B.05 subd.8.
- B. The species, size, location, and spacing of plant materials must be appropriate for the purpose intended, and must be planted within 180 days from the date of issuance of a

certificate of occupancy.

C. At the time of planting, minimum plant sizes are as follows: shade trees must be 1-1/2 inch caliper, ornamental trees must be six to eight feet overall height, conifers must be four to six feet overall height, and shrubs used for screening must be 15 to 18 inches overall height.

D. Wherever plant materials are used to satisfy a visual screen requirement, planting must be sufficiently dense to provide an unbroken visual barrier within a maximum of two growing seasons after the time of planting.

E. The owners are responsible for maintaining all landscaping in a healthy and growing condition and keeping it free from refuse and debris. Dead plant materials must be removed within a reasonable time and replaced during the normal planting seasons. Plant materials shall be warranted for a minimum of two years.

2400.2635 STORMWATER MANAGEMENT STANDARDS.

A. For less where less than one-quarter of an acre is affected by development, the lot coverage requirement differs by zoning district:

- (1) For buildings in the G-1 and MX districts, a maximum of 85 percent of lot area shall be impervious.
- (2) For buildings in the MR district, a maximum of 40 percent of lot area shall be impervious. Accessory buildings must comply with part 2400.2605.
- (3) For development in the MXD district, a maximum of 100 percent of lot area shall be impervious.

B. For sites where more than one-quarter of an acre is affected by development, ~~with the exception of state of Minnesota buildings and facilities,~~ the standards of the city of St. Paul Public Works Department for stormwater runoff for the site apply. Stormwater management plans and calculations are required as part of building permit submittals.

C. All projects that occupy or disturb an area larger than one acre in size, ~~with the exception of state of Minnesota buildings and facilities,~~ are subject to the stormwater management, erosion, sedimentation control, and other standards of the Capitol Region Watershed District.

2400.2700 SCOPE OF SUPPLEMENTAL REGULATIONS.

Parts 2400.2700 to 2400.2740 establish standards applicable to particular land uses, including permitted and conditional uses, in one or more zoning districts. The standards apply within all zoning districts where the specified use is allowed, except where otherwise noted.

2400.2705 STANDARDS FOR COMMEMORATIVE ARTWORK.

Subpart 1. Guiding principles for commemorative artwork.

- A. The collection of commemorative artwork on the Capitol grounds must reflect the state's diverse history and people.
- B. The board must:
 - (1) provide for public input, public access, and transparency in making decisions about commemorative artwork on the Capitol grounds; and
 - (2) review existing commemorative artwork as needed or every ten years to:
 - a) gather public input regarding the commemorative artwork collection; and
 - b) ensure that the artwork in the commemorative artwork collection meet the standards and intent of parts 2400.2040 and 2400.~~2703~~2705.
- C. All decisions about commemorative artwork must account for the historic, architectural, and artistic integrity of the Capitol building and grounds.

Subp. 2. Conditions for adding new artwork. The board must consider displaying new commemorative artwork in the Capitol area if the artwork meets all of the following conditions:

- A. there has been documented public support of the artwork;
- B. the artwork has lasting statewide significance for Minnesotans;
- C. the artwork is respectful of the diversity of Minnesotans;
- D. viewing the artwork provides a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture; and
- E. if an individual is the subject of an artwork, the individual must:
 - (1) have lived in Minnesota or the geographical area now identified as Minnesota for at least five years during the individual's life;
 - (2) have historical significance;
 - (3) be renowned and admired by Minnesotans; and
 - (4) have been deceased for at least ten years.

Subp. 3. Application and review process for new artwork.

- A. An applicant requesting placement of a new commemorative artwork in the Capitol

area must submit an addition request to the board using the form available on the board website. The board website must provide clear and accessible instructions for completing the application form. Within ten calendar days of the board's receipt of an addition request, board staff must determine whether the application form is complete and inform the applicant of that determination. If board staff find that the application is incomplete, board staff must advise the applicant that the application is incomplete and identify what information is missing to the applicant.

B. Once board staff determine that an application is complete, board staff must review the addition request and analyze whether the request meets all of the conditions in subpart 2. Board staff shall prepare a written report of the staff's findings.

C. Board staff must post a summary of the addition request and the board staff report on the board website. The posting must include timely updates about the application's status, opportunities for public input, and meetings of the board at which the application shall be discussed or voted upon.

D. After the staff report is posted on the board website, the board must open a 30-day public comment period and direct board staff to host or cohost at least one public meeting to gather input on whether the addition request meets all of the conditions in subpart 2. The public meeting may be hosted, organized, and managed according to subpart 10.

E. When the 30-day public comment period and public meeting are complete, board staff shall prepare a written summary of the public comments that the board received and provide a recommendation to the board on whether to accept the application and proceed to the next step in the project review process or reject the application for failing to meet all of the conditions in subpart 2. The board shall meet and host a public hearing to consider the addition request, staff report and recommendation, and public comments that the board received. The board shall determine whether the addition request meets all of the conditions in subpart 2 and may advance in the process for further review-site selection. A majority vote of the full board is required to accept the application and advance the application for further review-site selection.

(1) If the board accepts an addition request application, board staff must notify the applicant and the Department of Administration within 14 calendar days of the board's vote accepting the application for further review-site selection.

(2) If the board rejects an addition request application for failing to meet all of the conditions in subpart 2, board staff must notify the applicant in writing within 14 calendar days of the board's vote rejecting the application and provide the applicant with reasons for the rejection.

F. After an addition request application is accepted by the board for further review-site selection, board staff and the board's architectural advisers must conduct a site selection study with the applicant. Where necessary and with permission from the board, the board executive secretary may commence the site selection process following the determination

made in subpart 3, item B. The Department of Administration must review and comment on proposed sites for the commemorative artwork. Board staff and the board's architectural advisers must recommend a site for the proposed artwork to the full board based on the criteria for the location of new artwork in subpart 4.

G. After board staff and the board's architectural advisers identify a site for the proposed commemorative artwork, the board shall meet to determine whether the proposed location meets all of the criteria in subpart 4. After an opportunity to hear public comments at the board meeting, the board shall vote on the location of the commemorative artwork. A majority vote of the full board is required to accept a site location for any new commemorative artwork. The board must notify the applicant in writing of the board's site selection decision within 14 calendar days of the meeting.

H. If the board accepts the addition request application and approves of the artwork's location, the applicant must raise money or otherwise pay for the cost of completing the design process.

I. The applicant must work with board staff and the board's architectural advisers to develop a design framework document that includes:

- (1) the goals and objectives of the applicant;
- (2) the applicable zoning standards, project planning parameters, or design guidelines for the selected site;
- (3) the proposed budget, schedule, location, site-specific conditions, and technical parameters;
- (4) the plan for informing and engaging key stakeholders and members of the public during the design process; and
- (5) additional design process guidelines, including the composition of the design selection group, designer qualifications, the criteria that the design selection group must use, and submission requirements.

J. In accordance with Minnesota Statutes, section 15B.21, subdivision 3, the board must provide testimony to the legislature on any commemorative artwork proposal in the Capitol area seeking an appropriation of funding. The applicant may be asked to testify about the applicant's proposal. This testimony must address the proposal's alignment with the design objectives of the Comprehensive Plan for the Minnesota Capitol Area, which is incorporated by reference, is not subject to frequent change, and is available on the Capitol Area Architectural and Planning Board website.

K. Using the design framework developed according to item I and the design objectives in the Comprehensive Plan for the Minnesota Capitol Area incorporated by reference under item J, the board must initiate either an open solicitation for design proposals or a request for qualification process to select a designer or design concept through the competitive

process outlined in the design framework and in accordance with the following steps:

- (1) The board must assemble a design review group to assist the board with selecting a design, designer, or design concept. The design review group must include:
 - a) the applicant;
 - b) two board members;
 - c) two or three architectural advisers;
 - d) one person appointed by the commissioner of administration;
 - e) a representative from the Minnesota Historical Society staff;
 - f) two professionals appointed by the board that are experienced in the fields of visual art, public art, art history, architecture, or history;
 - g) two members of the public appointed by the board;
 - h) up to five additional committee members appointed by the board as needed for professional expertise; and
 - i) board staff to oversee and support the committee's work.
- (2) The design review group must review the design proposals, designer applications, or design concept applications and vote for a design, designer, or design concept to recommend to the board.
- (3) After considering the design review group's recommendation, the board must vote to approve or reject the design review group's recommendation. A majority vote of the board is required to accept a design, designer, or design concept.

L. Upon selection of a designer and design concept by the design review group but before design and construction begin, the applicant must deposit with the Department of Administration enough money to complete the project as designed and an amount equal to 20 percent of the total estimated construction costs to cover the cost of operation, repairs, and maintenance of the work over time. Board staff shall be available to provide testimony to the legislature under Minnesota Statutes, section 15B.21, subdivision 3, but shall not raise money for the applicant.

M. After project costs are deposited with the Department of Administration as required under this subpart, board staff and advisers, a designer or artist, an applicant committee, and a Department of Administration project manager must form a working group to monitor the design framework and budget during the schematic design and design development phases. With guidance from the working group, the selected designer must

enter into a contract with the Department of Administration that includes a project timeline and budget.

N. The selected designer must proceed with the schematic design and design development phases of the design process with regular working group reviews. The board must approve the project's design framework, final schematic design, and design development. The final schematic design must comply with the project's design framework, the Comprehensive Plan for the Minnesota Capitol Area, and this part and parts 2400.2040 and 2400.2705. After board approval of the final schematic design and design development, the project may proceed with construction documents and bidding under the guidance of the Department of Administration. The board executive secretary is authorized to review construction documents for consistency with the schematic design and design development that have been approved by the board.

O. With approval from the board, the board executive secretary may propose to modify the timing of the steps and rules process where necessary.

Subp. 4. Criteria for determining location of new artwork. The board must use the following criteria to evaluate the proposed location for a commemorative artwork in the Capitol area:

- A. The site of the proposed location must be visible to people nearby and accessible to all members of the public.
- B. The scale of the artwork must fit the artwork's location, providing familiarity to the viewer while not being overpowering. The artwork's size must not detract from the Capitol. The board must consider the artwork's visual and spatial relationships to the artwork's surroundings.
- C. The use of the site must not interfere with any existing artwork.
- D. The use of the site must maintain and protect existing open space and the space's public
- E. The location must follow all applicable zoning, environmental, code, and public safety rules and regulations.
- F. The artwork must fit within the thematic organization of the Capitol grounds and comply with the design objectives of the Comprehensive Plan for the Minnesota Capitol Area, which is incorporated by reference in subpart 3, item J. The board must consider the site's relationship to other artwork and the Capitol.

Subp. 5. Criteria for design of new or modified artwork. The board must use the following criteria to evaluate and guide the design of a proposed new or modified commemorative artwork:

- A. The artwork must encourage engagement with the public and provide amenities such as seating.
- B. The design and setting of an artwork must consider climatic elements like sunlight,

shade, wind, and the varied Minnesota seasons.

C. An artwork must seek to enhance the beauty of the Capitol area, while respecting the State Capitol's art and architecture. An artwork must embrace a design scheme that complements the Capitol area's historic features.

D. An artwork's illumination must not compete with or distract from the sight of the Capitol. If an artwork uses evening illumination, the artwork must integrate the illumination into the artwork's design and not obstruct the view of other artwork.

E. The landscape design of an artwork must incorporate hardy, low-maintenance plantings that are not prone to overgrowth.

F. The intended message of the artwork must be clear and understandable. The artwork must convey a meaning of enduring value for future generations. The artwork may incorporate signage.

G. Materials for the artwork must be visible to people nearby, durable, and compatible with the artwork's setting. To address durability concerns, the board must give preference to an artwork made of bronze over stainless steel. The board must give preference to an artwork using stone, such as granite or limestone, for key features, vertical elements, flooring, and surfaces. If an artwork uses concrete, the board must consider the artwork's color, texture, scoring, aggregate, and density. An artwork must not include metal seating that could cause burns.

H. The proposed artwork must not interfere with any existing artwork. Any element of the artwork other than trees must not exceed 20 feet in height.

I. The size of the artwork must reflect the artwork's importance and adhere to the design objectives in the Comprehensive Plan for the Minnesota Capitol Area, which is incorporated by reference in subpart 3, item J. Due to the limited open space on the Capitol grounds, the board must give preference to smaller commemorative artwork.

J. A freestanding artwork must affect the space in which the artwork stands. The size of the surrounding spatial envelope must be compatible with the scale of the artwork.

K. The artwork's design, construction, materials sourcing, and maintenance must conserve energy and water resources.

L. The design and placement of an artwork must consider contextual issues, such as the artwork's orientation and background. The artwork's height and scale must be appropriate to the artwork's location on the Capitol mall.

Subp. 6. Conditions for modification or removal of an existing artwork. The board must consider requests for the modification or removal of an existing commemorative artwork if one or more of the following conditions apply:

A. there has been sustained, broad-based, and documented public objection to the

artwork;

- B. the artwork conflicts with the guiding principles in subpart 1, item A;
- C. the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;
- D. the site for the artwork is no longer safely accessible to the public or is due to be demolished; or
- E. significant changes in the use, character, or design of the site require a re-evaluation of the relationship of the artwork to the site.

Subp. 7. Application and review process for modification or removal of an existing artwork.

- A. An applicant requesting the modification or removal of a commemorative artwork in the Capitol area must submit a modification or removal request to the board using the application form available on the board website. The board website must provide clear and accessible instructions for completing the application form. Within ten calendar days of the board's receipt of the application, board staff must determine whether the application is complete and inform the applicant of the determination. If the application is incomplete, board staff must advise the applicant that the application is incomplete and identify what information is missing to the applicant.
- B. Once board staff determine that an application is complete, board staff must review the modification or removal request and analyze whether the request meets one or more of the conditions in subpart 6. Board staff must prepare a written report of the staff's findings.
- C. Board staff must post a summary of the modification or removal request and the staff report on the board website. The posting shall include timely updates about the application's status, opportunities for public input, and meetings of the board at which the application shall be discussed or voted upon.
- D. After the staff report is posted on the board website, the board must open a 30-day public comment period and direct board staff to host or cohost at least one public meeting to gather input on whether the modification or removal request meets one or more of the conditions in subpart 6. The public meeting may be hosted, organized, and managed according to subpart 10.
- E. When the 30-day public comment period and public meeting are complete, board staff shall prepare a written summary of the public comments that the board received and provide a recommendation to the board on whether to accept the application and proceed to the next step in the review process or reject the application for failing to meet one of more of the conditions in subpart 6. The board shall then meet and host a public hearing to invite additional public comments and consider the modification or removal request, staff report and recommendation, and public comments that the board received before and during the public hearing. After considering all public comments, the board shall vote on

whether the modification or removal request meets one or more of the conditions in subpart 6 and may advance for further review. A majority vote of the full board is required to accept the application and advance the application for further review.

- (1) If the board accepts an application for a modification or removal request, board staff must notify the applicant and the Department of Administration within 14 calendar days of the board's vote accepting the application for further review.

- (2) If the board rejects an application for a modification or removal for failing to meet one or more of the conditions in subpart 6, board staff must notify the applicant in writing within 14 calendar days of the board's vote rejecting the application and provide the applicant with the reasons for the rejection.

F. After the board accepts an application requesting modification or removal of an artwork for further review, the board must convene a commemorative artwork review committee to review the artwork identified in the modification or removal request and the applicant's proposed plan for modification or removal. The commemorative artwork review committee must include the following members:

- (1) one board member;
- (2) one architectural adviser;
- (3) one person appointed by the commissioner of the Department of Administration to represent the agency;
- (4) a representative from the Minnesota Historical Society;
- (5) two professionals appointed by the board experienced in the fields of visual art, public art, art history, architecture, or history. One of the professionals must have knowledge of artwork conservation;
- (6) two members of the public appointed by the board;
- (7) up to five additional committee members appointed by the board as needed for professional expertise; and
- (8) board staff that oversee and support the committee's work.

G. The commemorative artwork review committee must open a 30-day public comment period and hold at least one public meeting hosted or cohosted by board staff to gather additional input regarding the proposed modification or removal request, design or disposition plans for the artwork, and any restoration of the removal or modification site identified by the Department of Administration in item H, subitem (6), to determine if the request satisfies the criteria for modification in subparts 5 and 8 or the criteria for removal in subpart 9. The committee must give timely written notice of the public meeting to the

applicant requesting modification or removal of the artwork and to the artist or original sponsor of the artwork unless the committee is unable to notify the artist or original sponsor. If the committee is unable to notify the artist or original sponsor, the committee must notify a representative of the artist or original sponsor of the subject artwork as long as the board is able to reasonably identify a representative of the artist or original sponsor. The committee must provide the applicant, the artist, the original sponsor, and any representative of the artist or original sponsor the opportunity to speak at a public meeting of the commemorative artwork review committee. With the board's approval and where necessary, the board executive secretary may commence the 30-day public comment period and meeting prior to the board convening the commemorative artwork review committee.

H. Prior to a public meeting of the commemorative artwork review committee, the board executive secretary must prepare and post on the board website a commemorative artwork background report that includes:

- (1) a written description and images of the artwork that is the subject of the modification or removal request, information about and images of the artwork's location, and a warranty of the originality of the artwork;
- (2) the origin, derivation, history, and past ownership of the artwork; the original acquisition method and purchase price; and the original intent of the artwork by the artist or organization that advanced the artwork;
- (3) a summary of the proposed modification or removal request and the applicant's stated reasons therefore; the primary concept and design elements of the modified or removed artwork and of the surrounding site; and in the case of a modification request, a recommendation on whether a designer or design consultant is needed to prepare a detailed plan of the modification;
- (4) an analysis of the proposal's potential impact on the Capitol's commemorative artwork collection;
- (5) a recitation of the criteria for modification in subparts 5 and 8 or for removal in subpart 9 that the board must use in reaching a decision to grant or deny a modification or removal request;
- (6) a memorandum from the Department of Administration on implementation considerations of the proposed modification or removal plans and any restoration of the removal or modification site pursuant to Minnesota Statutes, section 15B.15, subdivision 2, paragraph (a); and
- (7) a memorandum from the Minnesota Historical Society evaluating the impact of the proposed modification or removal on the historic context and resources of the Capitol grounds and the State Capitol building pursuant to

Minnesota Statutes, section 15B.34, clause (3).

(8) All applicants must comply with part 2400. 3125, which may require consultation with agencies such as the State Historic Preservation Office (SHPO).

I. Board staff must provide the commemorative artwork background report to the commemorative artwork review committee prior to the committee's public meeting and may present the report at the committee's public meeting. Each committee member must present the committee member's views and participate in the discussion during the public meeting. The committee shall vote and make a written recommendation to the full board on whether the board should grant or deny the modification request based on the criteria in subparts 5 and 8, or grant or deny the removal request based on the criteria in subpart 9. A committee recommendation to grant a modification request must include a recommendation on whether additional design work or a designer is needed to prepare a detailed modification plan. A majority vote of the committee is required for the committee to recommend granting the modification or removal request.

J. Along with the committee's recommendation to the board, the board executive secretary must prepare for the board and post to the board website a report that includes:

- (1) a summary of the public comments received at the public meetings and hearings and any additional information obtained during the application review process;
- (2) opinions gathered from committee experts or other independent professionals, such as conservators, engineers, architects, critics, and safety experts who are professionally qualified to comment on the artwork and on the concern prompting review that are obtained during the application review process;
- (3) an evaluation of the need for additional design work and the need for forming a design review group and using the selection process under subpart 3, item K; and
- (4) a detailed budget for all aspects of the modification or removal request, and the applicant's stated options for funding the request.

K. After receiving the committee's recommendation and staff final report, the board must determine if another 30-day public comment period or public hearing is necessary to gather additional input. If the board determines that another opportunity for public comment or a public hearing is necessary, then the board shall make a final decision after the additional public comment period or public hearing is complete. If the board determines that no additional comment period or public hearing is needed, the board shall proceed to reach a decision by holding a public meeting at which the board shall vote to grant or deny the

request for the modification or removal. The board must apply the criteria in subparts 5 and 8 when considering whether to grant or deny a request for modification. The board must apply the criteria in subpart 9 when considering whether to grant or deny a request for removal. A majority vote of the full board is required to grant a request for modification or removal of an existing commemorative artwork. If the board grants a modification request and decides that additional design work is necessary according to subpart 3, item K, the board shall reconvene for final design review and approval as described in subpart 3, item N. After making a decision concerning the request for modification or removal, the board must send a written copy of the board's decision to the applicant and the artist and original sponsor of the artwork at issue or their representatives as provided in item G.

L. If the board grants a request for modification or removal, but before implementation of the project begins, the applicant must deposit with the Department of Administration enough money to complete the modification or removal consistent with the estimated budget, including any costs for restoration of the removal or modification site identified by the Department of Administration in item H, subitem (6), or demonstrate that funding for the full project is committed. Board staff shall be available to provide testimony to the legislature but shall not directly raise money to fund the project.

M. If the board grants a request to modify an existing commemorative artwork on the Capitol grounds and approves of the final schematic design and design development, the project shall proceed with construction documents and bidding under the Department of Administration. Board staff and architectural advisers, a designer if applicable, and a Department of Administration project manager must form a working group to monitor implementation of the modification work. The board executive secretary is authorized to review construction documents for consistency with the schematic design and design development approved by the board. A designer, if involved, must enter into a contract with the Department of Administration that includes a project timeline and budget.

N. If the board grants a request for the removal of a commemorative artwork on Capitol grounds, the removal must proceed in accordance with the disposition plan described in the request. The Minnesota Historical Society must determine the final disposition of the artwork pursuant to Minnesota Statutes, section 138.68. The Minnesota Historical Society reserves the first right of refusal for removed artwork of historic value. If the Minnesota Historical Society does not accept the artwork, the artwork's disposition must be determined according to Minnesota Statutes, section 138.68. The disposition work must proceed with construction documents and bidding under the Department of Administration.

O. With approval from the board, the board executive secretary may propose to modify the timing of the steps and rules process where necessary.

Subp. 8. Criteria for modification of an existing artwork. The board must consider and apply the criteria in items A to N to evaluate a request for the modification of an existing commemorative artwork:

- A. the proposed modification makes the artwork more welcoming and engaging to nearby and statewide communities;
- B. the proposed modification embraces historical facts and fosters a productive range of responses, conversations, and interpretations;
- C. the proposed modification considers the social and cultural conditions at the time of the artwork's addition;
- D. the proposed modification prompts reflection, conversation, and awareness of the stories, perspectives, and experiences of historically marginalized or oppressed communities;
- E. the proposed modification incorporates the views of all interested groups and individuals and considers the relationship of these groups' collective history, heritage, and values to the artwork;
- F. the proposed modification creates an opportunity to increase public understanding of and dialogue about Minnesota's history;
- G. the proposed modification enhances the artwork's function as a source of collective identity and belonging for all Minnesotans;
- H. the proposed modification generates, contributes to, or enhances existing social activity in the surrounding public space;
- I. the proposed modification represents or commemorates a significant event, group, or individual in Minnesota's history;
- J. the proposed modification respects the contributions and perspectives of the artwork's creators and the group or individuals depicted in the artwork and the group's or individuals' communities;
- K. the proposed modification seeks to achieve peace, reconciliation, truth, and justice for individuals, groups, and communities that are not represented or who are misrepresented in the historical record;
- L. the proposed modification acknowledges evolving social values and accounts for the views and needs of the contemporary community;
- M. the proposed modification meets the criteria of subpart 5; and
- N. funding is available to pay for the proposed modification and any restoration of the modification site identified by the Department of Administration in subpart 7, item H, subitem (6).

Subp. 9. Criteria for evaluating removal of an existing commemorative artwork. The board must consider and apply criteria in items A to M to evaluate a request for the removal of an

existing commemorative artwork:

- A. community feedback about the artwork, the artwork's site, and the artwork's condition collected at public meetings and hearings;
- B. the degree to which the artwork misrepresents the state's history or has the effect of significantly intimidating or adversely affecting a group of people;
- C. the method by which the artwork was acquired and accessioned in the commemorative artwork collection, such as by donation, loan, or commission;
- D. the qualifications and professional reputation of the artist, and the artwork's craftsmanship, conceptual content, style, and form;
- E. the availability of necessary funding for conservation, maintenance, and repair of the artwork if the artwork remains in its current location; the availability of exhibition and storage space for relocating the artwork if the artwork is removed; and the disposition of the artwork in accordance with Minnesota Statutes, section 138.68;
- F. the degree to which removal of the artwork would detract from the overall artistic and architectural integrity of the Capitol or Capitol area;
- G. the artwork's style, form, scale, diversity, quantity, quality, longevity, and compatibility with the existing commemorative artwork collection;
- H. accessibility, public safety, and the social, cultural, historical, ecological, physical, and functional context of the artwork in relation to the site, both existing and planned;
- I. issues related to liability, insurance, intellectual property rights, warranties, ownership, theft, vandalism, loss, indemnification, and public safety;
- J. safety, the avoidance of emergencies caused by hazards, and construction schedules;
- K. the value of the artwork as determined by a professional appraiser;
- L. the plan for returning the space left by removal of the artwork to the space's original condition or a condition that is aesthetically consistent with the surrounding Capitol grounds; and
- M. the availability of funding to pay for the removal and any restoration of the removal site identified by the Department of Administration in subpart 7, item H, subitem (6).

Subp. 10. Public hearing and public meeting requirements.

- A. At least 30 days before a public hearing date under subpart 3 or 7, the board must:
 - (1) post a notice of the public hearing on the board website;
 - (2) mail a notice of the public hearing to the applicant; and

(3) mail a notice of the public hearing to any other party requiring notice under this part.

B. Public meetings held under this part must comply with Minnesota Statutes, chapter 13D.

C. The host for a public meeting under this part may be the board or any public, private, nonprofit, or community entity.

D. The organization and management of a public meeting under this part shall be determined by the host in collaboration with board staff.

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STANDARDS FOR CIVIC AND INSTITUTIONAL USES.

Subpart 1. **Monuments, memorials, and commemorative artwork.** Monuments, memorials, and commemorative artwork structures must be approved for placement, modification, or removal according to part 2400.27032705 and Minnesota Statutes, section 15B.05, subdivision 3.

Subp. 2. **G-2 District underground structures.** Underground structures in the G-2 District containing uses permitted in the G-1 District are permitted under the following conditions:

- A. the location and type of landscaping shall preserve and enhance the Capitol area;
- B. safeguards for erosion control shall be provided that include, but are not limited to, landscaping and seeding of topsoil;
- C. reasonable documentation satisfactory to the board that soil conditions will not cause damage to adjacent property shall be provided;
- D. vistas of the Capitol shall remain intact; and
- E. only aboveground uses that are essential to the operation of underground structures shall be permitted, including, but not limited to, ventilation shafts. These aboveground accessory uses shall in no way detract from the Capitol area.

Subp. 3. **Day care facilities.** Day care facilities must conform to all applicable state and city licensing standards for day care facilities. A fence at least 3-1/2 feet in height shall surround all play areas located in a front yard or adjacent to a public or private street.

~~2400.2710~~ — STANDARDS FOR RESIDENTIAL USES.

~~The standards for a carriage house dwelling are as follows:~~

- ~~A. The applicant must not reduce the number of existing off-street parking spaces on the property and must also provide one additional off-street parking space for the carriage house dwelling.~~

~~B. A site plan and a building plan must be submitted to the zoning administrator at the time of application. Carriage house dwellings are exceptions to the one main building per zoning lot requirement.~~

~~C. Carriage houses must employ materials, roof pitch, orientation, door and window placement and proportions, and other details compatible with those of the principal building.~~

2400.2715 STANDARDS FOR CONGREGATE LIVING USES.

A. For community residential facilities licensed by the Department of Human Services, Department of Corrections, or Department of Health for 12 or fewer persons, rooming houses and boarding houses, transitional housing facilities, emergency housing facilities, and shelters for battered persons, the following apply:

~~(1) new facilities are allowed, provided that, in the board's determination, no more than one percent of the Capitol area's population already lives in any of these facilities;~~

~~(2) facilities must be located at least 1,320 radial feet from any other such facility;~~

~~(3) a minimum lot area of 5,000 square feet must be provided for the first two guest rooms and 1,000 square feet for each additional guest room;~~

(1) permission for conditional use applies only as long as the number of residents is not increased; its licensing, purpose, or location do not change; and other conditions of the permit are met; and

(2) a facility must not be located in a two-family or multifamily dwelling unless the facility occupies the entire structure.

2400.2720 STANDARDS FOR MIXED COMMERCIAL-RESIDENTIAL USES.

A. Permitted home occupation uses are as follows:

(1) A home occupation may include offices, service establishments, or home crafts that are typically considered accessory to a dwelling unit. Home occupations may involve only ~~limited~~ retailing, ~~by appointment only, associated with fine arts, crafts, office, and/or~~ personal services.

(2) A home occupation must not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, or auto service or repair for any vehicles other than those registered to residents of the property or the owner of the property.

(3) A home occupation must be carried on wholly within the main building, except for a restaurant's outdoor seating. A home occupation ~~is not may be~~ allowed in detached accessory buildings or garages subject to the approval of a CUP.

(4) A home occupation must be conducted by residents living in the main building, and up to two additional employees.

(5) Additions to the dwelling for the primary purpose of conducting the home occupation must not exceed ten percent of the ground floor area of the dwelling.

(6) Service and teaching occupations must serve no more than one party per employee at a time and may not serve groups or classes.

(7) A commercial food service requiring a license may be allowed subject to the approval of a CUP.

(8) ~~There may be no e~~Exterior storage of products or materials is not allowed.

(9) Only one business vehicle no larger than a pickup truck or van may be parked on the property.

(10) The use must not adversely affect the residential character of the neighborhood due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance.

(11) A home occupation may have an identification sign no larger than two up to four square feet in area, which shall be in compliance with the requirements of part 2400.2910 ~~not be located in a required yard~~.

B. ~~The standards in item A for permitted home occupations apply for conditional uses of home occupations, with the following exceptions:~~

~~(1) A commercial food service requiring a license may be allowed by conditional use.~~

~~(2) A home occupation may be allowed within a detached accessory building or garage by conditional use. A sign up to seven square feet in size may be allowed by conditional use.~~

C. Live-work unit uses are as follows:

(1) The work space component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

(2) The dwelling unit component must be located above or behind the work space, and maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.

~~(3) The office or business component of the unit may not exceed 30 percent of the total gross floor area of the unit.~~

(4) A total of two off street parking spaces must be provided for a live-work unit, located to the rear of the unit, or underground, and enclosed.

~~(5) The size and nature of the work space must be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit requires the building to be classified as a mixed-use building.~~

~~(6) The business component of the building may include offices, small service establishments, home crafts that are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component must be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.~~

D. Occupancy Requirements.

(1) The “live” component of a live/work unit shall be the principal residence of at least one individual employed in the business conducted within the live/work unit.

(2) Live/work differs from home occupations in that the “work” component of the live/work occupancy may:

- a) Include employment of persons not living in the residential portion;
- b) Occupy part or all of the floor area of a unit;
- c) Have a separate designated access or private entrance specifically for the business use;
- d) Include alterations or features not customarily found in residential dwelling units;
- e) Have window displays;
- f) Have limited signage on the premises; and
- g) Include food handling, processing, or packing.

E. **Limitations on Use.** The nonresidential component of a live/work unit shall be a use allowed within the applicable District. A live/work unit shall not be established or used in conjunction with any of the following activities:

- (1) Adult-oriented businesses;
- (2) Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
- (3) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
- (4) Welding, machining, or any open flame work; and
- (5) Any other activity or use, as determined by the executive secretary to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

F. **Operating Requirements.**

- (1) Sale or rental of portions of unit. No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
- (2) Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users

that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

(3) On-premises sales. On-premises sales of goods are limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.

(4) Nonresident employees. The employment of three or more persons who do not reside in the live/work unit may be allowed based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Uniform Building Code (UBC) requirements.

G. **Changes in Use.** After approval, a live/work unit shall not be converted to entirely business use unless approved by the Commission with the issuance of a Conditional Use Permit.

H. **Additional Standards.**

(1) Floor area requirements. The floor area of the work space shall be at least 30 percent of the total floor area of each live/work unit. All floor area other than that reserved for living space shall be reserved and regularly used for working space.

(2) Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

(3) Facilities for commercial or industrial activities. A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

(4) Integration of living and working space. Areas within a live/work unit that are designated as living space shall be an integral part of the live/work

unit. The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the Building Code.

(5) Mixed occupancy buildings. If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

2400.2725 STANDARDS FOR PUBLIC SERVICE AND UTILITY USES.

Cellular telephone antenna use is permitted as follows:

- A. A conditional use permit is required for cellular telephone antennas on a residential structure that is less than 60 feet high.
- B. A conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. Existing utility poles to which cellular telephone antennas are attached must be at least 60 feet high.
- C. In the G-1, ~~RM~~**MMR**, and MX districts, antennas may not extend more than 15 feet above the structural height of the structure to which they are attached. In the MXD district, antennas may not extend more than 40 feet above the structural height of the structure to which they are attached.
- D. For antennas proposed to be located on a residential structure less than 60 feet high or on a new freestanding pole, the applicant must demonstrate to the board that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least 60 feet high, an existing institutional use structure, or a business building within a one-half mile radius of the proposed antennas due to one or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of the existing pole or structure.
 - (2) The planned equipment would cause interference with other existing or planned equipment on the pole or structure.
 - (3) The planned equipment cannot be accommodated at a height necessary to function reasonably.
 - (4) The owner of the existing pole, structure, or building is unwilling to colocate an antenna.

E. Cellular telephone antennas to be located on a new freestanding pole are subject to the

following standards and conditions:

- (1) The freestanding pole must not exceed 75 feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a 75-foot pole impractical. Freestanding poles may exceed the 75-foot height limit by 25 feet if the pole is designed to carry two antennas.
- (2) Antennas may not be located in a required front or side yard and must be set back a distance equal to the height of the antenna plus ten feet from the nearest residential structure.
- (3) The antennas must be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings photographic perspectives showing the pole and antennas must be provided to the board to determine compliance with this provision.
- (4) In the ~~RM-MR~~ district, the pole must be on institutional use property at least one acre in area. In other districts, the zoning lot on which the pole is located must be within contiguous property at least one acre in area.
- (5) A freestanding pole must be a monopole design.

F. Transmitting, receiving, and switching equipment must be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, and screened from view by landscaping where appropriate.

G. Cellular telephone antennas that are no longer used for cellular telephone service must be removed within one year of nonuse.

2400.2730 STANDARDS FOR COMMERCIAL USES.

Subpart 1. **General retail.** For the purpose of this part, general retail includes, but is not limited to, the following uses:

- A. antiques and collectibles store;
- B. art gallery;
- C. bicycle sales and repair;
- D. book store, music store;
- E. clothing and accessories;

- F. drugstore, pharmacy;
- G. electronics sales and repair;
- H. florist;
- I. jewelry store;
- J. hardware store;
- K. newsstand, magazine sales;
- L. office supplies;
- M. pet store;
- N. photographic equipment, film developing
- O. stationery store; and
- P. picture framing; and
- Q. ~~video store.~~

The use category may not include merchandise limited to adult use due to its sexual nature, alcohol for off-site consumption, guns, or other uses addressed as conditional uses under part 2400.2205.

Subp. 2. Outdoor display, storage, and sales.

- A. ~~Extensive~~ Outdoor display or sales areas that exceed ten percent of the main structure's area are not permitted under the general retail use category.
- B. In the MX and MXD districts, outdoor storage or display of goods is not allowed except for the following:
 - (1) outdoor dining accessory to restaurants and coffee shops;
 - (2) incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines, and soda machines;
 - (3) automatic teller machines accessory to banks; and
 - (4) periodic "sidewalk sales" as a temporary use.

Subp. 3. General retail, office use, coffee shop, or service business. In the ~~RM-MR~~ district, the following conditions apply to general retail, office use, coffee shop, or service business uses:

- A. The building must have been originally designed as a storefront or other

nonresidential or mixed-use building, and must be located at a corner of two streets.

B. Traditional storefront features such as display windows must be preserved and restored.

C. Retail or office use may not exceed 800 square feet in gross floor area except by conditional use permit.

D. The building may also be used for residential uses permitted in the district, in addition to the retail use.

Subp. 4. **Dry cleaners or laundries.** Dry cleaners or laundries, including self-service laundries and dry cleaners, may serve no more than one retail outlet.

Subp. 5. **Outdoor sales.** Primary and accessory uses of outdoor sales must not lessen or impinge upon the off-street parking area or the off-street loading area, or impair pedestrian access or flow.

Subp. 6. **Restaurant, fast food.** Fast food restaurants must be incorporated into a multiuse retail center and shall not include a drive-through or drive-in facility.

Subp. 7. **Indoor recreation.** Indoor recreation, including bowling alley, billiard hall, amusement arcade, indoor archery range, indoor tennis court, indoor skating rink, or similar forms of indoor commercial recreation facilities, must be located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.

Subp. 8. **Automobiles.** Automobile sales or service center facilities must be fully enclosed and located in a multiuse retail center.

2400.2735 STANDARDS FOR LIMITED PRODUCTION, PROCESSING, AND STORAGE USES.

For the purpose of this part, limited production and processing facilities include:

- A. apparel and other finished products made from fabrics;
- B. copying and printing services;
- C. computers and accessories, including circuit boards and software;
- D. electronic components, assemblies, and accessories;
- E. film, video, and audio production;
- F. food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil, or vinegar processing;
- G. jewelry, watches, and clocks;

- H. milk, ice cream, and confections;
- I. musical instruments;
- J. novelty items, pens, pencils, and buttons;
- K. precision dental, medical, and optical goods;
- L. signs, including electric and neon signs and advertising displays;
- M. toys;
- N. wood crafting and carving; and
- O. wood furniture and upholstery.

All goods must be sold at retail only on the premises where they are processed or manufactured.

2400.2740 STANDARDS FOR ACCESSORY USES.

A. Antenna, amateur radio, or satellite dish standards are as follows:

- (1) Antennas may not exceed one meter in diameter in the RM district and two meters in diameter in all other districts.
- (2) Antennas may not be located in any required front yard, nor may they be located between a principal building and a required front yard.
- (3) Only one freestanding tower or antenna is allowed per residential zoning lot.
- (4) Building-mounted antennas must be placed in the least visible locations as viewed from any adjacent street.
- (5) Ground-level antennas must be screened with landscaping or with building walls on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window.

B. Outside storage of construction materials and equipment must be removed within ten days after construction is complete.

C. Solar energy systems or devices may be placed within required rear or side yards or attached to the rear or side of a building. Attached equipment may not exceed building height limits.

D. Wind energy conversion systems or devices may not exceed 100 kilowatts in rated capacity and must meet the following standards:

- (1) building-mounted wind energy conversion systems may not exceed 25 feet in height;
- (2) building-mounted wind energy conversion systems are prohibited on residential structures less than four stories in height and structures accessory to residential uses;
- (3) building-mounted wind energy conversion systems must be set back at least ten feet from the front, side, and rear walls of the structure upon which they are mounted;
- (4) building-mounted wind energy conversion systems on structures over four stories in height must be installed above the fourth story;
- (5) the structure upon which the proposed wind energy conversion system is to be mounted must have the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure; and

E. freestanding wind energy conversion systems are prohibited in the Capitol area.

2400.2800 GENERAL PARKING REQUIREMENTS.

Off-street parking spaces ~~must be provided in all zoning districts, except for the MXD district, at the time of erection or enlargement of the principal building or structure according to parts 2400.2800 to 2400.2835.~~ are not required in all zoning districts. Any parking provided must comply with parts 2400.2805 to 2400.2830.

2400.2805 LOCATION OF OFF-STREET PARKING.

Subpart 1. **Nonresidential or mixed use.** Off-street parking for nonresidential or mixed uses must be located on the same lot or ~~within the same district and~~ within 1,000 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

Subp. 2. **Capitol campus.** The Capitol campus is treated as a single parking district for the purpose of providing employee and visitor parking and transportation facilities. Therefore, parking for state buildings and facilities is not subject to the 1,000 foot requirement under subpart 1.

Subp. 3. **Residential use.** Off-street parking for residential uses must be located on the same lot as the dwelling it is intended to serve. Parking may be located within a garage or on a paved surface outside of the required front yard, meeting the dimensional and setback requirements of the zoning district where the use is located.

~~2400.2810~~ — ~~REDUCTION BELOW REQUIRED MINIMUM PROHIBITED.~~

No area used or designated as off-street parking may be reduced in size below the minimum parking requirements in parts 2400.2800 to 2400.2835, except by conditional use permit under part 2400.3155.

~~2400.2815~~2810 SHARED OFF-STREET PARKING FACILITIES.

Two or more buildings or uses may jointly provide the required off-street parking. Where the peak hours of the buildings or uses providing joint parking facilities are nonconcurrent and lend themselves to shared use, the zoning administrator may, upon written application, reduce the number of parking spaces otherwise required. If the peak hours of use change so that they are concurrent, the number of required parking spaces shall revert to the requirements for the several individual uses computed separately.

Building owners with shared parking permits must submit an annual statement to the zoning administrator that verifies the nonconcurrent peak parking hours of the buildings involved with the shared parking permit and lists the uses within each building.

~~2400.2820~~ — SPACES REQUIRED

Off-street parking spaces shall be provided according to the following schedule: LAND USE

MINIMUM NUMBER OF PARKING SPACES

Civic and Institutional Uses

State offices and other facilities	3 spaces per 1,000 square feet GFA
Other public buildings and uses	3 spaces per 1,000 square feet GFA
Day care center	1 space per 10 children
Place of worship	1 space per 5 seats or 10 feet of pews in central space
Residence associated with place of worship	1 space per 3 occupancy units
School, K-12	1 space per teacher or administrator
Trade school, business school, art school, etc.	1 space per each 2 employees and staff members and 1 per each 2 full time student or 3 part time students
Hospital or clinic	1 space per 2 beds

Residential Uses

Off-street parking spaces shall be provided according to the following schedule:LAND USE

MINIMUM NUMBER OF PARKING SPACES

One family dwelling	1.5 spaces per unit
Two family and townhouse dwellings	1.5 spaces per unit
Multi family dwelling	1 space per unit
Carriage house dwelling	1 space per unit
Housing for the elderly	1 space per 4 residents
Community residential facility	1 space per 4 bedrooms
Mixed Commercial Residential Uses	
Live work unit	2 spaces
Mixed commercial residential use	1 space per dwelling unit plus nonresidential spaces as specified in this part for the nonresidential use

Commercial Uses

Administrative or professional office, medical laboratory	3 spaces per 1,000 square feet GFA
Clinic, medical or dental, veterinary clinic	4 spaces per 1,000 square feet GFA
Bank, credit union	4 spaces per 1,000 square feet GFA
Laundromat	3 spaces per 1,000 square feet GFA
Mortuary, funeral home	6 spaces per 1,000 square feet GFA
Restaurant, coffee shop (may include wine/beer service), tea room, deli	6 spaces per 1,000 square feet GFA
Restaurant serving alcohol*, bar, tavern	8 spaces per 1,000 square feet GFA
Service business	3 spaces per 1,000 square feet GFA
Bed and breakfast residence	1 space per two guest rooms in addition to residential requirement
Hotel, inn, motel	1 space per occupancy unit

Off-street parking spaces shall be provided according to the following schedule:
~~LAND USE~~

MINIMUM NUMBER OF PARKING SPACES

Indoor recreation	3 spaces per 1,000 square feet GFA
Theater, assembly hall (completely enclosed)	1 space per each four seats
Auto convenience market	4 spaces per 1,000 square feet GFA
Auto service station, repair station	1 space for each service stall, rack or pit
Furniture and appliance, household equipment sales, showrooms	1 space per 1,000 square feet GFA
Retail or service use not otherwise specified	3 spaces per 1,000 square feet GFA

~~*Establishments serving on-sale intoxicating liquor~~

2400.28252815 **SPACES.**

CONSTRUCTION AND DESIGN OF OFF-STREET PARKING

A. Off-street parking construction requires a zoning permit from the board and a building permit from the city. An application and site plan are required for board review.

B. Plans for the layout of off-street parking facilities must meet the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Space Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 feet	8 feet	21 feet	20 feet	28 feet
30° to 53°	12 feet	8 feet	18 feet	30 feet, 6 inches	49 feet
54° to 74°	15 feet	8 feet	18 feet	35 feet	55 feet
75° to 90°	20 feet	8 feet, 6 inches	18 feet	38 feet	56 feet

C. Parking areas may designate up to 50 percent of their area for compact cars only; the minimum layout dimensions for each compact car space may be reduced to eight feet in

width and 16 feet in length.

D. All spaces must have adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited.

E. All vehicles must have adequate ingress and egress to the parking lot by means of clearly limited and defined drives.

F. All maneuvering lane widths must permit one-way traffic movement, except that the 90 degree pattern must permit two-way movement.

G. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than residential use must be at least 25 feet distant from any adjacent property located in any residential district.

H. The off-street parking area must be provided with a continuous and obscuring wall or visual screen as required in part 2400.2630.

I. Wheel stops are required for each parking space located next to walkways, doors, slopes, or other places where safety may be an issue in lots of three or more car capacity.

J. The entire parking area, including parking spaces and maneuvering lanes, required under this part must be provided with a durable, dustless surfacing according to specifications approved by the board. The parking area must be surfaced within one year of the date the permit is issued.

K. Off-street parking areas must be drained to dispose of all accumulated surface water without drainage of water onto adjacent property or toward buildings.

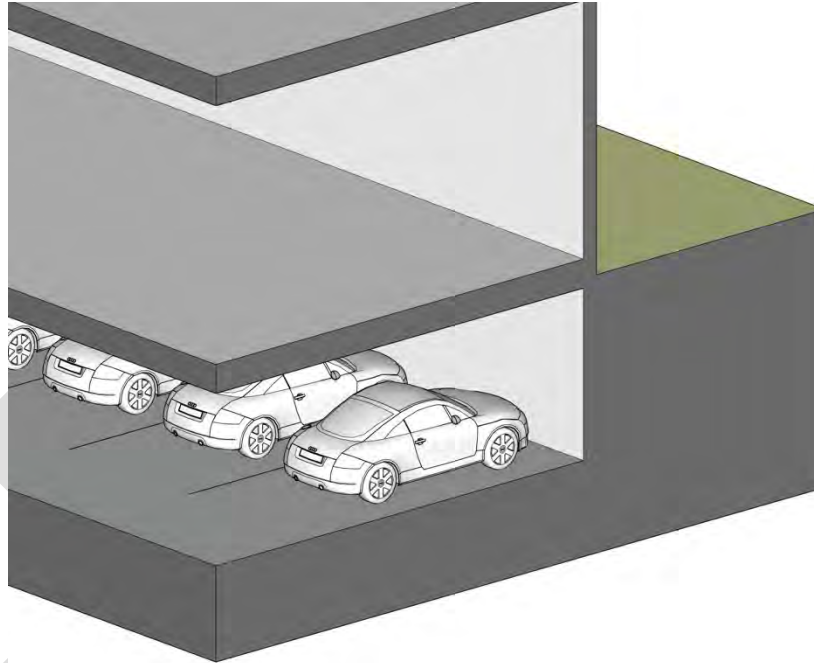
L. All lighting used to illuminate any off-street parking area must be directed onto the parking area.

2400.2820 PARKING CONFIGURATION REQUIREMENTS.

The following parking configurations are allowed.

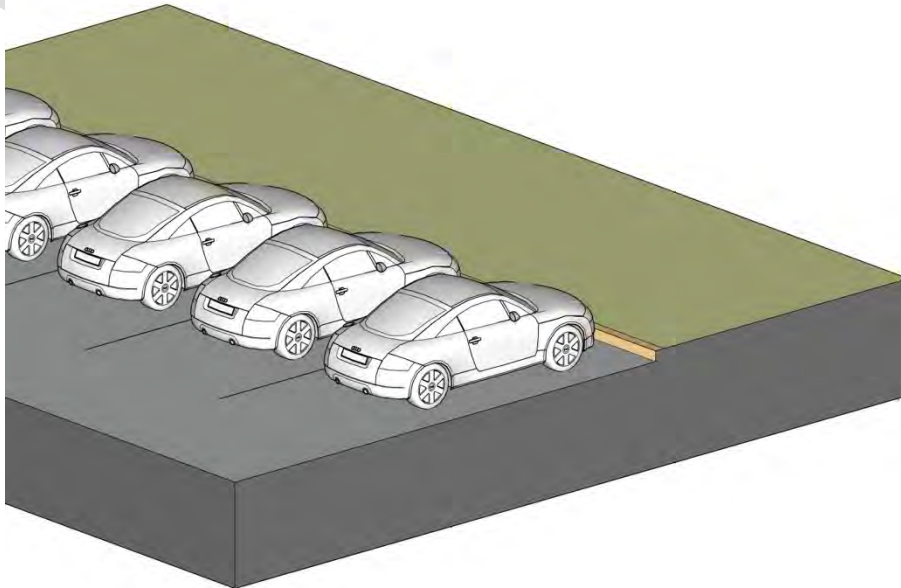
A. Subterranean Parking. Parking spaces located below the average finish grade at the sidewalk along any street or civic space. Access to the spaces shall be in compliance with driveway standards in 2400.2815.

[insert new graphic "Parking_Subterranean.jpg"]



B. Surface Parking. Parking spaces that are located on the surface of the parcel. Access to the spaces shall be in compliance with driveway standards in 2400.2815.

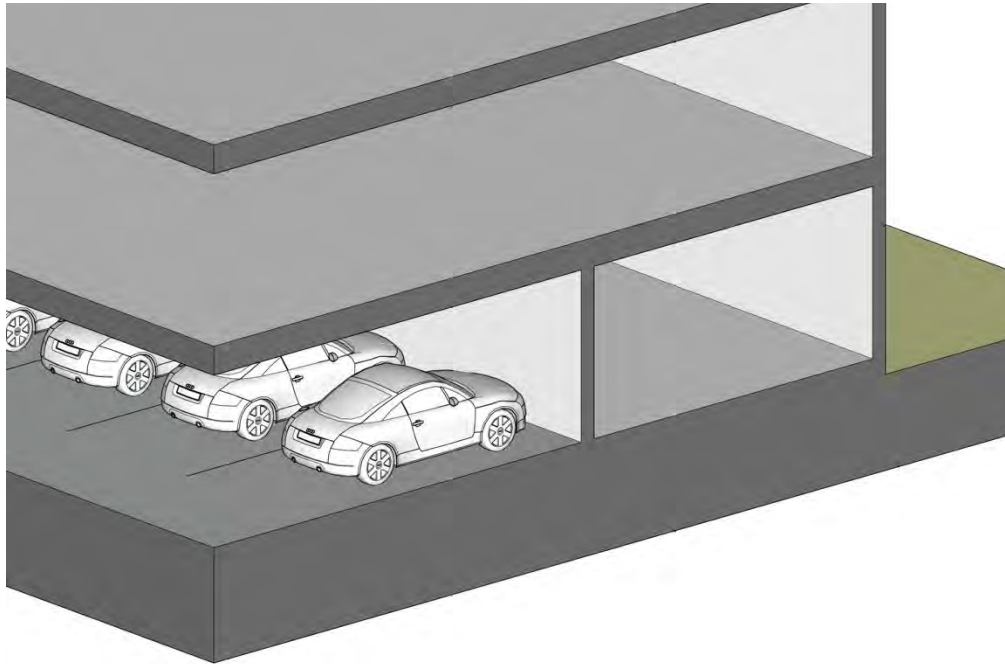
[insert new graphic "Parking_Surface.jpg"]



C. Podium Parking. Parking spaces within the footprint of the primary building that are behind occupiable building space at or within three feet of the average finish grade at the sidewalk along any street or civic space. Access to the spaces shall be in compliance with

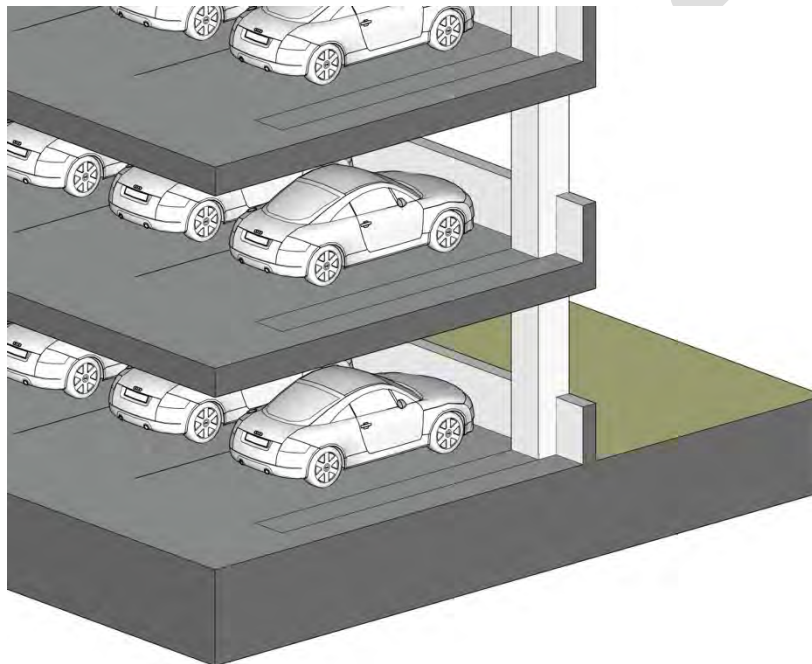
driveway standards in 2400.2815.

[insert new graphic “Parking_Podium.jpg”]



D. Parking Garage. Parking spaces located in a multistory structure that is integrated into the footprint of the primary building or detached and behind the primary building on the parcel. Access to the spaces shall be in compliance with driveway standards in 2400.2815.

[insert new graphic “Parking_Garage.jpg”]



~~2400.2830~~ — BICYCLE PARKING REQUIREMENTS.

~~Off-street parking facilities must include a minimum of one secure bicycle parking space for every 20 motor vehicle parking spaces, with a minimum of two bicycle parking spaces. Each inverted U-shaped bicycle rack counts as two bicycle parking spaces.~~

~~Bicycle parking facilities must meet the following requirements:~~

- ~~A. Off-site bicycle parking facilities may be provided for state offices and other state facilities. Off-site parking facilities must be designed with the same degree of monitoring and weather protection as off-site automobile parking facilities.~~
- ~~B. On-site bicycle parking facilities must be at least as close to the main entrance of the primary use as the most convenient one-third of the automobile parking.~~
- ~~C. On-site outdoor bicycle parking must be visible from the public right-of-way or from within the building. With permission of the city engineer, bicycle parking may be located in the public right-of-way.~~
- ~~D. Bicycle parking may be provided within a building, provided that the location is easily accessible and signed for bicycles.~~
- ~~E. Where motor vehicle parking spaces are monitored, covered, or weather-protected, bicycle parking spaces must be provided on the same basis.~~
- ~~F. For purposes of this part, a secure bicycle parking space must include a bicycle rack that permits the locking of the bicycle frame and one wheel to the rack, and supports the bicycle in a stable position without damage to the wheels, frame, or components.~~
- ~~G. Bicycle parking facilities must be anchored to prevent easy removal.~~

~~2400.2835~~2825 LOADING SPACE REQUIREMENTS.

~~On any property where vehicle, materials, or merchandise are received or distributed, an adequate loading and unloading area must be provided.~~

- ~~A. Each off-street loading space must not be located in any yard adjoining any residential use.~~
- ~~B. Off-street loading areas with more than two spaces must be screened from the public right-of-way with landscape material, an obscuring fence, walls, or a combination of these.~~
- ~~C. Each loading space shall be at least ten feet by 50 feet, with a clearance of at least 14 feet in height.~~
- ~~D. Space must be provided within the off-street loading area so that any maneuvering back into or out of a loading space can be conducted outside of any public right-of-way.~~

E. Loading dock approaches must be provided with a pavement having a permanent, durable, and dustless surface. All spaces must be provided in at least the following ratio:

Usable Floor Area (Square Feet) Number of Loading Spaces Required

zero Up to 1,400	None
1,401 to 20,000	One space
20,001 to 100,000	One space for each 20,000 square feet or fraction thereof
100,001 and over	Five spaces

2400.2830 BICYCLE PARKING REQUIREMENTS.

Off-street parking facilities must include a minimum of one secure bicycle parking space for every 20 motor vehicle parking spaces, with a minimum of two bicycle parking spaces. Each inverted U-shaped bicycle rack counts as two bicycle parking spaces.

Bicycle parking facilities must meet the following requirements:

F. Off-site bicycle parking facilities may be provided for state offices and other state facilities. Off-site parking facilities must be designed with the same degree of monitoring and weather protection as off-site automobile parking facilities.

G. On-site bicycle parking facilities must be at least as close to the main entrance of the primary use as the most convenient one-third of the automobile parking.

H. On-site outdoor bicycle parking must be visible from the public right-of-way or from within the building. With permission of the city engineer, bicycle parking may be located in the public right-of-way.

I. Bicycle parking may be provided within a building, provided that the location is easily accessible and signed for bicycles.

J. Where motor vehicle parking spaces are monitored, covered, or weather-protected, bicycle parking spaces must be provided on the same basis.

K. For purposes of this part, a secure bicycle parking space must include a bicycle rack that permits the locking of the bicycle frame and one wheel to the rack, and supports the bicycle in a stable position without damage to the wheels, frame, or components.

L. Bicycle parking facilities must be anchored to prevent easy removal.

2400.2900 SCOPE OF SIGN REGULATIONS INTENT.

Parts 2400.2900 to 2400.2940 regulate outdoor advertising and outdoor signs of all types in the

Capitol area. The intent is to control signs; to reduce hazards and traffic accidents; to relieve pedestrian and traffic congestion; to protect and provide more open space; to preserve and enhance the dignity, beauty, and architectural integrity of the Capitol area; and to ensure that all signs are suitably integrated with the architectural design of any structure in the Capitol area on which they are mounted or to which they relate.

2400.2905 SIGN CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

A. All signs must conform to applicable provisions of parts 2400.2905 to 2400.2940, Minnesota Statutes, section 15B.28, the building code of the city of St. Paul as well as and the structural design standards of the State Building Code in chapters 1300 to 1370.

B. Signs must not resemble any traffic control sign or signal so as to be confused with it. Signs must not interfere with the visibility of any traffic control sign or signal.

C. Signs that are unsafe or in disrepair must be repaired or removed. Unsafe signs must be repaired or removed within 24 hours after notification. Signs in disrepair must be repaired or removed within 15 business days after notification.

~~"Disrepair" means a condition in which the sign has deteriorated to the point where at least one-fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; where paint is peeling, chipping, or flaking from the structure surface; where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.~~

~~Removal, in the case of painted wall signs, means a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is still visible.~~

D. Signs must not be painted directly on or affixed to any tree, rock, or utility pole.

E. Lots on which signs are located must be kept neat, orderly, and free of debris by the owner.

F. Any sign that advertises, identifies, or pertains to an activity no longer in existence must be removed by the owner of the property within 30 calendar days from the time the activity ceases existence. This part does not apply to seasonal activities during the regular periods in which they are closed.

2400.2910 SIGN PLACEMENT AND HEIGHT REQUIREMENTS.

A. Signs must not be located in, project into, or overhang a public right-of-way or dedicated public easement in any district, with the following exceptions:

- (1) city, county, state, or federal signs;

- (2) transit benches or shelters allowed under Minnesota Statutes, section 160.27;
- (3) temporary banners allowed under item F; or
- (4) projecting signs allowed under item D.

B. On buildings up to two stories in height, signs attached to a building must not project above the highest point used to measure the building height of any structure. On buildings of three stories or more in height, signs must not be placed on the exterior façade on or above the floor level of the third story.

C. On buildings with an allowed home occupation, one blade sign and one yard sign are allowed on each parcel.

D. Signs attached to buildings must be positioned so that they are an integral design feature of the building and to complement and enhance the building's architectural features. Signs must not obscure or destroy architectural details such as stone arches, glass transom panels, or decorative brickwork.

E. Signs mounted parallel to the wall or face of a building or structure may project a maximum of 18 inches horizontally beyond the wall or face of that building or structure.

F. Projecting signs, where allowed, may extend a maximum of four feet from the property line, and must be located at least two feet from the curb line and at least ten feet above ground level.

G. Freestanding pylon signs, where allowed, must not exceed 15 feet in height. Monument signs must not exceed 12 feet in height. Monument signs must include a masonry base with materials and design similar to the principal building.

H. Temporary signs, where allowed, must meet the criteria of one of the following categories:

- (1) for all uses, one sign not exceeding 40 square feet in area may be used to identify an engineer, architect, or contractors engaged in the construction of a building during the construction period;
- (2) for religious, civic, or other community organizations, the following temporary signs directly related to events on the premises are permitted for a maximum of three times per calendar year per organization, for a maximum of five consecutive days at any one event:

- a) portable or temporary signs, with a gross surface display area not exceeding 60 square feet and a height not exceeding ~~six~~ 6 feet; and
- b) banners advertising an event on the premises, to include banners placed on or between buildings or within the street right-of-way, provided that they do not interfere with the visibility of any traffic control sign or signal. Banners shall not exceed 120 square feet in area and shall provide at least 20 feet of clearance from ground level. Banners must be approved by the city of St. Paul Department of Safety and Inspections.

Signs that span a public roadway cannot be attached to city light poles or traffic signal poles.

I. ~~H.~~ Sidewalk signs, where allowed, are limited to two feet in width and 3-1/2-three-and-a-half feet in height, including the support members. No sign may have more than two faces. Changeable copy is permitted except for plastic letters. The sign may be placed only in front of the business advertised, without significantly limiting the normal pedestrian use of the sidewalk. One sign is permitted for each building or land frontage, and it must be removed from the sidewalk at the end of each business day. No sidewalk sign may be lighted.

2400.2915 SIGN DESIGN STANDARDS.

- A. No more than three colors may be used for the sign letters and no more than two colors for the sign background and border. A wall sign must complement the building color.
- B. The sign message must be legible and relate to the nature of the business.
- C. Neon lights are permitted when installed inside windows; neon lights may not flash.
- D. Signs on multiple-use buildings must be coordinated in the use of colors, materials, and shapes.
- E. Lettering styles must be legible and relate to the character of the property's use. Each sign may contain no more than four lettering styles.
- F. Symbols and graphics, when used, must identify the business and complement the sign lettering.
- G. Ground and pylon signs must have plantings at and around the base that serve to (1) screen the sign base or any lighting installed at ground level; and (2) tie the signage to the principal use by using plantings that are similar to those used on the rest of the site.
- H. External illumination of signs is permitted by incandescent or fluorescent light, but

must emit a continuous white light that prevents direct shining onto the ground or adjacent buildings.

I. Internally lit signs are permitted if illumination is confined to individual letters or symbols. Backlit "box" signs are prohibited. Internally illuminated canopy signs may be allowed with board approval.

2400.2920 EXEMPT SIGNS.

The signs in items A to E do not require a permit. These exemptions do not relieve the owner of the sign from the responsibility of its erection, maintenance, and compliance with this chapter or any other law or ordinance regulating the sign:

- A. signs six square feet or less in size;
- B. lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign;
- C. political signs;
- D. the changing of the display surface on a painted or printed sign, or the replacement of a poster, for on-site changes only;
- E. traffic control signs.

2400.2925 PROHIBITED SIGNS.

The following types of signs are prohibited in the Capitol area:

- A. advertising signs or billboards;
- B. transit shelter and bench signs, with the exception of signs providing passenger information at transit stations;
- C. flashing, animated, or moving signs and signs illuminated with flashing lights;
- D. changeable copy signs and electronic message signs, with the exception of the following:
 - (1) signs providing passenger information at transit stations; and
 - (2) signs displaying prices of fuel and other goods at service stations, provided that:

- a) the total square footage of all electronic message signs on one lot does not exceed 35 percent of the allowable total signage for the property;
- b) each electronic message sign is equipped with a mechanism that adjusts to ambient light conditions and is set at a level no greater than 5,000 nits during the day and 500 nits between dusk and dawn;
- c) each electronic message sign has a means to immediately turn off the display or lighting in the event that the operator is notified by the appropriate zoning authority that the sign is not in compliance with the local zoning code; and
- d) each electronic message sign is at least 75 feet from the nearest residential property;

E. roof signs;

F. vehicle signs; and

G. portable signs mounted on a wheeled chassis.

2400.2930 SIGNS ALLOWED IN ALL DISTRICTS.

The following types of signs are allowed in all districts in the Capitol area:

A. signs of the city of St. Paul, Ramsey County, and state and federal governments and their subdivisions and agencies that give orientation, direction, or traffic control information; and

B. parking lot signage as follows is permitted in addition to other signs permitted in each zoning district:

- (1) for parking lot areas, one identification sign a maximum of 15 square feet in area is permitted per parking lot entrance. The identification sign up to 25 square feet in area is allowed if the sign incorporates an accepted uniform parking symbol "P." The remaining portion of the sign incorporating the parking symbol may be used for other pertinent information; and
- (2) one directional sign not to exceed four square feet in area is permitted per entrance or exit. Directional signs may be up to ten square feet in area if they also incorporate the parking symbol "P."

2400.2935 SIGNS PERMITTED BY DISTRICT.

The following table indicates signs permitted by district. A number represents the total surface square footage permitted. "P" means permitted. "N" means not permitted.

~~"Building mounted sign" includes wall, canopy, awning, marquee, or projecting signs.~~

~~"Freestanding sign" includes pylon signs and monument signs~~

	Use Districts				Max. number signs per lot
	G-1/G-2	<u>RMMR</u>	MX	MXD	
Sign Functional Type					
Business sign, single use building	N	N	2 sq. ft. per lineal foot of lot frontage, up to 250 sq. ft.	4 sq. ft. per lineal foot lot frontage	Square footage is maximum of all business signs per lot. May include 1 building-mounted sign per street frontage; 1 free-standing sign per street frontage
Business signs, multi-tenant building	N	N	2 sq. ft. per lineal foot lot frontage, up to 350 sq. ft.	4 sq. ft. per lineal foot lot frontage	Square footage is maximum of all business signs per lot. May include 1 building-mounted sign per business; 1 free-standing sign per street frontage
Directional sign	25	N	15	15	1 per street frontage
Identification and name plate signs	50	7	50	50	1 per street frontage
Political sign	N	P	P	P	
Real estate sign	N	6	25	25	1

2400.2940 NONCONFORMING SIGNS.

When a lawful sign exists on the effective date of parts 2400.2900 to 2400.2940 but does not conform with this chapter, the requirements in items A to F apply:

- A. No sign may be enlarged or altered in a way which increases its nonconformity.
- B. If a sign or sign structure is destroyed by any means to any extent of more than 51 percent of its replacement cost, it must not be repaired or reconstructed except in conformity with this chapter.
- C. If a sign or sign structure is moved for any reason for any distance, it must conform to the rules for the zoning district in which it is located after it is moved.
- D. An existing sign devoted to a use not permitted by this chapter in the zoning district in which it is located must not be enlarged, extended, or moved except to change the sign to one that is permitted in the zoning district in which it is located.
- E. When a structure loses its nonconforming status, under parts 2400.3000 to 2400.3020, all signs located on or pertaining to the structure must be removed and all signs painted directly on the structure must be repainted in a neutral color or a color which will

harmonize with the structure.

F. Signs may be repainted, reposted, or replaced when there is a change of tenancy, ownership, or management of any nonconforming use.

2400.3000 INTENT OF NONCONFORMITIES.

Regulations governing nonconforming uses and structures are established to control the continued existence of legal nonconforming uses and structures by bringing about their gradual elimination; by regulating their enlargement, intensification, expansion, or reconstruction; by prohibiting their reestablishment after abandonment or destruction; and by regulating the use of and construction on nonconforming lots.

2400.3005 GENERAL PROHIBITION; AUTHORITY TO CONTINUE.

A nonconforming use or structure may continue, subject to items A to E:

- A. Nonconforming uses and structures that were not lawfully in existence on the effective date of this chapter are prohibited.
- B. If nonconforming use of land ceases for any reason for a period of three months or more, any subsequent use of the land must conform to this chapter.
- C. If a nonconforming use of structure and land in combination is discontinued or ceases to exist for 12 consecutive months or for 18 months during a three-year period, the structure and land must thereafter conform to this chapter.
- D. If a nonconforming structure is destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it may not be reconstructed except in conformity with this chapter.
- E. If a structure is moved for any reason or for any distance, it must conform to the rules for the district in which it is located after it is moved.

2400.3010 REPAIRS AND MAINTENANCE.

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the current market value of the building, provided that the cubic content of the building as it existed at the time of the effective date of this chapter is not increased.
- B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by an official charged with protecting the public safety upon order of the official.

2400.3015 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises, provided there is no change in the nature or character of nonconforming uses.

2400.3020 NONCONFORMING LOTS.

Subpart 1. **General restriction, exception.** No building, structure, or use may be erected, constructed or established on a nonconforming lot unless a variance is granted by the board under part 2400.3160, except as otherwise provided in this part.

In a district in which one-family dwellings are permitted, notwithstanding any limitations imposed by this chapter, a one-family dwelling and customary accessory buildings may be erected on a lot of record existing on the effective date of this chapter, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, are met. Yard requirement variances may be obtained through approval of the board.

Subp. 2. **Required merger of common ownership lots.** Notwithstanding subpart 1, if in any group of three or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area, the individual lot or parcel may not be sold or developed as a separate parcel of land, but must be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one or more parcels of land, each meeting the full lot width and lot area requirements of this chapter.

2400.3100 SCOPE OF ADMINISTRATION.

Parts 2400.3100 to 2400.3130-3180 establish application requirements, review processes, and standards for land use approvals and development permits in the Capitol area, as authorized by Minnesota Statutes, section 15B.06.

~~2400.3105 DUTIES OF BOARD.~~

~~The board must accept applications for and issue any certificate or permit required by this chapter; keep and maintain all plans, files, and records pertaining to them; and perform all other functions necessary for the orderly administration of this chapter. The board may delegate any or all of these duties to the zoning administrator with the exception of approval for variances or conditional use permits.~~

2400.31103105 GENERAL BOARD PERMIT REQUIREMENTS.

No land, building, sign or structure in any district may be changed to a different use, and no building, structure, sign, or part of a building or structure may be erected, constructed, reconstructed, altered, enlarged, or moved until the board has issued a sign permit or a zoning

permit pursuant to Minnesota Statutes section 15B.08, and a certificate of design compliance certifying that the plans and intended use of land, buildings, and structures conform to the requirements of this chapter.

2400.3115 ST. PAUL PERMIT REQUIREMENTS.

In addition to the requirements of part 2400.3110, no building, structure, or part of a building or structure may be erected, constructed, reconstructed, altered, enlarged, or moved until it has been issued a building permit by the city of St. Paul, or the appropriate state agency, certifying that the plans of the building or structure conform to the State Building Code.

2400.3120 SUBDIVISIONS OF PROPERTY.

All subdivisions of property, including lot splits, adjustments of boundaries, and plats, are subject to the applicable subdivision regulations of the city of St. Paul.

2400.3120 PROJECTS ON PUBLIC LANDS.

- A. All construction on public land in the Capitol area must be consistent with the comprehensive plan pursuant to Minnesota Statutes, section 15B.05 and comply with the requirement for a competition pursuant to Minnesota Statutes, section 15B.10.
- B. All plans for a new public building must be reviewed by an advisory committee pursuant to Minnesota Statutes section 15B.11.
- C. A state agency or other public body must consult with the board before developing a budget proposal or plans for capital improvements within the Capitol area to submit to the legislature and the governor pursuant to Minnesota Statutes section 15B.17.

2400.3125 HISTORIC PRESERVATION.

With an application for any board approval required by Minnesota Statutes or Rules,

- A. all projects, whether on public lands, streets, institutional or private lots, will be required to submit information before or at the time of application for approvals addressing the existence, impacts, and proposed treatments of known or possible historic properties, as defined in part 2400.2040, subpart 41.
- B. At the applicant's expense, the zoning administrator may require documentation that identifies historic properties in order to assess impacts to those historic properties. The zoning administrator may also request the applicant consult with the State Historic Preservation Office.
- C. Voluntary or required compliance with those recommendations in item B may be used in the consideration and reviews by the zoning administrator, advisory committee, and board members.

~~2400.3125~~ — DETERMINATION OF SIMILAR USE.

~~When a specific use is not listed in a district, the zoning administrator must make the determination of whether a use is similar to other uses permitted in each district. The decision must be based on the following findings:~~

- ~~A. that the use is similar in character to one or more of the principal uses permitted;~~
- ~~B. that the traffic generated on the use is similar to one or more of the principal uses permitted; and~~
- ~~C. that the use is not first permitted in a less restrictive zoning district.~~

2400.3130 APPLICATION AND REVIEW PROCEDURES.

Subpart 1. **Submittal of application.** Applications for the permits and certificates listed in parts 2400.3135-3130 to 2400.3160 must be submitted to the zoning administrator. The application for permits and approvals is available on the board's website.~~The zoning administrator must determine whether all the information required by parts 2400.3135 through 2400.3160 has been provided. The zoning administrator must notify the applicant in writing within ten days of receipt of the application if the application is incomplete and state what information is missing.~~

Subp. 2. **Timing.** The zoning administrator must determine whether all the information required by parts 2400.3135 through 2400.3160 has been provided and .~~The zoning administrator must notify the applicant in writing within ten business days of receipt of the application if the application is incomplete and state what information is missing.~~ Once the application is complete, the application must be approved or denied within 60 calendar days of the zoning administrator's receipt of the complete application, except as described in items A to C.

- A. If the zoning administrator extends the consideration period, the zoning administrator must provide written notice to the applicant that the time is being extended, the anticipated length of the extension, and the reasons for the extension. The extension may not exceed 60 calendar days unless approved by the applicant.
- B. If the application is for a certificate of design compliance under part 2400.3140, the time limit is automatically extended by 60 calendar days to provide additional time to study the effect of the proposal on the beauty, dignity, and architectural integrity of the Capitol area.
- C. If the application is for a variance under part 2400.3160, the time limit is automatically extended by 60 calendar days to provide additional time to solicit the necessary public input on the proposal.

Subp. 3. **Approval or denial.** Applications must be approved if they meet the requirements of this chapter. If the application is denied, reasons for the denial must be stated in writing as required by Minnesota Statutes, section 15.99.

Subp. 4. **Expiration of permit.** A zoning permit or certificate of design compliance expires one

year from the date of issuance, unless a building permitted for erection or alteration is started and is proceeding with the terms of its permit or certificate.

General Application Process
[insert current flowchart]

2400.3135 SITE PLAN CONTENTS AND REVIEW.

Subpart 1. **Drawings requirement.** All drawing required in the submittal package are listed in the application for permits and approvals part 4. Drawings Typically Requested. The application for permits and approvals is available on the board's website.

Subp 2. **Contents of site plan.** A site plan, where required by parts 2400.3135 to 2400.3160, must be drawn to scale and specifications, showing:

- A. the actual shape, location, and dimensions of the zoning lot;
- B. the shape, size, and location of buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot;
- C. the existing and intended use of the zoning lot and of all structures upon it, including, where applicable, the number of dwelling units the building is intended to accommodate;
- D. the layout of parking and pedestrian and vehicular circulation on the zoning lot;
- E. landscape, screening and fencing plans; and
- F. other information concerning the zoning lot or adjoining lots determined by the zoning administrator as essential for determining whether the provisions of this chapter are being met.

Subp. 3. **Consideration of site plan.** In reviewing the site plan the board shall consider:

- A. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, subject to final approval by the city of St. Paul;
- B. traffic circulation features within the site and location of automobile parking areas. The board may impose requirements that will ensure:
 - (1) safety and convenience of vehicular and pedestrian traffic both within the site and in relation to access streets; and
 - (2) compatibility between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods;
- C. the arrangement of buildings, uses, and facilities of the proposed development to ensure abutting property or its occupants will not be unreasonably affected; and

D. the extent, location, and level of increased activity anticipated for the use to ensure compatibility with the Capitol area comprehensive plan and any applicable subarea plans that were approved by the board.

2400.3135 ZONING PERMIT APPLICATION.

All applications for zoning permits, which are available on the board's website, must be submitted in writing to the zoning administrator and contain:

- A. the legal description of the property in question;
- B. the fee owner of the property, and, in all cases where the applicant is not the fee owner of the property, the nature of the applicant's interest in the property;
- C. a concise description of the proposed use, including accessory and conditional uses, if any;
- D. ~~three copies~~ one hardcopy of a site plan, or PDF version via email, meeting the standards of part 2400.31503130; and
- E. other information as may be reasonably necessary to permit the board to determine whether the proposed use, including accessory and conditional uses, satisfies the requirements of this chapter.

Any applicant may present any additional information, in a form the board permits, that is relevant to the nature of the proposed use and its relation to and effect upon adjacent uses and the beauty, dignity, and architectural integrity of the Capitol area.

2400.3140 CERTIFICATE OF DESIGN COMPLIANCE APPLICATION.

A certificate of design compliance ~~is~~ may be required by the zoning administrator following the issuance of a zoning permit issued by the board and a building permit by the city of St. Paul, in order to certify that the plans of the building or structure conform to this chapter~~the design rules in parts 2400.2400 to 2400.2410.~~

All applications for a certificate of design compliance shall be submitted in writing and shall include ~~three copies~~ one hardcopy or a PDF version via email of the following, in addition to the requirements for a zoning permit:

- A. plans, sections, and elevations of the proposed structure drawn to scale, showing the overall dimensions of the exterior faces of the structure, the proposed type and location of any sign; ~~or~~
- B. other appurtenances such as overhangs, housing for utilities, and television or radio antennas, and showing in outline form other adjacent buildings and structures; and landscape features within a reasonable distance that will be seen when looking at any of the elevations of the structure;

- C. the final construction drawings as approved by the city including changes to the design, if any, since the zoning permit was issued;
- D. for all applications except those for one- and two-family dwellings, landscape plans and site plans prepared by a licensed design professional, including any landscaping required for off-street parking; and
- E. other information as may be reasonably necessary to permit the board to determine whether the proposed construction or reconstruction satisfies the requirements of this chapter.

2400.3145 SIGN PERMIT APPLICATION.

Applications for sign permits must be submitted in writing to the zoning administrator. Each application must contain:

- A. the name and address of the applicant and the location at which any signs are to be erected, including the lot, block, and addition, and the street on which they are to front; and
- B. a complete set of plans showing the necessary elevations, distances, size, and other details to fully and clearly represent the construction and placement of the display structure.

The zoning administrator must issue a sign permit provided that plans conform to parts 2400.2900 to 2400.2940.

~~2400.3150 SITE PLAN CONTENTS AND REVIEW.~~

~~Subpart 1. Contents of site plan. A site plan, where required by parts 2400.3150 to 2400.3160, must be drawn to scale and specifications, showing:~~

- ~~C. the actual shape, location, and dimensions of the zoning lot;~~
- ~~D. the shape, size, and location of buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot;~~
- ~~E. the existing and intended use of the zoning lot and of all structures upon it, including, where applicable, the number of dwelling units the building is intended to accommodate;~~
- ~~F. the layout of parking and pedestrian and vehicular circulation on the zoning lot;~~
- ~~G. landscape, screening and fencing plans; and~~
- ~~H. other information concerning the zoning lot or adjoining lots determined by the zoning administrator as essential for determining whether the provisions of this chapter are being met.~~

Subp. 2. ~~Consideration of site plan.~~ In reviewing the site plan the board shall consider:

- ~~I. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, subject to final approval by the city of St. Paul;~~
- ~~J. traffic circulation features within the site and location of automobile parking areas. The board may impose requirements that will ensure:
 - ~~(1) safety and convenience of vehicular and pedestrian traffic both within the site and in relation to access streets; and~~
 - ~~(2) compatibility between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods;~~~~
- ~~K. the arrangement of buildings, uses, and facilities of the proposed development to ensure abutting property or its occupants will not be unreasonably affected; and~~
- ~~L. the extent, location, and level of increased activity anticipated for the use to ensure compatibility with the Capitol area comprehensive plan and any applicable subarea plans that were approved by the board.~~

2400.31553150 CONDITIONAL USES.

Subpart 1. Conditional use application. A conditional use application requires submittal to the board of a site plan and description of the proposed use. A conditional use is permitted upon a finding by the board that the use is specifically enumerated as a conditional use for the district and that, if established, the use:

- A. will not materially adversely affect the general character of existing principal uses;
- B. will not adversely affect the beauty, dignity, and architectural integrity of the Capitol area; and
- C. will be established under the conditions and requirements for the uses enumerated in this chapter and additional conditions and requirements as the board may impose to ensure compliance with items A and B.

Subp. 2. Change to conditional use. A change to a conditional use requires a new permit when one of the following conditions occurs:

- A. a conditional use changes from one conditional use to another conditional use;
- B. the floor area of a condition use expands by 50 percent or more. Floor area does not include floor area that is accessory to a principal use and that does not result in the expansion of a principal use;
- C. the building containing a conditional use is torn down and a new building is

constructed, even if the new building contains the same or less floor area;

D. the principal use of a conditional use expands onto an abutting lot; or

E. the number of residents in a community residential facility increases, or the number of rooming units in a rooming or boarding house increases.

Subp. 3. **Expiration of conditional use permit.** Unless expressly provided by the board, a conditional use permit automatically expires and a new permit must be applied for when any of the following circumstances exist:

A. a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of 365 calendar days;

B. a conditional use changes to a permitted use not requiring a conditional use permit;

C. the lot area of a conditional use is subsequently reduced in size; ~~or~~

D. a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of one year; or

E. the conditional use is established as a temporary condition in the zoning district by the board at the time of a conditional use application.

2400.3155 ADJUSTMENTS.

This part establishes procedures for allowing minor deviations from certain standards for specific situations arising from existing site conditions and the strict application of the standards.

A. Applicability. Part 2400.3155 applies to all developments proposed in the Capitol area. The board is allowed to grant adjustments for only the standards identified in part 2400.3155.

B. Review authority. The review authority for adjustment requests shall be the zoning administrator, except for standards which affect visibility at driveways and intersections, or standards in the right-of-way shall be reviewed by the Public Works Director.

C. Application Requirements. Adjustment requests shall be reviewed and processed as follows:

(1) If the development for which an adjustment is requested is being processed consistent with part 2400.3155, the review procedure shall be the same as for the main project application.

(2) Adjustment requests shall be accompanied by a written request by the applicant explaining the need for the adjustment and identifying all existing site conditions or features that prevent compliance with the specific standard(s).

(3) Granting of an adjustment does not eliminate other standards not specified in part 2400.3155.

D. Findings. For the review authority to grant an adjustment, findings for the adjustment, as stated in part 2400.3155, are required.

E. Existing Site Condition. An existing site condition is a legally permitted building or structure constructed on the site with a final inspection or certificate of occupancy or a natural feature that exists as of the date of initial application submittal.

(1) For purposes of part 2400.3155, existing site conditions that prevent compliance with a standard include, but are not limited to, the following:

- a) A mature tree with at least one trunk measuring four inches in diameter or greater at four feet six inches above grade in height and not planned for removal or alteration.
- b) Utility infrastructure that is not required to be removed, relocated, or installed underground.
- c) A structure, site, cultural landscape, or feature designated or eligible to be designated historically significant based on the criteria in part 2400.3125.
- d) Retaining wall necessary to retain or support soil.
- e) Easements for the purpose of site access and transit-related infrastructure.

(2) The existing site condition used as a basis for requesting an adjustment shall not be removed or altered in its footprint.

<u>Administrative Relief Type</u>	<u>Findings/Criteria (All That Apply)</u>	<u>Allowed Administrative Relief and Conditions</u>	<u>Reference to Standard</u>
<u>1. Building Setbacks</u>			
<u>a. Front or Interior.</u> <u>Increase or decrease in the minimum or maximum required setback for a principal building.</u>	<u>i. Existing site conditions prevent compliance with the front setback standard.</u> <u>ii. Existing site conditions prevent compliance with the interior setback standard.</u>	<u>2' or 25% of the standard, whichever is greater.</u>	<u>Part 2400.2100</u>
<u>b. Capitol View and Civic Frontage Types.</u> <u>Decrease in the linear extent of the minimum setback.</u>	<u>Existing site conditions prevent compliance with the setback standard.</u>	<u>5' or 30% of the standard, whichever is greater.</u>	<u>Part 2400.2400, subp. 5; Ppart 2400.2400, subp. 6</u>
<u>2. Block Size</u>			

<u>a. Block Dimensions.</u> Allow larger block sizes.	<u>i. Preservation of existing buildings or buildings within the boundaries of a proposed block preents compliance with the standard.</u>	<u>Maximum block length standard to be increased to encompass the building and all setbacks required by the zoning district.</u> <u>Maximum block length does not exceed 800'.</u>	<u>Part 2400.2135, subp. 5(E)</u>
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2400.3160 VARIANCES.

Subpart 1. **Variance application.** An application for a variance from the requirements of this chapter must be submitted to the zoning administrator and contain:

- A. a statement setting forth the precise nature and extent of the proposed variance and the reasons the variance is being requested;
- B. supporting documentation necessary to provide a complete description of the proposal including site plan, architectural plans and drawings, topographical information, and project cost data; and
- C. a detailed statement addressing each of the applicable variance criteria contained in this chapter and the reasons the variance request conforms to those criteria.

Subp. 2. **Disposition of variance requests.** The board shall grant or deny a variance request pursuant to the procedures in items A to E and the standards in subpart 3.

- A. Upon receipt of a variance request, or the determination by the zoning administrator that a variance is needed, the zoning administrator must send written notice to all persons who have registered their names with the board for the purpose of being notified of rulemaking proceedings or variance requests and to all parties who may be affected by the decision. The notice must be sent to all owners and possessors of record of property within 350 feet of the property.

The notice must contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the board will not act on the variance request until interested persons have been afforded at least 30 calendar days after the issuance of the notice to submit their comments.

- B. If, after receiving the variance request, the board determines that additional information is needed, it may direct the person seeking the variance to submit additional data regarding the variance request to the board or the zoning administrator, or appear before the board or the zoning administrator to provide additional information.

- C. To facilitate full consideration of a variance request the board may, in its discretion,

request that the person seeking the variance and other persons who have submitted written comments regarding the variance appear before the board to make arguments to the board. The board must provide persons requested to appear notice of the request at least seven calendar days before the board meeting at which the variance request is to be considered. This procedure does not constitute a contested case as defined in Minnesota Statutes, section 14.02, subdivision 3.

D. If a person requesting a variance fails to follow the variance procedures specified in this part, the variance shall be denied.

E. Within 30 calendar days after its action on the request, the board must set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments the reasons why it has granted or denied the variance request.

Subp. 3. Standards for review of variance requests. The board may grant a variance to the application of any of its rules, except for its design standards and sign rules, only if it determines that all of the following criteria have been met:

A. the property in question cannot be put to a reasonable use under the strict application of the rules;

B. the plight of the landowner is due to circumstances unique to the property, and the circumstances were not created by the landowner;

C. the proposed variance is in keeping with the spirit and intent of this chapter and is consistent with the health, safety, comfort, morals, and welfare of the inhabitants of the Capitol area and the city of St. Paul;

D. the proposed variance does not impair an adequate supply of light and air to adjacent property, nor does it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;

E. the variance request, if granted, does not permit any use that is not permitted under this chapter for the property in the district where the affected land is located, nor does it alter or change the zoning district classification of the property; and

F. the request for variance is not based solely on the desire to increase the value or income potential of the land parcel.

Subp. 4. Variances to design standards. The board may grant a variance to the application of the design standards in this chapter only if it determines that:

A. strict application of the design rules would prevent implementation of a design that, in terms of meeting the intent of this chapter, is equal to or superior to the design alternatives authorized by this chapter; and

B. the criteria in subpart 3, items B to F, have been met.

Subp. 5. **Variances to sign rules.** The board may grant a variance to application of its sign rules only if it determines that:

- A. unusual conditions exist with respect to a specific building or lot that require the installation of a unique sign;
- B. the granting of the variance does not result in the installation of a sign in a zoning district in which such a sign is not permitted by this chapter; and
- C. the criteria in subpart 3, items B to F, have been met.

2400.3165 REZONINGS AND ZONING AMENDMENTS.

Any person or entity wanting to amend the zoning rules or petition for rezoning must follow the procedures for petition for adoption of a rule in the Administrative Procedure Act, Minnesota Statutes, chapter 14.

2400.3170 APPEALS.

Any decision of the zoning administrator may be appealed to the board within ten business days of the time the applicant or property owner is notified of the zoning administrator's decision. The board must act upon the appeal following the same procedures specified for variance requests in part 2400.3160.

Decisions of the board may be appealed using the procedures for determination of validity of a rule in the Administrative Procedure Act, Minnesota Statutes, chapter 14.

2400.3175 ENFORCEMENT AND PENALTIES.

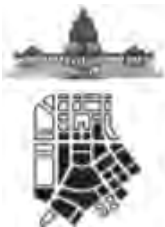
The zoning administrator must enforce this chapter and has the power to certify zoning compliance and to make inspections of premises necessary to carry out duties as outlined in this chapter.

A person who violates any zoning rule is guilty of a misdemeanor under Minnesota Statutes, section 15B.06. The board may move to abate, by injunction, a violation of these zoning rules.

2400.3180 FEES

Fees for inspection and the issuance of permits or certificates required or issued under this chapter must be collected by the zoning administrator in advance of issuance. The amount of the fees must be established by resolution of the board and shall cover the cost of notification, inspection, and supervision resulting from enforcement of this chapter. The fee schedule is available on the board's website and by request at the board offices.

When any fees are not paid within six months of authorization of any permit or certificate, the authorization is null and void.



CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

CAAPB

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Relating to Capitol Area
Zoning & Design Rules, Minnesota Rules, Chapter 2400;
Revisor's ID Number R-04921

Capitol Area Architectural and Planning Board

March 2024

General Information:

1. Availability: The State Register notice, this Statement of Need and Reasonableness (SONAR), and the proposed rule will be available during the public comment period on the Agency's Public Notices website: <https://mn.gov/caapb/>
2. View older rule records at: [Minnesota Rule Statutes https://www.revisor.mn.gov/rules/status/](https://www.revisor.mn.gov/rules/status/)
3. Agency contact for information, documents, or alternative formats: Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Jessie Hughes, Office Administrative Specialist, Capitol Area Architectural and Planning Board, St. Paul, MN 55155; telephone 651-757-1502; email jessiehughes@state.mn.us.

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Contents

Acronyms

APA	Administrative Procedures Act
ALJ	Administrative Law Judge
CAAPB	Capital Area Architectural and Planning Board
CFR	Code of Federal Regulations
MAT	Minnesota Association of Townships
MMB	Minnesota Management and Budget
MN	Minnesota
MORS	Minnesota Office of the Revisor of Statutes
OAH	Office of Administrative Hearings
SHPO	State Historic Preservation Office
SONAR	Statement of Need and Reasonableness

[More as needed]

[Additional definitions]

I. Introduction and Overview

A. Introduction

Minnesota’s Capitol Area Architectural and Planning Board (CAAPB) is proposing to update Minnesota Rules Chapter 2400, which establishes zoning and design regulations for the Capitol Area in Saint Paul, Minnesota. This update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol Area and refine existing rules to more effectively regulate and manage the Capitol Area’s physical environment, including avoiding ongoing inefficiencies, delays, and uncertainty for various stakeholders within the Capitol Area.

The rulemaking process will adhere to the Administrative Procedures Act (APA) and Minnesota Rules Chapter 1400. CAAPB engaged stakeholders through public meetings, requests for comments, and other outreach efforts to ensure an inclusive and well-informed rule development process. A Preliminary Request for Comments was issued from January 13 to February 13, 2025, providing an opportunity for early public input. The CAAPB also held a Board meeting/public meeting discussing the proposed rules on March 24, 2025.

Statutory authority for this rulemaking is derived from Minnesota Statutes, Section 15B.06, which grants the Board authority to adopt zoning and design rules, and Minnesota Statutes, Section 15B.03, Subd. 6, which provides general rulemaking authority to fulfill the purposes of the chapter.

B. Statement of General Need

The 2040 Comprehensive Plan for the Minnesota State Capitol Area was updated in 2020 and approved by the CAAPB in 2021. This proposed rule update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol and surrounding zoning ordinances of St Paul and refine existing rules to better regulate and manage the Capitol Area’s physical environment. The proposed rules are necessary to align the rules with the latest Comprehensive Plan and current City of St. Paul zoning ordinances while refining the zoning and design rules for clarity, conciseness and ease of use.

C. Scope of Proposed Amendments

The following chapters of Minnesota rules are affected by the proposed changes:

- Minnesota Rules Chapter 2400, Capitol Area Zoning and Design

D. Statutory Authority

The Board's statutory authority to adopt the rules is stated in Minnesota Statutes, Section 15B.03, Subpart 6. authorizes the Board to adopt rules for zoning and design in the Capitol Area.

Minnesota Statutes, Section 15B.03, Subd. 6. General rulemaking authority.

The board may adopt rules under chapter 14, the Administrative Procedure Act, that it believes are needed and reasonable to accomplish the purposes of this chapter.

Under Minnesota Statutes, Section 15B.03, the Board has the necessary statutory authority to adopt the proposed rules.

II. Background

Pursuant to Minn. Stat. 15B.06 and 15B.03, Subd. 6), the Capitol Area Architectural and Planning Board, hereinafter the Board, has adopted Zoning and Design Rules, MN. Rules, Chapter 2400, to regulate the kind, character, height, and location of buildings and other structures constructed or used; the size of yards and open spaces; the percentage of lots that may be occupied and the uses of land, buildings, and other structures within the Capitol Area (see Minn. Stat. 15B.06). The same statute also authorizes the Board, in order to protect and enhance the dignity, beauty and architectural integrity of the area, to include design standards and review procedures in its zoning rules design review procedures and standards with respect to construction activities within the area.

The Board first adopted zoning rules in 1973. In 1999, the Board updated the Comprehensive Plan for the Minnesota State Capitol Area and, in 2000, adopted an update to the Zoning and Design Rules to assure compatibility with the new Comprehensive Plan and serve the best interests of the Board, the state government, and the public. In 2010, the Board initiated a complete rewrite of the Zoning and Design Rules to incorporate much of the recent work of the City of St. Paul in related zoning and land use decisions and planning.

In 2018, the Board initiated an update to the Comprehensive Plan and engaged the people of the Capitol Area over a three-year period to understand their vision and hopes for this area. As the culmination of this effort, the 2040 Comprehensive Plan provides a framework for action by the Board in its guidance of the area's development over the next 20 years.

While the Comprehensive Plan sets the vision for the Capitol Area, the Zoning and Design Rules sets out the specific rules and standards with which all development must comply. The Zoning and Design Rules are reviewed and updated following any update to the Comprehensive Plan.

Now, with a legislative appropriation, the Board has initiated an update to the Zoning and Design Rules, to better reflect the vision and policies of the 2040 Comprehensive Plan for the Minnesota State Capitol Area (Comp Plan) and incorporate recent work of the City of Saint Paul (hereafter "the city") in related zoning and land use decisions and planning. The Comp Plan process (outlined in the Comp Plan: <https://mn.gov/caapb/planning/>) engaged a wide diversity of residents in drafting each chapter, along with a Steering Committee appointed by the Board in developing detailed policies that were intended to inform a subsequent Rules update.

These proposed rules have been developed by an outside consultant with experience in urban design, comprehensive plans and zoning rules. The rules have been thoroughly reviewed, updated, and reorganized by the Board, its staff, and its consultants in consultation with representatives of the state Administration Department, from the City's Department of Planning and Economic Development, and a public comment period allowing access to affected Capitol Area community members (explained below).

III. Public Participation and Stakeholder Involvement

Consistent with the Administrative Procedures Act (APA), the Capitol Area Architectural and Planning Board (CAAPB) published a Request for Comments in the Minnesota State Register on January 13, 2025. To increase accessibility and opportunity for feedback, the CAAPB created a web page which displayed relevant information on this rulemaking process and provided the opportunity to make comments. The webpage was available from the time the Request for Comments was published until and beyond the Board published the Notice of Intent to Adopt Rules. The webpage is located here: <https://mn.gov/caapb/zoning/zoning-design-rulemaking/>

Additionally, the CAAPB sent out GovDelivery emails to our entire email list (5,076 emails), notifying interested parties and individuals in CAAPB activities.

For the preliminary Request for Comments, these emails occurred on:

- 1/14/2025
- 1/29/2025

Additionally, the Board solicited initial feedback on the proposed rules from a variety of organizations that are most likely to be affected by the rule revisions:

- Department of Administration
- City of Saint Paul
- Capitol Region Watershed District

- State Historic Preservation Office
- Minnesota Historical Society

Finally, in accordance with the requirements of Minnesota Statutes, Section 14, and Minnesota Rules, Chapter 1400, the Department sought input and comments from the public, stakeholders, and individuals affected by these rules.

These activities are described in detail on pages 88-89 of this SONAR.

IV. Reasonableness of the Amendments

A. General Reasonableness

The proposed updates to Minnesota Rules, Chapter 2400 are reasonable because, as demonstrated in this SONAR, they align with the 2040 Comprehensive Plan for the Minnesota State Capitol Area, which was developed through an extensive public process (<https://mn.gov/caapb/planning/>). This ensures that the proposed changes reflect the long-term vision and planning goals for the Capitol Area.

Additionally, the updates are consistent with City of Saint Paul zoning ordinances, promoting coherence between local and state regulations. CAAPB engaged key stakeholders, including the Minnesota Department of Administration, the City of Saint Paul, the Capitol Region Watershed District, and the State Historic Preservation Office to ensure that the proposed changes are reasonable, necessary, and not overly burdensome. These discussions focused on how the updates intersect with each entity's work, ensuring that the new rules are practical and balanced while maintaining the integrity of the Capitol Area's zoning and design framework.

By integrating extensive public input, aligning with existing local and state regulations, and collaborating with critical stakeholders, the proposed rule changes support a well-planned, functional, and historically sensitive Capitol Area without imposing unnecessary or dramatic regulatory burdens.

B. Rule-by-Rule Analysis

The Board's proposed rules include best practices and recommendations from the Office of the Revisor including:

- Renumbering of all parts on instructions of the Revisor's Office due to scale of rewrite and inability to re-use old numbers.
- Updating references to new numbers as assigned by the Revisors Office for Chapter 2400.
- Modifying number format to be consistent with formal writing styles as follows:

- use words to express numbers one through nine and numerals for numbers 10 and above;
 - use numerals in the same sentence where a number 10 and above are used;
 - use numerals for numbers in tables and figures; and
 - use words where numbers begin a sentence.
- Updating zoning district acronyms consistent with the updated change to zoning district title from RM district to MR district and CC-O to CRD.
 - Grouping of definitions under a definition, referred to as "nested definitions" or "sub-definitions," in part 2400.2040 Definitions. In legal or regulatory contexts, this technique helps to clarify terms by providing more detailed descriptions or breaking down complex concepts into simpler components. It ensures that each layer of definition is understood in relation to the overarching term while allowing for specificity and precision in communication.
 - Updating diagrams for graphic style consistency and legibility in part 2400.2040 Definitions, including the following:
 - Basement vs Story
 - Measurement of Height, Pitched, Hipped, and Mansard Roofs
 - Grade Measurements
 - Lot Width Measurement
 - Usable Floor Area

All other proposed changes are identified below and followed by a justification.

1. CHAPTER 2400, CAPITOL AREA ZONING AND DESIGN RULES

Added "Rules" for consistency with 2400.2000 Title.

2. Part 2400.2005 AUTHORITY AND DUTIES OF BOARD.

This chapter is enacted pursuant to the authority granted to the Capitol Area Architectural and Planning Board by Minnesota Statutes, sections 15B.01 to 15B.31 15B.34.

The board must accept applications for and issue any certificate or permit required by this chapter; keep and maintain all plans, files, and records pertaining to them; and perform all other functions necessary for the orderly administration of this chapter. The board may delegate any or all of these duties to the zoning administrator with the exception of approval for commemorative artworks, variances, conditional use permits, board approvals required by Minnesota statutes, and other approvals referred for action by the board.

Moved and combined 2400.3105 Duties of Board to this part for clarity and consolidation of text regarding the authority and duties of the board. Added reference to Minnesota Statutes, Section 15B.34 to include parts that mandate the board's powers and duties regarding the Capitol building.

3. Part 2400.2015 APPLICABILITY AND SCOPE.

~~If the application of any portion of this chapter to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, the determination shall not affect the application of the provision to any other property.~~

Removed text redundant in part 2400.2025 Severability.

4. Part 2400.2030 INTERPRETATION RULES OF CONSTRUCTION.

Changed title of part 2400.2030 for clarity of intent of this part.

5. Part 2400.2040, subpart 3. Accessory use.

~~Subp. 3. **Accessory use.** "Accessory use" means a use that is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.~~

Moved to be grouped under subp. 78 Use (previously subp. 83) and renumbered as subp. 79a.

6. Part 2400.2040, subpart 16a. Block-scale.

Subp. 16a. **Block-scale.** "Block-scale" means the building form is either individually as large as a city block or collectively arranged along a street to form a continuous façade as long as most or all of a block.

Added definition to define a new term used in Chapter 2400.

7. Part 2400.2040, subpart 17a. Board staff.

Subp. ~~19~~17a. **Board staff.** "Board staff" means the employees of the Capitol Area Architectural and Planning Board, led by the executive secretary, who execute the decisions of the board.

Moved to be grouped under subp. 17 Board (previously subp. 15) and renumbered as subp 17a..

8. Part 2400.2040, subpart 19a. Accessory building.

Subp. 19a. **Accessory building.** "Accessory building" means a building which is subordinate to the principal building and is incidental to the use of the principal building on the same lot.

Added definition to clarify a term used in Chapter 2400.

9. Part 2400.2040, subpart 19b. Principal building.

Subp. 19b. **Principal building.** "Principal building" means a building in which the principal use of the zoning lot upon which it is situated is conducted.

Moved to be grouped under subp. 19 Building (previously subp. 17) and renumbered as subp. 19b.

10. Part 2400.2040, subpart 21. Capitol area.

Added new graphic to illustrate the boundaries of the Capital area, Capitol campus, and Capitol mall.

11. Part 2400.2040, subpart 21a. Capitol building.

Subp. 21a. **Capitol building.** "Capitol building" means the Minnesota State Capitol building.

Added definition to clarify a term used in Chapter 2400.

12. Part 2400.2040, subpart 21b. Capitol campus.

Subp. 21b. **Capitol campus.** "Capitol campus" means the entirety of the urban subdistrict of the Capitol area that includes the Capitol mall and State Capitol building, open spaces; all state workplaces and affiliated institutional workplaces, including the Minnesota History Center, the office buildings adjacent related to functioning of the State, and the streets and public spaces included within.

Added definition to clarify a term used in Chapter 2400.

13. Part 2400.2040, subpart 21c. Capitol complex.

Subp. 21b. **Capitol complex.** "Capitol complex" means State-owned buildings and grounds managed by the Department of Administration in the Capitol area.

Added definition to clarify a term used to clarify the distinction between Capitol area, Capitol campus, Capitol grounds, and Capitol map.

14. Part 2400.2040, subpart 21d. Capitol mall.

Subp. ~~19c~~**21d. Capitol mall.** "Capitol mall" means the open space between the ~~Department of~~ Transportation Building, Centennial Office Building, Veterans Services Building, and the Capitol, including the lawn surrounding the Capitol building. There are two parts of the mall, which are connected by Rev Dr Martin Luther King Jr Boulevard (MLK blvd.).

- A. Upper mall. The open space north of MLK blvd. where the Capitol building is located.
- B. Lower mall. The open space south of MLK blvd. and north of 12th st., east of John Ireland blvd, and west of Cedar st.

Modified text to the definition to reflect official building names and to clarify a term used in Chapter 2400.

15. Part 2400.2040, subpart 24. Construction.

Subp. 24. **Construction.** "Construction" means the process and any acts of removing, enlarging, erecting, altering, or assembling that results in permanent improvements of any scale to public or private infrastructure, buildings, or other structures. Maintenance work related to preserving any permanent improvements, or temporary improvements to support temporary activities, is not considered construction.

Added definition to clarify a term used in Chapter 2400 per Minnesota Statutes 15B.08.

16. Part 2400.2040, subpart 21. Conditional use.

~~Subp. 21. Conditional use. "Conditional use" means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:~~

~~A. certain conditions as detailed in this chapter exist; and~~

~~B. the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.~~

Moved to be grouped under subp. 78 Use (previously subp. 45).

17. Part 2400.2040, subpart 23. Corner lot.

~~Subp. 23. **Corner lot.** "Corner lot" means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than 135 degrees.~~

~~Corner Lots, Interior Lots, and Through Lots~~

Moved to be grouped under subp. 51 Lot (previously subp. 45).

18. Part 2400.2040, subpart 27. Demolition.

Subp. 27. **Demolition.** "Demolition" means the process of tearing down, dismantling, or destroying a structure, such as a building or a part of a building.

Added definition to clarify a term used in Chapter 2400.

19. Part 2400.2040, subpart 32a. Accessory dwelling.

Subp. 32a. **Accessory dwelling.** "Accessory dwelling" means a secondary dwelling unit with complete independent living facilities for one or more persons that is located on a property that has a separate primary building.

Added definition to clarify a term used in Chapter 2400.

20. Part 2400.2040, subpart 32b. Multi-family dwelling.

Subp. 32b. **Multi-family dwelling.** "Multi-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other.

Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28).

21. Part 2400.2040, subpart 32c. Single-family dwelling.

Subp. 32c. **Single-family dwelling.** "Single-family dwelling" means a building or unit that consists of one dwelling unit occupied by one household.

Added definition to clarify a term used in Chapter 2400.

22. Part 2400.2040, subpart 32d. Townhouse dwelling.

Subp. 32d. **Townhouse dwelling.** "Townhouse dwelling" means a single-family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.

Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28).

23. Part 2400.2040, subpart 36. Front setback line.

Subp. 36. ~~Front setback line.~~ "Front setback line" means a line parallel to the front lot line that establishes the minimum front yard depth of a zoning lot.

Moved to be grouped under subp. 67 Setback (previously subp. 78).

24. Part 2400.2040, subpart 41. Historic property.

Subp. 41. **Historic property.** "Historic property" means any district, site, building, structure, or object that is determined eligible for or listed in the National Register of Historic Places by Public Law 89-665, or designated in Minnesota Statutes, sections 138.662 and 138.664.

Added definition to define a new term used in Chapter 2400.

25. Part 2400.2040, subpart 43 House-scale.

Subp. 43. **House-scale.** "House-scale" means the building form is similar in scale to single-unit houses and within small-scale environments comprised of small buildings separated from adjacent buildings and setback from the street and sidewalk.

Added definition to define a new term used in Chapter 2400.

26. Part 2400.2040, subpart 42. Interior lot.

~~Subp. 42. **Interior lot.** "Interior lot" means any lot other than a corner lot.~~

Moved to be grouped under subp. 49 Lot (previously subp. 45) and renumbered as subp. 51b.

27. Part 2400.2040, subpart 49a. Corner lot.

Subp. 49a. **Corner lot.** "Corner lot" means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than 135 degrees.

Moved to be grouped under subp. 49 Lot (previously subp. 45).

28. Part 2400.2040, subpart 49b. Interior lot.

Subp. 49b. **Interior lot.** "Interior lot" means any lot other than a corner lot.

Moved to be grouped under subp. 49 Lot (previously subp. 45).

29. Part 2400.2040, subpart 49g. Lot width.

Subp. 49g. **Lot width.** "Lot width" means the horizontal distance between the side lot lines, measured at the two points where the ~~building line or setback line~~ intersects the side lot lines.

Lot Width Measurement ~~is Measured at Building Line~~
[insert updated graphic "Lot_Width.jpg"]

Removed text that is not used as a standard in Chapter 2400. Modified graphic title to reflect current standards in measurement.

30. Part 2400.2040, subpart 49h. Through lot.

Subp. ~~77~~49h. **Through lot.** "Through lot" means an interior lot with frontage on two streets.

Moved to be grouped under subp. 49 Lot (previously subp. 45).

31. Part 2400.2040, subpart 52. Multiple-family dwelling.

~~Subp. 52. **Multiple family dwelling.** "Multiple family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other.~~

Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28).

32. Part 2400.2040, subpart 54. Nonconforming use.

~~Subp. 54. **Nonconforming use.** "Nonconforming use" means a use of land or a building that lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.~~

Moved to be grouped under subp. 79 Use (previously subp. 45) and renumbered as subp. 79f.

33. Part 2400.2040, subpart 59. One-family dwelling.

~~Subp. 59. **One family dwelling.** "One family dwelling" means a building designed exclusively for and occupied by one family.~~

Removed as this term is no longer used in Chapter 2400.

34. Part 2400.2040, subpart 60. Pedestrian-oriented.

Subp. 60. **Pedestrian-oriented.** "Pedestrian-oriented" means development that is designed to emphasize sidewalk, building, and site design that prioritizes pedestrian movement over vehicular movement. Buildings in such developments are generally placed close to the street and the main entrance is oriented to the street sidewalk.

Added definition to define a new term used in Chapter 2400.

35. Part 2400.2040, subpart 64. Principal building.

~~Subp. 64. **Principal building.** "Principal building" means a building in which the principal use of the zoning lot upon which it is situated is conducted.~~

Moved to be grouped under subp. 19 Building (previously subp. 17).

36. Part 2400.2040, subpart 65. Principal use.

~~Subp. 65. **Principal use.** "Principal use" means a use that is the primary use of the zoning lot upon which it is situated and that is:~~

- ~~A. specifically listed in the table of uses as a permitted or conditional use in the zoning district in question; or~~

~~B. wholly consistent with the purpose of the district and the general character of the enumerated principal uses of that district.~~

Moved to be grouped under subp. 78 Use (previously subp. 45) and renumbered as subp. 79e.

37. Part 2400.2040, subpart 65. Removal.

Subp. ~~66a~~65. **Removal.** "Removal" means the removal of an artwork from the Capitol grounds. Removal, in the case of painted wall signs, means a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is still visible.

Moved text from part 2400.2905 that further clarifies the definition of the term "removal."

38. Part 2400.2040, subpart 67a. Front setback line

Subp. 67a. **Front setback line.** "Front setback line" means a line parallel to the front lot line that establishes the minimum front yard depth of a zoning lot.

Moved to be grouped under subp. 68 Setback (previously subp. 78).

39. Part 2400.2040, subpart 67b. Rear setback line.

Subp. 67b. **Rear setback line.** "Rear setback line" means a line parallel to the rear lot site line extending between the side lot lines.

Added definition to clarify a term used in Chapter 2400.

40. Part 2400.2040, subpart 67c. Side setback line.

Subp. 67c. **Side setback line.** "Side setback line" means a line parallel to the side lot line extending between the front and rear lot lines.

Added definition to clarify a term used in Chapter 2400.

41. Part 2400.2040, subpart 68, item E. Blade sign.

"Blade sign" means a single-sided, non-internally illuminated sign up to two square feet in size that hangs under a porch or a two-sided, non-internally illuminated sign that is attached to the façade and projects from the wall into the front setback.

Added definition to clarify a term used in Chapter 2400.

42. Part 2400.2040, subpart 68, item F. Building-mounted sign.

"Building-mounted sign" means a wall, canopy, awning, marquee, or projecting sign.

Relocated text from part 2400.2935 to part 2400.2040 as this statement is a definition.

43. Part 2400.2040, subpart 68, item BB. Yard sign.

"Yard sign" means a two-sided, non-internally illuminated sign up to four square feet in size that hangs from a post in the front setback.

Added definition to clarify a term used in Chapter 2400.

44. Part 2400.2040, subpart 68b. Sign disrepair.

Subp. 68b. **Sign disrepair.** "Disrepair" means a condition in which the sign has deteriorated to the point where at least one-fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; where paint is peeling, chipping, or flaking from the structure surface; where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.

Moved text from part 2400.2905 that defines the term "disrepair" and modified to "Sign disrepair" for clarity.

45. Part 2400.2040, subpart 71a. Primary street.

Subp. 71a. **Primary Street.** "Primary street" means the street designated to bear the address and primary entrance to the building.

Added definition to clarify a term used in Chapter 2400.

46. Part 2400.2040, subpart 78. Townhouse dwelling.

~~Subp. 78. **Townhouse dwelling.** "Townhouse dwelling" means a one-family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.~~

Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28) and renumbered as subp. 33d.

47. Part 2400.2040, subpart 77. Through lot

~~Subp. 77. **Through lot.** "Through lot" means an interior lot with frontage on two streets. Subp. 78. **Townhouse dwelling.** "Townhouse dwelling" means a one-family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.~~

Moved to be grouped under subp. 51 Lot (previously subp. 45) and renumbered as subp. 51h.

48. Part 2400.2040, subpart 75. Tribal flag plaza.

Subp. 75. Tribal flag plaza. "Tribal flag plaza" means the plaza in lower mall displaying flags of federally recognized tribes in the borders of the State of Minnesota. The tribal flag plaza includes its flags, related signage, and plantings. The tribal flag plaza is not considered a commemorative work nor a memorial and is not subject to part 2400.2705.

Added definition to define a new term used in Chapter 2400.

49. Part 2400.2040, subpart 80. Two-family dwelling.

~~Subp. 80. Two family dwelling. "Two family dwelling" means a building designed exclusively for occupancy by two families living independently of each other.~~

Removed as this term is no longer used in Chapter 2400.

50. Part 2400.2040, subpart 78a. Accessory use

Subp. 78a. Accessory use. "Accessory use" means a use that is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.

Moved to be grouped under subp. 78 Use (previously subp. 83).

51. Part 2400.2040, subpart 78b. Conditional use.

Subp. 78b. Conditional use. "Conditional use" means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

- A. certain conditions as detailed in this chapter exist; and
- B. the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.

Moved to be grouped under subp. 78 Use (previously subp. 83).

52. Part 2400.2040, subpart 78c. Interim use.

Subp. 78c. Interim use. "Interim use" means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Added definition to clarify a term used in Chapter 2400.

53. Part 2400.2040, subpart 78d. Permitted use.

Subp. 78d. **Permitted use.** "Permitted use" means a use that is allowed by-right within a zoning district pursuant to part 2400.2205.

Added definition to clarify a term used in Chapter 2400.

54. Part 2400.2040, subpart 78e. Principal use.

Subp. 78e. **Principal use.** "Principal use" means a use that is the primary use of the zoning lot upon which it is situated and that is:

A. specifically listed in the table of uses as a permitted or conditional use in the zoning district in question; or

B. wholly consistent with the purpose of the district and the general character of the enumerated principal uses of that district.

Moved to be grouped under subp. 78 Use (previously subp. 45).

55. Part 2400.2040, subpart 78f. Nonconforming use.

Subp. 78f. **Nonconforming use.** "Nonconforming use" means a use of land or a building that lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.

Moved to be grouped under subp. 78 Use (previously subp. 45).

56. Part 2400.2100 ZONING DISTRICTS ESTABLISHED.

The following zoning districts and overlay for the Capitol area are established:

- A. government district (G-1);
- B. government district (G-2);
- C. ~~moderate density~~ mixed residential district (~~RM~~MMR);
- D. mixed use district (MX);
- E. mixed use - downtown district (MXD); and
- F. ~~central corridor~~ capital rice district overlay (~~CC-O~~CRD).

Renamed moderate density district (RM) to remove reference to density and clarify intended use as primarily residential uses with mixed non-residential uses. Renamed CC-O central corridor overlay

district to capital rice district overlay (CRD) to better align with the capital rice district development framework.

57. Part 2400.2105, Subpart 1. Establishment of zoning districts.

The Capitol area is divided into zoning districts as shown on the official zoning map entitled Zoning ~~Districts~~ districts for the Capitol area in subpart 2. The map and any amendments with all explanatory material are part of this chapter.

Revised District with lowercase to be consistent with other uses of district throughout Chapter 2400.

58. Part 2400.2105, Subpart 2. Zoning districts for the Capitol area.

Updated diagram in color for clarity and legibility.

59. Part 2400.2110 Zoning district boundaries.

Relocated to be Part 2400.2105, subpart 3 to provide visual graphic with the description of established zoning districts and to be consistent with part 2400.2105 title “Zoning Map.”

60. Part 2400.~~2210~~2110 G-1 GOVERNMENT DISTRICT.

Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.

61. Part 2400.~~2210~~2110, subpart 1. District intent.

Updated diagrams for the zoning district map to be consistent with the updated zoning districts map. Updated the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.

62. Part 2400.~~2210~~2110, subpart 2. Building placement.

Minimum setback

Front yard

See frontage map ([part 2400.2400](#))

Added reference for ease of navigation to referenced map/part.

63. Part 2400.~~2210~~2110, subpart 3. Building types.

Building Types

Minimum lot width

Civic building

60 feet

Parking building

60 feet

Podium building	60 feet
Liner building	60 feet

Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.

64. Part 2400.~~2210~~2110, subpart 4. Parking placement.

Surface parking must be located behind the rear plane of the principal building on the lot. ~~On corner lots, surface parking may be located in a side yard but shall be set back at least 30 feet from the corner of the property.~~ Surface parking must be screened and landscaped as specified in part 2400.2630.

Removed standard to prevent surface parking adjacent to a public street.

65. Part 2400.~~2210~~2110, subpart 5. Lot area and coverage.

~~Lot area and coverage.~~ Lot area and coverage requirements for the G-1 district are as follows: **Building height.** Building heights must comply with part 2400.2300.

Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building types. Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management. Renumbered as subp. 5 Building height (previously subp. 6) with the removal of standards in subp 5. Lot area and coverage.

66. Part 2400.~~2210~~2110, subpart 6. Stormwater management.

Subp. 6. **Stormwater management.** All proposed projects must comply with part 2400.2635.

Building type	Minimum lot size
All buildings	10,000 square feet
Maximum impervious coverage	85 percent of lot area

Added a new subpart that references standards in part 2400.2635.

67. Part 2400.~~2210~~2110, subpart 7. Historic preservation.

Subp. 7. **Historic resources.** All proposed projects must comply with part 2400.3125.

Added a new subpart that references standards in new part 2400.3125.

68. Part 2400.~~2210~~2110, subpart 8. Projects on public lands.

Subp. 8. **Projects on public lands.** All proposed projects must comply with part 2400.3120.

Added a new subpart that references standards in new part 2400.3120.

69. Part 2400.~~2215~~2115 G-2 GOVERNMENT DISTRICT.

Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.

70. Part 2400.~~2215~~2115, subpart 1. District intent.

Updated diagrams for the zoning district map to be consistent with the updated zoning districts map.

71. Part 2400.~~2215~~2115, subpart 2. Parking placement.

Subp. 2. **Parking placement.** Surface parking within the G-2 district is considered an interim use pursuant to part 2400.3150, with the intent that it will ultimately be replaced with underground parking or structured parking in another zoning district. Surface parking must be screened from the streets and adjacent uses as specified in part 2400.2630.

Added reference to standards in part 2400.3150 Conditional uses (previously part 2400.3155).

72. Part 2400.~~2215~~2115, subpart 3. Stormwater management.

Subp. 3. **Stormwater management.** All proposed projects must comply with part 2400.2635

Added a new subpart that references standards in part 2400.2635.

73. Part 2400.~~2215~~2115, subpart 4. Historic preservation.

Subp. 4. **Historic preservation.** All proposed projects must comply with part 2400. 3125.

Added a new subpart that references standards in new part 2400.3125.

74. Part 2400.~~2215~~2115, subpart 5. Projects on public lands.

Subp. 5. **Projects on public lands.** All proposed projects must comply with part 2400.3120.

Added a new subpart that references standards in new part 2400.3120.

75. Part 2400.~~2215~~2115, subpart 3. Stormwater management.

76. Part 2400.~~2220~~2120 MR MIXED RM-Moderate Density RESIDENTIAL DISTRICT

Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established. Renamed moderate density district (RM) to remove reference to density and clarify intended use as primarily residential uses with mixed non-residential uses. Updated title of this zoning district is used throughout Chapter 2400.

77. Part 2400.~~2220~~2120, subpart 1 District intent.

Subpart 1. **District intent.** The MR Mixed RM-Moderate Density Residential District is intended to protect the residential qualities and character of neighborhoods adjacent to the Capitol campus while encouraging infill and redevelopment for a range of ~~moderate-density~~ housing types, including middle housing and limited service uses. New development must be at a human scale, pedestrian-oriented to the street and designed with sensitivity to Capitol views and public spaces.

Added text to encourage middle housing and pedestrian-oriented development. Updated diagrams for the zoning district map to be consistent with the updated zoning districts map, the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.

78. Part 2400.~~2220~~2120, subpart 2. Building placement.

Subp. 2. **Building placement.** The following minimum setbacks apply to building placement in the ~~RM~~ MR district:

Principal Building	Minimum setback
Front yard	See frontage map (<u>part 2400.2400</u>)
Corner side yard	Five feet
Interior side yard	Five feet
Rear yard	25 <u>20</u> feet

Added reference for ease of navigation to referenced map/part. Reduced rear yard setback from 25 feet to 20 feet to provide flexibility, promote infill development, and encourage a more diverse range of building types.

79. Part 2400.~~2220~~2120, subpart 3. Building types.

Subp. 3. **Building types.** These building types, described in part 2400.2500 are considered appropriate for the ~~RM-MR~~ district. Other building types are acceptable upon approval by the zoning administrator, provided that they meet the lot, height, and frontage requirements and design standards of this chapter.

Building Type	Minimum lot width
One-family	35 feet
Two-family twin	20 feet/unit
Two-family duplex	35 feet
Townhouse	20 feet
Small apartment (3-4 units) <u>Small multiplex (1 to 4 units)</u>	40 feet
	50 feet
Large apartment multiplex (5-plus units) <u>(5 or more units)</u>	Not applicable
<u>Courtyard multiplex</u>	50 feet
Carriage house	
<u>Commercial block</u>	
<u>Podium</u>	
All nonresidential buildings	

Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Replaced all nonresidential buildings with specific nonresidential building types included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.

80. Part 2400.22202120, subpart 4. Parking placement.

Subp. 4. **Parking placement.** ~~Parking may be located in the following locations:~~

~~A. within an attached or detached garage;~~

~~B. on a driveway leading to a garage, located outside of the front yard setback. Parked vehicles on driveways shall not block the sidewalk; and~~

~~C. on a paved area meeting the following standards:~~

~~(1) located in a side or rear yard behind the rear plane of the principal building on the lot; and~~

A. set back a minimum of three feet from side and rear lot lines, including alleys. Residential use parking may be located within an attached or detached garage, on a driveway leading to a garage, not within the front yard setback, or on a paved area meeting the following

standards:

- (1) the parking is located in a side or rear yard behind the rear plane of the principal building on the lot;
- (2) the parking is set back a minimum of three feet from side and rear lot lines, including alleys; and
- (3) parked vehicles on driveways must not block the sidewalk.

B. Nonresidential or mixed use may be located in surface or structured parking.

- (1) Structured parking is encouraged.
- (2) Surface parking must be located behind the rear plane of the principal building on the lot or within a side yard, provided that
 - a) no more than 70 feet of lot frontage along the primary abutting street is occupied by parking or driveways; and
 - b) parking and driveways on abutting lots are at least 150 feet apart.
 - c) On corner lots, surface parking must be set back at least 30 feet from the corner of the property. Surface parking must be screened and landscaped as specified in part 2400.2630.

Replaced parking placement standards with standards in part 2400.2125 MX Mixed Use District (previously part 2400.2225) to include and clarify parking placement standards for residential use and nonresidential or mixed use.

81. Part 2400.~~2220~~2120, subpart 5. Lot area and coverage.

~~Subp. 5. Lot area and coverage. Lot area and coverage requirements in the RM district are as follows:~~

Building Type	Minimum lot size
Single family detached	5,000 square feet
Two family (per unit)	3,000 square feet
Townhouse (per unit)	2,400 square feet
Multi-family (per unit)	1,200 square feet
Maximum impervious coverage	40 percent lot area
Maximum accessory building coverage	35 percent rear yard

Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building types, all promoted by the 2040 Comprehensive Plan for the Minnesota State Capitol Area, (See Chapter 6). Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.

82. Part 2400.~~2220~~2120, subpart 5. Building height.

Supb. ~~65~~. **Building height.** Building heights in the ~~RM-MR~~ district must comply with part 2400.2300 and the following additional maximum height requirements:

Renumbered as subp. 5 (previously subp. 6) with the removal of subp 5. Lot area and coverage.

83. Part 2400.~~2220~~2120, subpart 6. Stormwater management.

Subp. 6. Stormwater management. All proposed projects must comply with part 2400.2635

Added a new subpart that references standards in part 2400.2635.

84. Part 2400.~~2220~~2120, subpart 7. Historic preservation.

Subp. 7. Historic preservation. All proposed projects must comply with part 2400.3125.

Added a new subpart that references standards in new part 2400.3125.

85. Part 2400.~~2225~~2125 MX MIXED USE DISTRICT.

Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.

86. Part 2400.~~2225~~2125, subpart 1. District intent.

Updated diagrams for the zoning district map to be consistent with the updated zoning districts map, the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.

87. Part 2400.~~2225~~2125, subpart 2. Building placement

Principal Building

Minimum setback

Front yard

See frontage map (part 2400.2400)

Buildings accessory to residential uses must meet the setback requirements of the ~~RM-MR~~ district.

Added reference for ease of navigation to referenced map/part.

88. Part 2400.2252125, subpart 3. Building types

Building Type	Minimum Lot Width
Civic building	60 feet
Commercial block building	35 feet
Podium building	60 feet
Parking building	60 feet
Liner building	60 feet
Single-family detached	35 feet
Two-family twin	25 feet
Two-family duplex	35 feet
Townhouse	20 feet
Small apartment (3-4 units)	40 feet
Small multiplex (1 to 4 units)	50 feet
Large apartment multiplex (5 plus units) (5 or more units)	Not applicable
Carriage house	

Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.

89. Part 2400.2252125, subpart 4, item B.

B. Nonresidential or mixed use may be located in surface or structured parking.

- (1) ~~s~~Structured parking is encouraged.
- (2) Surface parking must be located behind the rear plane of the principal building on the lot or within a side yard, provided that
 - a) no more than 70 feet of lot frontage along the primary abutting street is occupied by parking or driveways; ~~and~~
 - b) parking and driveways on abutting lots are at least 150 feet apart.

Added text to clarify the location and type of parking allowed and added standard for greater distance between parking and driveways to reduce the number of collision points and improve safety and

visibility for vehicles and pedestrians.

90. Part 2400.~~2225~~2125, subpart 5. Lot area and coverage.

~~Subp. 5. Lot area and coverage.~~ Lot area and coverage requirements in the MX district are as follows:

Building type	Minimum lot size
Non-residential or mixed use	None
Single-family detached	5,000 square feet
Two-family (per unit)	3,000 square feet
Townhouse (per unit)	2,400 square feet
Multi-family (per unit)	1,200 square feet
Maximum impervious coverage	85 percent of lot area

Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building designs. Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.

91. Part 2400.~~2225~~2125, subpart 6. Stormwater management.

Subp. 6. Stormwater management. All proposed projects must comply with part 2400.2635

Added a new subpart that references standards in part 2400.2635.

92. Part 2400.~~2225~~2125, subpart 7. Historic preservation.

Subp. 7. Historic preservation. All proposed projects must comply with part 2400.3125.

Added a new subpart that references standards in new part 2400.3125.

93. Part 2400.~~2230~~2130 MXD MIXED USE DOWNTOWN DISTRICT.

Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.

94. Part 2400.~~2230~~2130, subpart 1. District intent.

Updated diagrams for the zoning district map to be consistent with the updated zoning districts map, the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.

95. Part 2400.~~2230~~2130, subpart 2. Building placement

Principal Building	Minimum setback
Front yard	See frontage map (<u>part 2400.2400</u>)
Interior side yard	<u>Zero feet</u> ; Ten <u>10</u> feet if adjacent to residential use

Added reference for ease of navigation to referenced map/part. Added zero feet to interior side yard to clarify standards for principal buildings not adjacent to residential use. Modified ten to 10 consistent with formal writing styles that use numerals for 10 and above.

96. Part 2400.~~2230~~2130, subpart 3. Building types.

Building Type	Minimum Lot Width
Commercial block building	35 feet
Podium building	60 feet
Parking building	60 feet
Liner building	60 feet
Large apartment (5 plus units) <u>multiplex (5 or more units)</u>	50 feet

Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.

97. Part 2400.~~2230~~2130, subpart 4. Parking placement.

Subp. 4. Parking placement.

~~Off-street parking is not required.~~ Surface parking is prohibited.

Removed standard as off-street parking is no longer required in Chapter 2400.

98. Part 2400.~~2230~~2130, subpart 5. Lot area and coverage.

~~Subp. 5. Lot area and coverage. Lot area and coverage requirements in the MXD district are as follows:~~

Building type	Minimum lot size
All buildings	None
Maximum impervious overage	85 percent of lot area

Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building designs. Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.

99. Part 2400.~~2230~~2130, subpart 6. Stormwater management.

Subp. 6. Stormwater management. All proposed projects must comply with part 2400.2635

Added a new subpart that references standards in part 2400.2635.

100. Part 2400.~~2230~~2130, subpart 7. Historic preservation.

Subp. 7. Historic preservation. All proposed projects must comply with part 2400.3125.

Added a new subpart that references standards in new part 2400.3125.

101. Part 2400.~~2235~~2135 CRD CAPITOL RICE DISTRICT-CENTRAL CORRIDOR (CC) OVERLAY DISTRICT.

Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established. Renamed CC-O central corridor overlay district to capitol rice district overlay (CRD) to better align with the capitol rice district development framework

102. Part 2400.~~2235~~2135, subpart 1. District intent.

Subpart 1. **District intent.** The ~~Central Corridor~~CRD Capitol Rice District-(CC) Overlay District is established to promote development and redevelopment along the planned central corridor light rail transit line consistent with the Capitol Rice Development Framework. It is intended to foster development that intensifies land use and economic value; to promote a mix of uses that will enhance the livability of station areas; to improve pedestrian connections, traffic, and parking conditions; and to foster high quality buildings and public spaces that help create and sustain long-term economic vitality.

Updated zoning district title to be consistent throughout Chapter 2400. Added text to better align overlay with capitol rice development framework. Added a new diagram to illustrate the overlay boundary consistent with the updated zoning districts map.

103. Part 2400.~~2235~~2135, subpart 2. Boundaries.

~~Subp. 2. Boundaries.~~ The boundaries of the CC Overlay District are as shown on the zoning map in part 2400.2105.

Removed subp. 2 Boundaries as new diagram in subp 1. District intent illustrates the overlay boundary consistent with the updated zoning districts map.

104. Part 2400.~~2235~~2135, subpart 4. Building area and height

Subp. 54. ~~Minimum intensity~~**Building area and height.**

Modified subp. 4 (previously subp. 5) title from Minimum intensity and frontage use to Building area and height to clarify and consolidate standards for building area and height only.

105. Part 2400.~~2235~~2135, subpart 4, item B.

B. A new building with less than the required floor area ratio is allowed on a developed zoning lot where an existing building will remain, provided that the board determines the new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.

~~(1) total lot coverage and floor area ratio for the zoning lot are not reduced; and~~

~~(2) –~~

Removed the standard regarding lot coverage and floor area ratio which will no longer be regulated in Chapter 2400. Relocated subitem 2 to item B as this is no longer a list.

106. Part 2400.~~2235~~2135, subpart 4, item C.

C. New buildings shall be a minimum of two stories in height. Maximum building heights must comply with part 2400.2300.

Added reference to part 2400.2300 for easy navigation to applicable standards.

107. Part 2400.~~2235~~2135, subpart 5. Blocks.

Subp. 5. Blocks. The following standards apply to new blocks in the CRD Overlay:

A. Where a new block is created, the block shall be defined on all sides by the public realm except where attaching to an existing block.

B. New blocks shall not exceed 700 feet on any side. Mid-block connections in the form of pathways or streets are encouraged to create smaller, walkable block patterns.

Added new standards for blocks to promote walkability and reinforce the development pattern of surrounding neighborhoods and to be consistent with the Capitol Rice Development Framework.

108. Part 2400.~~2235~~2135, subpart 6. Frontages.

Subp. 6. Frontages. ~~and frontage use.~~ The following standards apply to new buildings in the CRD CC Overlay-District:

Modified and renumbered subp. 4 (previously subp. 5) title from Minimum intensity and frontage use to subp 6 Frontages to clearly communicate and consolidate standards for frontages only.

109. Part 2400.~~2235~~2135, subpart 6, item B.

B. For any new block, one of four frontage types in compliance with parts 2400.2400 to 2400.2410 shall be applied to each new block face. The frontage assignment will be mapped clearly and reviewed by the board. These mapped assignments may be adopted as conditions of master plan or zoning permit approval. Additional frontage types or location-specific conditions may be specified and approved concurrent with the proposed mapping of frontage types.

Added new standards to assign frontage types to new block faces to be consistent with the Capital Rice Development Framework and provide clarity in the approval process. Updated zoning district title and acronym to be consistent throughout Chapter 2400.

110. Part 2400.~~2235~~2135, subpart 6. Parking standards.

~~Subp. 6. Parking standards.~~

~~For nonresidential uses, the number of off street parking spaces required is a minimum of 60 percent to a maximum of 85 percent of the off street parking standards in part 2400.2820. The maximum may be exceeded if the additional parking spaces are structured in a ramp or deck, underground, or within a building. State office buildings and other state uses are exempt from the maximum parking requirement.~~

~~There is no minimum parking requirement for residential uses. A maximum of one space per unit may be provided. The maximum may be exceeded if the additional parking spaces are structured.~~

Removed parking standards as minimum parking will no longer be required, providing flexibility and promoting more effective use of the limited land supply in the Overlay.

111. Part 2400.~~2235~~2135, subpart 8. MX master plan submittal requirements.

Subp. 8. MX master plan submittal requirements. The Capitol Rice Development Framework (CRDF) (including project review requirements) adopted by reference from Chapter 7A in the Comprehensive Plan) outlines the processes and requirements necessary for review and board consideration of redevelopment of larger sites in the CRD Overlay. The submittal requirements outlined in the CRDF, including the MX master plan will be required by the zoning administrator and the City of St. Paul to perform reviews.

Added new standards for MX Master Plan submittal to be consistent with the Capitol Rice Development Framework.

112. Part 2400.2200, subpart 6. Development standards.

~~Subp. 6. Development standards. A "Y" in the column entitled "StandardsReferences" indicates that permitted and conditional uses are subject to the specific standards and conditions of parts 2400.2700 to 2400.2740, identifies the part of the Rules where the specific standards and conditions, in addition~~

to all other provisions of this chapter, for the permitted and conditional uses are provided.

Replaced Standards with References to be consistent with changes in part 2400.2205 and added text to clarify that relevant parts are identified in part 2400.2205 instead of a “Y.”

113. Part 2400.2205 TABLE OF PERMITTED AND CONDITIONAL USES BY DISTRICT.

	G-1	G-2	RMMR	MX	MXD	Standards References
State-Owned Institutions and Facilities						
Commemorative <u>art</u> works, monuments, or memorials	P	C	C	C	C	Y <u>2400.2705</u>
State of Minnesota museums, historical centers and tourist information facilities	P			P	P	
p Parking facilities, surface lots	C	C		P		Y <u>2400.2630; 2400.2805 to 2400.2830</u>
State-owned — p Parking facilities, underground	P	P		P		<u>2400.2805 to 2400.2830</u>
State-owned — p Parking facilities, structured, aboveground	P			P	P	<u>2400.2805 to 2400.2830</u>
Underground structures containing permitted uses <u>for State-owned institutions and facilities</u>	P	P	P	P	P	<u>2400.2710</u> Y
Civic and Institutional Uses						
Day care centers, home day care	C		P/C	P	P	<u>2400.2710</u> Y
Public parks and recreation facilities	P	<u>C</u>	P	P	P	
Public buildings and uses	P	<u>C</u>	P	P	P	
Place of worship: church, synagogue, temple or mosque	C		P	P	P	Y
School, grades K-12	C		P	C	P	Y
Trade school, business school, art school, or similar enterprise				C	P	Y
Residential - Family Living						
One Single-family detached dwellings			P	P		
Two Multi-family dwellings, <u>two to four units</u>			P	P		
Townhouse dwellings			P	P		
Multiple family dwellings, three and four unit			P	P		
Multiple-family dwellings, five or more units			C	P	P	Y
Carriage Accessory house dwellings			P	P	P	<u>2400.2605</u> Y
Housing for the elderly			C	P	P	Y
Residential - Congregate Living						

	G-1	G-2	RMMR	MX	MXD	Standards References
Foster home, freestanding foster care home			P	P	C	¥
Community residential facility, licensed human service			C	C	C	<u>2400.2715</u> ¥
Community residential facility, licensed correctional or Health Department licensed			C	C	C	<u>2400.2715</u> ¥
Emergency housing facility; shelter for battered persons, transitional housing facility			C	C	C	<u>2400.2715</u> ¥
Hospice			C	C	C	¥
Nursing home, boarding care home, assisted living			C	C	C	<u>2400.2715</u> ¥
Rooming house, boarding house			C	C		<u>2400.2715</u> ¥
Mixed Commercial-Residential Uses						
Home occupation			P/C	P/C	C	<u>2400.2720</u> ¥
Live-work unit			C	P	P	<u>2400.2720</u> ¥
Mixed commercial-residential use				P	P	
Public Services and Utilities						
Antenna, cellular telephone	P/C		P/C	P/C	P/C	<u>2400.2725</u> ¥
Commercial Uses						
Hospital	C			C	C	<u>2400.2630</u> ¥
Veterinary clinic				P	P	¥
Retail Sales and Services						
General retail*	C		C	P	P	<u>2400.2730</u> ¥
<u>Outdoor sales, primary and accessory</u>				C		
Service business*	C		C	P	P	<u>2400.2730</u> ¥
<u>Outdoor sales, primary and accessory</u>				C		
Food and Beverages						
<u>Bar, tavern</u>				C	C	
Coffee shop, tea house	P		C	P	P	<u>2400.2730</u> ¥
Restaurant	P			P	P	<u>2400.2730</u> ¥
Restaurant, fast food without drive through				C	C	<u>2400.2730</u> ¥
<u>Bar, tavern</u>				C	C	¥
Lodging						
Bed and breakfast residence			C	C		¥
Automobile Services						
Auto convenience market				C		<u>2400.2235</u> ¥
<u>Car wash</u>				C		¥
<u>Auto service station</u>				C		¥

	G-1	G-2	RMMR	MX	MXD	Standards References
Auto repair station				C		2400.2235 Y
Auto service station				C		2400.2235
Car wash				C		2400.2235
Parking and Transportation						
Private parking facility, surface lot	C		P	C	C	2400.2630; 2400.2805 to 2400.2830
Private parking facility, underground	C	C	C	C	C	2400.2805 to 2400.2830
Private parking facility, structured above ground	C		C	C	C	2400.2805 to 2400.2830
Public or shared parking facility, surface lot	C	C	P	P	P	2400.2630; 2400.2805 to 2400.2830
Public or shared parking facility, underground	C	C	P	P	P	2400.2805 to 2400.2830
Public or shared parking facility public or commercial , structured, above ground	C		C	C	C	2400.2805 to 2400.2830 Y
Public transit stations, bus stops, and other related facilities	C	C	P	C	P	2400.2625; 2400.2925 Y
Limited Production, Processing and Storage						
Accessory buildings, structures, and uses						2400.2605
Amateur radio antenna, satellite dish	C		C	P	C	2400.2615
Limited production and processing*				C		2400.2735
Outside storage of construction materials and equipment, temporary	C		C	C	C	
Wholesale establishment				C	C	
Accessory buildings, structures, and uses						
Amateur radio antenna, satellite dish	C		C	P	C	Y
Outside storage of construction materials and equipment, temporary	C		C	C	C	
Off-street parking, open or enclosed	C	C	P	P	P	
Private recreational facility for multifamily housing			C	C	C	Y
Private swimming pool			C	C	P	Y
Solar energy systems or devices	C	C	C	C	C	2400.2740Y
Wholesale establishment				C	C	
Wind energy systems or devices	C		C	C	C	2400.2740 Y

~~*See list of typical uses within these categories in parts 2400.2700 to 2400.2740.~~

Replaced Standards with References and included the referenced part instead of a "Y." Removed "Y" where there were no references to be referenced.

Added "-owned" to "State Institutions and Facilities" category to clarify that the subrows pertained to

State-owned properties only. Removed “State-owned” where it was redundant of the category title.

Added “Public park and recreation facilities” and “Public buildings and uses” as Conditional Use within the G-2 district to allow public parks and buildings that may not be State-owned but are open to the public.

Updated text in “Residential – Family Living” category to reflect terms included in part 2400.2400 Definitions and to provide distinction between uses and building types.

Added “Residential –” to “Congregate Living” to clarify that these uses are residential in nature.

Removed “Commercial-Residential” from “Mixed-Commercial-Residential Uses” as the category title to distinguish the category as a broader term and avoid conflict with the subrow :Mixed commercial-residential use.”

Reordered subrows under “Retail Sales and Service”’s subcategory to be in alphabetical order. Removed asterisk to footnote which will be removed as this table now includes specific references to the relevant part for further standards.

Reordered subrows under “Food and Beverages” subcategory to be in alphabetical order.

Added subrows under “Parking and Transportation” subcategory to provide distinction between “private” and “public or shared” and to be consistent with the subrows for parking types under “State-Owned Institutions and Facilities” category. Added “C” under the zoning districts where these parking facilities are a conditional use and “P” under the zoning districts where these parking facilities are a permitted use.

Reordered subrows under “Limited Productions, Processing and Storage” subcategory to be in alphabetical order. Removed “Off-street parking, open or enclosed” as this is included in the new subrows added under “Parking and Transportation” subcategory.

Removed asterisk footnote as this table now includes specific references to the relevant part for further standards.

114. Part 2400.31252210 DETERMINATION OF SIMILAR USE.

When a specific use is not listed in a district, the zoning administrator must make the determination of whether a use is similar to other uses permitted in each district. The decision must be based on the following findings:

- A. that the use is similar in character to one or more of the principal uses permitted;
- B. that the traffic generated on the use is similar to one or more of the principal uses permitted; and
- C. that the use is not first permitted in a less restrictive zoning district.

Relocated to after the table of permitted and conditional uses by district to enhance accessibility and facilitate easier reference.

115. Part 2400.2300 HEIGHT DISTRICTS LIMITS.

Modified title from districts to limits to prevent confusion with zoning districts and clarify the intent of this part.

116. Part 2400.2300, subpart 3. Height district 2.

Boundaries for this district are ~~are as described~~ in the map in subpart 6.

Modified text to be consistent with subparts 3 to 5.

117. Part 2400.2300, subpart 4. Height district 3a.

No building shall be constructed in height district 3a to a height greater than 944.0 feet above sea level; ~~and~~

~~With a floor area ratio greater than 5.0.~~ Boundaries for this district are described in the map in subpart 6.

Removed minimum requirement for floor area ratio consistent with changes to remove floor area ratio requirements in zoning districts to provide flexibility, promote infill development, and encourage a more diverse range of building designs.

118. Part 2400.2300, subpart 5. Height district 3b.

~~No building shall be constructed in height district 3b with a floor area ratio greater than 5.0.~~ There is no height limit for buildings in height district 3b. Boundaries for this district are described in the map in subpart 6.

Removed minimum requirement for floor area ratio consistent with changes to remove floor area ratio requirements in zoning districts to provide flexibility, promote infill development, and encourage a more diverse range of building designs. Added text to clarify the height limit is unlimited.

119. Part 2400.2300, subpart 6. Map of height districts in Capitol area.

Updated diagram in color for clarity and legibility. Added new graphic to illustrate heights districts in section.

120. Part 2400.2400, subpart 2. Requirement.

The frontage map in subpart 3 establishes frontage types (subpart 4 to 8) that are independent of use and height districts.

Added reference numbers for easier navigation to referenced subparts.

121. Part 2400.2400, subpart 3. Frontage map.

Frontage Type		Setback from Street	Minimum Height
Capitol Mall		30'-40'	3 stories
Capitol View		0'-5'	2 stories
Civic		5'-15'	3 stories
Flexible		0'-20' (0' on corners)	2 stories
Residential		15'-25'	

Updated diagram in color for clarity and legibility. Removed standards from the diagram to prevent potential conflict with standards in subparts 4 to 8.

122. Part 2400.2400, subpart 4. Capitol mall frontage.

This frontage type is intended to achieve the highest standard of architectural quality for buildings fronting the Capitol mall, as shown in the frontage design standards in part 2400.2405.

Added text to clarify the standards reference.

123. Part 2400.2400, subpart 6. Civic frontage.

Where a new building is adjacent to existing buildings, it must maintain the average setback of those buildings up to a maximum of 15 feet from the front lot line.

Added maximum front setback for average setback condition to be consistent with current front setback standards.

124. Part 2400.2400, subpart 7. ~~Flexible~~ Mixed-commercial frontage.

In the ~~flexible~~ mixed-commercial frontage type, ~~setback from the front lot line depends on building type and location. Residential buildings must be set back a minimum of 15 feet and a maximum of 25 feet, or the average of the block face, if developed. Nonresidential or mixed-use~~ all buildings must be set back between a minimum of zero 0 and 25 feet from the front lot line, but must not exceed the average block face setback. Buildings at corner locations must be located ~~within~~ between zero and five feet of the front lot line on either street for a distance of 30 feet from the corner and must comply with corner clearance standards in part 2400.2620.

Modified frontage type name to clarify intent and provide distinction with the mixed-residential frontage type. Removed setback differences by building type and location for consistent built form. Modified setback standards to provide distinction from mixed-residential frontage setbacks. Modified text for building location at corner locations to clarify allowed location. Added reference to part 2400.2620 which is relevant to buildings at corner locations.

125. Part 2400.2400, subpart 8. Mixed-residential frontage.

In the mixed-residential frontage type, ~~residential-all~~ buildings must be set back a minimum of 15 feet and a maximum of 25 feet, ~~or the average of the block face, where built out. Nonresidential buildings, where present, must be set back between zero and 25 feet from the front lot line,~~ but must not exceed the average block face setback.

Modified frontage type name to clarify intent. Removed setback differences by building type and location for consistent built form. Modified setback standards to provide distinction from mixed-commercial frontage setbacks. Modified number from word to numeral consistent with larger numerals in the same sentence.

126. Part 2400.2405 MIXED AND NONRESIDENTIAL FRONTAGE DESIGN STANDARDS FOR FRONTAGE TYPES.

The following ~~mixed and nonresidential~~ design standards apply to the Capitol mall, Capitol view, civic, and flexible frontage types as shown in the table in this part. An "S" in the table means that the design standard is mandatory, unless the applicant can demonstrate to the board that there are circumstances unique to the property that make compliance impractical or unreasonable. A "G" in the table means that the design standard is recommended as a guideline. ~~Design standards for residential frontage areas are included in part 2400.2410.~~

Modified part 2400.2405 title to clarify intent. Updated text references throughout part 2400.2405 to be consistent with part 2400.2405 title change. Removed reference for design standards for residential frontage as these are not included in this part.

	Capitol mall	Capitol view	Civic	Flexible <u>Mixed- Commercial</u>	<u>Mixed- Residential</u>
<u>1. Building fronts must be oriented to the primary abutting street and/or civic space.</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>2. Primary entrances must be accessed directly from and face the street, civic space, passage, courtyard or front yard.</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>3. Secondary access may be from the side or rear, or, for multifamily buildings, through an interior stairway or elevator and corridor.</u>			<u>S</u>	<u>S</u>	<u>S</u>
<u>4. Building must be faced with cut stone, terra cotta, cast stone, or other materials of similar aesthetics and durability</u>	S				

<u>5.</u> Building must be faced with cut stone or other natural materials, or with brick, split-faced block, or similar masonry materials		S	S	G	
In order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by <u>6.</u> For residential buildings with garage doors, any attached garage door parallel to a primary street may occupy no more than 50 percent of the width of that building façade, measured at grade. The portion of the façade that contains the garage door must be recessed at least eight feet behind the remainder of the façade.				<u>S</u>	<u>S</u>
<u>7.</u> Roofs must be defined with a discernible cornice line that matches the profile or overall height of and is within two vertical feet of or is compatible with the cornice lines of adjacent abutting buildings	S	G	S	G	<u>G</u>
<u>8.</u> Pitched roofs must be clad with highly durable fire-resistant materials such as standing seam metal, slate, ceramic, or composite tiles	S				
<u>9.</u> Use of green roofs for reductions in building energy consumption is strongly encouraged	G	G	G	G	<u>G</u>
<u>10.</u> Freestanding signs on poles or pylons are prohibited within frontage setback areas	S	S	S	S	<u>S</u>
<u>11.</u> Mechanical and electrical equipment such as transformers, air conditioning and heating units, communications antennae, and similar elements <u>within required front and side street setback areas</u>	S	S	S	S	<u>S</u>

<u>must be screened per 2400.2630 must not be visible from any point within the frontage setback area</u>					
<u>12. New vehicular access points are prohibited from streets parallel to the designated frontage. Access and egress must be from streets other than those with designated frontage.</u>	S	S			
<u>13. Where an alley is present, residential parking must be accessed through the alley.</u>				<u>S</u>	<u>S</u>
<u>14. Where no alley is present, residential parking must be accessed from a side street, if a corner lot, or a driveway to a rear yard or garage.</u>				<u>S</u>	<u>S</u>
<u>15. Landscaping within the frontage setback shall include a double row of canopy trees meeting the requirements of part 2400.2630</u>	G	G			
<u>16. Front yards for dwellings must be landscaped. Landscaping may consist of trees, shrubs, or groundcovers, in combination with low fences or walls.</u>					<u>S</u>
<u>17. Usable outdoor space must be provided for each dwelling, to the rear or side of the principal building, with a rectangular shape and a minimum dimension of eight feet. Usable outdoor space may not be paved. Usable outdoor space for multifamily, townhouse, and carriage house dwellings may be combined and shared by multiple dwelling units.</u>				<u>S</u>	<u>S</u>
<u>18. Continuity of walls: building façades, fences and landscape masses must <u>abut the required building setback line for the</u></u>	S	G	G	G	<u>G</u>

specified distance in part 2400.2400, subparts 4 to 7 to achieve contribute to the spatial definition of the frontage and form cohesive walls of enclosure along the street					
<p><u>19. Buildings shall be designed to be visually consistent with the key features of the majority of buildings on the same block face as follows:</u></p> <p>Compatibility with visually related buildings, features and places. The following building and site elements must be designed to be visually compatible with the corresponding elements of those buildings, features and places that meet the standards of this chapter and to which the building is visually related:</p> <ul style="list-style-type: none"> • Proportion and dimensions of the building's front façade: the relationship of width of the building to height of the front elevation • Proportion of openings: the relationship of width of the windows to height of the windows • Rhythm of solids to voids: the relationship of solids to voids in the building's front façade • Rhythm of spacing of buildings: the relationship of a building to the open space between it and adjoining buildings • Rhythm of entrance and porch projections: the relationship of entrances and porch projections to sidewalks • Relationship of materials, texture, and color of building 	S	G	G	G	<u>G</u>

façades <ul style="list-style-type: none"> • Roof shapes • Scale of building: the size and mass of a building in relation to open spaces • Front elevation: the place and orientation of the front elevation of a building, including the shape and composition of its architectural elements • Landscape design: planted areas, plant materials, grading, pedestrian walks and areas, and other landscape elements 					
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Updated text references to frontage type name changes to be consistent with part 2400.2400 changes. Added subpart numbers to rows for easy identification of standards. Relocated items A to H from part 2400.2310 Residential design standards into table.

Modified subpart 6 to clarify applicability to residential buildings.

Modified text in subpart 7 to reduce subjectivity.

Modified text in subpart 11 to reduce subjectivity and include reference to pertinent part 2400.2630.

Added “with” in subpart 12 for grammatical improvement.

Added “for dwellings” in subpart 16 to clarify applicability to residential buildings.

Added “for each dwelling” in subpart 17 to clarify applicability to residential buildings.

Modified text in subpart 18 to reduce subjectivity and include reference to pertinent part 2400.2400.

127. Part 2400.2410 TYPICAL FRONTAGES.

Subpart 1. **Intent.** The intent of this part is to activate the ground floor or a building through a variety of allowed frontages that reflect the intended physical form and character of each zoning district.

Subp. 2. **Scope.** This part provides examples of typical frontages that are appropriate for the various frontage types in the Capitol area. Other frontages are acceptable upon approval by the zoning administrator, provided that they meet frontage design standards in part 2400.2405.

Subp. 3. **Porch.** A porch is a fully covered structure that either projects (projecting porch) or is a part of the main façade of the building (recessed porch). It can be one to two stories and open on at least two

sides.

[insert new graphic "Frontage Porch.jpg"]

Subp. 4. **Patio.** A patio, sometimes referred to as a dooryard, is a space outside of the front door of a building or unit that is defined by a low wall or hedge and extends alongside the façade. Patios are separated from each other and are typically at grade.

[insert new graphic "Frontage Patio.jpg"]

Subp. 5. **Stoop.** A stoop is a small raised landing outside of the front door(s) to a building or unit. Stairs connect the stoop directly to the sidewalk.

[insert new graphic "Frontage Stoop.jpg"]

Subp. 6. **Common entry.** A common entry consists of a large opening in the façade that leads directly into the lobby or common space of the ground floor, which provides access to the individual units. The common entry is typically near the front lot line or within a forecourt.

[insert new graphic "Frontage Common Entry.jpg"]

Subp. 7. **Forecourt.** A forecourt is an open-air space that connects to the public sidewalk and hosts the building's primary entrance(s). This space is a visual extension of the public realm into the site to create a shared garden or courtyard space for housing or an additional shopping or restaurant seating area for retail and service uses. Fences or low walls sometimes enclose forecourts from the street. The forecourt occurs on one lot and is distinct from a plaza, which can be adjacent to multiple lots. The following frontages can be combined with the forecourt: stoop, shopfront, gallery, or arcade.

[insert new graphic "Frontage Forecourt.jpg"]

Subp. 8. **Terrace.** A terrace is an elevated area for pedestrian circulation along the façade that typically provides access to multiple building entrances. Access to the elevated level(s) is provided via stairs and ramps. The terrace frontage is used for retail, service, office uses, or housing to provide outdoor areas along the sidewalk and/or to accommodate an existing or intended grade change.

[insert new graphic "Frontage Terrace.jpg"]

Subp. 9. **Shopfront.** A shopfront is a discrete and coherent assembly that is composed of an entrance, clear glass, signage and framing elements, sometimes including canopies or awnings. Shopfronts are typically between 15 and 30 feet wide and each correlates with a single ground floor use. The shopfront frontage is intended for service, retail, or restaurant use and includes substantial glazing between the shopfront base and the ground floor ceiling.

[insert new graphic "Frontage Shopfront.jpg"]

Subp. 10. **Gallery.** A gallery is a one- or two-story structure that projects from a building façade to cover the sidewalk with a colonnade or arches. When used in nonresidential settings, the gallery is used with the shopfront; when used in residential settings the gallery is used with stoops, patios, and forecourts.

[insert new graphic "Frontage Gallery.jpg"]

Subp. 11. **Arcade.** An arcade extends the upper floors of a building over the sidewalk with a colonnade

or arches. Occupiable space on the upper floor(s) typically extends over the sidewalk. When used in nonresidential settings, the recessed ground floor façade incorporates the shopfront; when used in residential settings, stoops, patios, and forecourts are included.

[insert new graphic "Frontage Arcade.jpg"]

Added new part with text and graphics to describe a variety of frontages intended to generate the intended physical form and character of the frontage types in part 2400. 2400 and complement the building types in part 2400.2500.

~~128. ——— Part 2400.2410 RESIDENTIAL FRONTAGE DESIGN STANDARDS.~~

~~A. Building fronts must be oriented to the primary abutting street.~~

~~B. Primary entrances to ground floor dwellings must be accessed directly from and face the street.~~

~~Fronts and Entrances Oriented to the Street~~

~~C. Secondary access may be from the side or rear, or, for multifamily buildings, through an interior stairway or elevator and corridor.~~

~~D. Where an alley is present, parking must be accessed through the alley.~~

~~E. Where no alley is present, parking must be accessed from a side street, if a corner lot, or a driveway to a rear yard or garage.~~

~~Garage Access from Side Street~~

~~F. In order to avoid the monotonous and pedestrian unfriendly appearance of facades dominated by garage doors, any attached garage door parallel to a primary street may occupy no more than 50 percent of the width of that building façade, measured at grade. The portion of the façade that contains the garage door must be recessed at least eight feet behind the remainder of the façade.~~

~~G. Usable outdoor space must be provided for each dwelling, to the rear or side of the principal building, with a rectangular shape and a minimum dimension of eight feet. Usable outdoor space may not be paved. Usable outdoor space for multifamily, townhouse, and carriage house dwellings may be combined and shared by multiple dwelling units.~~

~~H. Front yards must be landscaped. Landscaping may consist of trees, shrubs, or groundcovers, in combination with low fences or walls.~~

~~Landscaped Front Yards~~

~~I. The proportion, size, rhythm and detailing of windows and doors in new construction must be compatible with that of adjacent buildings, but need not replicate them exactly.~~

~~J. Open porches and balconies are encouraged on building fronts.~~

~~Open porches~~

~~K. Building facades greater than 40 feet in length must be divided into smaller increments of 20 feet or less by means of divisions or breaks in materials, entry placement, window bays, or other architectural details.~~

~~Longer Buildings Articulated into Smaller Increments~~

Relocated items A to H, including images, to the table in part 2400.2405 Frontage design standards.

Removed item I as it was redundant with subpart 19 in part 2400.2405. Removed item J and associated image as “porch” is included in the new part 2400.2410 Typical frontages as an allowed frontage.

Removed item K as new standards for dividing long building façades are provided in new subpart 3.

Massing and façade articulation of part 2400.2500. Typical building types.

129. Part 2400.2500 ~~Examples~~ TYPICAL of BUILDING TYPES.

Modified part 2400.2500 title to clarify intent.

130. Part 2400.2500, subpart 1. Intent.

The intent of this part is to generate the intended physical form and character of each zoning district through a variety of allowed building types, ~~establish design parameters for specific building types, regardless of what zoning district in which the buildings are located, and to encourage new building design that respects its context.~~

Modified text to clarify intent.

131. Part 2400.2500, subpart 3. One-Family Building.

~~Subp. 3. **One Family Building.** A one family building is a single family dwelling with yards on all sides. One family buildings in the Capitol area are designed to fit on relatively narrow lots with the longest building dimension perpendicular to the street, with an attached or detached garage.~~

Removed one-family building to encourage middle housing building types consistent with the 2040 Comprehensive Plan.

132. Part 2400.2500, subpart 3. Massing and facade articulation.

Subp. 3. Massing and facade articulation.

- A. Facades shall be designed on a background of bays, individual or grouped. Each bay shall be between 5 and 30 feet wide and may vary in width.
- B. Facades shall be designed with a change in plane of at least two feet extending from the ground story through the roof as required below
 - (1) G-1 and G-2 Districts. Facades longer than 150 feet.

- (2) MX and MXD Districts. Facades longer than 100 feet.
- (3) MR District. Facades longer than 75 feet.
- C. Buildings of four or more stories shall design facades to visually express a base, middle, and top.
 - (1) Boundaries between the base, middle, and top are articulated by a cornice, projecting profile/string course, or other horizontal element that is consistent across the length of the building.
 - (2) The base comprises the lowest story/stories of the building and requires a high attention to detail pursuant to part 2400.2400 to 2400.2410.
 - (3) The middle comprises more stories than the base or top and must incorporate the building's primary wall color and finish material.
 - (4) The top comprises the roof or cornice treatment to visually cap the building. The top can include the uppermost story, provided that a cornice, projecting profile/string course, and change of material or color are expressed on the façade starting at the floor level of the uppermost story.

Added new subpart on standards for massing and façade articulation to generate high-quality building form and design consistent with the character of the Capitol area.

133. Part 2400.2500, subpart 4. Townhouse.

A ~~townhouse is a~~ house-scale building comprised of individual dwelling units within a linear group of horizontally attached dwellings, each having a private entrance and totally exposed front and rear walls to be used for access, light, and ventilation.

[insert updated graphic "Building Townhouse.jpg"]

Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

134. Part 2400.2500, subpart 5. Small multiplex.

Subp. 75. ~~Small multiplex~~ Small apartment, mansion building. A ~~small apartment, mansion-house-scale, building is a~~ multistory multifamily building designed to resemble a large single-family building, typically with a pitched roof and central entrance oriented to the primary abutting street.

[insert updated graphic "Building Small Multiplex.jpg"]

Renamed building type for simplification. Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

135. Part 2400.2500, subpart 6. Large multiplex.

Subp. ~~86.~~ **Large apartment building, stacked flats multiplex.** A ~~large block-scale~~ apartment building, ~~stacked flats is a multistory building~~ with combined entrances, stairways and elevators, and ~~is~~ composed of single- or two-level occupant spaces stacked on top of each other, typically accessed from a central corridor.

[insert updated graphic "Building Large Multiplex.jpg"]

Renamed building type for simplification. Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

136. Part 2400.2500, subpart 7. Courtyard multiplex.

Subp. ~~97.~~ **Courtyard apartment building multiplex.** A ~~courtyard apartment building is a multi-story~~ house-scale building designed around an open courtyard abutting the primary street, surrounded by building walls on ~~three~~ at least two sides.

[insert updated graphic "Building Courtyard.jpg"]

Renamed building type for simplification. Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

137. Part 2400.2500, subpart 8. Carriage house.

Subp. ~~108.~~ **Carriage house building.** A ~~carriage house~~ house-scale building ~~is that contains~~ an accessory dwelling unit located above an attached garage, or a group of attached dwelling units located above a series of attached garages. ~~A site plan and a building plan must be submitted to the zoning administrator at the time of application. Carriage house dwellings are exceptions to the one main building per zoning lot requirement. Carriage houses must employ materials, roof pitch, orientation, door and window placement and proportions, and other details compatible with those of the principal building.~~

[insert updated graphic "Building Carriage House.jpg"]

Modified text to remove redundancy and clarify building form, scale, and relationship to principal building. Removed redundant standard for site plan and building plan as stated in parts 2400.3100 to 2400.3140. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

138. Part 2400.2500, subpart 9. Civic.

Subp. ~~119.~~ **Civic building.** A ~~civic block-sale~~ building is a ~~building type~~ with classical proportions and high-quality materials on all sides; predominantly in office use and/or civic functions. ~~Civic buildings used for state functions in the Capitol area are planned with the active involvement of the board and~~

~~other stakeholders.~~

[insert updated graphic "Building Civic.jpg"]

Modified text to remove redundancy and clarify building form and scale. Removed text not descriptive of the Civic building type and instead added text to provide clarity in use of the building type. Removed text pertaining to procedural standards and to avoid conflict with current administration procedures. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

139. Part 2400.2500, subpart 10. Commercial block.

~~Subp. 1210. Commercial block-building.~~ A ~~commercial block building is a multi-story~~block-scale building that is designed to support a mix of commercial or office uses on the ground floor with office, studio and/or residential units above. Buildings are typically designed with storefront or arcade frontages at ground floor.

[insert updated graphic "Building Commercial Block.jpg"]

Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

140. Part 2400.2500, subpart 13. Parking building.

~~Subp. 13. Parking building.~~ A parking building is a multi-story building specifically designed for temporary parking of automobiles, which may also include ground floor storefronts and upper level office space.

Removed the classification for this building type as parking is considered a use within a structure and does not require designation as a separate building type.

141. Part 2400.2500, subpart 14. Live-work building.

~~Subp. 14. Live-work building.~~ A live-work building is similar to townhouses in scale and detailing, but with a ground floor designed for small commercial, office and service establishments, often with storefront detailing. Live-work buildings are generally placed at or close to the sidewalk, although a forecourt or patio design may be used to allow for outdoor seating space.

Removed the classification for this building type as live-work is considered a use within a structure and does not require designation as a separate building type.

142. Part 2400.2500, subpart 15. Liner building.

~~Subp. 15. Liner building.~~ A liner building is a specialized building designed to conceal an area such as a parking lot or loading dock. While liner buildings may include commercial or residential uses, their limited depth makes them more disposed to residential use. Liner buildings may have a small common

~~front yard, but do not include individual private outdoor spaces.~~

Removed the classification for this building type as a liner is a component of a structure that can be attached to other building types and does not require designation as a separate building type.

143. Part 2400.2500, subpart 11. Podium.

~~Subp. 1611. **Podium building.** A podium building is a multistory mixed-use block-scale building in which the upper stories are stepped back from a distinct from the lower base to provide outdoor terraces, to avoid excessive shadowing of streets or public spaces, or to preserve important views.~~
[insert updated graphic "Building Podium.jpg"]

Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

144. Part 2400.2500, subpart 17. Free-standing workplace.

~~Subp. 17. **Free-standing workplace.** A freestanding workplace is a variable multistory building type designed to accommodate primarily office functions and limited retail services. A principal entrance is generally oriented to the primary abutting street. Building forms are flexible.~~

Removed the classification for this building type as workplace is considered a use within a structure and does not require designation as a separate building type.

145. Part 2400.2600 SCOPE OF GENERAL REGULATIONS

Modified part title to clarify and better describe the part and for ease of navigation of the Rules from the table of contents.

146. Part 2400.2615, item C.

C. Porches shall be at least seven and a half (7.5) feet deep (clear). Enclosed porches are not allowed to encroach into required yards.

Added standard to provide minimum dimensions for usability and clarify encroachment standards for enclosed porches.

147. Part 2400.2615, item K.

K. Balconies shall measure at least five feet in any direction. Enclosed balconies are not allowed to encroach into required yards.

Added standard to provide minimum dimensions for usability and clarify encroachment standards for enclosed balcony standards.

148. Part 2400.2630, subpart 1. Visual screens required.

The uses described in item A must be screened when abutting or adjacent to a residential ~~district~~ use. Screening shall consist of an obscuring wall or obscuring fence, or other visual screen having a minimum height as required in item A. Whenever visual screens are required, the following standards apply.

Modified "district" to "use" to avoid confusion with zoning districts and to clarify where visual screens are required.

149. Part 2400.2630, subpart 1, item B.

Visual screens must be located completely within the lot ~~line~~.

Removed "line" to clarify the limits of the visual screen as the lot.

150. Part 2400.2630, subpart 1, item C.

Visual screen locations must conform with front ~~yard~~ setback lines in residential districts.

Removed "yard" to be consistent with the term provided in part 2400.2040 Definitions.

151. Part 2400.2630, subpart 1, item D.

Upon approval of the board, a required visual screen may be located on the opposite side of an alley right-of-way from the nonresidential ~~zone~~ use, when mutually agreeable to affected property owners. Maintenance is the responsibility of the person required to erect the screen.

Modified "zone" to "use" to avoid confusion with zoning districts and to clarify where visual screens may be located.

152. Part 2400.2630, subpart 1, item E.

The land between the screen and the ~~property~~ lot line must be landscaped and maintained so that all plant materials are healthy and the area is free from refuse and debris.

Replaced "property" with "lot" to be consistent with the term provided in part 2400.2040 Definitions.

153. Part 2400.2630, subpart 2, item B.

Screening within this area must include a fence or wall at least 90 percent opaque, between 4-1/2 and ~~six~~ 6 feet in height, plus at least ~~one~~ 1 tree and ~~five~~ 5 shrubs for every 50 lineal feet of ~~property~~ lot line.

Replaced words with numbers for consistency.

154. Part 2400.2630, subpart 3. Landscaping of open areas.

The use of drought-tolerant, native vegetation must be prioritized.

Added standard to be consistent with the 2040 Comprehensive Plan and with Minnesota Statutes 15B.05, subdivision 8.

155. Part 2400.2630, subpart 4, item A.

Priority must be given to native and/or climatically appropriate trees, shrubs, and grasses wherever appropriate pursuant to Minnesota Statutes section 15B.05 subd.8.

Added standard and reference to be consistent with Minnesota Statutes as referenced.

156. Part 2400.2635, item A.

- A. For less where less than one-quarter of an acre is affected by development, the lot coverage requirement differs by zoning district:
- (1) For buildings in the G-1 and MX districts, a maximum of 85 percent of lot area shall be impervious.
 - (2) For buildings in the MR district, a maximum of 40 percent of lot area shall be impervious. Accessory buildings must comply with part 2400.2605.
 - (3) For development in the MXD district, a maximum of 100 percent of lot area shall be impervious.

Relocated standards from parts 2400.2110 to 2400.2130 (previously parts 2400.2210 to 2400.2230) to consolidate and clarify standards as pertaining to stormwater management for site less than one-quarter acre. Added reference to part 2400.2605 for MR district (previously RM district) to clarify and provide ease of navigation to related applicable standards.

157. Part 2400.2635, item B.

- B. For sites where more than one-quarter of an acre is affected by development, ~~with the exception of state of Minnesota buildings and facilities,~~ the standards of the city of St. Paul Public Works Department for stormwater runoff for the site apply. Stormwater management plans and calculations are required as part of building permit submittals.

Removed exceptions for State buildings and facilities to be consistent and compatible with the City of St. Paul's stormwater management standards.

158. Part 2400.2635, item C.

- C. All projects that occupy or disturb an area larger than one acre in size, ~~with the exception of state of Minnesota buildings and facilities,~~ are subject to the stormwater management, erosion, sedimentation control, and other standards of the Capitol Region Watershed District.

Removed exceptions for State buildings and facilities to be consistent and compatible with the region's stormwater management standards per the recommendation of the Capitol Region Watershed District.

159. Part 2400.2700 SCOPE OF SUPPLEMENTAL REGULATIONS.

Modified part title to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.

160. Part 2400.2705, subpart 3, item E.

- E. The board shall determine whether the addition request meets all of the conditions in subpart 2 and may advance in the process for ~~further review~~ site selection. A majority vote of the full board is required to accept the application and advance the application for ~~further review~~ site selection.

Modified text in item E to clarify "further review" as site selection.

161. Part 2400.2705, subpart 3, item E, subitem 1.

- (1) If the board accepts an addition request application, board staff must notify the applicant and the Department of Administration within 14 calendar days of the board's vote accepting the application for ~~further review~~ site selection.

Modified text to clarify "further review" as site selection.

162. Part 2400.2705, subpart 3, item F.

- F. After an addition request application is accepted by the board for ~~further review~~ site selection, board staff and the board's architectural advisers must conduct a site selection study with the applicant. Where necessary and with permission from the board, the board executive secretary may commence the site selection process following the determination made in subpart 3, item B.

Modified text to clarify "further review" as site selection. Added provision to expedite site selection process.

163. Part 2400.2705, subpart 3, item O.

- O. With approval from the board, the board executive secretary may propose to modify the timing of the steps and rules process where necessary.

Added new provision to expedite site selection process.

164. Part 2400.2705, subpart 7, item G.

- G. With the board's approval and where necessary, the board executive secretary may commence the 30-day public comment period and meeting prior to the board convening the commemorative artwork review committee.

Added provision to item G to expedite the application review process.

165. Part 2400.2705, subpart 7, item H, subitem 8.

- (8) All applicants must comply with part 2400.3125, which may require consultation with agencies such as the State Historic Preservation Office (SHPO).

Added new provision to reference new part 2400.3125 Historic preservation.

166. Part 2400.2705, subpart 7, item O.

- O. With approval from the board, the board executive secretary may propose to modify the timing of the steps and rules process where necessary.

Added new provision to expedite the application review process.

167. Part 2400.2710 STANDARDS FOR RESIDENTIAL USES.

~~The standards for a carriage house dwelling are as follows:~~

- ~~A. The applicant must not reduce the number of existing off street parking spaces on the property and must also provide one additional off street parking space for the carriage house dwelling.~~
- ~~B. A site plan and a building plan must be submitted to the zoning administrator at the time of application. Carriage house dwellings are exceptions to the one main building per zoning lot requirement.~~
- ~~C. Carriage houses must employ materials, roof pitch, orientation, door and window placement and proportions, and other details compatible with those of the principal building.~~

Removed parking standards consistent with the removal of minimum parking requirements. Removed redundant standard for site plan and building plan as stated in parts 2400.3100 to 2400.3140. Relocated design standards to part 2400.2500 to consolidate with other standards pertaining to the Carriage House building type.

168. Part 2400.2715, subpart A, item 1.

~~(1) new facilities are allowed, provided that, in the board's determination, no more than one percent of the Capitol area's population already lives in any of these facilities;~~

Removed standards that prevent certain demographics from residing in the Capitol area to promote inclusivity.

169. Part 2400.2715, subpart A, item 2.

~~(2) facilities must be located at least 1,320 radial feet from any other such facility;~~

Removed standards that prevent certain demographics from residing in the Capitol area to promote inclusivity.

170. Part 2400.2715, subpart A, item 3.

~~(3) a minimum lot area of 5,000 square feet must be provided for the first two guest rooms and 1,000 square feet for each additional guest room;~~

Removed standards for minimum lot area to reduce barriers to the development of congregate facilities and to be consistent with the removal of lot area requirements in Chapter 2400.

171. Part 2400.2720, subpart A, item 1.

(1) A home occupation may include offices, service establishments, or home crafts that are typically considered accessory to a dwelling unit. Home occupations may involve only ~~limited retailing, by appointment only, associated with fine arts, crafts, office, and/or~~ personal services.

Modified text to provide flexibility and encourage home occupation uses in home occupation uses.

172. Part 2400.2720, subpart A, item 3.

(3) A home occupation must be carried on wholly within the main building, except for a restaurant's outdoor seating. A home occupation ~~is not~~ may be allowed in detached accessory buildings or garages subject to the approval of a CUP.

Modified text to provide flexibility and clarity in home occupation uses. Added provision for CUP subpart B to consolidate standards pertaining to home occupation uses.

173. Part 2400.2720, subpart A, item 7.

(7) A commercial food service requiring a license may be allowed subject to the approval of a CUP.

Relocated text from subpart B to consolidate standards pertaining to home occupation uses.

174. Part 2400.2720, subpart A, item 8.

~~(8) There may be no e~~Exterior storage of products or materials is not allowed.

Modified text to provide clarity in the provision.

175. Part 2400.2720, subpart A, item 11.

(11) A home occupation may have an identification sign no larger than two up to four square feet in area, which shall be in compliance with the requirements of part 2400.2910 not be located in a required yard.

Modified text to provide clarity and flexibility for signs pertaining to home occupation uses. Added reference to pertinent part 2400.2910 Sign placement and height requirements.

176. Part 2400.2720, subpart B.

~~B. The standards in item A for permitted home occupations apply for conditional uses of home occupations, with the following exceptions:~~

~~(1) A commercial food service requiring a license may be allowed by conditional use.~~

~~(2) A home occupation may be allowed within a detached accessory building or garage by conditional use. A sign up to seven square feet in size may be allowed by conditional use.~~

Relocated text to subpart A to consolidate standards pertaining to home occupation uses allowed as conditional use.

177. Part 2400.2720, subpart C, item 3.

~~(3) The office or business component of the unit may not exceed 30 percent of the total gross floor area of the unit.~~

Removed text to provide greater flexibility and encourage work space uses.

178. Part 2400.2720, subpart C, item 5.

~~(5) The size and nature of the work space must be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit requires the building to be classified as a mixed-use building.~~

Removed text to provide greater flexibility and encourage work space uses.

179. Part 2400.2720, subpart C, item 6.

~~(6) The business component of the building may include offices, small service establishments, home crafts that are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component must be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.~~

Removed text to avoid potential conflict with other provisions in item 6.

180. Part 2400.2720, subparts D to H.

D. Occupancy Requirements.

(1) The “live” component of a live/work unit shall be the principal residence of at least one individual employed in the business conducted within the live/ work unit.

(2) Live/work differs from home occupations in that the “work” component of the live/work occupancy may:

a) Include employment of persons not living in the residential portion;

b) Occupy part or all of the floor area of a unit;

c) Have a separate designated access or private entrance specifically for the business use;

d) Include alterations or features not customarily found in residential dwelling units;

e) Have window displays;

f) Have limited signage on the premises; and

g) Include food handling, [processing](#), or [packing](#).

E. Limitations on Use. The nonresidential component of a live/work unit shall be a use allowed within the applicable District. A live/work unit shall not be established or used in conjunction with any of the following activities:

(1) Adult-oriented businesses;

(2) Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);

(3) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

(4) Welding, machining, or any open flame work; and

(5) Any other activity or use, as determined by the executive secretary to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

F. Operating Requirements.

(1) Sale or rental of portions of unit. No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

(2) Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State

and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

(3) On-premises sales. On-premises sales of goods are limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.

(4) Nonresident employees. The employment of three or more persons who do not reside in the live/work unit may be allowed based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Uniform Building Code (UBC) requirements.

G. Changes in Use. After approval, a live/work unit shall not be converted to entirely business use unless approved by the Commission with the issuance of a Conditional Use Permit.

H. Additional Standards.

(1) Floor area requirements. The floor area of the work space shall be at least 30 percent of the total floor area of each live/work unit. All floor area other than that reserved for living space shall be reserved and regularly used for working space.

(2) Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

(3) Facilities for commercial or industrial activities. A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

(4) Integration of living and working space. Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit.

The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the Building Code.

(5) Mixed occupancy buildings. If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

Added new subparts D to H to clarify and provide additional standards on live-work uses. In particular, the standards clarify the “live” and “work” components of the live-work use and provide standards for compatibility and safety of both the “live” and “work” components.

181. Part 2400.2730, subpart 1, item Q.

O. stationery store; and

P. picture framing; ~~and~~

~~Q. video store.~~

Removed use that is no longer current and relocated “and” to follow second to last list item.

182. Part 2400.2730, subpart 2, item A.

A. ~~Extensive~~ Outdoor display or sales areas that exceed ten percent of the main structure's area are not permitted under the general retail use category.

Removed subjective term “extensive” to clarify the standard.

183. Part 2400.2800 GENERAL PARKING REQUIREMENTS.

Off-street parking spaces must be provided in all zoning districts, except for the MXD district, at the time of erection or enlargement of the principal building or structure according to parts 2400.2800 to 2400.2835. Any parking provided must comply with parts 2400.2805 to 2400.2830.

Removed requirements for off-street parking to be consistent with recent changes in the City of St Paul’s zoning code and encourage alternative transportation modes per the 2040 Comprehensive Plan. Modified text to reflect this change.

184. Part 2400.2810 REDUCTION BELOW REQUIRED MINIMUM PROHIBITED.

~~No area used or designated as off-street parking may be reduced in size below the minimum parking requirements in parts 2400.2800 to 2400.2835, except by conditional use permit under part 2400.3155.~~

Removed text no longer relevant with the removal of minimum parking requirements.

185. Part 2400.~~2815~~2810 SHARED OFF-STREET PARKING FACILITIES.

~~Two or more buildings or uses may jointly provide the required off-street parking. Where the peak hours of the buildings or uses providing joint parking facilities are nonconcurrent and lend themselves to shared use, the zoning administrator may, upon written application, reduce the number of parking spaces otherwise required. If the peak hours of use change so that they are concurrent, the number of required parking spaces shall revert to the requirements for the several individual uses computed separately.~~

~~Building owners with shared parking permits must submit an annual statement to the zoning administrator that verifies the nonconcurrent peak parking hours of the buildings involved with the shared parking permit and lists the uses within each building.~~

Removed text no longer relevant with the removal of minimum parking requirements.

~~186. Part 2400.2820 SPACES REQUIRED~~

~~Off-street parking spaces shall be provided according to the following schedule:~~
~~LAND USE~~

MINIMUM NUMBER OF PARKING SPACES

~~Civic and Institutional Uses~~

State offices and other facilities	3 spaces per 1,000 square feet GFA
Other public buildings and uses	3 spaces per 1,000 square feet GFA
Day care center	1 space per 10 children
Place of worship	1 space per 5 seats or 10 feet of pews in central space
Residence associated with place of worship	1 space per 3 occupancy units
School, K-12	1 space per teacher or administrator
Trade school, business school, art school, etc.	1 space per each 2 employees and staff members and 1 per each 2 full time student or 3 part time students

Off-street parking spaces shall be provided according to the following schedule:LAND USE

MINIMUM NUMBER OF PARKING SPACES

Hospital or clinic

1 space per 2 beds

Residential Uses

One family dwelling

1.5 spaces per unit

Two family and townhouse dwellings

1.5 spaces per unit

Multi family dwelling

1 space per unit

Carriage house dwelling

1 space per unit

Housing for the elderly

1 space per 4 residents

Community residential facility

1 space per 4 bedrooms

Mixed Commercial Residential Uses

Live-work unit

2 spaces

Mixed commercial residential use

1 space per dwelling unit plus nonresidential spaces as specified in this part for the nonresidential use

Commercial Uses

Administrative or professional office, medical laboratory

3 spaces per 1,000 square feet GFA

Clinic, medical or dental, veterinary clinic

4 spaces per 1,000 square feet GFA

Bank, credit union

4 spaces per 1,000 square feet GFA

Laundromat

3 spaces per 1,000 square feet GFA

Mortuary, funeral home

6 spaces per 1,000 square feet GFA

Restaurant, coffee shop (may include wine/beer service), tea room, deli

6 spaces per 1,000 square feet GFA

Restaurant serving alcohol*, bar, tavern

8 spaces per 1,000 square feet GFA

Service business

3 spaces per 1,000 square feet GFA

Off-street parking spaces shall be provided according to the following schedule: LAND USE	MINIMUM NUMBER OF PARKING SPACES
Bed and breakfast residence	1 space per two guest rooms in addition to residential requirement
Hotel, inn, motel	1 space per occupancy unit
Indoor recreation	3 spaces per 1,000 square feet GFA
Theater, assembly hall (completely enclosed)	1 space per each four seats
Auto convenience market	4 spaces per 1,000 square feet GFA
Auto service station, repair station	1 space for each service stall, rack or pit
Furniture and appliance, household equipment sales, showrooms	1 space per 1,000 square feet GFA
Retail or service use not otherwise specified	3 spaces per 1,000 square feet GFA

~~*Establishments serving on-sale intoxicating liquor~~

Removed requirements for off-street parking to be consistent with recent changes in the City of St Paul's zoning code and encourage alternative transportation modes per the 2040 Comprehensive Plan.

187. Part 2400.2820 PARKING CONFIGURATION REQUIREMENTS.

The following parking configurations are allowed.

- A. Subterranean Parking. Parking spaces located below the average finish grade at the sidewalk along any street or civic space. Access to the spaces shall be in compliance with driveway standards in 2400.2815.
[insert new graphic "Parking_Subterranean.jpg"]
- B. Surface Parking. Parking spaces that are located on the surface of the parcel. Access to the spaces shall be in compliance with driveway standards in 2400.2815.
[insert new graphic "Parking_Surface.jpg"]
- C. Podium Parking. Parking spaces within the footprint of the primary building that are behind occupiable building space at or within three feet of the average finish grade at the sidewalk along any street or civic space. Access to the spaces shall be in compliance with driveway standards in 2400.2815.
[insert new graphic "Parking_Podium.jpg"]

- D. Parking Garage. Parking spaces located in a multistory structure that is integrated into the footprint of the primary building or detached and behind the primary building on the parcel. Access to the spaces shall be in compliance with driveway standards in 2400.2815.
[insert new graphic "Parking_Garage.jpg"]

Added new part with descriptions and graphics to provide clarity on the variety of parking configurations allowed in the Capitol area.

188. 2400.2835 ~~2825~~ LOADING SPACE REQUIREMENTS.

Relocated to before part 2400.2830 Bicycle parking requirements to maintain sequential order to parts pertaining to vehicles.

189. 2400.2835 ~~2825~~, item E.

Usable Floor Area (Square Feet)	Number of Loading Spaces Required
--	--

zero <u>Up to 1,400</u>	None
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Modified text to clarify standard.

190. Part 2400.2900 SCOPE OF SIGN REGULATIONS ~~INTENT~~.

Modified part title to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.

191. Part 2400.2905 SIGN CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

Modified part title to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.

192. Part 2400.2905, item A.

- A. All signs must conform to applicable provisions of parts 2400.2905 to 2400.2940, Minnesota Statutes, section 15B.28, the building code of the city of St. Paul ~~as well as~~ and the structural design standards of the State Building Code in chapters 1300 to 1370.

Added reference to clarify "applicable provision" and modified text for grammatical clarity.

193. Part 2400.2905, item B.

- B. Signs that are unsafe or in disrepair must be repaired or removed. Unsafe signs must be repaired or removed within 24 hours after notification. Signs in disrepair must be repaired or removed within 15 business days after notification.

Added text for clarity in timing.

194. Part 2400.2905, item C.

~~"Disrepair" means a condition in which the sign has deteriorated to the point where at least one fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; where paint is peeling, chipping, or flaking from the structure surface; where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.~~

~~Removal, in the case of painted wall signs, means a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is still visible.~~

Relocated to part 2400.2040 as this is a term with a definition.

195. Part 2400.2905, item F.

F. Any sign that advertises, identifies, or pertains to an activity no longer in existence must be removed by the owner of the property within 30 calendar days from the time the activity ceases existence. This part does not apply to seasonal activities during the regular periods in which they are closed.

Added text for clarity in timing.

196. Part 2400.2910, item C.

C. On buildings with an allowed home occupation, one blade sign and one yard sign are allowed on each parcel.

Added standard to clarify allowed sign type and quantity for home occupations.

197. Part 2400.2915 SIGN DESIGN STANDARDS.

Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.

198. Part 2400.2935 SIGNS PERMITTED BY DISTRICT.

~~"Building mounted sign" includes wall, canopy, awning, marquee, or projecting signs.~~

~~"Freestanding sign" includes pylon signs and monument signs~~

Relocated "Building-mounted sign" to part 2400.2040 Definitions. Removed text redundant of text in part 2400.2040 under "Freestanding sign."

199. Part 2400.3000 INTENT OF NONCONFORMITIES.

Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.

200. Part 2400.3100 SCOPE OF ADMINISTRATION.

Parts 2400.3100 to 2400.~~3130~~3180 establish application requirements, review processes, and standards for land use approvals and development permits in the Capitol area, as authorized by Minnesota Statutes, section 15B.06.

Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.

201. ~~Part 2400.3105~~ DUTIES OF BOARD.

~~The board must accept applications for and issue any certificate or permit required by this chapter; keep and maintain all plans, files, and records pertaining to them; and perform all other functions necessary for the orderly administration of this chapter. The board may delegate any or all of these duties to the zoning administrator with the exception of approval for variances or conditional use permits.~~

Moved and combined to part 2400.2005 for clarity and consolidation of text regarding the authority and duties of the board.

202. ~~Part 2400.3110~~3105 ~~GENERAL BOARD PERMIT REQUIREMENTS.~~

No land, building, sign or structure in any district may be changed to a different use, and no building, structure, sign, or part of a building or structure may be erected, constructed, reconstructed, altered, enlarged, or moved until the board has issued a sign permit or a zoning permit pursuant to Minnesota Statutes, section 15B.08, and a certificate of design compliance certifying that the plans and intended use of land, buildings, and structures conform to the requirements of this chapter.

Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents. Added reference to pertinent Minnesota Statutes section.

203. Part 2400.3120 PROJECTS ON PUBLIC LANDS.

- A. All construction on public land in the Capitol area must be consistent with the comprehensive plan pursuant to Minnesota Statutes, section 15B.05 and comply with the requirement for a competition under Minnesota Statutes section 15B.10.
- B. All plans for a new public building must be reviewed by an advisory committee pursuant to Minnesota Statutes section 15B.11.
- C. A state agency or other public body must consult with the board before developing a

budget proposal or plans for capital improvements within the Capitol area to submit to the legislature and the governor pursuant to Minnesota Statutes section 15B.17.

Added new part to provide procedural standards for project on public lands within the Capitol area and to be consistent with Minnesota Statutes as referenced.

204. ~~Part 2400.3125~~ DETERMINATION OF SIMILAR USE.

~~When a specific use is not listed in a district, the zoning administrator must make the determination of whether a use is similar to other uses permitted in each district. The decision must be based on the following findings:~~

- ~~A. that the use is similar in character to one or more of the principal uses permitted;~~
- ~~B. that the traffic generated on the use is similar to one or more of the principal uses permitted; and~~
- ~~C. that the use is not first permitted in a less restrictive zoning district.~~

Relocated to after the table of permitted and conditional uses by district to enhance accessibility and facilitate easier reference.

205. Part 2400.3125 HISTORIC PRESERVATION.

With an application for any board approval required by Minnesota Statutes or Rules,

- A. all projects, whether on public lands, streets, institutional or private lots, will be required to submit information before or at the time of application for approvals addressing the existence, impacts, and proposed treatments of known or possible historic properties, as t defined in part 2400.2040, subpart 41.
- B. At the applicant's expense, the zoning administrator may require documentation that identifies historic properties in order to assess impacts to those historic properties. The zoning administrator may also request the applicant consult with the State Historic Preservation Office.
- C. Voluntary or required compliance with those recommendations in item B may be used in the consideration and reviews by the zoning administrator, advisory committee, and board members.

Added new part to provide procedural standards for historic and cultural resources to be consistent with the 2040 Comprehensive Plan and MN Statute 138.68.

206. Part 2400.3130, subpart 1. Submittal of application.

Applications for the permits and certificates listed in parts 2400.~~3135~~-3130 to 2400.3160 must be

submitted to the zoning administrator. The application for permits and approvals is available on the board's website. ~~The zoning administrator must determine whether all the information required by parts 2400.3135 through 2400.3160 has been provided. The zoning administrator must notify the applicant in writing within ten days of receipt of the application if the application is incomplete and state what information is missing.~~

Added reference to board website for easy navigation to the application form. Relocated text regarding timing to subpart 2 to consolidate with other procedural standards regarding the timing of application submission approvals.

207. Part 2400.3130, subpart 2. Timing.

The zoning administrator must determine whether all the information required by parts 2400.3135 through 2400.3160 has been provided. and . The zoning administrator must notify the applicant in writing within ten business days of receipt of the application if the application is incomplete and state what information is missing. Once the application is complete, the application must be approved or denied within 60 calendar days of the zoning administrator's receipt of the complete application, except as described in items A to C.

Relocated text from subpart 1 regarding timing to consolidate with other procedural standards regarding the timing of application submission approvals. Added text to clarify timing in terms of calendar days.

208. Part 2400.3130, subpart 2. Item A.

A. If the zoning administrator extends the consideration period, the zoning administrator must provide written notice to the applicant that the time is being extended, the anticipated length of the extension, and the reasons for the extension. The extension may not exceed 60 calendar days unless approved by the applicant.

Added text to clarify timing in terms of calendar days.

209. Part 2400.3130, subpart 2. Item B.

B. If the application is for a certificate of design compliance under part 2400.3140, the time limit is automatically extended by 60 calendar days to provide additional time to study the effect of the proposal on the beauty, dignity, and architectural integrity of the Capitol area.

Added text to clarify timing in terms of calendar days.

210. Part 2400.3130, subpart 2. Item C.

C. If the application is for a variance under part 2400.3160, the time limit is automatically extended by 60 calendar days to provide additional time to solicit the necessary public input on the proposal.

Added text to clarify timing in terms of calendar days.

211. Part 2400.3130 SITE PLAN CONTENTS AND REVIEW.

Subpart 1. Drawings requirement. All drawing required in the submittal package are listed in the application for permits and approvals part 4. Drawings Typically Requested. The application for permits and approvals is available on the board's website.

Subp 2. Contents of site plan. A site plan, where required by parts 2400.3135 to 2400.3160, must be drawn to scale and specifications, showing:

- A. the actual shape, location, and dimensions of the zoning lot;
- B. the shape, size, and location of buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot;
- C. the existing and intended use of the zoning lot and of all structures upon it, including, where applicable, the number of dwelling units the building is intended to accommodate;
- D. the layout of parking and pedestrian and vehicular circulation on the zoning lot;
- E. landscape, screening and fencing plans; and
- F. other information concerning the zoning lot or adjoining lots determined by the zoning administrator as essential for determining whether the provisions of this chapter are being met.

Subp. 3. Consideration of site plan. In reviewing the site plan the board shall consider:

- A. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, subject to final approval by the city of St. Paul;
- B. traffic circulation features within the site and location of automobile parking areas. The board may impose requirements that will ensure:
 - (1) safety and convenience of vehicular and pedestrian traffic both within the site and in relation to access streets; and
 - (2) compatibility between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods.
- C. the arrangement of buildings, uses, and facilities of the proposed development to ensure abutting property or its occupants will not be unreasonably affected; and
- D. the extent, location, and level of increased activity anticipated for the use to ensure compatibility with the Capitol area comprehensive plan and any applicable subarea plans

that were approved by the board.

Relocated to follow part 2400.3130 to clarify and provide further information on the submittal requirements.

212. Part 2400.3135 ZONING PERMIT APPLICATION.

All applications for zoning permits, which are available on the board's website, must be submitted in writing to the zoning administrator and contain:

Added reference to board website for easy navigation to the application form.

213. Part 2400.3135, item D.

D. ~~three copies~~ one hardcopy of a site plan, or PDF version via email, meeting the standards of part 2400.3150~~3130~~; and

Modified text to be consistent with requirements on the application form.

214. Part 2400.3140 CERTIFICATE OF DESIGN COMPLIANCE APPLICATION.

A certificate of design compliance ~~is~~ may be required by the zoning administrator following the issuance of a zoning permit issued by the board and a building permit by the city of St. Paul, in order to certify that the plans of the building or structure conform to this chapter~~the design rules in parts 2400.2400 to 2400.2410~~.

All applications for a certificate of design compliance shall be submitted in writing and shall include ~~three copies~~ one hardcopy or a PDF version via email of the following, in addition to the requirements for a zoning permit:

Modified text to allow flexibility in the requirement for a certificate of design compliance. Modified text to expand reference to Chapter 2400. Modified text to be consistent with requirements on application form.

215. ~~Part 2400.3150 SITE PLAN CONTENTS AND REVIEW.~~

~~Subpart 1. Contents of site plan. A site plan, where required by parts 2400.3150 to 2400.3160, must be drawn to scale and specifications, showing:~~

- ~~A. the actual shape, location, and dimensions of the zoning lot;~~
- ~~B. the shape, size, and location of buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot;~~
- ~~C. the existing and intended use of the zoning lot and of all structures upon it, including, where applicable, the number of dwelling units the building is intended to accommodate;~~
- ~~D. the layout of parking and pedestrian and vehicular circulation on the zoning lot;~~

~~E. landscape, screening and fencing plans; and~~

~~F. other information concerning the zoning lot or adjoining lots determined by the zoning administrator as essential for determining whether the provisions of this chapter are being met.~~

~~Subp. 2. **Consideration of site plan.** In reviewing the site plan the board shall consider:~~

~~A. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, subject to final approval by the city of St. Paul;~~

~~B. traffic circulation features within the site and location of automobile parking areas. The board may impose requirements that will ensure:~~

~~(1) safety and convenience of vehicular and pedestrian traffic both within the site and in relation to access streets; and~~

~~(2) compatibility between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods;~~

~~C. the arrangement of buildings, uses, and facilities of the proposed development to ensure abutting property or its occupants will not be unreasonably affected; and~~

~~D. the extent, location, and level of increased activity anticipated for the use to ensure compatibility with the Capitol area comprehensive plan and any applicable subarea plans that were approved by the board.~~

Relocated to follow part 2400.3130 to clarify and provide further information on the submittal requirements.

216. Part 2400.3150, subpart 3, item A.

A. a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of 365 calendar days;

Added text to clarify timing in terms of calendar days.

217. Part 2400.3150, subpart 3, item C.

C. the lot area of a conditional use is subsequently reduced in size;~~or~~

Removed "or" due to renumbering as this list item is no longer second to last in the list.

218. Part 2400.3150, subpart 3, item D.

D. a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of one year; or

Added "or" due to renumbering as this list item is second to last in the list.

219. Part 2400.3150, subpart 3, item E.

E. the conditional use is established as a temporary condition in the zoning district by the board at the time of a conditional use application.

Added new standard to clarify conditional use as a temporary condition.

220. Part 2400.3155 ADJUSTMENTS.

This part establishes procedures for allowing minor deviations from certain standards for specific situations arising from existing site conditions and the strict application of the standards.

A. **Applicability.** Part 2400.3155 applies to all developments proposed in the Capital area. The board is allowed to grant adjustments for only the standards identified in part 2400.3155.

B. **Review authority.** The review authority for adjustment requests shall be the zoning administrator, except for standards which affect visibility at driveways and intersections, or standards in the right-of-way shall be reviewed by the Public Works Director.

C. **Application Requirements.** Adjustment requests shall be reviewed and processed as follows:

(1) If the development for which an adjustment is requested is being processed consistent with part 2400.3155, the review procedure shall be the same as for the main project application.

(2) Adjustment requests shall be accompanied by a written request by the applicant explaining the need for the adjustment and identifying all existing site conditions or features that prevent compliance with the specific standard(s).

(3) Granting of an adjustment does not eliminate other standards not specified in part 2400.3155

D. **Findings.** For the review authority to grant an adjustment, findings for the adjustment, as stated in part 2400.3155, are required.

E. **Existing Site Condition.** An existing site condition is a legally permitted building or structure constructed on the site with a final inspection or certificate of occupancy or a natural feature that exists as of the date of initial application submittal.

(1) For purposes of part 2400.3155, existing site conditions that prevent compliance with

a standard include, but are not limited to, the following:

- a) A mature tree with at least one trunk measuring four inches in diameter or greater at four feet six inches above grade in height and not planned for removal or alteration.
- b) Utility infrastructure that is not required to be removed, relocated, or installed underground.
- c) A structure, site, cultural landscape, or feature designated or eligible to be designated historically significant based on the criteria in part 2400.3125.
- d) Retaining wall necessary to retain or support soil.

(2) The existing site condition used as a basis for requesting an adjustment shall not be removed or altered in its footprint.

<u>Administrative Relief Type</u>	<u>Findings/Criteria (All That Apply)</u>	<u>Allowed Administrative Relief and Conditions</u>	<u>Reference to Standard</u>
<u>1. Building Setbacks</u>			
<u>a. Front or Interior.</u> <u>Increase or decrease in the minimum or maximum required setback for a principal building.</u>	i. Existing site conditions prevent compliance with the front setback standard. ii. Existing site conditions prevent compliance with the interior setback standard.	<u>2' or 25% of the standard, whichever is greater.</u>	<u>Part 2400.2100</u>
<u>b. Capitol View and Civic Frontage Types.</u> <u>Decrease in the linear extent of the minimum setback.</u>	<u>Existing site conditions prevent compliance with the setback standard.</u>	<u>5' or 30% of the standard, whichever is greater.</u>	<u>Part 2400.2400, subp. 5; Ppart 2400.2400, subp. 6</u>
<u>2. Block Size</u>			
<u>a. Block Dimensions.</u> <u>Allow larger block sizes.</u>	i. Preservation of existing buildings or buildings within the boundaries of a proposed block prevents compliance with the standard.	<u>Maximum block length standard to be increased to encompass the building and all setbacks required by the zoning district. Maximum block length does not exceed 800'.</u>	<u>Part 2400.2135, subp. 5(E)</u>

Added new part to provide flexibility in compliance with certain rules due to physical conditions and streamline approval processes.

221. Part 2400.3160, subpart 2, item A.

- A. The board must provide persons requested to appear notice of the request at least seven calendar days before the board meeting at which the variance request is to be considered.

Added text to clarify timing in terms of calendar days.

222. Part 2400.3160, subpart 2, item E.

- E. Within 30 calendar days after its action on the request, the board must set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments the reasons why it has granted or denied the variance request.

Added text to clarify timing in terms of calendar days.

223. Part 2400.3180 FEES

The fee schedule is available on the board's website and by request at the board offices.

Added reference to board website for easy navigation to the application form.

V. Regulatory Analysis

A. Classes Affected

The proposed updates to **Minnesota Rules Chapter 2400** will affect several groups, including:

- **Residents of the Capitol Area** – Individuals living within the CAAPB's jurisdiction will experience the benefits of greater clarity and consistency in zoning and design regulations.
- **Businesses and Non-Profit Organizations** – Entities operating in the Capitol Area will benefit from alignment with the City of Saint Paul's zoning ordinances, creating a more predictable regulatory environment.
- **Developers, Property Owners, and Contractors** – Those undertaking new development or renovations will have clearer guidance, which may result in both benefits (certainty in the approval process) and potential costs (compliance with updated regulations).
- **Government and Public Entities** – State and local agencies involved in land use, historic preservation, and environmental management will see improved coordination between regulations and planning efforts.

1. Those Who Will Bear the Costs of the Proposed Rule

- **Property Owners and Developers** – Those making changes to their properties may incur costs related to compliance with updated zoning and design standards. However, these changes are designed to be reasonable and not overly burdensome.
- **Businesses and Non-Profits** – While benefiting from greater clarity, some may face costs if their operations or facilities need to comply with updated rules.

2. Those Who Will Benefit from the Proposed Rule

- **All Stakeholders in the Capitol Area** – The updates will provide clarity, predictability, and alignment with the **City of Saint Paul’s zoning ordinances**, creating a more cohesive and navigable regulatory framework.
- **Residents and Visitors** – The rules will help ensure a well-designed, functional, and historically sensitive Capitol Area, enhancing public spaces and overall urban livability.
- **Neighborhood Groups and Advocacy Organizations** – Those engaged in the **2040 Comprehensive Plan** process will see their input reflected in zoning and design decisions, reinforcing the community’s vision for the area.

Because the 2040 Comprehensive Plan was developed through an extensive public process involving residents, businesses, nonprofits, and neighborhood groups, these proposed rules reflect the priorities and perspectives of the very people they will affect. The result is a balanced approach that ensures thoughtful growth and development while minimizing unnecessary burdens.

B. Department/Agency Costs

The implementation and enforcement of the proposed rule changes are expected to have minimal financial impact on state agencies and negligible effects on state revenues:

- **Costs to CAAPB** – The Capitol Area Architectural and Planning Board (CAAPB) will incur **minimal costs** related to administrative updates, staff time for enforcement, and public communication. These costs are expected to be absorbed within the agency’s existing budget.
- **Costs to the Department of Administration** – The Department of Administration, which coordinates with CAAPB on Capitol Area planning and management, is also expected to face **minimal costs**, primarily related to continued collaboration on zoning and design compliance.
- **Costs to Other Agencies** – No significant additional costs are anticipated for other state or local agencies, as the rule changes align with existing plans and regulations.
- **Effect on State Revenues** – The proposed updates are not expected to generate or reduce state revenues in any significant way.

Overall, the proposed rule changes are designed to improve clarity and efficiency within the Capitol Area's zoning and design framework without imposing substantial financial burdens on state agencies or the public.

C. Less Costly or Intrusive Methods

There is no less costly or less intrusive method for achieving the purpose of the proposed rule. The CAAPB's rulemaking process is the established and necessary method for updating zoning and design regulations in the Capitol Area, ensuring that changes are legally sound, publicly vetted, and aligned with state and local planning efforts.

Given that the Minnesota State Capitol is a National Historic Landmark, maintaining clear and enforceable zoning and design rules is essential for preserving its historical and architectural significance, while also supporting orderly development in the surrounding area. The proposed rule changes strike a balance between regulatory clarity and flexibility, ensuring that updates are reasonable, necessary, and not overly burdensome.

D. Alternative Methods

There is not an alternative method for updating zoning and design rules in the CAAPB area.

E. Costs to Comply

The proposed rule changes are designed to improve clarity, consistency, and efficiency in the Capitol Area's zoning and design framework without imposing significant financial burdens. However, some costs may be incurred by certain affected parties:

- **Governmental Units** – State and local agencies operating within the Capitol Area may experience minor administrative costs associated with ensuring compliance with updated zoning and design standards. These costs are expected to be absorbed within existing operational budgets.
- **Businesses and Non-Profit Organizations** – Entities undertaking new development or renovations may incur moderate compliance costs, such as design adjustments or permitting expenses. However, these costs are expected to be comparable to or lower than those under the City of Saint Paul's zoning framework, which the updated rules align with.
- **Property Owners and Developers** – Those planning new construction, renovations, or property modifications may need to adapt to updated design and zoning requirements, which could involve architectural or planning expenses. However, the proposed changes are not overly restrictive and are designed to streamline the approval process, potentially reducing long-term costs.

- **Residents** – No direct financial burden is expected for individual residents, and they will benefit from greater predictability and improved neighborhood character.

1. Conclusion

While some compliance costs may arise, particularly for developers and businesses engaged in new projects, the overall impact is expected to be minimal and reasonable. The long-term benefits of a clearer, more consistent regulatory framework will likely outweigh any short-term compliance expenses.

F. Costs of Non-Adoption

Failing to adopt the proposed rule updates would lead to ongoing inefficiencies, delays, and uncertainty for various stakeholders within the Capitol Area. The primary costs and consequences include:

- **Delays in Development and Approval Processes** – Without updated rules, projects will face longer review times due to outdated or unclear zoning and design guidelines. This could increase costs for developers, businesses, and government agencies needing approvals.
- **Lack of Clarity and Increased Confusion** – The absence of updated rules would perpetuate inconsistencies between CAAPB regulations and the City of Saint Paul’s zoning ordinances, leading to confusion for property owners, businesses, and developers navigating the regulatory process.
- **Reduced Alignment with the 2040 Comprehensive Plan** – Not updating the rules would hinder the implementation of the community-driven vision established in the 2040 Comprehensive Plan, resulting in neighborhood character different from that in the 2040 Vision, and potentially negatively affecting economic development, and infrastructure planning.
- **Potential Legal and Administrative Challenges** – Outdated rules may lead to interpretation disputes, appeals, and inefficiencies, creating additional administrative burdens for CAAPB and the Department of Administration.

1. Conclusion

The costs of inaction far outweigh any costs of compliance. Without these updates, projects will be slower, regulatory confusion will persist, and the Capitol Area will miss an opportunity for well-managed, sustainable growth.

G. Differences from Federal Regulations

The proposed rule updates do not conflict with or override any federal regulations, as federal laws do not govern local zoning and design ordinances. However, the Capitol Area’s regulations must align with federal historic preservation laws, including the National Historic Preservation Act (NHPA) and related guidelines for properties listed on the National Register of Historic Places, such as the Minnesota State Capitol.

1. Need for and Reasonableness of Differences

- **Federal Regulations and Local Authority** – The CAAPB has specific statutory authority to regulate zoning and design within the Capitol Area, and these proposed rules serve to enhance local governance in alignment with state and city planning efforts.
- **Preservation and Development Balance** – While federal historic preservation regulations set broad guidelines for maintaining historic character, CAAPB’s rules provide more specific, localized design and zoning standards that address the unique needs of the Capitol Area.
- **Compliance with Federal Standards** – All federal historic preservation laws and guidelines will continue to be followed, ensuring that new development or modifications respect federally recognized historic structures and landscapes.

2. Conclusion

The proposed rule changes are consistent with federal regulations and serve a distinct local purpose—ensuring that zoning and design standards support both preservation and responsible growth within the Capitol Area.

H. Cumulative Effect

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable for this rule.

VI. Notice Plan

Minnesota Statutes, section 14.131, requires that an agency include in its SONAR a description of its efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

Details on the previous measures taken to ensure stakeholders received both required and additional notice of this rulemaking during the Request for Comments and rule development period can be found on pages 88 and 89 of this SONAR.

A. Required Notice

The Board is required under Minnesota Statutes, chapter 14 to identify and send notice to several groups. The steps the Board will take to meet those statutory requirements are laid out in detail below.

Consistent with Minnesota Statutes, section 14.14, subd. 1a, on the day the Notice of Intent to Adopt Rules is published in the *State Register*, the Board will send via email or U.S. mail a copy of the Notice of Intent to Adopt Rules and the proposed rule to the contacts on the Board's list of all persons who have registered with the Board for the purpose of receiving notice of rule proceedings as well as all information regarding goings on of the Capitol Area Architectural and Planning Board. There are roughly 5,553 people on the Board's list of persons who have requested noticed of all rule proceedings via GovDelivery. The Notice of Intent to Adopt Rules will be sent at least 33-days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.116(b), the Board will send a copy of the Notice of Intent to Adopt Rules, a copy of the proposed rules, and a copy of the SONAR to the chairs and ranking minority party members of the applicable finance and policy committees and the Legislative Coordinating Commission. These documents will be sent at least 33 days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.131, the Board will send a copy of the SONAR to the Legislative Reference Library when the Notice of Intent to Adopt Rules is sent.

B. Additional Notice

In addition to the required notice referenced above, the Board will make the Notice of Intent to Adopt Rules, SONAR, and proposed rule available on the webpage created for this rulemaking.

The Board also intends to mail a notice with a brief overview of the zoning and design rulemaking with a QR-code hyperlink to electronic copies of the Notice of Intent to Adopt Rules, SONAR, and proposed rule to:

- All owners of property in the Capitol Area.
- All businesses and non-profits in the Capitol Area.

VII. Performance-Based Rules

Minnesota Statutes, section 14.002, requires state agencies, whenever feasible, to develop rules that are not overly prescriptive and inflexible, and rules that emphasize achievement of the Board's

regulatory objectives while allowing maximum flexibility to regulated parties and to the Board in meeting those objectives.

The proposed changes to the Zoning and Design Rules reinforce Minnesota Statutes, section 14.002, in the following ways:

- Removal of requirements for minimum lot width, lot coverage, lot size, off-street parking and the reduction of setback provides greater flexibility to developers and the Board by encouraging diverse development, affordable housing, and/or infill development consistent with the 2040 Comprehensive Plan.
- Exclusionary standards that would prevent certain demographics from residing in the Capitol area have been removed.
- Best practices regarding form-based codes have been incorporated into the changes, including the consolidation of building types, addition of frontage types, addition of massing and articulation standards, and the addition of parking configurations, to enhance the effectiveness and usability of the Rules. These practices help create a more predictable and efficient regulatory environment while promoting desirable built form outcomes.

VIII. Consultation with MMB on Local Government Impact

As required by Minnesota Statutes, section 14.131, the Board will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Board publishes the Notice of Intent to Adopt Rules. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Board will submit a copy of the cover correspondence, and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

IX. Impact on Local Government Ordinance and Rules

As required by Minnesota Statutes, section 14.128, subdivision 1, the Board has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Board has determined that they do not because the CAAPB is the local government with authority over zoning and design in the Capitol Area.

X. Costs of Complying for Small Business or City

A. Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city due to the fact that a majority of the proposed changes are to provide clarity and consistency to the zoning and design code with the adopted 2040 Comprehensive Plan.

XI. Authors, Witnesses, and Exhibits

B. Authors

- Erik Cedarleaf Dahl, Executive Secretary Capitol Area Architectural and Planning Board
- Peter Musty, Principal Planner and Administrator of the Zoning and Design Rules, Capitol Area Architectural and Planning Board

XII. Conclusion

In this SONAR, the Board has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules, 2400. The Board has provided the necessary notice and documented its compliance with all applicable administrative rulemaking requirements of Minnesota statute and rules.

Based on the forgoing, the proposed amendments are both needed and reasonable.

Executive Secretary of the
Board

Date

Notice of Intent to Adopt Rules Without a Public Hearing

Minnesota Capitol Area Architectural and Planning Board

Proposed Amendment to Rules Relating to Zoning and Design in the Capitol Area, *Minnesota Rules*, 2400; Revisor's ID Number R-04921

CHAPTER 2400, CAPITOL AREA ZONING AND DESIGN

Introduction. The Capitol Area Architectural and Planning Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments and/or a written request that a hearing be held on the proposed rules until **4:30 p.m. on [day], [month] [day], [year]**.

Subject of Rules. The proposed rules are about Zoning and Design in the Capitol Area, Saint Paul, Minnesota.

Minnesota's Capitol Area Architectural and Planning Board (CAAPB) is proposing to update Minnesota Rules Chapter 2400, which establishes zoning and design regulations for the Capitol Area in Saint Paul, Minnesota.

Statutory Authority. The Board's statutory authority to adopt the rules is stated in Minnesota Statutes, Section 15B.03, Subpart 6. authorizes the Board to adopt rules for zoning and design in the Capitol Area.

Minnesota Statutes, Section 15B.03, Subd. 6. General rulemaking authority.

The board may adopt rules under chapter 14, the Administrative Procedure Act, that it believes are needed and reasonable to accomplish the purposes of this chapter.

Under Minnesota Statutes, Section 15B.03, the Board has the necessary statutory authority to adopt the proposed rules.

Publication of proposed rules. A copy of the proposed rules is published in the *State Register* . The proposed rules may be viewed at: <https://mn.gov/caapb/>

Statement of Need and Reasonableness. The statement of need and reasonableness (SONAR) contains a summary of the justification for the proposed rules, a description of who will be affected by the proposed rules, and an estimate of the probable cost of the proposed rules. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR may also be viewed at: <https://mn.gov/caapb/>.

Agency Contact Person. The agency contact person is Jessie Hughes at Capitol Area Architectural and Planning Board, 651-757-1502, jessie.hughes@state.mn.us. You may contact the agency contact person with questions about the rules.

Public Comment. You have until **4:30 p.m. on [day], [month] [date], [year]**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules.

Your comment must be in writing and received by the due date. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change you propose. Any comments that you have about the legality of the proposed rules must be made during this comment period. All evidence that you present should relate to the proposed rules. If the proposed rules affect you in any way, the agency encourages you to participate.

Submit written comments via the [Office of Administrative Hearings Rulemaking eComments website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/), by U.S. Mail delivered to the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, or by fax (651) 539-0310.

All comments or responses received are public data and will be available for review on the eComments website and on the Board's website at <https://mn.gov/caapb/>

Request for a Hearing. In addition to submitting comments, you may also request that the agency hold a public hearing on the rules. You must make your request for a public hearing in writing by **4:30 p.m. on [day], [month] [date], [year]**. You must include your name and address in your written request for hearing. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the agency will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the

agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to bring about the withdrawal, and ask for written comments on this action. If the agency is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The agency may modify the proposed rules as a result of public comment. It must support modifications by data and views submitted during the public comment process. The adopted rules may not be substantially different than these proposed rules unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

[Date]

Erik Cedarleaf Dahl
Executive Secretary, CAAPB



Capitol Area Architectural and Planning Board

Freeman Building
625 Robert Street North
Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

Date: March 24, 2025
To: Capitol Area Architectural and Planning Board members
From: Tina Chimuzu, Planner Fellow, Capitol Area Architectural and Planning Board (CAAPB)
CC: Erik Cedarleaf Dahl, Executive Secretary, CAAPB
Peter Musty, Principal Planner & Zoning Administrator, CAAPB
RE: **AGENDA ITEM #4 - Application to Propose a New Commemorative Work: The Pillbox**



Downtown Ball Park, St. Paul. No Date. Minnesota Historical Society

The Downtown Baseball Park – The Pillbox

History from the Application by Stew Thornley, Halsey Hall Chapter of the Society for American Baseball Research.

“The Downtown Baseball Park also known as the Pillbox due to its small size, was a historic baseball park which was located on the northwest corner of 12th and Robert, on the site now occupied by the laboratory building for the Minnesota departments of Health and Agriculture. The ballpark, which was in use from 1903 to 1910, was used by St. Paul Saints Minor league team and as a frequent home of a significant all Black team, the St. Paul Gophers (also called the St. Paul Colored Gophers).

The Saints were an all-white team, as were the others in what was called “organized baseball,” because of a racial barrier that existed until the 1940s. Some integrated teams existed at various levels outside the professional ranks, although mostly the game was completely segregated. Even before the formal Negro Leagues were formed, many all-Black professional teams existed, sometimes playing against white teams, both amateur and professional.

The Pillbox in its final years was one of the local homes for the St. Paul Colored Gophers, who played a series of games against the Saints in 1907. Both teams recruited outside players, including a couple of Minneapolis Millers to play with the Saints. The Gophers benefited from the presence of Andrew “Rube” Foster, the manager of the Chicago Leland Giants as well as one of the best Black pitchers in the country (and the man who would organize the Negro National League in 1920). Foster was back with the Colored Gophers in 1908 and pitched a no-hitter over a team from Hibbing August 28.

The following year, the Gophers matched up with the Leland Giants in what was billed as the “world’s colored championship.” Rube Foster was back with his regular team, the Giants, but he broke his leg prior to the games in St. Paul, and the Chicago pitching duties fell to others. The Colored Gophers had Bobby Marshall, one of Minnesota’s most remarkable athletes. A multi-sports star at Central High School in Minneapolis, Marshall became an All-America football player at the University of Minnesota. The Gophers beat the Leland Giants in the series, a victory that established their reputation as one of the best Black teams in the Midwest. The Colored Gophers continued playing at the Pillbox through 1910, when the ballpark was abandoned, hastening the demise of the team.

Through the years, the ballpark had found many uses beyond baseball, from speed skating in the winter to professional wrestling in the summer. The Pillbox site is now occupied by a laboratory building for the Minnesota Departments of Health and Agriculture on the north side of Interstates 94 and 35E, a one mile stretch of freeway known as Spaghetti Junction.”

Staff Acceptance of Application, Review, and Preliminary Findings

On December 18, 2024, CAAPB staff received an application from Stew Thornley, of the Halsey Hall Chapter of the Society for American Baseball Research, to add a commemorative plaque noting the site of a historic Downtown Base Ball Park - the Pillbox.

CAAPB staff reviewed the application per Minnesota Rules 2400.2703, Subpart 3, Item A, and deemed it to be incomplete. The applicant was advised of the determination via memo on December 30, 2024, including information on what was missing in the application. The applicant resubmitted the request on January 2, 2025, and after a second review, CAAPB staff found it to be complete on January 15, 2025.

The application from Stew Thornley is included in the packet, along with a detailed description of the proposal.

According to the rules, once CAAPB determines the application to be complete, Board staff must review and analyze whether the application for new commemorative artwork meets all of the conditions in M.R. 2400.2703, Subpart 2, and prepare a written report of the staff's findings.

*Subp. 2. **Conditions for adding new artwork.** The board must consider displaying new commemorative artwork in the Capitol area if the artwork meets all of the following conditions:*

- A. there has been documented public support of the artwork;*
- B. the artwork has lasting statewide significance for Minnesotans;*
- C. the artwork is respectful of the diversity of Minnesotans;*
- D. viewing the artwork provides a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture; and*

Therefore, CAAPB staff conducted a review of the application and observed that:

- Regarding Condition A: The applicant asserts statewide support for markers by naming commemorative markers for the Metropolitan Stadium at the Mall of America, Lexington Park Ballpark in St. Paul and Nicollet Park in Minneapolis as examples. Also including The Society for American Baseball Research as a firm supporter of nationwide commemorative markers through their Baseball Landmarks committee.
- Regarding Condition B: The applicant cites the artwork's statewide significance by articulating that the game of baseball has always been important in Minnesota's history, starting in 1857 before Minnesota became a state. He further asserts the central role of St. Paul in the state's baseball history and the impact of the game on the Twin Cities' rivalry.

- Additional Staff Note: There is established anecdotal popularity of exhibits installed at Target Field in Minneapolis documenting the importance of professional, amateur, and local levels of baseball in communities all over Minnesota.
- In regard to Condition C: The application states and showcases intent throughout the application to highlight Minnesota's diverse history of baseball by identifying all Black players and teams that were associated with the Pillbox.
- In regard to Condition D: Though the application doesn't quite elaborate on how the artwork broadens the understanding of Minnesota's shared history, heritage, and culture, the applicant generally asserts that by spotlighting the underrepresented teams and documenting the evolution of Minnesota's baseball history before and after racial segregation.
- Overall, though the primary themes presented by the applicant related to the ballpark's significance to baseball history in Minnesota are documented clearly, there are also important secondary aspects not included in the application that hold opportunities for helping a viewer understand important aspects of local urban history, including:
 - the loss of the Rondo community to investments in interstate infrastructure, and
 - the existence of the old Central Park immediately north also demolished in middle of the 20th century

Thus, staff concluded that, whilst acknowledging the need for verification of historical facts stated in the application, **CAAPB staff determine that so far the request meets all the conditions in Minnesota Rules 2400.2703, Subpart 2.**

Per M.R. 2400.2703, a report of this determination and a summary of the addition request were posted on the CAAPB website.

Following this determination, CAAPB staff are seeking the Board's affirmation to set a 30-day public comment period and host at least one public meeting to gather input on whether the addition request meets all of the conditions in M.R. 2400.2703, Subpart 2. The public meeting will be hosted, organized, and managed according to M.R. 2400.2703, Subpart 10.

Once the 30-day comment period and public meeting are complete, CAAPB staff will prepare a written summary of the public comments and provide a recommendation to the CAAPB on whether to accept that the application meets all the conditions in Subpart 2 and may proceed to the next step in review process. A majority vote of the full CAAP Board is required to accept the application for addition as complete and therefore affirming the conducting of a site selection study by the Board staff and Architectural Advisers, together with the applicant.

Suggested Board Resolution

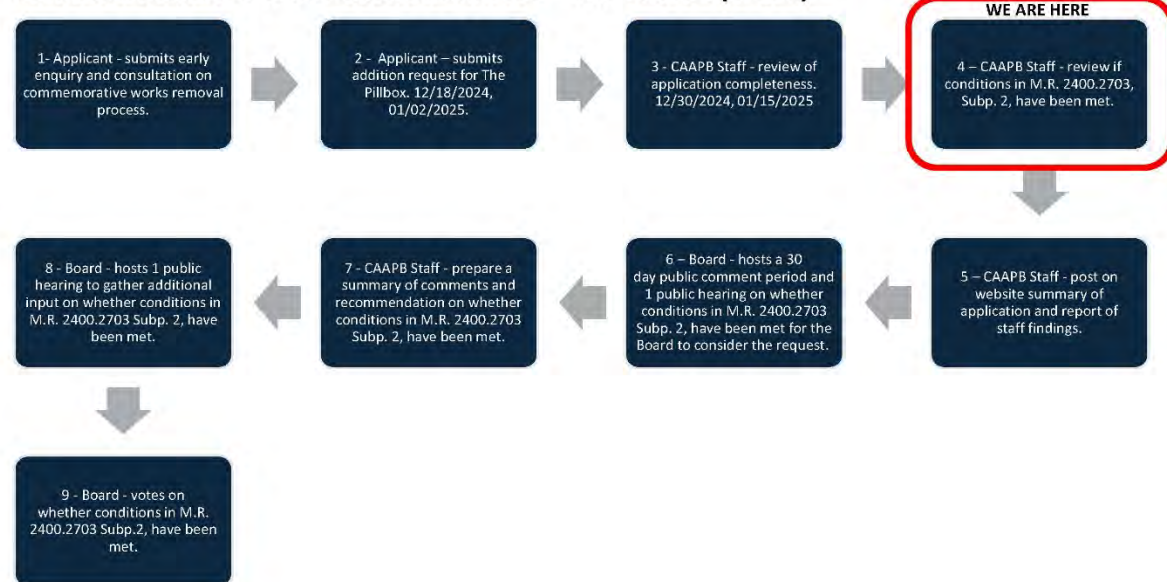
The Capitol Area Architectural and Planning Board (“Board”) authorizes its staff to move forward in the CAAPB’s Commemorative Works Rules process regarding the application to add new commemorative artwork to the Capitol Grounds – The Pillbox Plaque, submitted by Stew Thornley on December 18, 2024. The Board specifically authorize the Board Executive Secretary to:

- Hold a 30-day public comment period and one Public Hearing to gather input on whether the addition request meets all of the conditions in M.R. 2400.2703, Subpart 2.

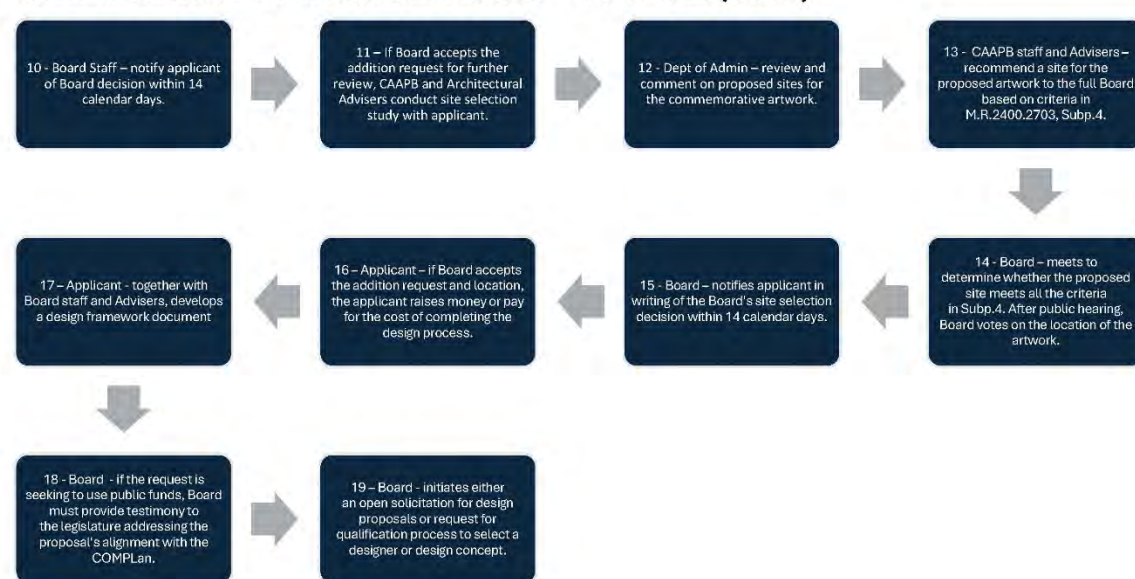
The Board wishes to further make clear that approval of these intermediate steps in the Rules process does not communicate approval nor disapproval of any portion of the current proposal by the applicant, and approval of these steps does not equate to agreement or judgement as to the veracity of any claim or assertion within the received application.

Application to add a new Commemorative Work process

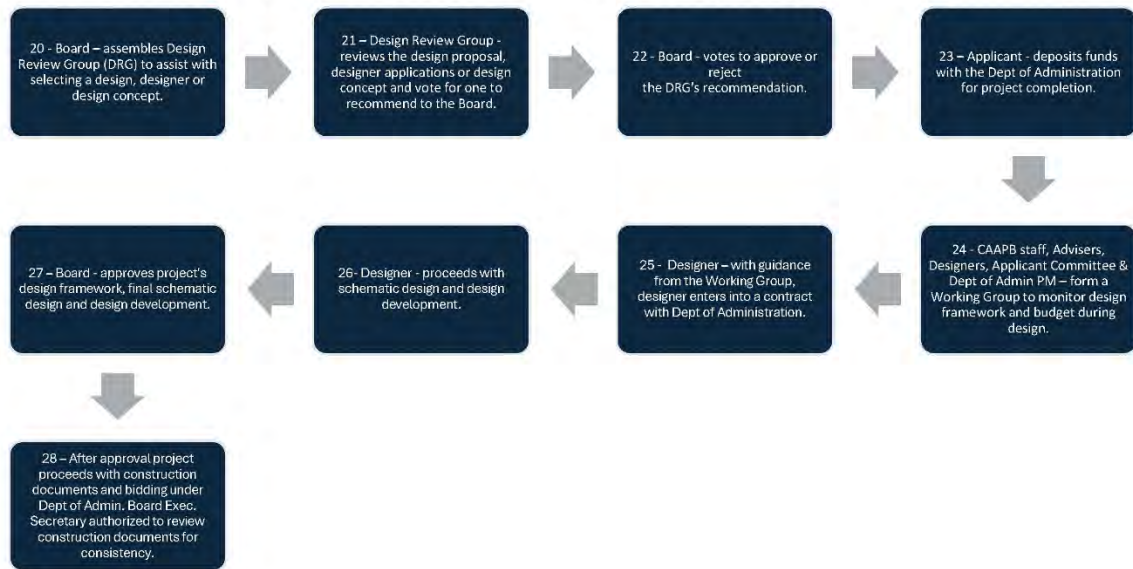
Commemorative Works Addition Process – The Pillbox (1 of 2)



Commemorative Works Addition Process – The Pillbox (2 of 3)



Commemorative Works Addition Process – The Pillbox (3 of 3)



Attachments:

1. **Attachment A: The Pillbox Applicant documents** – this includes the Application to add a new Commemorative Work – The Pillbox Plaque from Stew Thornley of the Halsey Hall Chapter of the Society for American Baseball Research.
2. **Attachment B: CAAPB Staff Report** – this includes a report of CAAPB staff’s preliminary findings on whether the addition request meets all the conditions in Minnesota Rules 2400.2703, Subpart 2.

Application Information Part I - Applicant Contact Information

- a. Halsey Hall Chapter of the Society for American Baseball Research
- b. Stew Thornley
- c. stew@stewthornley.net
- d. 651-492-54101
- e. 1082 Lovell Avenue, Roseville, Minnesota 55113-4419

Part 2 – Subject of the Artwork

What is the subject of the proposed commemorative artwork? (Please describe.)

A commemorative marker to note the site of a historic baseball park, which was used from 1903 to 1910 by the St. Paul Saints minor-league team and as a frequent home of a significant all-Black team, the St. Paul Gophers (also called the St. Paul Colored Gophers). The Downtown Base Ball Park was also known as The Pillbox because of its small size. The ballpark was on the northwest corner of 12th and Robert, on the site now occupied by the laboratory building for the Minnesota departments of Health and Agriculture. The stands faced the capitol and in its early years, people got to enjoy baseball while also watching the construction of the capitol rotunda.

Around the turn of the 20th century, baseball parks were usually placed in core parts of the cities and, by design or not, became part of the urban core. The shapes and sizes of the structure were dictated by the land available and limited to the confines of a city block. Much later the developers, more often public entities, had the clout to have areas widened and streets reconfigured, something that was the case with the Hubert H. Humphrey Metrodome in the 1980s. However, private interests were behind the ballparks more than 100 years ago and had to deal with existing restrictions vis a vis location and site constraints.

Access to public transportation was a key in where they were sited. For example, in Minneapolis the minor-league team (known as the Millers) played in a small ballpark a block north of Hennepin Avenue in downtown. During the 1896 season, the land on which the park stood had been sold and they were given 30 days to find a new home. A location along Kenwood Boulevard, across Hennepin Avenue from Loring Park, was considered the favorite. The city council, however, refused to vacate certain streets in the Kenwood area, and in late May, after the streetcar company announced it could better service a park near Lake Street, the decision was made to locate the field at 31st Street and Nicollet Avenue. The ground was quickly graded, bleachers, grandstands, and fences hastily erected, and within three weeks the field was ready for baseball.

The Minneapolis experience also exemplifies the political machinations involved as well as the simplicity of the ballparks, wooden structures that could be erected quickly. St. Paul dealt with these characteristics in finding homes for its minor-league teams, along with other challenges. In the 1880s and 1890s, the team played in two locations on the West Side Flats, the area across the Mississippi River to the south of downtown. The area was prone to flooding and the ballparks were sometimes unavailable because they were under water.

In the mid-1890s a new team owned by Charles Comiskey (one that Comiskey later moved to Chicago and that still exists as the White Sox) began with Comiskey building a small ballpark near University Avenue and Dale Street. Here the challenge was the ability to play on Sundays. Churches in the area objected to such entertainment on the Sabbath. Comiskey responded by getting a new ballpark built on the southwest corner of University Avenue and Lexington Parkway.

In many ways, Lexington Base Ball Park (which now has a commemorative plaque on the site) was a departure from existing characteristics for ballparks, here as well as around the country. It was on a spacious site outside the core area. While it was well served by public transportation, it was approximately three miles from downtown St. Paul, which was then considered a sizable distance.

By 1902 St. Paul's team was in a new league, under different ownership, and the operators desired a closer location. George Lennon, the team president, was being pressured by other league owners to move the Saints because of low attendance, which was blamed on the distance from downtown to Lexington Park. Lennon refused to move, but, as a compromise, he agreed to build a new ballpark in or near downtown.

His original plan for a ballpark to the southeast of Central Park and within view of the under-construction state capitol, was shelved when the board of aldermen rejected Lennon's request to build a frame structure within the city's fire limits.

Lennon pursued other options, including property off Rice Street between University and Como avenues, to the northwest of the capitol as well as a return to the West Side, to the east of the approach for the Wabasha Street Bridge. Nothing worked. Property owners in the Rice and Como area objected to the vacating of sections of streets. A railway company had a claim on the property at the base of the Wabasha Bridge. A local official suggested another site, on Harriet Island in the Mississippi River between downtown and the West Side, but the timing wasn't ideal – the island was underwater.

The Saints were back at Lexington Park for their 1903 home opener on May 1, not where they wanted to be but at least still in St. Paul. The good news for local fans got even better within a week when the board of aldermen amended the ordinance regulating the erection of frame structures within the fire district. The action opened the way for a new ballpark. Construction began almost immediately, and barely two months later, a new ballpark opened on the corner of 12th and Minnesota streets. With home plate in the southeast corner, fans in the grandstand watched games while also observing the construction of the state capitol's rotunda, which was completed in 1905.

Officially the Downtown Ball Park, it was more commonly referred to as the Pillbox because of its small size. Researcher Jim Hinman said the distances from home plate were about 210 feet down the right-field line and 280 down the left-field line, adding, "Grandstand and bleachers were protected from balls by netting, essentially caging the fans in. A fire during a game would have been disastrous. . . . The size of the lot forced an unusual style of play and numerous ground rules, and necessitated stands that were extremely close to the field. Home plate was so close to the grandstand that it could barely be seen from many seats."

"The 'pill-box' was not a thing of beauty," according to an article by the Junior Pioneer Association of Ramsey County. "The right fielder played with his back against the fence, and was only a few feet behind the second baseman even then. A 3-bagger was practically unknown, and would only result from a ball taking a freak bounce off a fence post or thru some other accident. There were plenty of 2-base hits due to special ground rules; balls hit over the right and left field fences counted for two bases, and home runs were scored only over a limited area of the center field fence. . . . The papers often noted the players being 'ankle deep in the mire' in bad weather, and sand being sprinkled on the baselines to provide better footing."

As with other ballparks of the period, the Pillbox was constructed quickly, and a sellout crowd of 4,500 was on hand for the first game July 21, 1903. More fans watched from the roofs of adjacent buildings, and the *St. Paul Pioneer Press* reported, "Roof parties in the vicinity of the ball park promise to be very popular."

The Pillbox worked for the team, at least Monday through Saturday. The board of aldermen had approved the new ballpark with a pledge from Lennon for no Sunday games to placate nearby churches. The Saints went back to Lexington Park on Sundays, although a problem arose in 1907 when the Saints were outbid by

an amateur team to play at Lexington Park on Sundays. The Saints were able to get permission to play a Sunday game at the downtown park. The Saints saw it as an experiment to allay the fears of neighbors that Sunday baseball was too disruptive. For the game fans were asked to refrain from “undue shouting” to reduce noise, and the crowd was described as “orderly” for that Sunday game. Nevertheless, the Central Methodist Episcopal Church, across the street from the left-field corner of the Pillbox, claimed that the noise interfered with their afternoon service and sought an injunction to prevent further Sunday games. It was clear to the Saints that they would not win over their neighbors. They were eventually able to regain their Sunday lease at Lexington Park and in 1910 decided to abandon the Pillbox and play all their games at Lexington.

The Saints made the move did this despite a 1909 amendment to the state statute on Sabbath breaking that would have allowed Sunday games at the Pillbox. The team decided to maintain relations with the nearby churches by not playing on Sunday and finally resolved most of the issues facing then with the permanent move to Lexington Park, determining by this time that the distance from St. Paul was no longer as onerous as it had once been.

The Saints were all-white teams, as were the others in what was called “organized baseball,” because of a racial barrier that existed until the 1940s. Some integrated teams existed at various levels outside the professional ranks, although mostly the game was completely segregated. Even before the formal Negro Leagues were formed, many all-black professional teams existed, sometimes playing against white teams, both amateur and professional.

The Pillbox in its final years was one of the local homes of a St. Paul team called the Colored Gophers, which played a series of games against the Saints in 1907. Both teams recruited outside players, including a couple of Minneapolis Millers to play with the Saints. The Gophers benefited from the presence of Andrew “Rube” Foster, the manager of the Chicago Leland Giants as well as one of the best black pitchers in the country (and the man who would organize the Negro National League in 1920). Foster was back with the Colored Gophers in 1908 and pitched a no-hitter over a team from Hibbing August 28.

The following year, the Gophers matched up with the Leland Giants in what was billed as the “world’s colored championship.” Rube Foster was back with his regular team, the Giants, but he broke his leg prior to the games in St. Paul, and the Chicago pitching duties fell to others. The Colored Gophers had Bobby Marshall, one of Minnesota’s most remarkable athletes. A multi-sports star at Central High School in Minneapolis, Marshall became an All-America football player at the University of Minnesota. The Gophers beat the Leland Giants in the series, a victory that established their reputation as one of the best black teams in the Midwest.

The Colored Gophers continued playing at the Pillbox through 1910, when the ballpark was abandoned, hastening the demise of the team.

Through the years, the ballpark had found many uses beyond baseball, from speed skating in the winter to professional wrestling in the summer. The Pillbox site is now occupied by a laboratory building for the Minnesota Departments of Health and Agriculture on the north side of Interstates 94 and 35E, a one-mile stretch of freeway known as Spaghetti Junction.

Part 3 – Design Concept

What is the general concept for design of the proposed commemorative artwork? (Please describe.)

A plaque that tells the highlights of the ballpark and its significance with options for where and how it will be installed. The plaque could be placed in a concrete footstone in front of the building and visible to people on the plaza. It could be closer to the entry to the light-rail station.

Part 4 – Conditions and Criteria

How does the proposed artwork meet the Conditions and Criteria for the Addition of New Artwork? Please answer the following questions as fully as possible and attach the answers to the application form.

Supporting materials for the answers, such as reports, data, or articles, may be included or cited with a URL link.

1. How does the proposed commemorative artwork introduce a new element of the state's diverse history and people to the Capitol grounds?

Many notable athletes played at the Downtown Base Ball Park, including Andrew “Rube” Foster, the eventual founder of the Negro Leagues and a member of the Baseball Hall of Fame, and Bobby Marshall, one of Minnesota’s most remarkable all-around athletes. Other local athletes who played at The Pillbox include slugger Billy Williams, who played multiple sports at Mechanic Arts High School in St. Paul and was a member of many integrated teams in the region, sometimes as the only Black player on the squad. Williams also served as an aide to 14 Minnesota governors between 1905 and 1957; and Walter Ball, a pitcher who grew up in St. Paul and played for years on both all-Black and integrated teams.

Though the Pillbox existed only eight years, it represents much about sports and their place within society and cities at the time. As noted above, ballparks more than 100 years ago were part of the urban fabric in cities of all sizes. A shift in ballpark design and citing took place after World War II. No longer was public transportation a major factor in the location. Older parks were in parts of cities that had become congested, and the lack of highway access and parking was seen as a drawback. The trend became to get away from the core parts of the city and into open areas that could have copious on-site parking. In Minnesota’s case in its drive to get major-league baseball in the 1950s, it even meant going to the suburbs with Metropolitan Stadium being built in Bloomington.

Baseball remained as the primary tenant in stadiums (the term more commonly used than ballpark by this time) with others sports – primarily professional football – being able to play there with gridirons wedged in. However, the configurations were designed for baseball, and football was treated as a second-class tenant. With pro football’s stature rising through the 1950s and with public participation in stadiums growing, multi-purpose stadiums became common to accommodate baseball and football on an even basis. While they were functional, the stadiums abandoned the ambiance associated with baseball parks and became generic as opposed to the unique characteristics that had once exemplified ballparks.

By the 1990s, both sports had risen in significance to a degree that public entities built separate facilities for each sport. With it came a trend for baseball to return to the core part of the city. The opening of Oriole Park at Camden Yards in Baltimore is a prime example and is the model for the “retro parks,” ones that are distinct from one another and that have features that distinguish one ballpark for another (in Baltimore’s case, using the B & O warehouse beyond the right-field fence as a design feature). The location of this ballpark is credited with revitalizing the harbor area.

Closer to home, CHS Field in St. Paul has had a positive impact on the vibrancy of Lowertown. The Twins had moved to one edge of downtown into a domed stadium seen as unfriendly for baseball in 1982 and eventually went to the other side of downtown with a retro park that is considered one of the best in the major leagues. Public transportation is again significant at Target Field although the existing parking ramps, built as part of Interstate 394 construction in the 1980s, solve the parking challenges that had been a drawback for inner-city ballparks after World War II.

Target Field also harkens back to a time when stadiums had site constraints; it is between two elevated streets, I-394 and the parking ramps, and the Hennepin Energy Recovery Center. Unlike many other post-war sports facilities, the designers of Target Field did not have the luxury of expanding property boundaries.

On the other hand, most sports facilities today deviate from ballparks of a century ago with public entities building them rather than having them funded privately.

The Pillbox, in so many ways, represents the commonality at the time and the vast differences from now in the ballpark itself and also in the way it co-existed with the city and its surroundings.

2. How does the commemorative artwork activity impact the historic, architectural, and artistic integrity of the Capitol building and grounds?

The ballpark being commemorated is historic in a number of ways, from exemplifying early baseball in the area and where it was played as well as the aspects of Black players and teams, excluded from the mainstream leagues, having a place to play.

3. Has there has been documented and broad-based public support of the commemorative artwork activity?

There are other markers to note the site of other baseball stadiums in the area, including one to commemorate Metropolitan Stadium at the Mall of America. The project leader on this has also instigated two other plaques for historic ballparks. One is for Lexington Park, used by the minor-league Saints and also by an all-Black team at other times, in St. Paul. Another is for Nicollet Park, home of the minor-league Minneapolis Millers. (That plaque, which was on the site of a Wells Fargo Bank at 31st and Nicollet, is now being stored by Wells Fargo after its bank on that location burned down in 2020.)

Beyond markers for sports stadiums and arenas, the Twins Cities and entire state have many markers telling the history of various aspects of Minnesota's past.

Beyond Minnesota, markers for many types of landmarks are common, including for ballparks. The Society for American Baseball Research has a Baseball Landmarks Committee that documents commemorative displays and that encourages and facilitates such markers.

4. Does the subject of the artwork have lasting statewide historic significance for Minnesotans?

Yes. The history of baseball and particularly Black baseball in Minnesota and elsewhere remains largely a hidden history. A marker helps call attention to it.

Baseball existed here before Minnesota became a state with the first recognized organized team established in 1857 in Nininger City, a planned community at a steamboat landing just upstream from Hastings. Nininger City is closely associated with one of the most colorful pioneers in Minnesota history, Ignatius Donnelly, who purchased land and built a house in Nininger City with the expectation that the village would thrive. Some sources indicate that Donnelly was behind the formation of the base ball team, although no definitive evidence of such a connection exists., but it was clear that the team was part of an effort at civic promotion as the newly platted community competed with other nominal towns to establish an identity and attract settlers and commerce.

From the simple origins of the Nininger Base Ball Club, the game began taking hold in other parts of Minnesota as it achieved statehood in 1858, with the capital city of St. Paul taking a central role. One of the first organized teams in the city played on a common area close to the current CHS Field. Open fields were the norm for base ball then (when it was spelled with two words). In the 1860s grounds around the fields were constructed in large part to provide a means of charging admission and keeping out non-paying viewers. [The non-payers still got looks from adjacent rooftops, as noted earlier with the Pillbox, to nearby

hills and trees and through knotholes in the fences, the latter being associated with the ballpark built by Charles Comiskey near University and Dale in the mid-1890s.]

The burgeoning rivalry between St. Paul and Minneapolis was buttressed by the city's baseball teams, and the growth of the game taking root in communities throughout Minnesota. A statewide competition was held each year to determine a Minnesota champion.

Race could be an issue, and controversy raged in the 1870s when a team from Winona had a Black player and other teams refused to play against him. This player, W. W. Fisher, was from Chicago, and some made an issue of his out-of-town status. This all mixed in with the rise of professionalism, which meant a demise of teams mainly stocked with local players.

Minnesota began having teams in official minor leagues in the 1880s, including Stillwater, which included Bud Foster on its roster. Foster has been recognized as the first Black player in the minor leagues and in 2022 was inducted into the Baseball Hall of Fame.

Minnesota never had a team in what are recognized as the official Negro Leagues (seven such leagues between 1920 and 1948 are now recognized as major leagues), but it had a number of all-Black teams as well as some integrated non-professional teams in periods extending into the Jim Crow era.

In 1948 Roy Campanella of the St. Paul Saints integrated the American Association (the minor league in which the Saints and Minneapolis Millers played). The Millers integrated the following year with Ray Dandridge, a star for many years in the Negro Leagues and the Mexican League. Dandridge never did play in the white major leagues although he was inducted into the Hall of Fame in 1987 and also served as a mentor to Willie Mays, who played for the Millers in 1951.

The tradition of baseball in Minnesota is rich. It continues with major- and minor-league baseball in the Twins Cities, and it has a number of teams in the summer collegiate Northwoods League as well as the many town teams with Minnesota recognized as having the strongest tradition of townball in the nation.

The Pillbox represents much of the grand heritage of baseball in Minnesota and its place in society.

5. Is the artwork respectful of the diversity of Minnesotans?

The purpose of the artwork is to acknowledge and respect the diversity of Minnesotans, as we recognize that diverse history of baseball in the state, even before the integration of the sport as a whole.

We will be aware of the implications of using the word "colored" with the name of the team and the name of the 1909 series. I will leave this to others with greater understanding of the issue to have input on the use of the word.

6. Does viewing the artwork provide a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture?

We hope that the artwork offers a lens into a time when we were further than we are now from acknowledging all Minnesotans as truly equal, paying homage to those who nonetheless would not be denied from enjoying their chosen pursuits while serving as positive examples to others.

7. If the subject of the artwork is a specific person...

The artwork is not about a specific person.

Part 5 – Funding

Is funding available to pay for the proposed addition and any related site work around it? (Please describe the expected funding sources and fundraising strategy.)

Funding is available through a grant from the Society for American Baseball Research and/or from contributions from individual members.



Capitol Area Architectural and Planning Board

Freeman Building
625 Robert Street North
Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

Date: February 18, 2025
From: Tina Chimuzu, Planner - Fellow, Capitol Area Architectural and Planning Board (CAAPB)
CC: Erik Cedarleaf Dahl, Executive Secretary, CAAPB
Peter Musty, Principal Planner & Zoning Administrator, CAAPB

PRELIMINARY FINDINGS FOR AN APPLICATION TO ADD NEW COMMEMORATIVE WORKS AT THE STATE CAPITOL GROUNDS: THE PILLBOX PLAQUE



Downtown Ball Park, St. Paul. No Date. Minnesota Historical Society

The Downtown Baseball Park – The Pillbox

History from the Application by Stew Thornley, Halsey Hall Chapter of the Society for American Baseball Research.

“The Downtown Baseball Park also known as the Pillbox due to its small size, was a historic baseball park which was located on the northwest corner of 12th and Robert, on the site now occupied by the laboratory building for the Minnesota departments of Health and Agriculture. The ballpark which was in use from 1903 to 1910 by the St Paul, was used by St Paul Saints Minor league team and as a frequent home of a significant all black team, the St Paul Gophers (also called the St Paul Colored Gophers).

The Saints were all-white teams, as were the others in what was called “organized baseball,” because of a racial barrier that existed until the 1940s. Some integrated teams existed at various levels outside the professional ranks, although mostly the game was completely segregated. Even before the formal Negro Leagues were formed, many all-black professional teams existed, sometimes playing against white teams, both amateur and professional.

The Pillbox in its final years was one of the local homes for the St. Paul the Colored Gophers, who played a series of games against the Saints in 1907. Both teams recruited outside players, including a couple of Minneapolis Millers to play with the Saints. The Gophers benefited from the presence of Andrew “Rube” Foster, the manager of the Chicago Leland Giants as well as one of the best black pitchers in the country (and the man who would organize the Negro National League in 1920). Foster was back with the Colored Gophers in 1908 and pitched a no-hitter over a team from Hibbing August 28.

The following year, the Gophers matched up with the Leland Giants in what was billed as the “world’s colored championship.” Rube Foster was back with his regular team, the Giants, but he broke his leg prior to the games in St. Paul, and the Chicago pitching duties fell to others. The Colored Gophers had Bobby Marshall, one of Minnesota’s most remarkable athletes. A multi-sports star at Central High School in Minneapolis, Marshall became an All-America football player at the University of Minnesota. The Gophers beat the Leland Giants in the series, a victory that established their reputation as one of the best black teams in the Midwest. The Colored Gophers continued playing at the Pillbox through 1910, when the ballpark was abandoned, hastening the demise of the team.

Through the years, the ballpark had found many uses beyond baseball, from speed skating in the winter to professional wrestling in the summer. The Pillbox site is now occupied by a laboratory building for the Minnesota Departments of Health and Agriculture on the north side of Interstates 94 and 35E, a one-mile stretch of freeway known as Spaghetti Junction.”

CAAPB Staff Analysis and Findings: Does the Application Meet the Required Conditions to Move Forward?

According to the rules, once CAAPB staff determine the application to be complete, “they must review the addition request and analyze whether the request meets all of the conditions in [Minnesota Rules 2400.2703, Subpart 2](#), and prepare a written report of the staff’s findings.”

*Subp. 2. **Conditions for adding new artwork.** The board must consider displaying new commemorative artwork in the Capitol area if the artwork meets all of the following conditions:*

A. there has been documented public support of the artwork;

B. the artwork has lasting statewide significance for Minnesotans;

C. the artwork is respectful of the diversity of Minnesotans;

D. viewing the artwork provides a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture; and

Therefore, CAAPB staff conducted a review of the application and observed that

- In regard to Condition A: The applicant asserts statewide support for markers by naming commemorative markers for the Metropolitan Stadium at the Mall of America, Lexington Park Ballpark in St. Paul and Nicollet Park in Minneapolis as examples. Also including The Society for American Baseball Research as a firm supporter of nationwide commemorative markers through their Baseball Landmarks committee.
- In regard to Condition B: The applicant cites the artwork's statewide significance by articulating that the game of baseball has always been important in Minnesota's history, starting in 1857 before Minnesota became a state. He further asserts the central role of St Paul in the state's baseball history and the impact of the game on the Twin Cities' rivalry.
 - Additional Staff Note: There is established anecdotal popularity of exhibits installed at Target Field in Minneapolis documenting the importance of professional, amateur and local levels of baseball in communities all over Minnesota.
- In regard to Condition C: The application states and showcases intent throughout the application, to highlight Minnesota's diverse history of baseball by identifying all Black players and teams that were associated with the Pillbox.
- In regard to Condition D: Though the application doesn't quite elaborate on how the artwork broadens the understanding of Minnesota's shared history, heritage and culture, the applicant generally asserts that by spotlighting the underrepresented teams and documenting the evolution of Minnesota's baseball history before and after racial segregation.
- Overall, though the primary themes presented by the applicant related to the ballparks' significance to baseball history in Minnesota are documented clearly, there are also important secondary aspects not included in the application that hold opportunities for helping a viewer understand important aspects of local urban history, including:
 - the loss of the Rondo community to investments in interstate infrastructure, and;
 - the existence of the old Central Park immediately north also demolished in middle of the 20th century

Thus, whilst acknowledging the need for verification of historical facts stated in the application, CAAPB staff determine that so far, the request meets all the conditions in Minnesota Rules 2400.2703, Subpart 2.

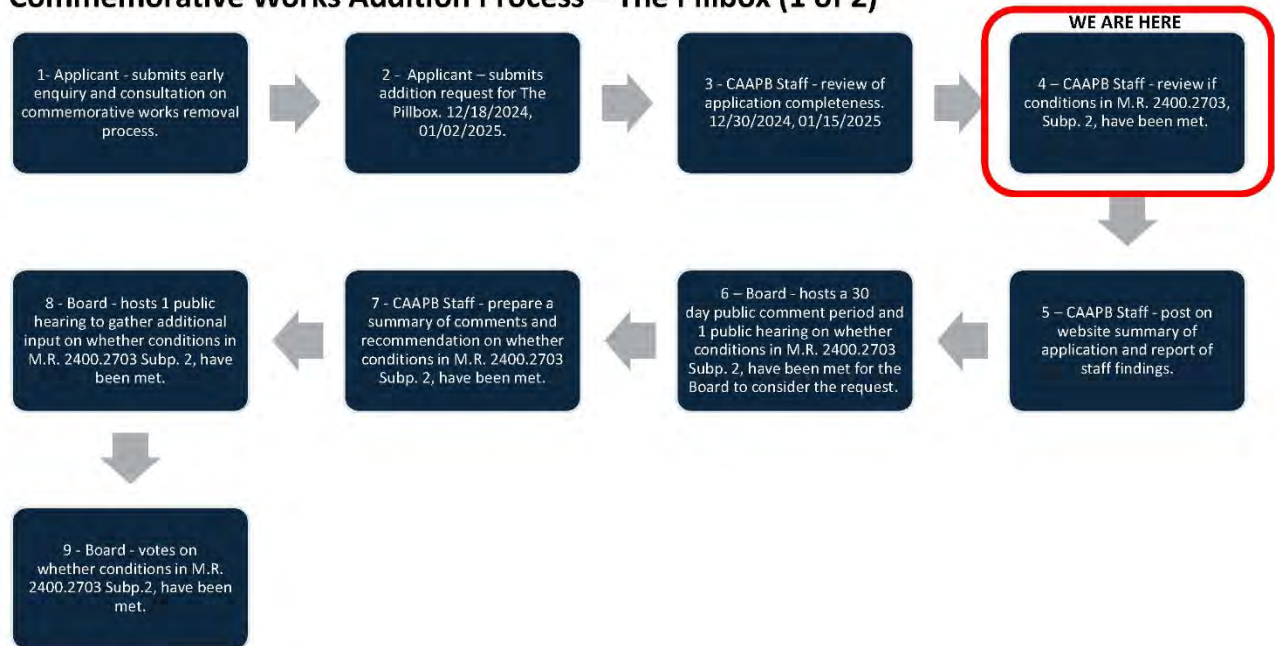
Following this determination and upon the Board's affirmation, staff will set a 30-day public comment period and host at least one public meeting to gather input on whether the addition request meets all of the conditions in [M.R. 2400.2703, Subpart 2](#). The public meeting will be hosted, organized, and managed according to subpart 10.

Once the 30- day comment period and public meeting are complete, CAAPB staff will prepare a written summary of the public comments and provide a recommendation to the CAAPB on whether to accept

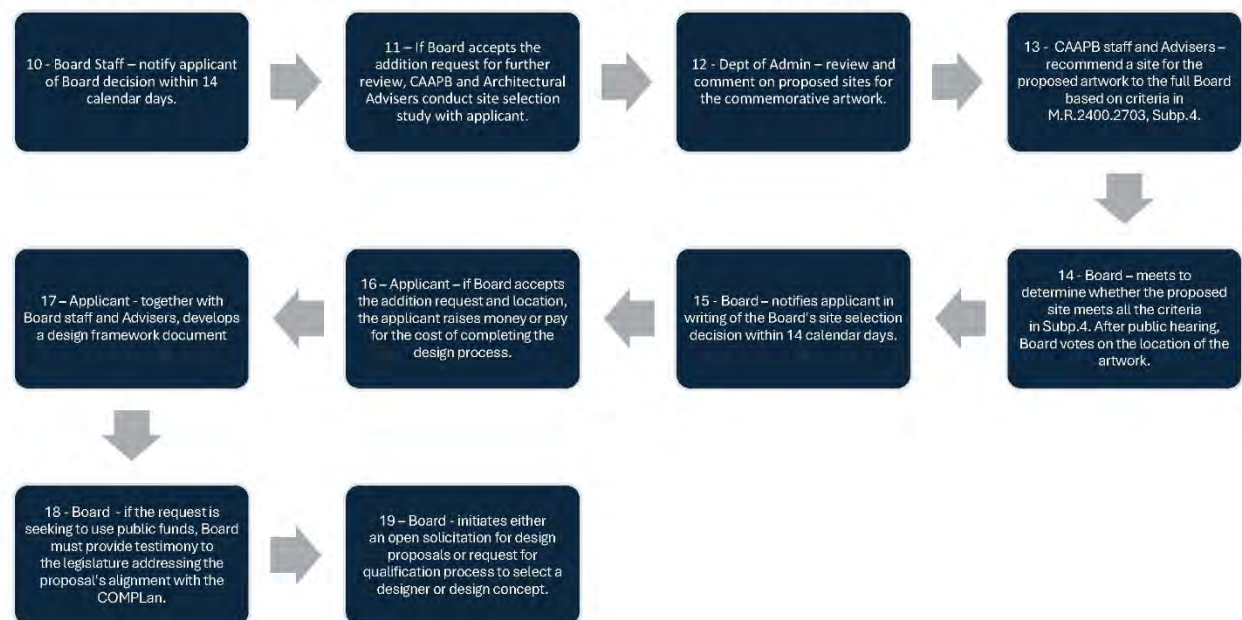
that the application meets all the conditions in Subpart 2 and may proceed to the next step in review process. A majority vote of the full CAAP Board is required to accept the application for addition as complete and therefore affirming the conducting of a site selection study by the Board staff, Architectural Advisers together with the applicant.

Application to add a new Commemorative Work process

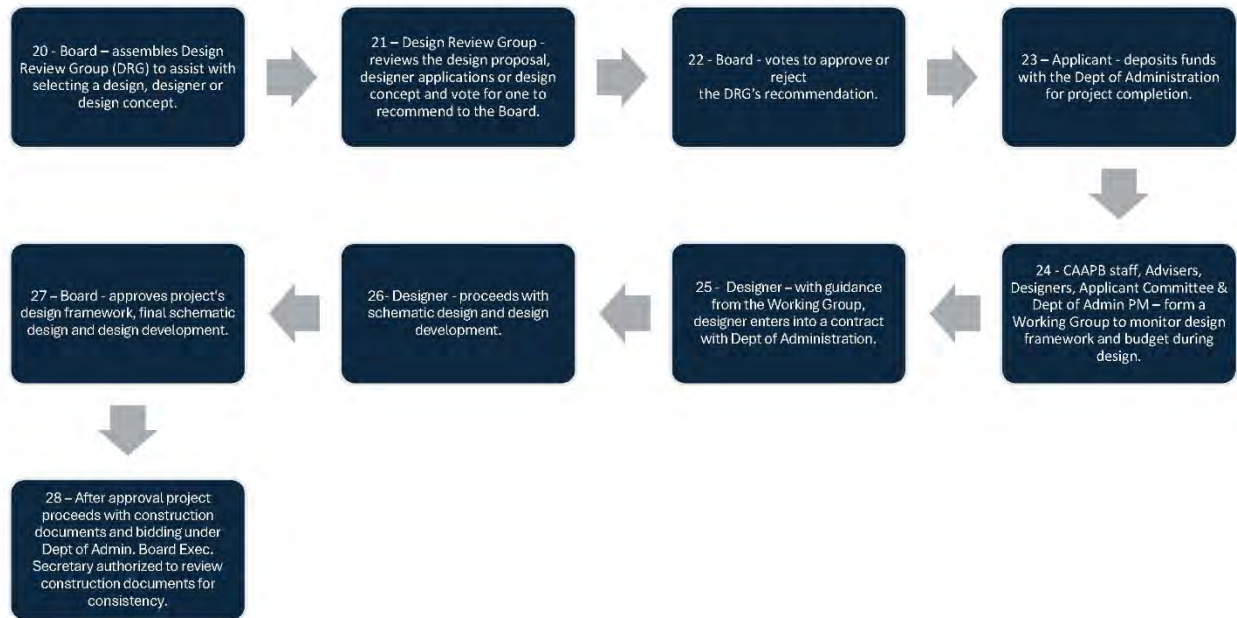
Commemorative Works Addition Process – The Pillbox (1 of 2)



Commemorative Works Addition Process – The Pillbox (2 of 3)



Commemorative Works Addition Process – The Pillbox (3 of 3)





Capitol Area Architectural and Planning Board

Freeman Building
605 Robert Street N
Saint Paul, MN 55155
651-757-1500

<https://mn.gov/caapb/>

Date: March 24, 2025
To: Members of the Capitol Area Architectural and Planning Board (CAAPB)
From: Peter Musty, Principal Planner and Administrator of the Zoning and Design Rules, CAAPB

RE: Approval of Locations and Design of four Metro G Line Bus Rapid Transit (BRT) Stations

BRT Serving the Capitol Area: Metro Transit's METRO Network

Metro Transit is developing a network of arterial bus rapid transit (BRT) lines. Several BRT lines already exist across the metro and several more lines are in the planning and design phase.

Check out Metro Transit's [Network Now Overview](#): *"The METRO network, which includes arterial BRT, highway BRT, guideway BRT, and light rail transitways, represents a significant portion of Metro Transit's planned investment in regional transit service. The Network Now concept plan includes frequency and span-of-service improvements on existing transitways, as well as the implementation of four new BRT transitways and extension of one light rail corridor by 2027."*

Three of the METRO Network lines would serve the Capitol Area:

- [METRO Purple Line](https://www.metrotransit.org/purple-line-project) - <https://www.metrotransit.org/purple-line-project>
Guideway BRT Line: traveling north from Saint Paul towards White Bear Lake (See [alignment update](#))
- [METRO B Line](https://www.metrotransit.org/b-line-project) - <https://www.metrotransit.org/b-line-project>
Arterial* BRT Line: Minneapolis (Lake Street) – Saint Paul (Marshall/Selby)
- [METRO G Line](https://www.metrotransit.org/g-line-project) - <https://www.metrotransit.org/g-line-project>
Arterial* BRT Line: Saint Paul (Robert/Rice)

**Arterial BRT service runs on existing streets, usually in mixed traffic. BRT service is a cost-effective way to improve the transit network. Arterial BRT lines are proven to attract more regular transit riders.*

Metro Transit is seeking approval of design and location of four new G Line stations.



The project is currently in the planning phase. Project design will occur in 2025-2026 with construction expected in 2026-2028. Attached to this memo from staff are letters from

Ramsey County and City of Saint Paul in support of the proposed framework plan going before Met Council for approval in the coming month(s).

Metro Transit G Line planners and project managers Laura Greteman and Kyle Burrows will be present at the March 24th Board meeting to present project information and answer questions.

Summary Status of BRT planning serving the Capitol Area.

CAAPB staff is monitoring the planning through attendance on multi-jurisdictional planning and/or technical teams.

	METRO B Line	METRO G Line	METRO Purple Line
Type of BRT Line	“Arterial BRT”	“Arterial BRT”	“Guideway BRT”
Cities (<i>Major Corridors</i>) Served	Minneapolis, Saint Paul (<i>Lake Street, Marshall / Selby to Downtown</i>)	Little Canada, Roseville, Maplewood, Saint Paul, West Saint Paul, Inver Grove Heights (<i>Robert Street / Rice Street</i>)	Saint Paul northward, Maplewood, (<i>see route modification studies</i>)
Route through Capitol Area	Marshall Ave John Ireland Blvd W. Kellogg Blvd	Rice St. 11th/12th St. (by 94/35E) Robert St.	Jackson St. 14th St. Robert St.
# Stations in Capitol Area	One	Four (proposed)	Two
Station Locations in Capitol Area	#1) Marshall & John Ireland (adjacent to/serving Saint Paul College, Cathedral, Cathedral Hill Park, Summit Hill Apartments)	#1) Como & Rice #2) University & Rice #3) Sears/DOT & Rice #4) 11 th /12 th (see following pages)	#1) Mt Airy (Winter) & Jackson #2) 14th Street between Jackson and Robert
Planning	complete	2022-2024	2022-24
Engineering and Design Development of Stations	complete	2024-2025	2024-25
Construction	Expected to open for service in June 2025	2026-2027	2026-2028 (Some construction will be coordinated with street reconstruction projects led by others starting in 2025)
Opening (Projected)	2024	2027	2027

	METRO B Line	METRO G Line	METRO Purple Line
Approvals Before Board on January 27:	Station design approved by CAAPB in 2023. @ John Ireland and Marshall	Four station locations and design under consideration by CAAPB January 28. @ Como & Rice @ University & Rice @ Fuller (Sears/DOT) & Rice @ 11th / 12th	Station locations approved by CAAPB in 2023. @ Mt Airy/Winter @ 14 th Street

Table 1: Information in the table is subject to change and was drawn from www.metrotransit.org and Transit staff review.

The Metro G Line will serve several communities.

The G Line is proposed to operate along an 11.5-mile corridor (Figure 1) from Little Canada and Roseville down Rice Street to the Capitol Area, Downtown and then continuing southward on Robert Street to West Saint Paul and Inver Grove Heights.

METRO

G Line

June 2024

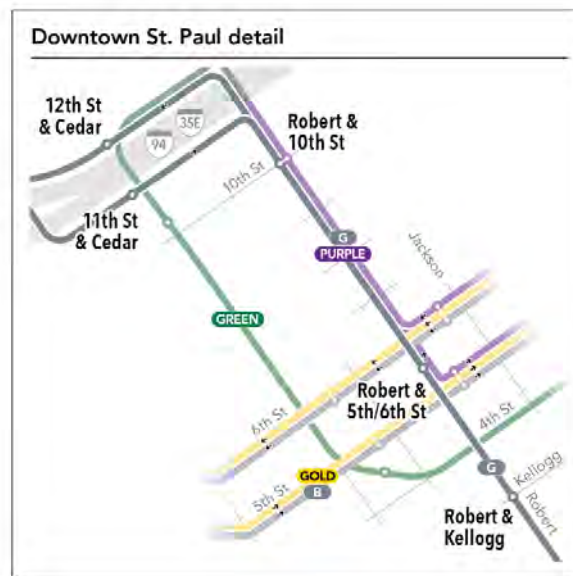
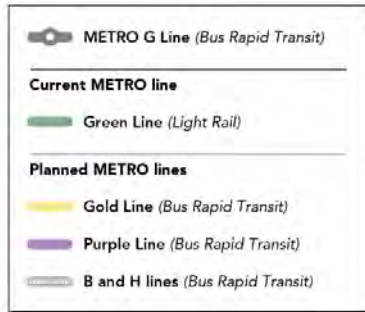


Figure 1: Map of METRO G Line arterial BRT corridor

Today the Board is requested approval:

- 1) location and,
- 2) design of transit shelters.

[MN Statute 15B.08](#) requires the written approval of the Board of all substantial changes or improvements to public building or public lands in the Capitol Area. Further, the Rules Governing Zoning and Design in the Minnesota State Capitol Area specifically state in [General Regulations 2400.2625](#):

“Street and landscape elements. Exterior structural elements such as benches, transit shelters, vending equipment, and similar elements in the public right-of-way must be approved by the board for both design and location.”

The Rules do not require the Board to approve the location of a new shelter if it replaces an existing shelter at the same location; the Board would only need to approve the station design.

The Metro G Line BRT (Bus Rapid Transit) will serve the Capitol Area at four new stations.

The METRO G Line corridor planning process identifies station and platform locations (Figure 3). Corridor planning for the G Line began in 2022 and is expected to end in early 2025. During the last two years, Metro Transit collaborated closely with CAAPB and other partner agency staff on the proposed station and platform locations within the Capitol area. The planning phase of the project included two public engagement periods in September 25-November 6, 2023, and September 25-October 25, 2024. Feedback received during these two engagement periods shaped the station and platform locations.

(1a) Proposed Station Location: Rice & Como

- The intersection of Rice Street and Como Avenue is a signalized intersection with marked pedestrian crossings.
- This station is within the Rice Street Capitol Redesign project. Metro Transit is collaborating with Ramsey County, the City of Saint Paul, and CAAPB staff to include G Line platforms in the street design.
- The G Line will serve multi-family housing and various healthcare and commercial destinations at this intersection.

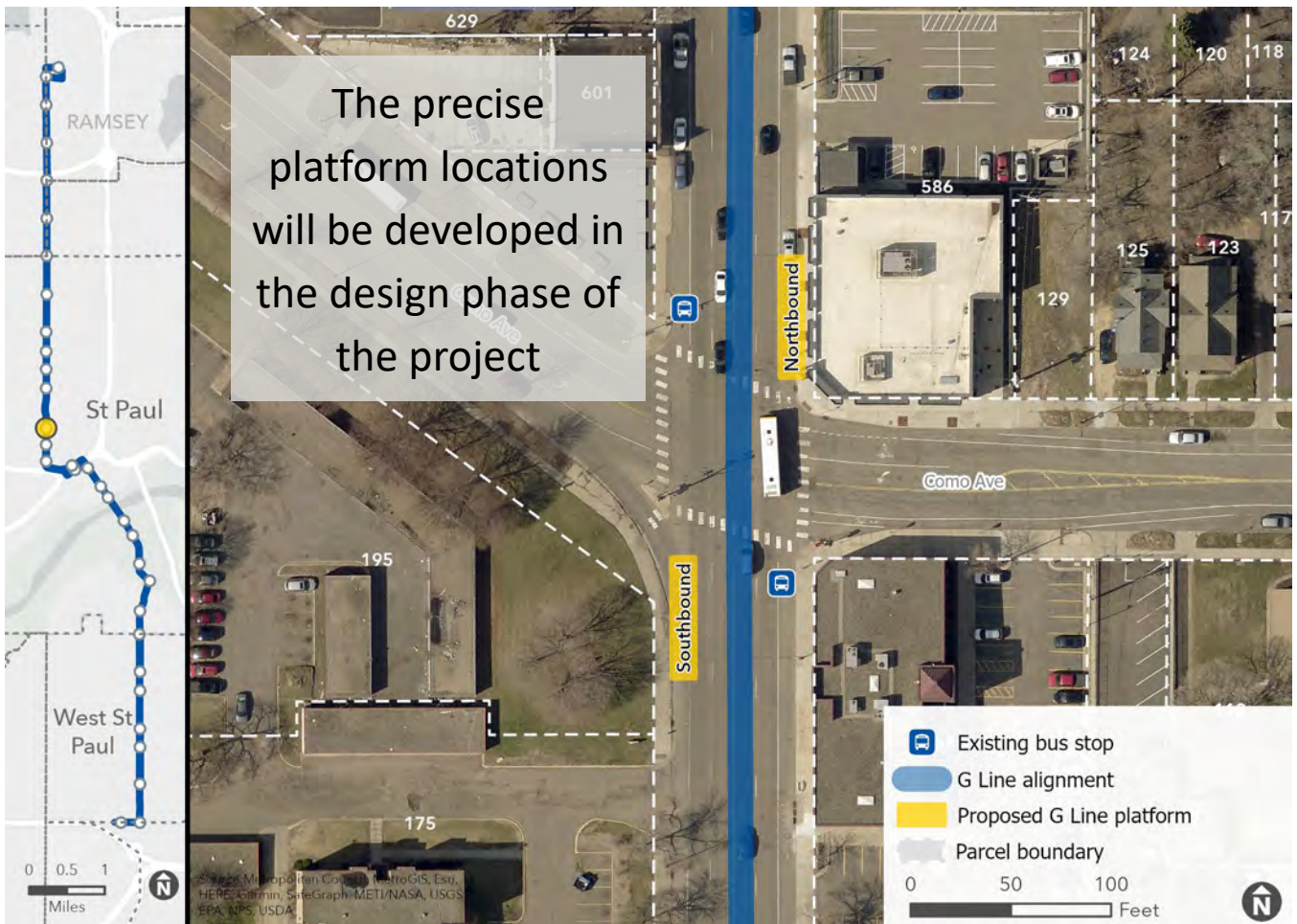


Figure: Proposed platform locations at Rice & Como

(1b) Proposed Station Location: Rice & University (serving Capitol Rice LRT Station, and planned Visitor/Mobility Hub)

- The intersection of Rice Street and University Avenue is a signalized intersection with marked pedestrian crossings.
- This station is within the Rice Street Capitol Redesign project. Metro Transit is collaborating with Ramsey County, the City of Saint Paul, and CAAPB staff to include G Line platforms in the street design.
- The G Line will serve the Minnesota State Capitol at this intersection. This is also expected to be a major transfer point between the G Line and the METRO Green Line.



Figure: Proposed platform locations at Rice & University

(1c) Proposed Station Location: Rice & Fuller (Technically, south of old Fuller, near proposed 'New Central')

- There is a mid-block striped pedestrian crossing near the proposed platform locations.
- This station is within the Rice Street Capitol Redesign project. Metro Transit is collaborating with Ramsey County, the City of Saint Paul, and CAAPB staff to include G Line platforms in the street design.
- The G Line will serve future redevelopment at the Sears site and State office buildings at this location.
- Additional note: The site owner and design team rep signed off on this location as being the most practical for future redevelopment of former Sears.



Figure: Proposed platform locations at Rice & Fuller

(1d) Proposed Station Location: 11th/12th and Cedar

- 11th Street & Cedar is a signalized intersection with marked pedestrian crossings.
- 12th Street & Cedar is a signalized intersection with marked pedestrian crossings.
- This station will serve Saint Paul Public Housing Agency, Ramsey County Public Health Center, Human Services Building, Cedar Street Armory (Minnesota National Guard), Centennial Office Building, and various healthcare and commercial destinations. It will provide a transfer to the Green Line 10th Street Station.



Figure: Proposed platform locations at 11th/12th Street & Cedar

(2) Proposed Design of BRT Stations

The standard design elements of an arterial BRT station are identified in Figure 8. In some situations, platforms also include trees and additional lighting. Trees require space for engineered soil and a tree grate on the platform and a partner willing to plant and maintain them. Additional lighting is added when lighting in the area is not enough to meet our standards.

Each arterial BRT platform includes a shelter. A photo of an existing BRT platform with a small sized shelter is shown in Figure 9. This is the size of shelter that is installed at the B Line station at John Ireland & Marshall (Figure 10). A platform with a medium sized shelter is shown in Figure 11. Metro Transit expects that the G Line stations at Rice & Como, Rice & University, Rice & Fuller, and 11th/12th Street & Cedar will have standard arterial BRT platform designs.

Platforms at Rice & Como, Rice & Fuller, and 11th/12th Street & Cedar are expected to have small shelters. Platforms at Rice & University are expected to have medium-sized shelters.

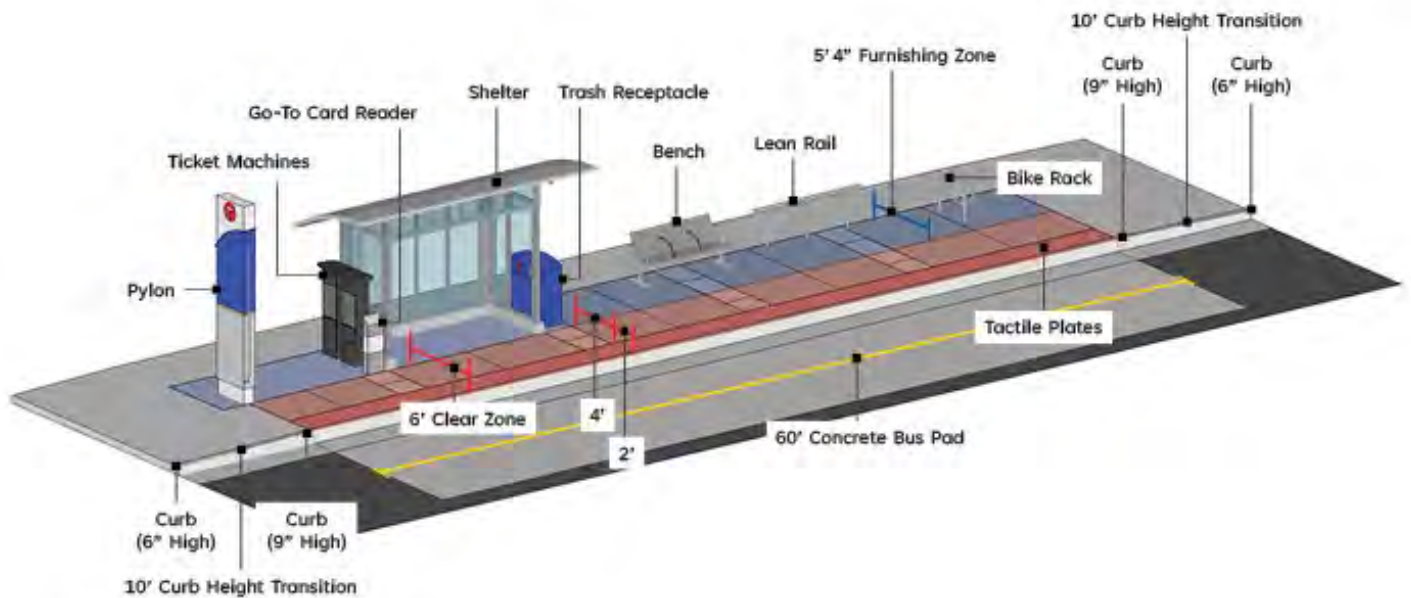


Figure 8 (above):
Standard arterial BRT platform layout showing typical elements at small shelter (and medium shelter) arterial BRT stations.

Figure 9 (left):
Built example of a 'small arterial' BRT shelter, expected to be used at (1a) Rice & Como, (1c) Rice & Fuller, and (1d) 11th/12th Street & Cedar



Figure 10 (left):

CAAPB approved near identical station 'small arterial' BRT station design for B Line on John Ireland Boulevard near Marshall (by St Paul College and the Cathedral).

Figure 11 (below):

Medium arterial BRT shelter, expected to be used at proposed location (1b) Rice & University



FAQ: Site Planning, Design, and Implementation

Is there a regional standard for arterial BRT platform and shelter designs?

Yes. All arterial BRT stations have standard design details (see Figure 8). Exact platform and shelter designs and dimensions are developed in the engineering phase of the project. Rare situations may make it infeasible to construct a standard platform. Standard platforms and shelters provide a consistent experience for our riders and allow for easier maintenance.

What amenities are included in arterial BRT platforms and vehicles?

Arterial BRT corridors have amenities at stations and on buses that improve the customer experience.

- **Shelters:** Nearly every arterial BRT station has a bus shelter. Shelters protect customers from the weather while waiting for the bus. Standard shelters include on-demand heaters, seating, and built-in lighting.
- **Transit Information:** Each BRT station has screens with real-time NexTrip departures. Schedules, route maps, and connecting routes are posted at each station. Transit information is also provided in accessible formats.
- **Comfortable Stations:** Stations are designed for customers to wait for the bus comfortably. There is space to get on and off the bus safely. Stations are well lit and have security cameras and emergency telephones. Benches, trash and recycling bins, and bike parking are available for customer use.
- **Off-board Fare Payment:** Like on other METRO lines, customers will pay fares before boarding the bus. Customers may board through any bus door. Ticket vending machines and fare card validators are located at each station. Off-board fare payment speeds up the boarding process and helps keep the bus moving. Fare payment will be encouraged through on-board education and inspection efforts led by Metro Transit staff.
- **BRT Vehicles:** Arterial BRT vehicles are designed for a comfortable ride. Wider aisles make it easy to move around the bus. Buses have wide doors and low floors to make it easy to enter and exit. Customers using mobility devices are still able to board using an accessible ramp. Buses have bicycle racks on the front of the vehicle.

Is the design of new BRT stations a chance to incorporate art or commemorative expressions of history or culture?

Factors around the customization of station designs include:

- Light rail stations have been designed unique to context in many cases throughout the region, however BRT and other bus shelters throughout the Capitol Area typically follow regional standards.
- New FTA requirements exclude inclusion of art and commemorative expressions of local history or culture: “Beginning in FY 2013, federal transit law no longer included art as an eligible project expense.” – FTA website January 2023
- Requests for unique design, if possible, typically increase the design and construction cost and planning time necessary, increasing implementation timelines and drawing resources away from other investments.

It is true that the three light rail transit station platforms in the Capitol Area all incorporate designs that were unique to their context, often incorporating placemaking elements and/or local art and expressions of nearby history or culture. However, to this point, CAAPB Staff has not made any requests of Ramsey County nor Metro Transit design teams that the design of BRT stations in the Capitol Area be adjusted for the design context of the Capitol Area, or that there be art or other unique information of any kind integrated directly into the station

facilities themselves. We have shared in comments for BRT station designers that accommodation should be made where possible to create (or to not preclude) future opportunities for art or other permanent, unique civic expressions nearby to stations. CAAPB staff also plans to address the question with community members during Metro Transit’s planned public engagement activities planned for both the G Line and Purple Line starting in 2023.

Will the proposed shelters or benches incorporate advertising or other signage?

No. According to Rules Governing Zoning and Design for the Minnesota State Capitol Area (“Rules”) 2400.2925 Prohibited Signs; all signage is prohibited on transit shelters and on benches in the Capitol Area, “..., with the exception of signs providing passenger information at transit stations;...”, The same section of the Rules specifically allows changeable copy and electronic messages in passenger signs at transit stations.

Suggested Board Action: Approve the *location and standard design* for four new BRT stations

A single combined action is proposed.

Suggested Language:

“The Capitol Area Architectural & Planning Board (CAAPB) approves the locations and standard designs of four proposed METRO Purple Line Bus Rapid Transit station facilities identified and specified in the staff memo for the Board meeting held on March 24, 2025. This approval applies to stations proposed for the arterial BRT line proposed at Como Avenue and Rice Street, University Avenue and Rice Street, near old Fuller and Rice Street, and at 11th and 12th.”

Attachments:

1. **Ramsey County Staff Letter**
2. **Saint Paul Staff Letter**

November 26, 2024

Kyle O'Donnell Burrows
Planning Manager, Arterial Bus Rapid Transit
Metro Transit

Laura Greteman
Planner, Arterial Bus Rapid Transit
Metro Transit

Subject: Ramsey County Comment letter on Metro Transit's G Line Corridor Plan

Mr O'Donnell Burrows and Ms Greteman,

Ramsey County appreciated the opportunity to review and provide comments on the recommended Corridor Plan for the METRO G Line. County staff have been actively engaged in the coordination of the G Line planning with Metro Transit through the projects Technical Advisory Committee (TAC) and Metro Transit's participation in the Ramsey County Rice Street reconstruction project management team (PMT) meetings. The County looks forward to working with Metro Transit and other project partners to promote accessibility, safety, and mobility through the project development process. County staff agrees with the station planning process and the proposed recommended Corridor Plan.

Through our review the following general comments are as follows:

- Ramsey County supports the project and the station locations identified in the Corridor Plan.
- The County encourages continued coordination and advanced planning with all relevant projects in the County's Transportation Improvement Plan [TIP](#). Specifically, those listed below:
 - Rice Street: Pennsylvania Ave to Wheelock Pkwy
 - Rice Street: Wheelock Pkwy to County Road B
 - Rice Street: John Ireland Blvd to Pennsylvania Ave
 - Rice Street: County Road B2 to South Owasso Blvd

Ramsey County values our partnership with Metro Transit on the G Line Arterial BRT, and staff looks forward to continuing this partnership and continued collaboration on this plan and future phases of project development. Please reach out with any further questions you may have.

Sincerely,



Michael Rogers
Deputy Director Public Works – Multimodal Planning

CC: Jennifer Jordan, Transit Project Manager
Eden Haag, Engineer 3

January 3, 2025

TO: Kyle O'Donnell Burrows
Planning Manager, Arterial Bus Rapid Transit
Metro Transit

FROM: Sean Kershaw, Director, Department of Public Works

SUBJECT: G Line Corridor Plan

The City of Saint Paul has appreciated the opportunity to review and provide comments on the Corridor Plan for the METRO G Line. City staff have been actively engaged in the coordination of G Line planning with Metro Transit throughout the process, including through the project Technical Advisory Committee (TAC) and participation in the planning and design process of several coordinated roadway projects on the corridor.

The City looks forward to continued coordination with Metro Transit and other project partners to advance design, construction, and maintenance considerations on the G Line project, as well as coordinated roadway projects in the corridor. Establishment of maintenance and operation agreements will be key deliverables to take these projects to the next step.

We look forward to continued coordination with Metro Transit through the following coordinated projects identified in the Corridor Plan:

- Rice Street Reconstruction (County Road B to Wheelock Parkway)
- Rice Street Reconstruction (Wheelock Parkway to Pennsylvania Avenue)
- Rice Street Reconstruction (Pennsylvania Avenue to John Ireland Boulevard)
- Robert Street Reconstruction (11th Street to Kellogg Boulevard)
- Robert Street Reconstruction (Kellogg Boulevard to Annapolis Street)

On each of these projects, we have appreciated the coordination between the City, Metro Transit, and other project partners to identify appropriate platform locations, and look forward to continued collaboration to finalize locations and details of platform locations.

Cesar Chavez Reconstruction

In recent months, the City has completed additional planning work related to the Common Cent sales tax funded street improvement program. As a result of that planning effort, the City is anticipating a full reconstruction of Cesar Chavez Street from Wabasha Street to Bancroft Street in 2030, and we anticipate

that reconstruction will include a reconfiguration of the roadway and associated elements. These project limits include the proposed G Line station near Cesar Chavez and State Street. We look forward to continued collaboration with Metro Transit to identify design details and timelines to ensure both the G Line project as well as the street reconstruction project can be successfully implemented.

The City of Saint Paul values our partnership with Metro Transit on the METRO G Line and looks forward to continued coordination and support as we advance toward opening day.

Sincerely,

Sean Kershaw

Sean Kershaw
Director, Department of Public Works



Capitol Area Architectural and Planning Board

Freeman Building
625 Robert Street North
Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

Date: March 24, 2025
To: Capitol Area Architectural and Planning Board members
From: Peter Musty, Principal Planner and Administrator of Zoning & Design Rules (CAAPB)
Erik Cedarleaf Dahl, Executive Secretary (CAAPB)
RE: **615 Park Street: New Community Residential Facility (Reuse of Existing Vacant House)**



Photo from Google Earth of existing vacant house at 615 Park Street from Park Street and Winter Street (looking southwestward)

For Board Consideration: Approval of Conditional Use Permit and Variance

The applicant is asking for required Conditional Use Permit and Variance (necessary due to a sub-standard corner lot size) to allow for investment repurposing a vacant three-story house as a community living facility serving up to six adults in five guestrooms.

Summary of Proposed Community Residential Facility

The proposed facility, Saint Paul Capital Area IRTS Facility, is designed to serve individuals experiencing mental health challenges, particularly focusing on marginalized communities within Ramsey County. This facility will provide intensive residential treatment services, including therapeutic interventions, support with daily living activities, and 24-hour supervision in a structured, supportive environment. The primary use of the property will be as an Intensive Residential Treatment Services (IRTS) program, consistent with the Minnesota Department of Human Services' guidelines. The facility will accommodate a maximum of six residents.

Site and Building Information

Owner/applicant:	Bibi Abdalla
Address:	615 Park Street, Saint Paul, MN 55115
Lot Size:	0.11 acres (~5,000 SF) – corner lot with side loaded access to garage off Winter
Zoning District:	RM Moderate Density Residential
Building status:	vacant
Current Use:	expired, no authority to continue use without zoning permit
Proposed Uses:	‘Community residential facility, licensed human service’
Program:	Intensive Residential Treatment Services (IRTS) Mental Health Services - Intensive Residential Treatment Services (IRTS)
CUP necessary?	yes - conditional use permit (CUP) has been requested by applicant
Variance necessary?	yes – one variance to allow for viable number bedrooms on substandard (below average) lot
Guest Rooms:	5 (five) bedrooms w/ shared living; one bedroom is sized for two persons
Max. Occupants:	up to 6 (six) persons

Summary of Conditional Use Permit Request and Variance Request

The proposed living facility parcel is located in the Moderate Density Residential (RM) zoning district of the Capitol Area as shown in *The Zoning and Design Rules for the Minnesota State Capitol Area* found at www.mn.gov/caapb.

The proposed use is entitled per **Section 2400.2205 Table of permitted and conditional uses by district** under *.../Congregate Living/‘community residential facility, licensed human service’* and will require a Conditional Use Permit. (See Rules pages 18-21).

The variance requested is to the zoning regulation in **Rules 2400.2715 Standards for congregate living uses. ...part B. (3).** “...B. For community residential facilities licensed by the Department of Human Services, ... for 12 or fewer persons, ... (3) a minimum lot area of 5,000 square feet must be provided for the first two guest rooms and 1,000 square feet for each additional guest room: ...” The parcel is a corner lot of approximately 5,000 square feet, which is smaller than average nearby and within the

Capitol Area. The facility proposes a maximum of six guests living in five guest rooms with shared living areas. No variance is required to allow two guest rooms, but the three additional guest rooms will require a variance to the 8,000 square feet required minimum lot size (required for five guest rooms without a variance). (See Rules pages page 51-52).

The proposed facility is gaining appropriate licensing from the State, County, and City. The applicant must upgrade the existing structure to meet all health, safety, access, and occupancy codes. No structural change is proposed to the envelope of the building or to the site. With no exterior improvements beyond aesthetic and maintenance upgrades, no conditions have been identified by staff as being necessary, and the building otherwise complies to standards within the RM zoning district, including compliance to standards for parking.



Staff Review and Findings: Criteria Met (CUP and Variance)

December 2024: Variance Request Complete. After discussions with applicant, revisions by applicant were made, and the Variance Form-V submittal was deemed complete by CAAPB Zoning Administrator.

January 2024: Public Notice of Variance and Description of Proposed Variance: See attached *Public Notice of Variance*. The notice was sent as required, via regular mail, to all property owners and occupants within 350 ft of the zoning lot (outer property lines) of the project. The variance notice included a summary of the variance request and a summary for the project, and applicant arguments were offered on request.

By March 24, 2025, Board Meeting: The 30 Day (Minimum) Period for Public Written Comment Has Passed: The comment period remains open until Board action is considered on this item. As of the writing of this memo, CAAPB has not received any written comment related to this variance request, and it's notable that few questions or concerns have been raised informally from commercial neighbors,

community members, or residents during meetings conducted or conversations offered and attended by applicant and staff.

The March Board meeting serves as the official close of the written comment period. Residents and businesses, previously notified through community meeting and variance notice, wishing to speak to the matter have been invited to do so as part of the comment period – be it verbally or in writing. *

** CAAPB Staff will immediately advise Board Chair in advance of the meeting should a community member come forward ahead of the meeting and wish to speak to the variance issue, and staff will make accommodation for that community member to be present in-person or dialed in to the Teams Meeting. Further, should correspondence be received regarding the proposed variance, staff will furnish that correspondence ahead of the Board Meeting as an addendum to this memo.*

The Zoning Administrator has requested that the applicant be present at the March 24th Board meeting in case the Board Chair wishes to invite the applicant to speak about the project or to answer questions from Board Members.

The granting of the Conditional Use Permit is supported by CAAPB staff. The applicant has filed arguments in support of the proposed variance. As summarized below, staff finds that all criteria for granting of CUP have all been met.

The granting of the variance is supported by CAAPB staff. The applicant has filed arguments in support of the proposed variance. As summarized below, staff finds that all criteria for granting of variance have all been met.

Suggested Board Language

The Capitol Area Architectural and Planning Board (CAAPB) approves the granting of permitting by the Zoning Administrator of the Capitol Area Architectural and Planning Board to Bibi Abdala which will include:

- Granting of Conditional Use Permit **allowing for ‘Community residential facility, licensed human service’** as requested in the March 24th Board memo and the applicant’s referenced submittal.
- Variance to the Rules Governing Zoning and Design for the Minnesota State Capitol Area, Rule 2400.2715 Standards for congregate living uses. B. (3), **allowing five guest rooms**, as described in the Variance Notice published January 2025, as outlined in Board memo dated March 24, 2025, and the applicant’s referenced submittal.

This approval of Conditional Use Permit and Variance does not constitute a rezoning of the property, is valid only for the project proposed by this zoning application and is not transferable to subsequent proposals or permit applications for this or any other property in the Capitol Area.

Staff Evaluation of Criteria for Conditional Use Permit and Variance

Criteria for a Conditional Use Permit:

Requests for Conditional Use Permits are reviewed in accordance with Minnesota Rule 2400.3155

Subpart 1. Conditional use application, by which *"A conditional use is permitted upon a finding by the board that the use is specifically enumerated as a conditional use for the district as that, if established, the use ..."*

- A. **will not materially adversely affect the general character of existing principal uses;**
 - ✓ This criterion is met. Provision of housing and the diversification of housing choices in the Capitol Area is both an organizing principle in the Comprehensive Plan but is a primary intent of the RM zoning district.
- B. **will not adversely affect the beauty, dignity, and architectural integrity of the Capitol area;**
 - ✓ This criterion is met. The built form and character of the site is not changing.
- C. **will be established under the conditions and requirements for the uses enumerated in this chapter and additional conditions and requirements as the board may impose to ensure compliance with items A and B.**
 - ✓ This criterion is met. Compliance with the Rules has otherwise been met, with exception of the variance request under consideration, and staff is not recommending additional conditions be stipulated by the board.

Criteria for a Variance:

Variance requests are reviewed in accordance with Minnesota Rule 2400.3160 Subpart 3. Subp. 3.

Standards for review of variance requests, by which *"The board may grant a variance to the application of any of its rules, except for its design standards and sign rules, only if it determines that all of the following criteria have been met: ..."*

- A. **...the property in question cannot be put to a reasonable use* under the strict application of the rules;**
 - ✓ This criterion is met as the proposed use of the property is found to be reasonable. The structure has been vacant and deteriorating for lack of investment by the private sector. The strict application of the rules would prevent success of the small business model of the applicant who is proposing to establish housing choices for a vulnerable population in the Capitol Area. Without new investment, the property would continue to deteriorate.

** Regarding 'reasonable use': variance law has changed since publication of CAAPB Rules in 2009, and the way our Criteria A can be evaluated has expanded to simply require reasonableness. From League of Minnesota Cities website (<https://www.lmc.org/resources/land-use-variances/>) regarding 'Reasonableness':*

- *"The first factor is that the property owner proposes to use the property in a reasonable manner.*
- *This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.*
- *It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable."*

B. ...the plight of the landowner is due to circumstances unique to the property, and the circumstances were not created by the landowner;

- ✓ This criterion is met. The below average lot size creates a circumstance where the structure is acceptably sized, but the overall lot does not meet the metric of the Rules. When measured, the average lot size nearby is 150%-200% larger than this lot with similar structures.

C. ...the proposed variance is in keeping with the spirit and intent of... [*The Zoning and Design Rules for the Minnesota State Capitol Area, 2009*] ...and is consistent with the health, safety, comfort, morals, and welfare of the inhabitants of the Capitol area and the City of St Paul;

- ✓ This criterion is met. New community living facilities licensed by the Department of Human Services is encouraged in residential settings such as this. The intent of the RM zoning district calls for provision of housing. The Comprehensive Plan is organized around the diversification of housing choices. This is a precedented and viable manner to provide housing for this population in the Capitol Area. The guest rooms proposed reuses the current structure as it is configured, this is NOT an intensification of housing nor an introduction of activity that will negatively impact current inhabitants of the neighborhood.

D. ...the proposed variance does not impair an adequate supply of light and air to adjacent property, nor does it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;

- ✓ Staff evaluation: This criterion is met. The new facility will invest in the current built form and preserve the supply of light and air to adjacent properties and to Park and Winter Streets.

E. ...the variance request, if granted, does not permit any use that is not permitted under the Rules for the property in the district where the affected land is located, nor does it alter or change the zoning district classification of the property;

- ✓ This criterion is met. The zoning for the property allows for community living facilities.

F. ...the request for variance is not based solely on the design to increase the value or income potential of the land parcel.

- ✓ This criterion is met. No, in the evaluation of staff, the primary goal of the applicant is to provide needed housing in the community.

Attachment:

1. **Public Notice of Variance for 615 Park Street**



Capitol Area Architectural and Planning Board



Freeman Building
625 Robert St N
Saint Paul, Minnesota 55155
Web: www.mn.gov/CAAPB

Date: January 7, 2024
From: Peter Musty, Principal Planner and Zoning Administrator, CAAPB
peter.musty@state.mn.us 651-757-1501 (voicemail)

Subject: **Public Notice of Zoning Variance Application**
Lot Size Minimum for Community Residential Facility
@ Southeast Corner of Park Street and Winter Street
615 Park Street, Saint Paul, MN 55103

To whom it may concern,

The Capitol Area Architectural and Planning Board (CAAPB) is in receipt of one (1) zoning variance application (from property owner and applicant Bibi Abdalla.) to the *Zoning and Design Rules for the Minnesota State Capitol Area* (downloadable at www.mn.gov/caapb or in hardcopy format or emailed PDF via request from CAAPB Zoning Administrator Peter Musty (peter.musty@state.mn.us)).

This letter is to serve as notice of a public comment period for the variance.

The CAAPB Board will be meeting to review and vote on the variance(s) in early 2025, no earlier than thirty days following issue of this notice. Please follow the CAAPB website, where the date and time of the meeting will be posted (www.mn.gov/caapb). Prior to that meeting, CAAPB staff is conducting the required thirty-day public comment period, during which time CAAPB Zoning Administrator (Peter Musty) is available (9am-4pm). If desired, please call or email to set up virtual appointment (peter.musty@state.mn.us / 652-757-1501) to directly review or discuss project information. Alternatively, you can write or e-mail the CAAPB Zoning Administrator with any concerns you might have, and/or to request the complete project application information via hardcopy or email. You may also attend the Board meeting to provide comment by registering with CAAPB Zoning Administrator in advance. A summary of the proposed facility and variance is included in this notice below. If you have any other questions, feel free to contact Peter Musty, CAAPB Principal Planner and Zoning Administrator (contact info above).

Included in this notice:

Summary Descriptions of Proposed Facility and Variance Request

page 2

Summary of Proposed Community Residential Facility

The proposed facility, St. Paul Capital Area IRTS Facility, is designed to serve individuals experiencing mental health challenges, particularly focusing on marginalized communities within Ramsey County. This facility will provide intensive residential treatment services, including therapeutic interventions, support with daily living activities, and 24-hour supervision in a structured, supportive environment. The primary use of the property will be as an Intensive Residential Treatment Services (IRTS) program, consistent with the Minnesota Department of Human Services' guidelines. The facility will accommodate a maximum of six residents.

Summary of Variance Request

The proposed living facility parcel is located in the Moderate Density Residential (RM) zoning district of the Capitol Area. The proposed use is entitled per **Section 2400.2205 Table of permitted and conditional uses by district** under *.../Congregate Living/ community residential facility, licensed human service* and will require a Conditional Use Permit. (See Rules pages 18-21).

The Variance requested is to the zoning regulation in **Section 2400.2715 Standards for congregate living uses. ...part B.(3)**, found on page 51 of *The Zoning and Design Rules for the Minnesota State Capitol Area* found at www.mn.gov/caapb. Specifically: **“Section 2400.2715. ... B. For community residential facilities licensed buy the Department of Human Services, ... for 12 or fewer persons, ... (3) a minimum lot area of 5,000 square feet must be provided for the first two guest rooms and 1,000 square feet for each additional guest room; ...”**

The proposed facility must upgrade the existing structure to meet all health, safety, access and occupancy codes, No structural change is proposed to the envelope of the building or to the site. However, the parcel is approximately 5,000 square feet, while the facility proposes a maximum of six guests living in five guest rooms with shared living areas. No variance is required to allow two guest rooms, but the three additional guest rooms will require a variance to the 8,000 square feet required minimum lot size (for five guest rooms).





Capitol Area Architectural and Planning Board

Capitol Area Architectural and Planning Board

Freeman Building

625 Robert St N

Saint Paul, MN 55155

651-757-1500

<https://mn.gov/caapb/>

Date: March 24, 2025
To: Members of the Capitol Area Architectural and Planning Board (CAAPB)
From: Peter Musty, Principal Planner, CAAPB
Erik Cedarleaf Dahl, Executive Secretary, CAAPB

RE: Jackson Street Reconstruction

This overview memo is presented ahead of necessary Board action regarding the proposed redesign and reconstruction of Jackson Street from University to Pennsylvania. It accompanies and summarizes information developed for the City of Saint Paul team to assist the staff, Advisory Committee, and Board Members in their decision. As required by Statute 15B for all major improvements to public lands of buildings in the Capitol Area, it is the duty of Board Members to review the information prepared and then to deliberate before considering the recommended Board action.



Under consideration is the Board's statutory requirement to review and approve the proposed City of Saint Paul's design for total street reconstruction from University north to Pennsylvania.

The Board meeting will include an overview from CAAPB staff, opportunity for comment by Advisory Committee, Board

member questions or discussion, and then a consideration of suggested language. The presentation (with City of Saint Paul project managers present) will focus on summarizing the design process, the preferred concept, and then the design that was subsequently developed. Staff from City will be present to answer any questions.

Online Information and Project Summary (Attached)

<http://www.stpaul.gov/JacksonStreet> A four page project summary (attached to the memo) was provided by the project team that includes the following information:



- **Project Management Team and Consultant**
- **Consultant Selection Process**
- **Funding Source**
- **Timeline** (planning through construction)
- **Summary of Improvement and Key Features**
- **Innovations / Best Practices**
- **Proposed Design** (existing and proposed cross-sectional drawings)
- **Site Plan** (shows project extents)

Staff and Advisor Recommendation

CAAPB Advisors and Staff have participated in planning and design reviews for the project over the past year, with Staff attending PMT (Project Management Team) meetings. The City team has engaged the community on several levels, including the Capitol Heights neighborhood and Capitol Area residents directly affected along Jackson Street.

Existing



The condition of the existing street is deteriorated and in need of comprehensive redesign and replacement.

Proposed



The proposed design introduces safe crossings, dedicated bikeway, and enhanced pedestrian zones. Canopy trees are introduced where possible. On-street parking is maintained in limited locations.

Advisor Joe Favour performed design reviews of the 60% and 90% drawings packages, and recently shared;

*"I have read through and reviewed the 90% set. The updated drawings have addressed the few concerns that I brought up initially. The project as proposed will be beneficial for the residents of the adjacent neighborhoods and the greater St. Paul community. It will bring increased access to multimodal transit, including important improvements to walkability, bikeability and bus connections. The reductions in lane widths and improvements to street design will bring improved safety and connections to open space, the Capitol, and Regions Hospital complex and downtown St. Paul. **Overall, it is a great investment in local infrastructure that should be lauded and approved, in my opinion.**"*

CAAPB Regulatory and Policy Review (Staff Summary)

Statutory compliance

By restoring the existing functions, the project is a reconstruction and not a major departure from the current facility. The project has avoided all advanced triggers for design competition (optional for streets), and the design, as required by statute, has been reviewed regularly by staff and advisors, with one update to the Board. Bringing the design forward currently satisfies the Board duty to provide written approval of major changes to public lands in the Capitol Area.

Comprehensive Plan compliance

CAAPB staff finds the project in full compliance with the 2040 Comprehensive Plan as adopted in 2021 and helps to implement several CAAPB policies such as walkable infrastructure, connectivity, efficient stormwater management, pedestrian comfort, safe crossings, and additional continuous tree canopy.

Rules Governing Zoning and Design

There are no regulations in the Rules that present compliance issues within any Zoning District or within the General or Supplemental Regulations, and there are no commemorative works impacted or proposed.

Suggested Board Action

Executive Secretary, Principal Planner, and the Advisory Committee recommend consideration and approval of the following Board language:

The Capitol Area Architectural and Planning Board (CAAPB or Board), as required under MN Statute 15B.08, approves the 90% design for reconstruction of Jackson Street (the east boundary of the Capitol Area) from University north to Pennsylvania, as outlined in the staff memo to the Board dated March 24, 2025, with the following (1) stipulation:

- 1) Between now and construction, should the project design deviate substantially from the 90% design approved at this Meeting, CAAPB Executive Secretary may bring project information back to the full Board for further action.
-

Attachment:

1. **Project Summary** – a summary furnished by lead consultant and include project summary, typical sectional design, and project layout

City of Saint Paul – Jackson Street Reconstruction Project

Project Management Team & Consultant

City of Saint Paul: Jary Lee, Project Manager

CAAPB

Ramsey County

Metro Transit Purple Line

Metro Transit Facilities

Saint Paul Housing Agency

TKDA: Cassie Pinta, Consultant Project Manager

Toole Design

NEOO Partners

Braun Intertec

Evergreen Land Services

Consultant Selection Process

The City of Saint Paul submitted a Request for Proposal. The consultants were required to provide a proposal based on the following evaluation criteria: overall proposal suitability, cost, previous work, firm resources, and technical expertise and experience. The top three proposals were evaluated further through an interview process. Additional points were rewarded for consultants located within the City of Saint Paul and 25% of the contractual amount is allocated to subcontractors also located within the City of Saint Paul.

Funding Source

The project is fully funded by the Saint Paul Common Cent Sales Tax. More information on this funding source can be reviewed here: <https://www.stpaul.gov/salestax>

Timeline (planning through construction)

Consultant Notice to Proceed:	June 2024
Concept/Layout Design:	August 2024
30% Plan Submittal:	September 2024
60% Plan Submittal:	December 2024
90% Plan Submittal:	February 2025
Final Plan Submittal:	March 2025
Public Hearing:	April 2025
Advertisement:	April 2025
Award:	May 2025
Begin Construction:	June 2025
Construction Winter Pause:	December 2025-March 2026
Construction Complete:	Spring 2026

Map of Project Extents: See next page for map of project extents.

Summary of Improvements and Key Features

- Reduced Roadway Width / Slower Vehicle Speeds
- New Bikeway along West Side of Roadway
- Removal of On-Street Parking (Parking Remains near Residential Houses)
- New Smooth Pavement
- New Trees and Additional Greenspace in Boulevards
- New Lighting and Snow Storage in Boulevards
- New Mt Airy Traffic Control / All Way Stop
- Public Utility Improvements including New Watermain and Sanitary Sewer Lines
- Valley Street Retaining Wall Improvements
- Winter Street Infiltration Trench / Reduces Heavy Storm Impacts
- Pennsylvania Avenue Bridge Approach Panel Improvements
- New Art Opportunities

Innovations / Best Practices

Roadway Diet: This initiative aims to reconfigure the roadway to enhance safety, efficiency, and livability. It involves reallocating space for various purposes, including the creation of a new bikeway, green boulevard spaces, new trees, lighting, and snow storage.

Public Utility Improvements: These infrastructure improvements are essential for ensuring the City of Saint Paul provides reliable and efficient public services.

Valley Street Retaining Wall: The existing wall, constructed in 1907, requires rehabilitation or replacement. Due to the stone wall and other buried materials behind it, a new wall will be constructed in front of the existing one. During construction, the trees directly above the wall will be removed to prevent further damage to walls structural stability. Soil solidification will be advised to temporarily support the wall during construction. The newly proposed wall will be constructed approximately 8' offset the face of the existing wall. Between the walls, structural backfill will be placed, with a swale for drainage, and a fence atop the wall for future inspection and maintenance.

Winter Street Infiltration Trench: Winter Street, with its minimal underground utilities, is an ideal location for an infiltration trench. This trench will manage stormwater runoff and prevent flooding while improving water quality. By design, the water flows into the trench under the roadway and slowly soaks into the ground, reducing the downstream impacts and mitigating heavy climate change storms. Jackson Street is not suitable for infiltration due to road grades and underground utilities. Off-site treatment was reviewed and determined unfeasible due to cost and property acquisition timeline.

New Art Opportunities: Still under development, this corridor provides new art opportunities, including a Valley Street wall mural, sidewalk stamped poetry, sculptures, decorative crosswalks, painted electrical cabinets, and decorative signposts.

Jackson Street Layout near University Ave

Existing

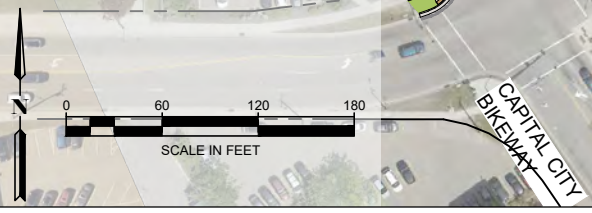


Proposed





PRELIMINARY DESIGN -
SUBJECT TO CHANGE





Capitol Area Architectural and Planning Board

Freeman Building
625 Robert Street North
Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

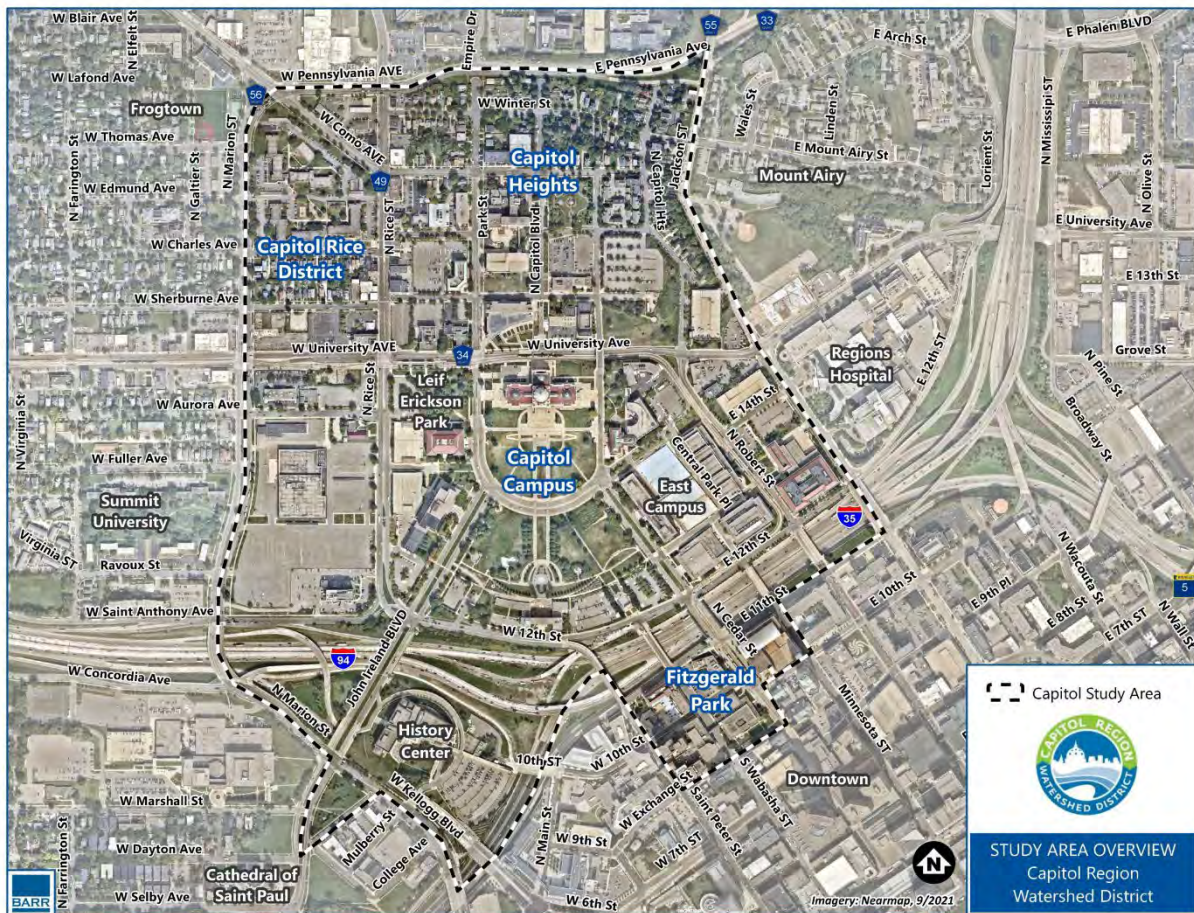
Date: March 24, 2025
To: Capitol Area Architectural and Planning Board members
From: Erik Cedarleaf Dahl, Executive Secretary, Capitol Area Architectural and Planning Board (CAAPB)
Peter Musty, Principal Planner and Zoning and Design Administrator, Capitol Area Architectural and Planning Board (CAAPB)
RE: **Capitol Region Stormwater Study**

Capitol Area Stormwater Management

Capitol Region Watershed District (CRWD) and [Capitol Area Architectural and Planning Board](https://mn.gov/caapb/) (CAAPB) partnered on a stormwater management study to understand water quality and quantity issues in the Capitol Area and identify regional green infrastructure opportunities for improved stormwater management. The study area is approximately 333 acres including 60 blocks in the City of Saint Paul and has four distinct areas, the Capitol Campus, Capitol Rice District, Capitol Heights and Fitzgerald Park area across the interstate commons.

The study on stormwater parallels major planning infrastructure planning tracks started during the development of the [2040 Comprehensive Plan for the Minnesota State Capitol Area](#) from 2018-2021. The plan seeks to transform the Capitol Area into a healthy community with vibrant public spaces, a range of movement options, diverse land uses, and attractive buildings framing lively, pedestrian friendly streets. Projects in this area must apply a holistic lens of economic vitality, energy and environment, health, placemaking, and communities to their design. Visions abound in the new plan, including restoration of a walkable, diverse urban village pattern at the former Sears site, mobility hub and streetscape improvements in the Capitol Rice corridor, and planning for the landscape of the Capitol Mall. **Stormwater runs through all parts of our district infrastructure (transit, streets, Sears site, the Mall).** The Capitol Area has many major projects impacting that infrastructure in the coming years. We may have only one window to turn stormwater infrastructure into an investment by conceiving and building it holistically.

CRWD and CAAPB believe that stormwater management strategies will be integral to achieving the broader vision and goals in the Capitol Area Comprehensive Plan. Key stakeholders of the study include State of Minnesota Department of Administration, Minnesota Department of Transportation, City of Saint Paul, Ramsey County, and large property owners such as Seritage (owner and developer of the former Sears Site). Initial outreach included district planning councils, hospitals, families living several residential districts, and other community organizations.



Thanks to CRWD!

On top of their considerable staff time (by CRWD leads) they funded 100% of the study by Barr team. They also are spending \$10K/year in 2025 going forward, renewable each year as needed for Barr to continue to work with us and attend meetings to promote the 3-4 district/regional opportunities identified in the study.

Suggested Board Resolution

“The Board accepts the Capitol Area Stormwater Management Study, the first step in implementing smart investments in coordinated stormwater and water quality in the Capitol Area.

This resolution stresses the expression of deep gratitude on behalf of the Board to Capitol Region Watershed District for continued staff and consultant team support necessary to complete the study and ongoing project meetings in support of the findings.

The study identifies district stormwater approaches that the Board expects to be considered for implementation by all upcoming major public and private projects in the CAAPB area. Such projects should demonstrate the technical and cost feasibility of stormwater and water quality innovation and partnerships. Early regard for innovation on water management complies with the 2040 Comprehensive Plan, its adopted design and development frameworks, and supports critical paths in meeting toward several public agency sustainability goals for water conservation and water quality.

The Board shares with Capitol Region Watershed District a resolve to guard against pollution of waterways and the avoidable costs caused by wasteful and inefficient stormwater infrastructure in the Capitol Area.

The Board will continue to partner with the Capitol Region Watershed District in setting the highest standards in the Capitol Area sub-watersheds.”

Attachment:

1. **Executive Summary**

Executive Summary

The Capitol Area of Saint Paul comprises a 333-acre area centered around the Minnesota State Capitol. As Minnesota’s “front door,” a place of gathering for the entire state, and a location that is poised for significant public investment in capital projects and redevelopment efforts over the next several years, it is critical to ensure that investments made within the area are innovative, forward-thinking, and reflective of the values of the people of Minnesota.

To address the need for climate-resilient approaches to stormwater management and to reduce the flow of polluted stormwater into the Mississippi River, the Capitol Region Watershed District (CRWD) and Capitol Area Architectural and Planning Board (CAAPB) completed a study to plan for and guide implementation of regional green stormwater management within the Capitol Area.

The Capitol Area Stormwater Management Study (CASMS), described in this document, examined opportunities for “district” stormwater management systems (systems serving more than one public or private parcel) that employ “green infrastructure” practices within the Capitol Area. District systems offer efficiencies and can provide additional functions and community benefits beyond stormwater runoff management. Green infrastructure practices capture stormwater runoff for reuse or allow it to soak into the ground instead of running into storm sewers.

The Setting

The Capitol Area covers 60 blocks in the City of Saint Paul. It is highly urbanized, with roughly 70 percent of the area covered by hard surfaces like sidewalks and roadways.

The Opportunity

The Capitol Area is poised to experience significant change over the next several years, with large redevelopment projects, the Capitol Mall redesign, and several roadway/transit improvements in the planning stages. This change presents a tremendous opportunity to manage stormwater runoff differently and to proactively plan for district stormwater systems that use green infrastructure practices.

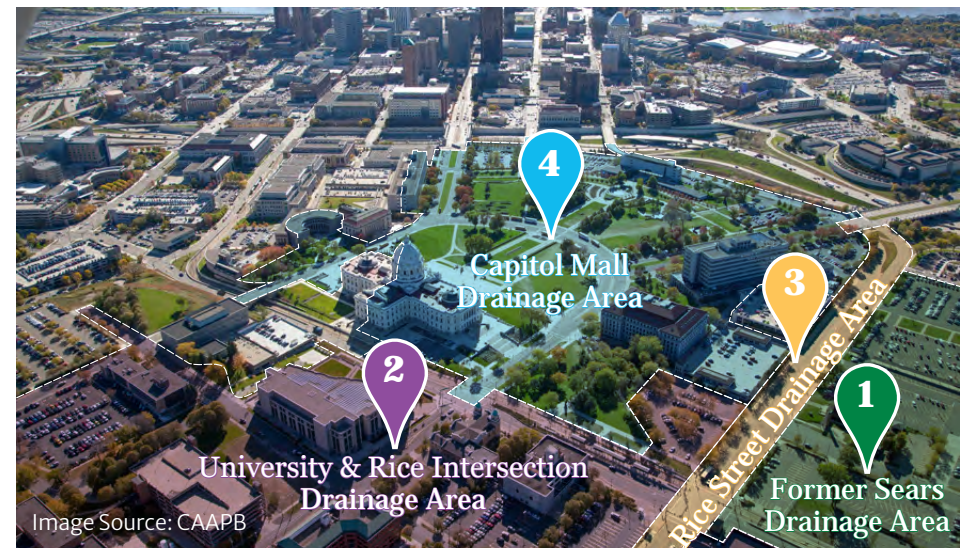
The Challenge

In its current condition, over 90 percent of the Capitol Area currently receives no stormwater treatment. This means that most of the rain that falls here runs into storm sewers, carrying pollutants such as fertilizer, sediment, oil, pesticides, and bacteria. The path of this polluted stormwater leads directly to the Mississippi River, which flows only a half mile away.

A Multi-Stage Approach

The CASMS began with an initial screening of stormwater conditions to identify opportunities for more resilient stormwater management practices and to prioritize areas for focus. Early ideas generated from this process were then used to inform conversations with potential partnering agencies and community organizations. Using results from the screening analyses, feedback from the agency partners, and considering anticipated timelines for redevelopment and capital improvement projects within the Capitol Area, four focus areas were identified for further evaluation of district stormwater systems:

- 1 The former Sears redevelopment site
- 2 The University Avenue and Rice Street intersection
- 3 The Rice Street corridor
- 4 The Capitol Mall



District System Focus Areas

The goal for each system was to maximize the stormwater and associated community benefits while acknowledging the unique constraints at each site.

To evaluate the costs and benefits of taking a district stormwater approach, a “triple bottom line” (TBL) analysis was used. The TBL approach goes beyond a typical cost-benefit evaluation to consider:

- **Economic factors:** *The economic viability and profitability of a project.*
- **Social factors:** *The effect on human well-being and the welfare of the community or stakeholder groups. This includes considerations related to equity, social justice, health, and quality of life.*
- **Environmental factors:** *The ecological consequences of the project, including water quality, energy consumption or savings, greenhouse gas emissions, and environmental sustainability.*

Within each focus area, the district stormwater management approach was compared with the “baseline” (i.e., status quo) approach of simply meeting minimum state, local, and CRWD stormwater management requirements.

Why District System Make Sense

The results of the TBL analysis demonstrate that adopting a district system approach for stormwater management within the Capitol Area would meet traditional stormwater management requirements while providing substantial social and environmental benefits.

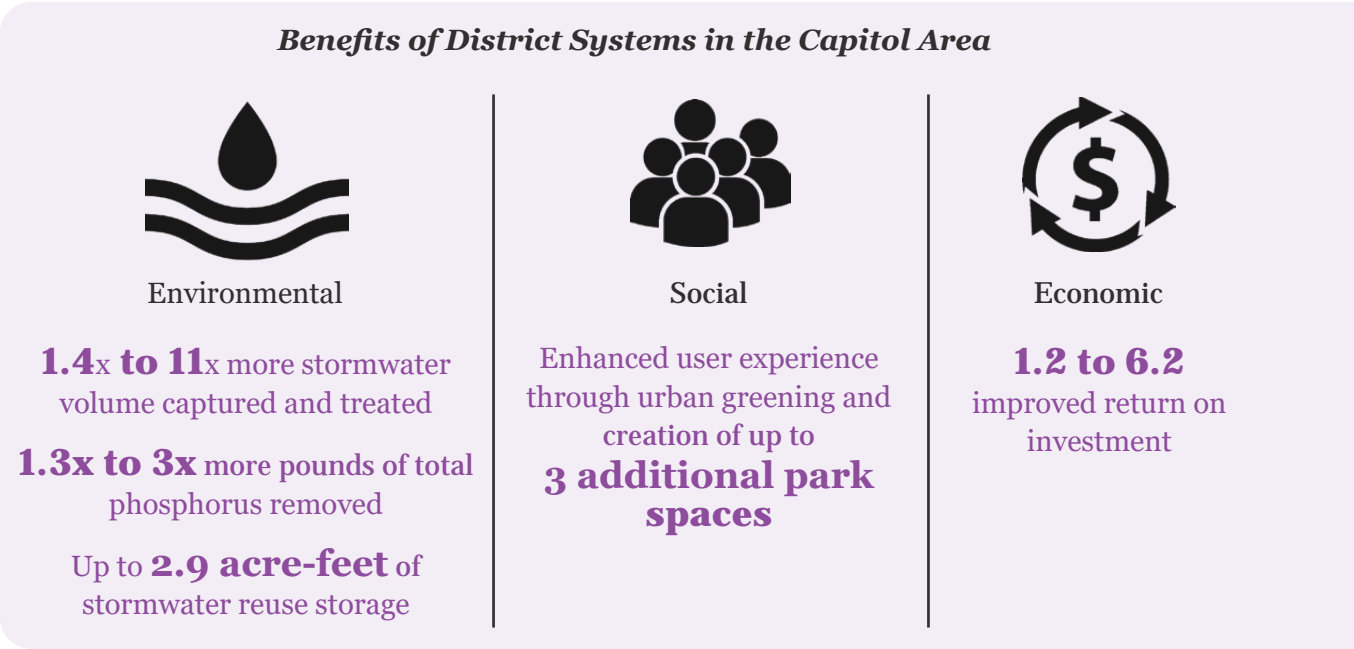
These benefits include the following:

- *Increased volumes of water captured and treated (1.4 to 11 times)*
- *Enhanced user experience through the development of urban greening and the creation of three additional park spaces*
- *Greater phosphorus removal from runoff (1.3 to 3 times)*
- *Opportunities for stormwater reuse storage (up to 2.9 acre-feet)*
- *Reduced urban heat island effect and improved air quality*
- *Improved return on investment (1.2 to 6.2 times)*

Next Steps

CRWD and CAAPB are continuing conversations with potential local, state, and

private project partners to further define the opportunities and constraints for district systems within the Capitol Area. This includes the potential for integrating green stormwater streetscapes and district system concepts into the reconstruction of Rice Street between Pennsylvania Avenue and John Ireland Boulevard, which is planned for reconstruction in 2025. It also includes the integration of a district-scale stormwater management reuse system into Phase I of the upcoming Capitol Mall improvements. As additional capital and redevelopment projects within the study area advance through the planning stages, the district stormwater concepts, goals, and guidelines developed through this planning effort will continue to inform the agency partners and encourage a more resilient and integrated approach to managing one of our state’s most precious resources.



“Many know this area as home to the Capitol and Minnesota’s front yard. Fewer know this ground as a place where we have gathered, lived, and worked since native Minnesotans first called the river and hills of downtown their home. Today, there are opportunities to form new stories and to create a healthier and more unifying landscape...”

Peter Musty, Principal Planner and Zoning Administrator, CAAPB

1.0 Introduction

Saint Paul’s Capitol Area is rich in history. From the start of the Capitol’s construction in 1896 to today, it has been a site of energy and ideas. Tens of thousands of people call this place home; hundreds of thousands work or visit every year. Soon, it will be the site of several redevelopment projects that allow an opportunity to honor the past while also shaping a more resilient future.

As we create that new future, we need to consider how we can protect and improve water quality in one of our most prominent natural resources—the Mississippi River, which flows just a half-mile away. We also need to consider climate-resilient approaches to water management within the Capitol Area. To accomplish these goals, the Capitol Region Watershed District (CRWD) and the Capitol Area Architectural and Planning Board (CAAPB) have partnered to study water quality and quantity issues in the Capitol Area and to identify opportunities for regional green stormwater management approaches. These approaches, modeled by several local precedent projects, not only decrease pollutants flowing to the Mississippi River but provide other environmental, social, and economic benefits.

In particular, this study (the Capitol Area Stormwater Management Study or CASMS) examined “district” stormwater management systems (systems serving more than one public or private parcel) that employ “green infrastructure” practices. District systems offer efficiencies and can provide additional functions and amenities beyond the management of stormwater runoff. Green

infrastructure practices capture stormwater runoff for reuse or allow it to soak into the ground instead of running into storm sewers.

The CASMS supports CRWD’s goals of reducing the amount of pollution flowing to the Mississippi River and identifying area partners who can facilitate the development of stormwater systems that increase resilience and provide community benefits. The study also supports the CAAPB’s goal for the Capitol Area to become a model for best practices in urban planning and development - by developing efficient urban stormwater systems that improve the community’s experience.

1.1 Study Area: Present and Future

The Capitol Area comprises approximately 333 acres covering 60 blocks in the City of Saint Paul. The area is a mix of land uses and buildings associated with the Capitol Campus, the Capitol-Rice District to the west, a large redevelopment parcel at the former Sears site, and other surrounding commercial and residential areas.

The Capitol Area is highly urbanized, with approximately 70 percent of the landscape covered by impervious surfaces (hard surfaces like sidewalks and roadways). Over 90 percent of these impervious surfaces currently receive no stormwater management. This means the vast majority of rain that falls in this area runs off and into storm sewers—part going northeast to the Trout Brook Storm Sewer Interceptor and part flowing to the south/southeast into



Capitol Area Architectural and Planning Board

Freeman Building
625 Robert Street North
Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

Date: March 24, 2025
To: Capitol Area Architectural and Planning Board members
From: Tina Chimuzu, Planner Fellow, Capitol Area Architectural and Planning Board (CAAPB)
CC: Erik Cedarleaf Dahl, Executive Secretary, CAAPB
Peter Musty, Principal Planner & Zoning Administrator, CAAPB
RE: **AGENDA ITEM #9 – Nellie Stone Johnson Informational Plaque**

Background.

Nellie Stone Johnson was a civil rights leader and advocate who became the first Black person elected official in Minneapolis after winning a seat on the Library Board in 1945. She was also the first woman vice president of the Minnesota Culinary Council and the first woman vice president of Local 665 Hotel and Restaurant Employees Union, in addition to helping form the Democratic Farm Labor party.

In November 2022, the Nellie Stone Johnson statue was unveiled in the North Hallway of the Capitol in her honor, also representing the first statue of a woman or a person of color inside the Capitol. Following its installation, the Minnesota Historical Society (MNHS) with input from CAAPB staff and Advisors, has been working together with the committee that advocated for the statue to come up with language and design for a plaque that will be placed alongside the monument.

This project is now in its final stages and attached is an informational memo from the Minnesota Historical Society providing an update on the plaque.

Attachments:

1. **Attachment A: MNHS Nellie Stone Johnson Information Memo**

MEMO

DATE: March 12, 2025
TO: Capitol Area Architectural and Planning Board (CAAPB)
FROM: Lindsey Rulon-Miller, *Capitol & MNHS Sites Art Program Specialist*
Minnesota Historical Society (MNHS)
RE: Nellie Stone Johnson plaque informational update

The Minnesota Historical Society (MNHS) is leading the process of finalizing the text, overall design, and installation for a Nellie Stone Johnson informational plaque—a commitment expressed by the CAAPB and supported both by MNHS and the Nellie Stone Johnson Committee, as documented in CAAPB meeting minutes (3/10/20 and 8/24/22).

The bronze informational plaque will be installed on the wall to the left of the Nellie Stone Johnson statue, which was unveiled at the Minnesota State Capitol November 21, 2022.

This process has involved wide support and involvement from partners including the Minnesota Department of Administration, the CAAPB, MNHS, and the Nellie Stone Johnson Committee (led by Louise Sundin and supported by Nellie Stone Johnson's friends and relatives).

On March 18, 2025, MNHS will conduct the review of three final plaque design options. All aforementioned partners are invited to attend. After receiving feedback from this review, MNHS will select a final design (mock-up to be shared at the CAAPB meeting on March 25).

MNHS intends for a June 2025 plaque installation.

Enclosure (1): Nellie Stone Johnson plaque text (final)

[NELLIE STONE JOHNSON / PLAQUE TEXT]

B. 1905

Nellie Stone Johnson

D. 2002

A quality education leads to a good job and a better life.

—Nellie Stone Johnson

Through her lifelong commitment to civil, women's, and labor rights, Nellie Stone Johnson shaped Minnesota politics and public policy for over 70 years. Nellie Allen was raised on a farm near Hinckley, Minnesota. Her mother, a teacher, inspired Johnson's lifelong passion for education. As a teenager, she canvassed for the Nonpartisan League and the Farmer-Labor Party and joined the NAACP. Johnson was fiery, passionate, and indefatigable.

Johnson moved to Minneapolis to work and attend the University of Minnesota. A woman of African American, Native American, and European descent, she faced both racism and gender discrimination. She recruited for local unions while working at the Minneapolis Athletic Club. In the late 1930s, she was elected vice president of Local 665 Hotel and Restaurant Employees International Alliance and became a statewide union leader.

In 1945, Johnson was elected to the Minneapolis Library Board—the first African American elected to citywide office. She shared goals of full employment, health insurance, and affordable housing with Hubert Humphrey and was his trusted civil rights advisor.

Johnson was on the merger committee that established the Democratic-Farmer-Labor Party and led the passage of Minnesota's Fair Employment Practices Act (1955; first in the nation) and Fair Housing Act (1960).

In 1963, Johnson opened an alterations shop in downtown Minneapolis. Her activism continued. In 1980, she ran Van White's successful campaign to become the first elected African American member of the Minneapolis City Council. From 1979 to 1988, she represented Minnesota on the Democratic National Committee. As a civil rights advisor, she traveled with Vice President Humphrey to Asia and Vice President Walter Mondale to Africa. Governor Rudy Perpich appointed her to the Minnesota State University Board, which established a scholarship in her honor in 1987. *I'm not going to quit*, Johnson said at age 90. *There is too much to do.*



Capitol Area Architectural and Planning Board

625 Robert Street North

Saint Paul, MN 55155

651-757-1500

<https://mn.gov/caapb/>

Date: March 24th, 2025
To: Members of the Capitol Area Architectural and Planning Board (CAAPB)
From: Erik Cedarleaf Dahl, Executive Secretary, CAAPB
Peter Musty, Principal Planner and Administrator of the Rules for Zoning and Design, CAAPB

RE: Other Project Updates

Update on Legislative Session

CAAPB staff will provide an updated memo regarding 2025 legislation as session progresses.

ON HOLD, FOR NOW! Capitol Area Community Vitality Task Force and Account (\$5.15M)

The end of the 2023 Session brought both relief and surprises to local initiatives throughout Minnesota, including the Capitol Area. After approving the framework that would guide disposition of funds in the community, the Board and Community watched as the language enabling the funds did not pass at the Legislative deadline. Despite the setback, CAAPB staff, consultant *Creation in Common*, partners in the community, and the Task Force followed through with the engagement work of the *Community Voices Initiative*, as planned. There were good results, including the following, found at CAAPB webpage dedicated to the *Vitality Account* #3.

Background: The Community Vitality Task Force met regularly since September 2023 and ended their work with recommendations to CAAPB, which are posted here: [See Task Force Recommendations](https://mn.gov/caapb/planning/vitality/). The Task Force (see CAAPB page: <https://mn.gov/caapb/planning/vitality/>) reached its sunset with release of the report. The CAAPB approved the report in March 2024, and the report will help guide investment of the appropriated \$5 million. The funding supported the work of the Task Force and enabled CAAPB to procure contracts with Creation in Common and SDK via RFQ using the State's equity-select guidelines – and resulted in a design for use of the \$5M Account that is based on input from over 70 direct interviews and interactions with community members. Work continues on these levels:

- CAAPB, City staff, Port Authority are meeting regularly to develop a program structure for 2025 and beyond.
- CAAPB legislative members and local representatives are working currently to renew supportive legislation that enables the Board's program design to be implemented.

It is still envisioned that the account funds will be administered through the following mechanisms over 3-5 years*:

*Timeline and amounts subject to change based on City and CAAPB capacity.

- Startup: Safety and Livability (\$2 Million):
 - Possible contracts with the City of Saint Paul: Downtown Improvement District, Office of Neighborhood Safety.
 - Possible metrics: community member survey of sentiment, crime statistics, office tenant lease retention, and anti-displacement.
 - Saint Paul Parks (\$1 Million):
 - Possible contract with the City of Saint Paul Parks: park programing for residents of CAAPB area.
 - Community Vitality Grants (\$2 Million):
 - Conversations with Port Authority and City of Saint Paul to administer grants:
 - Arts grants and business grants.
 - Possible metrics: set goals for # businesses served, % small business retention, # artists supported, # community events
-

More background information on Capitol Area Community Vitality Account:

- **Task Force Report** (approved by CAAPB and referred to legislature March 15, 2024):
https://mn.gov/caapb/assets/Item%201%20-%20CAAPB%20Vitality%20Task%20Force%20Recommendations_tcm1087-614376.pdf
- **CAAPB Vitality tracking page:**
<https://mn.gov/caapb/planning/vitality/>
- **Background memo** (outlining the scope of the Community Vitality Task Force):
[mn.gov/caapb/assets/Capitol Area Community Vitality Task Force %2B Account - CAAPB Memo July 2023_tcm1087-586125.pdf](https://mn.gov/caapb/assets/Capitol%20Area%20Community%20Vitality%20Task%20Force%20Account%20-%20CAAPB%20Memo%20July%202023_tcm1087-586125.pdf)

“KICKED OFF!”: Redesign of Capitol Rice Corridor (Rice Street from Pennsylvania to John Ireland)

Update: Public Works and Planning staff from Ramsey County, MnDOT, City, and CAAPB are partnering to launch design and implementation. There have been two meetings of the Project Management team. CAAPB Staff (Musty) is attending meetings twice a month and is providing the interdisciplinary team policy, studies, and community surveys, and is summarizing recent studies that embody CAAPB priorities in our Comp Plan, stormwater management, urban design, public realm safety, CMDF, and mobility. **Project manager Haila Maze of lead consultant Bolton & Menk will be present September 24th to highlight some key elements of the project.**

Background: A major initiative of the *2040 Comprehensive Plan for the Minnesota State Capitol Area*, ([profiled in Chapter \(Principle\) 4](#)) was to transform the “Capitol Rice Corridor” (includes portion of Como, Rice, 12th Street across interstate to St. Peter).



The project was enabled by a \$25 million provision from the 2023 MN State Legislature, appropriated to Department of Transportation (but just for Rice Street itself – **the length shown in green above**) to include collaborative work with City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota, and, of course, the CAAPB. The project must include implementation of a multi-modal (mobility) hub at University and Rice. (Legislation details can be found in [June 2023 Board Memo](#).) Appropriation is available until June of 2029. A project webpage will soon be available.

State Office Building Expansion into Leif Erickson Park

Following the 2023 spring CAAPB action determining the project, when taken with accompanying community legislation (above), to be in ‘substantive’ compliance with the 2040 Comp Plan, CAAPB’s statutory authority to review and approve the rehabilitation and expansion of the State Office Building was removed by legislation. Neither CAAPB staff nor Advisors have been involved in decision-making on the project since May of 2023.

For more information on the legislation, see previous [June Board Memo](#) now posted on CAAPB homepage. The following is the provision passed citing sections in CAAPB’s Statute 15B and Department of Administration’s Statute 16B pertaining to Commissioner’s duties to CAAPB which “do not apply”:

*“Sec. 11. **CAPITOL AREA LAND USE PROJECTS; ZONING AND DESIGN.** Minnesota Statutes, sections 15B.05, subdivision 3; 15B.06; 15B.08; and 16B.31, subdivision 4, and any rules adopted under the authority of those sections, do not apply to any project to address critical health, life safety, and security needs on the State Capitol complex and for which funds are available on or before December 31, 2023, if the primary affected tenant has given final approval to the project.”*

UNDER CONSTRUCTION: New *Temporary* Green Space at Former Ford Building and Lot C

In October 2023, CAAPB approved zoning permitting for the Department of Administration’s plan to demolish the building and implement an enclosure retaining tunnel access and basic landscaping. **The work proceeded and the building has been demolished.** Site work including a basic phase of site restoration and construction of the tunnel enclosure is proceeding in 2024. Elements from the façade’s doorway were salvaged for potential later reuse. As approved by the Board, a temporary green space will be formed on the old Ford site and now is proposed to be extended as a temporary green space to Rice Street. The overall parking spaces offered on the modified Lot C will now drop from 206 spaces to 153 spaces.

Blue Star Gold Star Memorial

On February 17, 2025, the Minnesota Department of Veterans Affairs (MDVA), through Jon Kelly, its Director of Government Affairs, reached out to the CAAPB Executive Secretary to inform the Board of a policy item in the upcoming Governor's budget bill for the department, authorizing a Blue Star Gold Star Families Memorial in the Court of Honor.

"Blue Star Families is a term used to refer to the immediate family members of active-duty service members in the United States military. This tradition dates back to World War I when families displayed banners with a blue star to represent a loved one serving in the armed forces."

"The term 'Gold Star Family' originated during World War I when families displayed service flags with blue stars representing their loved ones serving in the military. If a service member died, the blue star was replaced with a gold star, signifying their ultimate sacrifice. This allowed communities to recognize the immense loss suffered by these families."

On February 20, 2025, the CAAPB Executive Secretary and staff met with Jon Kelly and Ben Johnson, Deputy Commissioner of Programs and Services at MDVA, to discuss the bill's proposed language in view of the Minnesota Rules 2400.2703. The meeting agreed to take into account CAAPB's role in drafting the language, and the Department of Veterans Affairs intends to submit an application to add new Commemorative Work to the Capitol Grounds, should the bill come into effect.

CAAPB staff are currently keeping track of the bill and will provide guidance on the Commemorative Works application processes as required.

Commemorative Works Application Forms Review

Following observations made and applicant feedback received whilst processing active and potential commemorative works applications per [Minnesota Rules 2400.2703](#), CAAPB staff, together with Advisors, reviewed the current Commemorative Works application forms in order to better align them with applicant needs.

The application forms with the proposed reviews are included in this packet.

Staff is working regularly with Minnesota Historical Society on several other emerging applications for a range of Commemorative Works applications proposing new, modification to existing works, and removals of works on campus. One of which is now beginning consideration at the meeting in March. We look forward to providing a major update on Commemorative Works to the Board this year and may ask interested Board Members to serve in review roles as required by the new Commemorative Works rules now in place in MN Rules Chapter 2400.

Updates on Off-Campus Capitol Area Projects

Former Sears Site

New owners continue to build capacity to implement the transit-oriented urban village vision for the site.

The newest owners, Asian Media Access, led by Ange Hwang in partnership with Asian American Business Alliance, are currently promoting a range of ideas for long-range reuse of the old Sears building as a centerpiece of larger site redevelopment. They have sought guidance from CAAPB and City staff as they build a development team to support the ownership and design team.

Since the 'big box' pattern of the old Sears is currently not legal by Zoning regulations nor Comp Plan policy, introduction of that pattern as a first phase would require amendment to the Comprehensive Plan (and extend the process considerably) unless they also can present an implementable site redevelopment plan that also meets requirements of the Capitol Rice Development Framework (2040 Comp Plan) and before they apply for specific approvals of building projects within the Rules for Zoning and Design.

Lastly, their team is building support to explore technical barriers and development-related environmental studies and infrastructure costs connected with the current site and building realities, and that is taking time. As always, staff will update the Board and the community with information as soon as we are able.

Review: Sears closed in 2018. Subsequent planning led to final approval of the Capitol Rice Development Framework in 2021, confirming the longstanding transit-oriented walkable vision for an urban village, reestablishing an urban pattern of mixed uses reconnecting the neighborhood across the site around a central green space. Seritage, as the former owner, participated with CAAPB and the City to engage the community on design alternatives for the urban village vision as found on CAAPB website. The process affirmed the public realm vision of smaller blocks within a network of tree-lined streets with a new central park, and the market research reported by owner and community input steered land use toward the predominantly mixed residential demand (vs new office). In early 2022 came an investor-related delay due to uncertainty around Saint Paul's new rent control regulations. In late 2022, Seritage decided to list the site for sale. The site was bought by the current owners after initial purchase by another entity.

Capitol View (at old Bethesda Hospital Site): Exterior Facades Close to Completion

Construction is underway on the new behavioral health hospital. The following update was provided to CAAPB staff by Kristian Thonvold of Fairview:

- Work on the exterior façade of the building is drawing to a close.
- Construction fencing is planned to come down in April.
- Landscaping will begin after the fencing has been removed.
- Utilities serving the building are all secured.
- Interior work will continue through to the end of construction.

Seals

CAAPB continues to meet with Department of Administration and Minnesota Historical Society to discuss implementation of State Seal replacement in the Capitol and other buildings in the Capitol Complex. CAAPB staff will provide an update to the Board when we have more specific details on cost, design, etc.

Multiple Infrastructure Planning and Construction Projects Ongoing in Capitol Area

CAAPB planning activity is in full swing following Board adoption of the 2040 Comprehensive Plan for the Minnesota State Capitol Area in June 2021, structured by The Capitol Area Principles. See table on next page for updated status. (Questions: contact Peter Musty)

Planning	Sponsor/Lead Agency	CAAPB role	Timing
Sears Site: MX District Plan	public/private team (Developer (tbd), CAAPB, City)	process and review lead	pre-application meetings in holding pattern as capacities are secured by owner team
Commemorative Works Policy (2022 Update to Rules) Funded \$500K, one time sending, available thru FY27	CAAPB (working with MNHS, Administration under new Rules)	Staff receives inquiries under Rules, looking to improve process with Lindsey Dyer of MNHS	Ongoing. Handful of applications in pre-application stages, with one or more starting formal reviews in 2024
Capitol Area Stormwater Management Study	Capitol Region Watershed District	co-lead	complete
Rethinking I-94	MnDOT	policy and planning committee(s)	ongoing, alternatives about to be narrowed, released
Downtown Commons Study (off-shoot of Rethinking I-94)	MnDOT	steering	Completed Fall 2023, multi-jurisdictional staff team continues to meet
Capitol Heights Development Framework	CAAPB (leveraging Station Area Planning process)	lead	On hold. (see Station Area Planning)
BRT Station Area Planning: METRO Purple Line (Robert to Jackson)	Ramsey County and Metro Transit	Staff is on Technical Advisory Committee, Design Review Team, updates Admin and Capitol Heights reps	Station approved, delay due to alignment studies, w station area planning resumed
BRT Station Area Planning: METRO G-Line (Robert to Rice)	Ramsey County and Metro Transit	Staff on Technical Advisory Committee, CAAPB approves station location and design in Capitol Area	Station locations under planning and design development. Metro Transit will participate in Rice Street planning and design led by Ramsey County, City and CAAPB plus partners
DESIGN UNDERWAY: \$25M Capitol Rice Corridor (Rice Street Redesign/Rebuild)	funds held by MnDOT for City/County/ CAAPB leads design coordination	lead, approval	RFP released by County, with design and engagement team now in place
90% DESIGN: Jackson Street Rebuild (Northeastern boundary of Capitol Area)	City	Staff on PMT	Preliminary input from primary partners and agencies, public engagement in planning
DESIGN UNDERWAY: 12th Street Redo (downtown across St Peter bridge, up 12 th to John Ireland)	City	Staff on PMT	Team selected, work beginning

UNDERWAY: \$185K Mandatory Update to Rules for Zoning and Design	CAAPB	Opticos lead consultant	2024-2025
COMPLETE: \$1 mil. Capitol Mall Design Framework (Admin. w/ \$5 mil. for implementation)	CAAPB (w/ Dept of Administration)	lead	Approved in 2024
w/LEGISLATURE: \$5 mil. Capitol Area Community Vitality Task Force	Task Force completed work in 2024	lead	Hope to finalize funding in 2025.

We continue to be Busy! Staff is implementing the 2040 Comprehensive Plan. Implementation of the recently adopted Comprehensive Plan policies is underway with a big boost from 2023 legislation, and we can be hopeful for supportive 2025 legislation. There are several tracks that continue from before adoption of the plan, and several that are new - all of which will be brought forward to the Board where the timing dictates or when action is required. For many items, Board Members may be offered chances to observe, participate in, or advise steering committees or community discussions.

Questions? **Please contact CAAPB Staff directly.**

Attachments:

1. **Application for Addition of CW**
2. **Application for Modification of CW**
3. **Application for Removal of CW**
4. **CW Inquiry and Request for Consultation**



Application for Addition of a New Artwork on the Minnesota Capitol Grounds

Commented [JH1]: 1. Update website to clarify where to submit application.

2. Add word count restrictions.

3. Clarify language (diversity, design expectations, etc).

UPDATED ~~NOVEMBER~~ FEBRUARY 2025

Commented [JH2]: Update

Request for Addition of a New Commemorative Artwork to the Minnesota Capitol Grounds

Commemorative Works on the Minnesota Capitol Grounds

Each commemorative artwork on the Capitol grounds is part of a collection that tells the story of Minnesota and its people. Principle I of the *2040 Comprehensive Plan for the Minnesota State Capitol Area*, approved in 2021 by the Capitol Area Architectural and Planning Board, sets out the vision, roles and policy for the Capitol Area, as articulated in the excerpt below:

"[The Capitol area] is a place to honor individuals, groups and ideas that have shaped Minnesota and contributed to our place in the nation. This is a place to share our many stories and create new ones. The Capitol Mall is known as Minnesota's Front Yard, -where all are welcome."

The intent of this Principle will guide the Capitol Area Architectural and Planning Board in all decisions about commemorative works on the Minnesota Capitol grounds.

Minnesota Administrative Rules on Commemorative Works

Commemorative artwork proposals are reviewed in accordance with administrative rules for commemorative artwork on the Capitol grounds. The full text of these rules is found in [Minnesota Rules Chapter 2400.2703](#).

The rules define a "**Commemorative artwork**" as a monument, memorial, or other type of original piece in any style, expression, genre, or media that is the unique creative expression of an artist designed to memorialize cultural, social, and political aspects of Minnesota's history. A commemorative artwork expresses or reflects the collective memory of an individual person, group, or event. Commemorative artwork serves four primary functions:

- A. to memorialize and remember;
- B. to inform and inspire the viewer;
- C. to have lasting historic and cultural significance; and
- D. to accentuate and enhance the urban landscape.

Commemorative artwork may be event-based, temporary, or long-term.

Completing the Application

This document details the required components of an application to the Capitol Area Architectural and Planning Board to request that it consider the addition of a new commemorative artwork on the Minnesota Capitol grounds. All parts of this application are to be completed as fully as possible.

Before completing this application, please submit an "[Early Inquiry and Consultation Form](#)" to CAAPB staff and meet to discuss elements of the application, how to complete them, and any questions.

If you have additional questions while completing the application, please contact CAAPB staff at CAAPB.input@state.mn.us or 651.757.1500.

Once the application is complete with the information identified in Parts 1 to 4 on the following pages, submit it as a PDF or Word document by email to CAAPB.input@state.mn.us or send by postal mail to CAAPB, [Freeman Building, 625 Robert St N, Saint Paul, MN 55155](#) ~~204 Administration Building, 50 Sherburne Ave., Saint Paul, MN 55155~~.

Request for Addition of a New Commemorative Artwork to the Minnesota Capitol Grounds

Application Information

Part I - Applicant Contact Information

- a. Full Name of the Applicant (may be an individual or an organization)
- b. First and last name of lead contact person for the application
- c. Email for lead contact person
- d. Phone Number for lead contact person
- e. Address for lead contact person

Part 2 – Subject of the Artwork

What is the subject of the proposed commemorative artwork? (Please describe.)

2A - Narrative

What is the subject of the proposed commemorative artwork? (Please explain in detail including the historical background. A list of any sources used may be provided in part 2B.) (800 word max.)

2B – Bibliography or Sources

Part 3 – Design Concept

What is the general concept for design of the proposed commemorative artwork? (Please describe.)

Part 3 – Development of Design Guidelines

What are the general guidelines for design of the proposed commemorative artwork? (800 word max.)

(CAAPB is interested in a verbal description of early ideas of the design of the proposed commemorative artwork and not fully developed design concepts. Design and siting for the proposed commemorative work will occur later in the process led by a Design Review Group, (M.R.2400.2703, Subpart 3, Item K, Subitem (1)) which will include the applicant)

Commented [HJ3]: Change this to ask for historical background of the subject.

Commented [JH4]: Remove/reword this section so applicants don't submit designs. Applicants won't be designing the CW.

Request for Addition of a New Commemorative Artwork to the Minnesota Capitol Grounds

Part 4 – Conditions and Criteria

How does the proposed artwork meet the Conditions and Criteria for the Addition of New Artwork? Please answer the following questions as fully as possible and attach the answers to the application form. Supporting materials for the answers, such as reports, data, or articles, may be included or cited with a URL link.

1. ~~How does the proposed commemorative artwork introduce a new element of the state's diverse history and people to the Capitol grounds?~~

1. How does the proposed commemoration introduce a new element of the state's varied history and people to the Capitol grounds relative to existing commemorative works? Describe the distinctiveness of the proposed commemoration compared to the existing works on the Capitol Grounds. (800 words max.)

Commented [HJ5]: Add: How does this artwork compare/add/complement the works already on the Capitol Grounds?

2. ~~How does the commemorative artwork activity impact the historic, architectural, and artistic integrity of the Capitol building and grounds?~~

2. How could the commemoration idea impact the historic, architectural, and artistic integrity of the Capitol building and grounds? (CAAPB is not interested in a specific design at this point just a general idea) (800 words max.)

Commented [CT6]: Reword so that it does not reinforce the idea of having a design in advance

3. ~~Has there has been documented and broad-based public support of the commemorative artwork activity?~~

3. Has there has been documented and broad-based public support of the commemoration of this subject? Please describe and provide supporting documents where necessary (800 words max.)

Commented [HJ7]: Reword this to ask applicant to provide supporting documents.

4. ~~Does the subject of the artwork have lasting statewide historic significance for Minnesotans?~~

4. How would the subject of commemoration of the subject embody lasting statewide historic significance for Minnesotans? (800 word max.)

Commented [HJ8]: Maybe ask "How does the subject..." so that they provide specifics.

5. ~~Is the artwork respectful of the diversity of Minnesotans?~~

5. How would the commemoration respect or enhance the story of diversity of Minnesotans? (800 word max.)

Commented [CT9]: Change to How does the proposal reflect the diversity of Minnesotans?

6. ~~Does viewing the artwork provide a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture?~~

6. How would the commemoration provide a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture? (800 word max.)

Commented [HJ10]: Change to "How does viewing..."

7. If the subject of the artwork is a specific person...

- Did the person live in Minnesota or in the geographical area now identified as Minnesota for at least five years during the person's lifetime? (Identify where and when the person lived in the Minnesota geography.)

Request for Addition of a New Commemorative Artwork to the Minnesota Capitol Grounds

- Is the person renowned and admired by Minnesotans? (Explain and provide information that demonstrates this.)
- Has the person been deceased for at least ten years? (Years lived)

[Part 5 – Funding](#)

Is funding available to pay for the proposed addition and any related site work around it? (Please describe the expected funding sources and fundraising strategy.)



CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

CAAPB

Application for Modification of an Existing Artwork on the Minnesota Capitol Grounds

UPDATED ~~FEBRUARY~~ **NOVEMBER 2025**

Commented [HJ1]: Update

Request for Modification of an Existing Commemorative Artwork to the MN Capitol Grounds

Commemorative Works on the Minnesota Capitol Grounds

Each commemorative artwork on the Capitol grounds is part of a collection that tells the story of Minnesota and its people. Principle I of the *2040 Comprehensive Plan for the Minnesota State Capitol Area*, approved in 2021 by the Capitol Area Architectural and Planning Board, sets out the vision, roles and policy for the Capitol Area, as articulated in the excerpt below:

"[The Capitol area] is a place to honor individuals, groups and ideas that have shaped Minnesota and contributed to our place in the nation. This is a place to share our many stories and create new ones. The Capitol Mall is known as Minnesota's Front Yard, -where all are welcome."

The intent of this Principle will guide the Capitol Area Architectural and Planning Board in all decisions about commemorative works on the Minnesota Capitol grounds.

Minnesota Administrative Rules on Commemorative Works

Commemorative artwork proposals are reviewed in accordance with administrative rules for commemorative artwork on the Capitol grounds. The full text of these rules is found in [Minnesota Rule Chapter 2400.2703](#).

The rules define a "**Commemorative artwork**" as a monument, memorial, or other type of original piece in any style, expression, genre, or media that is the unique creative expression of an artist designed to memorialize cultural, social, and political aspects of Minnesota's history. A commemorative artwork expresses or reflects the collective memory of an individual person, group, or event. Commemorative artwork serves four primary functions:

- A. to memorialize and remember;
- B. to inform and inspire the viewer;
- C. to have lasting historic and cultural significance; and
- D. to accentuate and enhance the urban landscape.

Commemorative artwork may be event-based, temporary, or long-term.

Commemorative artwork may be event-based, temporary, or long-term.

Completing the Application

This document details the required components of an application to the Capitol Area Architectural and Planning Board to request that it consider the modification of an existing commemorative artwork on the Minnesota Capitol grounds. All parts of this application are to be completed as fully as possible.

Before completing this application, please submit an "[Early Inquiry and Consultation Form](#)" to CAAPB staff and meet to discuss elements of the application, how to complete them, and any questions.

If you have additional questions while completing the application, please contact CAAPB staff at CAAPB.input@state.mn.us or 651.757.1500.

Once the application is complete with the information identified in Parts 1 to 4 on the following pages, submit it as a PDF or Word document by email to CAAPB.input@state.mn.us or send by postal mail to

Request for Modification of an Existing Commemorative Artwork to the MN Capitol Grounds

CAAPB, [204 Administration Building, 50 Sherburne Ave., Saint Paul, MN 55155](#) [Freeman Building, 625 Robert St N, Saint Paul, MN 55155](#).

Request for Modification of an Existing Commemorative Artwork to the MN Capitol Grounds

Application Information

Part I – Applicant Contact Information

- a. Full name of the Applicant (may be an individual or an organization)
- b. First and last name of lead contact person for the application
- c. Email for the lead contact person
- d. Phone number for lead contact person
- e. Address for lead contact person

Part 2 – Subject of the Artwork

What artwork is proposed for modification? (Please [explain in detail including the historical background, describe.](#)) [\(800 words max\)](#)

Part 3 – [Modification Concept](#)

What type of modification is proposed? (Please describe.) [\(800 words max\)](#)

Commented [CT2]: Modification request requires the primary concept and design elements of the modified artwork to be submitted by the applicant.

Part 4 – Conditions and Criteria

How does the proposal meet the Conditions and Criteria for the Modification of Existing Artwork? Please answer the following questions as fully as possible and attach the answers to the application form. Supporting materials for the answers, such as reports, data, or articles, may be included or cited with a URL link.

1. Has there has been sustained, broad-based, and documented public objection to the artwork? Please describe [and provide supporting documents where necessary.](#) [\(800 words max\)](#)
2. How does the proposed modification to an existing commemorative artwork maintain or enhance how the Capitol grounds reflect the state's diverse history and people? [\(800 words max\)](#)
3. The following criteria will be considered to determine whether the work should be modified. How does the proposed modification meet the following criteria? [\(800 words max\)](#)
 - A. Makes the artwork more welcoming and engaging to nearby and statewide communities.

Request for Modification of an Existing Commemorative Artwork to the MN Capitol Grounds

- B. Embraces historical facts and fosters a productive range of responses, conversations, and interpretations.
- C. Considers the social and cultural conditions at the time of the artwork's addition.
- D. Prompts reflection, conversation, and awareness of the stories, perspectives, and experiences of historically marginalized or oppressed communities.
- E. Incorporates the views of all interested groups and individuals and considers the relationship of these groups' collective history, heritage, and values to the artwork.
- F. Creates an opportunity to increase public understanding of and dialogue about Minnesota's history.
- G. Enhances the artwork's function as a source of collective identity and belonging for all Minnesotans.
- H. Generates, contributes to, or enhances existing social activity in the surrounding public space.
- I. Represents or commemorates a significant event, group, or individual in Minnesota's history.
- J. Respects the contributions and perspectives of the artwork's creators and the group or individuals depicted in the artwork and the group's or individuals' communities.
- K. Seeks to achieve peace, reconciliation, truth, or justice for individuals, groups, and communities that are not represented or who are misrepresented in the artwork.
- L. Acknowledges evolving social values and accounts for the views and needs of the contemporary community.

Part 5 – Funding

Is funding available to pay for the proposed modification and any related restoration of the site around it? (Please describe the expected funding sources and fundraising strategy.)



Application for Removal
of an Existing Artwork
on the Minnesota Capitol Grounds

UPDATED ~~NOVEMBER~~ FEBRUARY 2025

Commented [HJ1]: Update

Request for Removal of an Existing Commemorative Artwork to the MN Capitol Grounds

Commemorative Works on the Minnesota Capitol Grounds

Each commemorative artwork on the Capitol grounds is part of a collection that tells the story of Minnesota and its people. Principle I of the *2040 Comprehensive Plan for the Minnesota State Capitol Area*, approved in 2021 by the Capitol Area Architectural and Planning Board, sets out the vision, roles and policy for the Capitol Area, as articulated in the excerpt below:

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The intent of this Principle will guide the Capitol Area Architectural and Planning Board in all decisions about commemorative works on the Minnesota Capitol grounds.

Minnesota Administrative Rules on Commemorative Works

Commemorative artwork proposals- are reviewed in accordance with administrative rules for commemorative artwork on the Capitol grounds. The full text of these rules is found in [Minnesota Rule Chapter 2400.2703](#).

The rules define a "**Commemorative artwork**" as a monument, memorial, or other type of original piece in any style, expression, genre, or media that is the unique creative expression of an artist designed to memorialize cultural, social, and political aspects of Minnesota's history. A commemorative artwork expresses or reflects the collective memory of an individual person, group, or event. Commemorative artwork serves four primary functions:

- A. to memorialize and remember;
- B. to inform and inspire the viewer;
- C. to have lasting historic and cultural significance; and
- D. to accentuate and enhance the urban landscape.

Commemorative artwork may be event-based, temporary, or long-term.

Completing the Application

This document details the required components of an application- to the Capitol Area Architectural and Planning Board to request that it consider the removal of an existing commemorative artwork on the Minnesota Capitol grounds. All parts of this application are to be completed as fully as possible.

Before completing this application, please submit an "[Early Inquiry and Consultation Form](#)" to CAAPB staff and meet to discuss elements of the application, how to complete them, and any questions.

If you have additional questions while completing the application, please contact CAAPB staff at CAAPB.input@state.mn.us or 651.757.1500.

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Request for Removal of an Existing Commemorative Artwork to the MN Capitol Grounds

Information for the Application

Part I - Applicant Contact Information

- a. Full Name of the Applicant (may be an individual or an organization)
- b. First and last name of lead contact person for the application
- c. Email for lead contact person
- d. Phone Number for lead contact person
- e. Address for lead contact person

Part 2 - Subject of the Artwork

~~What artwork is proposed for removal and why? (Please explain.)~~

2A - Narrative

What artwork is proposed for removal and why? (Please explain in detail including the historical background. A list of any sources used may be provided in Part 2B) (800 word max)

2B – Bibliography or Sources (800 words max)

Part 3 – Removal Concept

Is there a proposed approach to the removal, and is relocation of the artwork proposed? (Please describe.) (800 words max)

Part 4 – Conditions and Criteria

How does the proposal meet the Conditions and Criteria for the Removal of Existing Artwork? Please answer the following questions as fully as possible-. Supporting materials for the answers, such as reports, data, or articles, may be included or cited with a URL link.

1. Has there been sustained, broad-based, and documented public objection to the artwork? Please describe: and provide supporting documents where necessary (800 words max)

Commented [HJ2]: Have the applicant provide evidence.

Request for Removal of an Existing Commemorative Artwork to the MN Capitol Grounds

2. How does the proposed removal of an existing commemorative artwork impact representation of the state's diverse history and people on the Capitol grounds? [\(800 word max.\)](#)

Commented [HJ3]: Define "diversity" here.

3. How (and to what degree) does the artwork misrepresent the state's history or have the effect of significantly intimidating or adversely affecting a group of people. [\(800 words max.\)](#)

~~4. The availability of funding to pay for the removal and any related restoration work of the site of removal. Please describe the expected funding sources and fundraising strategy.~~

Commented [HJ4]: Can this be removed since Part 5 discusses funding?

Part 5 – Funding

Is funding available to pay for the proposed removal and any related restoration of the site around it? (Please describe the expected funding sources and fundraising strategy.)

NOTE - Additional technical criteria will be evaluated when considering potential removal of an existing commemorative work. The information for these criteria will be provided by state staff and consultants and do NOT need to be addressed in the application. The technical criteria are:

- Availability of necessary funding for conservation, maintenance, and repair of the artwork if the artwork remains in its current location; the availability of exhibition or storage space for relocating the artwork if it is removed; and the disposition of the artwork.
- Degree to which removal of the artwork would detract from the overall artistic and architectural integrity of the Capitol or Capitol area.
- The artwork's style, form, scale, diversity, quantity, quality, longevity, and compatibility with the existing commemorative artwork collection.
- Accessibility, public safety, and the social, cultural, historical, ecological.
- Physical, and functional context of the artwork in relation to the site, both existing and planned.
- Issues related to liability, insurance, intellectual property rights, warranties, ownership, theft, vandalism, loss, indemnification, and public safety.
- Safety, the avoidance of emergencies caused by hazards, and construction schedules.
- Value of the artwork as determined by a professional appraiser.
- Plan for returning the space left by removal of the artwork to the space's original condition or a condition that is aesthetically consistent with the surrounding Capitol grounds.



Early Inquiry & Consultation

prior to application to the CAAPB for Commemorative Artwork on the Minnesota Capitol Grounds

published November 2022

Commented [JH1]: Make into a fillable PDF

Commented [JH2]: Update

If you are thinking about submitting a commemorative work application to the Minnesota Capitol Area Architectural Planning Board (CAAPB), please contact CAAPB staff to have an early and informal conversation about your idea and questions. There are many things to consider when making an application to add, modify, or remove a Capitol Area commemorative work and time spent preparing will save time and effort later.

The conditions and criteria to be addressed in an application require thoughtful and thorough responses and supporting materials. CAAPB staff can explain how to approach the application process and can answer any questions.

To talk with CAAPB staff about your commemorative work idea, send an email to CAAPB.input@state.mn.us. In your email, please provide the following information:

1. What is your name, organization affiliation (if applicable), phone and email, and the best way to reach you?
2. What type of application do you plan to submit -- one for addition, modification, or removal?
3. What is the subject or name of the commemorative work?
4. Briefly describe your idea, recommendation, or proposed change.
5. What questions and items do you most wish to discuss in the consultation with CAAPB staff? Please identify at least three specific items from page 2 for proposed addition, page 3 for proposed modification, or page 4 for proposed removal.
6. Is there anything else you want CAAPB staff to know in advance of the conversation?

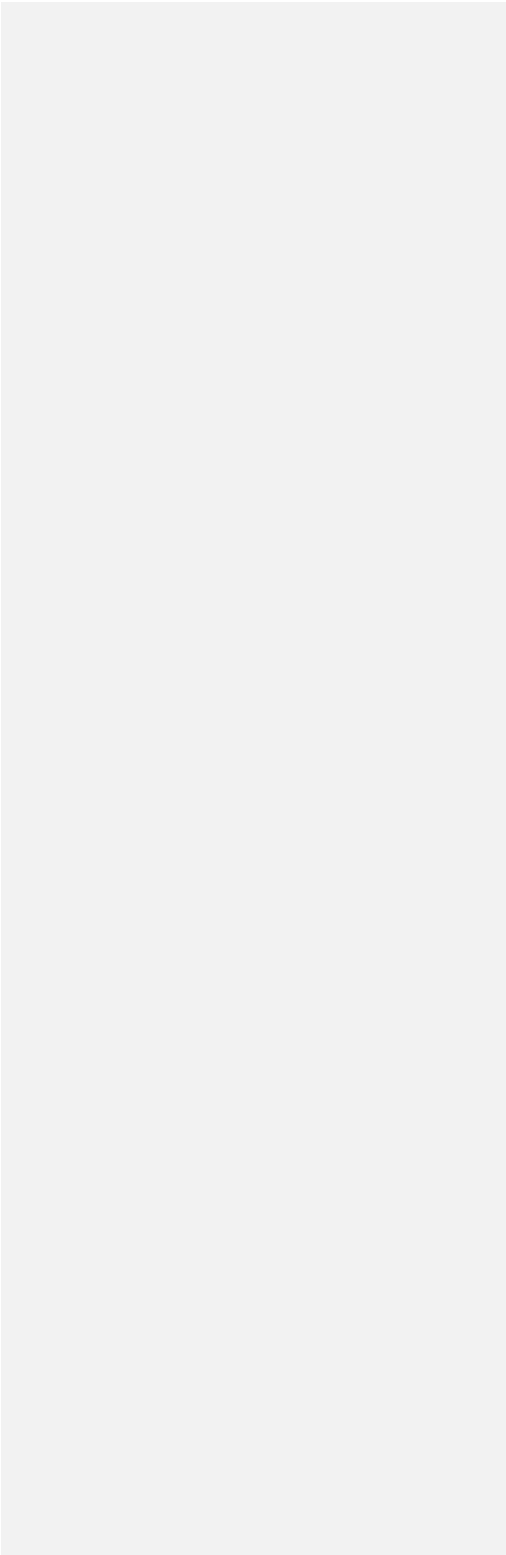
Thank you for your interest in the commemorative works of the Minnesota Capitol grounds. We look forward to speaking with you.

~~Merritt Clapp Smith~~ [Erik Cedarleaf Dahl](#)
CAAPB Executive Secretary

Peter Musty
CAAPB Principal Planner and Zoning Administrator

More information on commemorative works on the Minnesota Capitol grounds is available [on the commemorative works webpage. https://mn.gov/caapb/capitol-area/memorials-monuments/commemorative-works/](https://mn.gov/caapb/capitol-area/memorials-monuments/commemorative-works/)

|



EARLY INQUIRY AND CONSULTATION FOR MINNESOTA CAPITOL GROUNDS COMMEMORATIVE WORK APPLICATION

Addition of New Works: A Preview- of items to be addressed if applying to add new commemorative works at the Capitol Grounds, n the application(You do not need to submit responses at this time)

A1. How does the proposed commemorative artwork introduce a new element of the state's diverse history and people to the Capitol grounds?

A2. How does the commemorative artwork activity impact the historic, architectural, and artistic integrity of the Capitol building and grounds?

A3. Has there has been documented and broad based public support of the commemorative artwork activity?

A4. Does the subject of the artwork have lasting statewide historic significance for Minnesotans?

A5. Is the artwork respectful of the diversity of Minnesotans?

A6. Does viewing the artwork provides a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture?

A7. If the subject of the artwork is a specific person...

- Did they live in Minnesota or the geographical area now identified as Minnesota for at least five years during the individual's lifetime?
- Are they renowned and admired by Minnesotans?
- Have they been deceased for at least ten years?

A1. How does the proposed commemoration introduce a new element of the state's varied history and people to the Capitol grounds relative to existing commemorative works?

Describe the distinctiveness of the proposed commemoration compared to the existing works on the Capitol Grounds.

A2. How could the commemoration idea impact the historic, architectural, and artistic integrity of the Capitol building and grounds? (CAAPB is not interested in a specific design at this point just general idea)

A3. Has there has been documented and broad-based public support of the commemoration of this subject? Please describe and provide supporting documents where necessary

A4. How would the subject of commemoration of the subject embody lasting statewide historic significance for Minnesotans?

A5. How would the commemoration respect the diversity of Minnesotans?

A6. How would the commemoration provide a rich experience to broaden the understanding of Minnesota's shared history, heritage, and culture?

A7. If the subject of the commemoration is a specific person...

- Did the person live in Minnesota or in the geographical area now identified as Minnesota for at least five years during the person's lifetime? (Identify where and when the person lived in the Minnesota geography.)
- Is the person renowned and admired by Minnesotans? (Explain and provide information that demonstrates

Commented [CT3]: Define Capitol Grounds

Commented [HJ4]: Remove questions or reword to clarify that they do NOT need to answer these questions in the initial Inquiry.

Could also link to the actual application forms on the website for the applicant to review.

[this.\)](#)

- [Has the person been deceased for at least ten years? \(Years lived\)](#)

A8. Is funding available to pay for the proposed addition and site work around it?

~~Modification of Existing Works: A Preview of -Items to be addressed if applying to modify the application commemorative works at the Capitol Grounds (You do not need to submit responses at this time)~~

Commented [HJ5]: Remove questions or reword to clarify that they do NOT need to answer these questions in the initial Inquiry.

Could also link to the actual application forms on the website for the applicant to review.

M1. Has there has been sustained, broad-based, and documented public objection to the artwork? Please describe and provide supporting documents where necessary.

M2. How does the proposed modification to an existing commemorative artwork maintain or enhance how the Capitol grounds reflect the state's diverse history and people?

M3. The following criteria will be considered to determine whether or not the work should be modified. How does the proposed modification meet the following criteria?

- A. Makes the artwork more welcoming and engaging to nearby and statewide communities.
- B. Embraces historical facts and fosters a productive range of responses, conversations, and interpretations.
- C. Considers the social and cultural conditions at the time of the artwork's addition.
- D. Prompts reflection, conversation, and awareness of the stories, perspectives, and experiences of historically marginalized or oppressed communities.
- E. Incorporates the views of all interested groups and individuals and considers the relationship of these groups' collective history, heritage, and values to the artwork.
- F. Creates an opportunity to increase public understanding of and dialogue about Minnesota's history.
- G. Enhances the artwork's function as a source of collective identity and belonging for all Minnesotans.
- H. Generates, contributes to, or enhances existing social activity in the surrounding public space.
- I. Represents or commemorates a significant event, group, or individual in Minnesota's history.
- J. Respects the contributions and perspectives of the artwork's creators and the group or individuals depicted in the artwork and the group's or individuals' communities.
- K. Seeks to achieve peace, reconciliation, truth, or justice for individuals, groups, and communities that are not represented or who are misrepresented in the artwork.
- L. Acknowledges evolving social values and accounts for the views and needs of the contemporary community.

M4. Is funding available to pay for the proposed modification and any related restoration of the site around it?

EARLY INQUIRY AND CONSULTATION FOR MINNESOTA CAPITOL GROUNDS COMMEMORATIVE WORK APPLICATION

~~Removal of Existing Works: A preview of items to address if in the application applying to remove commemorative works from the Capitol Grounds. (You do not need to submit responses at this time)~~

R1. Has there has been sustained, broad-based, and documented public objection to the artwork? Please describe and provide supporting documents where necessary.

R2. How does the proposed removal of an existing commemorative artwork impact representation of the state's diverse history and people on the Capitol grounds?

R3. How does the proposed removal meet the following criteria?

- A. How (and to what degree) does the artwork misrepresent the state's history or have the effect of significantly intimidating or adversely affect a group of people.
- B. The availability of funding to pay for the removal and any related restoration work of the site of removal.

R4. Criteria to be considered during the application review process are listed below. The applicant is not required to address these in the application:

- A. Availability of necessary funding for conservation, maintenance, and repair of the artwork if the artwork remains in its current location; the availability of exhibition or storage space for relocating the artwork if it is removed; and the disposition of the artwork.
- B. Degree to which removal of the artwork would detract from the overall artistic and architectural integrity of the Capitol or Capitol area.
- C. The artwork's style, form, scale, diversity, quantity, quality, longevity, and compatibility with the existing commemorative artwork collection.
- D. Accessibility, public safety, and the social, cultural, historical, ecological.
- E. Physical, and functional context of the artwork in relation to the site, both existing and planned.
- F. Issues related to liability, insurance, intellectual property rights, warranties, ownership, theft, vandalism, loss, indemnification, and public safety.
- G. Safety, the avoidance of emergencies caused by hazards, and construction schedules.
- H. Value of the artwork as determined by a professional appraiser.
- I. Plan for returning the space left by removal of the artwork to the space's original condition or a condition that is aesthetically consistent with the surrounding Capitol grounds.

R5. Is funding available to pay for the proposed removal and any related restoration of the site around it?



Capitol Area Architectural and Planning Board

Capitol Area Architectural and Planning Board

Freeman Building

625 Robert St N

Saint Paul, MN 55155

651-757-1500

<https://mn.gov/caapb/>

Capitol Area Architectural and Planning Board Meeting

September 24, 9:00 – 11:00 a.m.

DRAFT Minutes

Board Members

Present: Board Chair Lt. Gov. Flanagan, Board Vice Chair Dana Badgerow, Dr. Kate Beane, Alicia Belton, James McClean, Melanie McMahon, Sen. Nelson, Sen. Pappas

Joined Later: James Garrett Jr., Hannah Hills, Rep. Schultz

Joined Later and Left Early: Sen. Nelson

Not Present: Rep. Klevorn

Quorum present? Yes.

Proceedings

Meeting Kick-Off

- Lt. Gov. calls the meeting to order at 9:13 a.m.
- Overview of Agenda
- Board member roll call

Item 1 - Capitol Mall Design Framework

Staff Overview

Lt. Gov. Flanagan welcomes Josh Brooks, Principal Landscape Architect and Planner from Sasaki, and Executive Secretary Erik Cedarleaf Dahl. Lt. Gov. Flanagan hands the discussion over to Erik Cedarleaf Dahl to give an overview of the Framework and seek an action item from

the Board to approve final changes to the 90% Capitol Mall Design Framework and begin the 90-day review and formal amendment to Comprehensive Plan to include the final formal attachment to the 2040 Comprehensive Plan for the Minnesota State Capitol Area, last adopted in 2021.

Erik commends Sasaki for their work in reaching almost 14,000 Minnesotans in developing the Capitol Mall Design Framework as well as holding several community meetings and meeting with many stakeholders. Mr. Brooks will be sharing changes since the last Board meeting in May. Exec. Sec. Cedarleaf Dahl hands the discussion over to Mr. Brooks from Sasaki.

Capitol Mall Design Framework Presentation – Josh Brooks of Sasaki

Mr. Brooks presents the final Capitol Mall Design Framework document. He highlights:

The final Capitol Mall Design Framework (CMDf) document has been presented for approval as the official policy for managing the district around the Minnesota State Capitol. This comprehensive framework was developed through extensive public engagement, reaching over 14,000 people, and emphasizes inclusivity, diversity, and vitality in the Capitol Mall area. It is designed to respect the historic legacy of the Capitol, while also adapting it to modern needs, including accessibility, functionality, and the celebration of Minnesota's cultural and ecological diversity. The CMDf sets forth a vision for the future of the Capitol Mall that prioritizes public engagement, creating a welcoming environment for all Minnesotans, and ensuring that decision-making aligns with both historical context and modern requirements.

The CMDf is closely tied to the Cultural Landscape Report (CLR), which documents the historical significance of the Capitol Mall and influences the design framework. The CLR recommends treating the site as a place for rehabilitation rather than restoration, ensuring that updates respect the site's history while meeting contemporary standards. The CMDf focuses on several key themes, including the right-sizing of roads, the addition of new trees and walkways, and the creation of spaces that celebrate Minnesota's diversity. The framework is a strategic roadmap for decision-making that balances historic preservation with the need for modern amenities, ensuring that the Capitol Mall remains a functional, inclusive, and celebrated public space for generations to come.

The CMDf provides a long-term vision for the Capitol Mall, with detailed guidelines on landscape design, public space development, and infrastructure improvements. It serves as both a policy document and a blueprint for future development, outlining specific steps for implementation and strategic investments. This document is expected to guide the evolution of the campus, ensuring that each decision made aligns with the broader goals of accessibility, inclusivity, and respect for the Capitol's historic legacy. The CMDf is now poised to guide future decisions, setting a tone for ongoing development while honoring the past.

Questions

Mr. Brooks concludes presentation. Lt. Gov. Flanagan thanks Mr. Brooks for the presentation and for the work of the whole Sasaki team, and then asks the Board members for any questions.

Board member Melanie McMahon thanks the Sasaki team and all of the State of Minnesota staff and community that participated in the work. Melanie also appreciated distinction between the

CLR and the CMDf – the CLR being more of a living document meant to guide and the CMDf being the planning document.

Senator Nelson thanks Mr. Brooks for the presentation and comments that the documents are very thorough, very comprehensive, organized, easy to navigate through, and the partnerships, the vision, all of those things are to be applauded. Sen. Nelson also commented that she doesn't think 14,000 touchpoints is enough of a representation of the 5 million Minnesotans, especially since many live outside of the Metro Area and may not have been able to participate in the charettes. Sen. Nelson also expresses concern about using the CMDf as a comprehensive plan and expresses that it isn't appropriate for the long term, since the world, society, Legislature, and Minnesotans are constantly changing and that we did not have a very broad input into the design. Then Sen. Nelson says Sasaki produced a phenomenal document that can be very helpful but is aware of its shortcomings.

Lt. Gov. Flanagan thanks Sen. Nelson for her comments and asks Mr. Brooks if he'd like to reply to the comments.

Mr. Brooks expresses that the comments are relevant and acknowledges that community engagement is always a challenge and that they try their absolute best to reach as many people as possible in a short time.

Board member James Garrett comments that he's very impressed by the amount of work Sasaki put in as he participated in a few of the events. Mr. Garrett then asks Mr. Brooks if there are things that Sasaki would do differently if it were just a Sasaki plan.

Mr. Brooks replies that he believes what is in the CMDf is the appropriate guidance for moving forward, while acknowledging that there were some recommendations they have given on very specific physical details that still hold merit. However, at the end of the day, it's the designer's responsibility to reach to input and evolve our thinking in concert with the community and stakeholders.

Board Member James McClean asks if something came up down the road that conflicted with the Framework or if there was a significant change and the Body wants to rethink the Framework, what would the process be like?

Exec. Sec. Cedarleaf Dahl replies that he will need to get back to Mr. McClean but also notes that this is a live Body that that can make changes as necessary if there is new information, funding, or perspectives on what the Mall and the surrounding area should be focused on. He also highlights that the Comprehensive Plan is the basis, and the Resolution they will be discussing will open up another 90-day comment period on integrating the Framework into the Comprehensive Plan. So there will be more opportunity for public comment and the CAAP Board will continue to work to get more input.

(Someone) asks if the Comprehensive Plan is something that is redone every 10 years.

Lt. Gov. Flanagan confirms that it is every 10 years.

Senator Nelson amends her previous comments and states that Legislature is representative of all Minnesotans and provides funding and thinks there should be more legislative oversight and involvement going forward.

Lt. Gov. Flanagan thanks Senator Nelson for her remarks and says that she thinks this is an opportunity for the members of the House and Senate who sit on the CAAP Board to bring the conversations that happened here back to their legislative colleagues. And she encourages members to do that over the next 90 days as there's an opportunity for the public to weigh in at least one more time. She also expresses gratitude for the Legislators who serve on the Board.

Senator Nelson expresses concern that Minnesotans, and the nation, will have a lot going on the next 90 days, and Legislators will have limited bandwidth for their constituents or other elected officials regarding something as important as the Capitol Mall. She suggests it might be appropriate to delay or pivot to a better time frame that would allow for more legislative involvement. And notes that this is a consideration, not a motion.

Board Vice Chair Dana Badgerow underscores that this has been an incredible and detailed effort, and she emphasizes that this becomes part of the Comprehensive Plan. And that this provides the framework, the overall outline, within which we will operate.

Board Vice Chair Badgerow moves to approve the Capitol Mall Design Framework resolution that is in the packet and the slideshow presentation, and to tie the bow on the project. Board member Melanie McMahon seconds the motion.

Senator Nelson states that she will not be supporting at this time due to the reasons she listed earlier – looking for more legislative and constituent involvement.

Executive Secretary Erik Cedarleaf Dahl does roll call. There are 9 ayes and 1 nay. The motion is approved.

Meeting stopped for a break at 9:52 a.m.

Meeting reconvenes at 10:01 a.m.

Item 2 – Capitol Mall Design Framework Implementation Update

Lt. Gov. Flanagan hands the discussion over to Executive Secretary Erik Cedarleaf Dahl for updates on Phase 1 of the Capitol Mall Design Framework.

Exec. Sec. Cedarleaf Dahl shares an image of the Phase 1A Plan the Board approved in the Upper Mall and Lower Mall focused on getting what was statutorily required per the Legislation for the Capitol Mall Design Framework. He mentions that CAAPB was hoping to get the funds extended to next June [2025] to work on the Martin Luther King Commons, trees in the Upper Mall and Lower Mall, the Tribal Flag Plaza, and the Ford site. CAAPB did not get the extension, so it has to spend all of the \$5 million allotted to this project by December 31 of this year. It is working with Admin and their consultant to get as much of Phase 1A done before the end of the year. Exec. Sec. Cedarleaf Dahl also explains that CAAPB will be pursuing an extension with future legislature.

Exec. Sec. Cedarleaf Dahl shares an image of Lot Q and explains we will be replacing trees in Lot Q and Cass Gilbert Park. The trees will replace ones that have died and will expand the tree canopy.

Exec. Sec. Cedarleaf Dahl shares mockups of the Lower Mall West and East that show the trees that are currently in the process of being planted. There are also trees in the shoulders of the Upper Mall that are also being planted.

Exec. Sec. Cedarleaf Dahl next shares mockups of the Tribal Flag Plaza. CAAPB has been working with the Governor's Office and the Tribes to work on plantings and flag size. The trees will be Tamaracks. He notes this work will be done by December 31, if everything works out. He then shows renderings of the Tribal Flag Plaza that show the plantings, flags, and benches.

Exec. Sec. Cedarleaf Dahl shares an update that CAAPB will not be able to move forward with the temporary project at Martin Luther King Jr. Boulevard. There wasn't enough time to address the road surface and traffic and safety issues, but it will be pursued in the future.

Exec. Sec. Cedarleaf Dahl then shares a rendering of the Ford site. The Ford building has already been demolished, so the rendering shows the trees, green space, and new tunnel entrance at the site.

There were no questions.

Item 3 – Application for Commemorative Works Removal: USS Ward Gun

Lt. Gov. Flanagan moves onto the next agenda item, an application for removal of the Commemorative Work USS Ward Gun. Lt. Gov. Flanagan hands the discussion over to Principal Planner and Zoning Administrator, Peter Musty, and the applicant, Executive Director of the MN Military & Veterans Museum Randal Dietrich.

Peter Musty introduces Randal Dietrich and gives an overview of the Ward Gun proposal to relocate the gun to a prominent display in the new museum. Mr. Musty explains that the USS Ward Gun has spent its first years of retirement in a prominent spot on the Capitol campus, with Administration caring for it. He also notes that this application will be testing CAAPB's new Commemorative Works Rule Process established following a Comprehensive Task Force in 2021 and 2022. The process is designed to be accessible to anyone or group and can handle removal, modification, and addition of new works or a combination. Mr. Musty shares a slide that has the steps of the Commemorative Works Removal Process and states that there have been other applicants inquiring informally and some are now cultivating applications that may be reviewed in the future. Mr. Musty and the CAAPB staff extend a special thanks to Mr. Dietrich for being willing to be the first applicant to test the new rules.

Mr. Musty then explains that today is mostly informational and is the first step in the process that is described in the Board memo. It allows us to start the public process which will include one or more public hearings and the formation of a Commemorative Artwork Review Committee that will make recommendation back to the Board. Mr. Musty then states that after hearing from the applicant, the Board will consider a resolution to support the next steps of the process.

Mr. Musty hands the discussion to Mr. Dietrich.

USS Ward Gun Presentation – Randal Dietrich, Executive Director of the MN Military & Veterans Museum

Mr. Dietrich shares his presentation on the USS Ward Gun, highlighting its historical significance as the gun that hit and sank an enemy mini submarine that was attempting to sneak into Pearl Harbor an hour before the Japanese attack on December 7, 1941. The Ward Gun has been outside on the State Capitol grounds since 1958, where it has been exposed to the

elements. Mr. Dietrich points out that he believes moving the artifact indoors will be better for its long-term care. He then speaks to the Minnesota Military & Veterans Museum's capacity to care for historical artifacts. They brought back the sail of the USS Minneapolis-Saint Paul submarine from a naval yard in Washington and are currently restoring it to then be installed in the new, 40,000 square foot museum at Camp Ripley (currently under construction). The museum is set to open in 2026 and would include the Ward Gun for its grand opening. Having the Ward Gun in the new museum would allow for a much richer interpretation and storytelling of the whole history of the Ward Gun and its crew members.

Lt. Gov. Flanagan thanks Mr. Dietrich for his presentation and willingness to go through this new process. Lt. Gov. Flanagan also expresses excitement over the educational possibilities of this new museum to teach students about Minnesota history. Then Lt. Gov. Flanagan asks if there are any questions.

Questions

Board Vice Chair Dana Badgerow asks what action the Board is being asked to take today.

Lt. Gov. Flanagan and Peter Musty reply that it will be an approval of some steps in the process.

Peter Musty presents to the Board the Removal of Commemorative Works: Three Step Process:

1. Application review and report to the Board
2. Commemorative Artwork Review Committee
3. Final report, hearing, and Board decision

Mr. Musty clarifies that the resolution is not authorizing any actual approvals of the proposal, but simply stating awareness and support for Executive Secretary and staff to keep moving the process along, begin forming the committee, and hold hearings as necessary.

Board Vice Chair Badgerow moves to approve the resolution. Board member Hannah Hills seconds the motion. Lt. Gov. Flanagan asks if there is any discussion.

Discussion

Mr. McClean asks if there is a new Commemorative Artwork Review Committee (CARC) for each application.

Mr. Musty explains that yes, there is a new CARC because each Commemorative Work is different and requires their own set of experts.

Board member Dr. Beane comments how thankful she is for this process. She also notes how climate change has a real impact on public art, and this is a good example of that.

Executive Secretary Cedarleaf Dahl calls the roll for votes. There are a total of 9 votes by roll call: 9 ayes and 0 nays. The motion is approved.

Lt. Gov. Flanagan thanks Mr. Musty and Mr. Dietrich and then introduces the next agenda item.

Item 4. Update: Rice Street and Jackson Street project updates: Informational

Lt. Gov. Flanagan introduces the presenters – Principal Planner Peter Musty, Anna Potter of the City of Saint Paul Public Works, and Cassie Pinta of TKDA.

Peter Musty provides an overview of the Rice Street and Jackson Street projects as they pertain to the Comprehensive Plan. The Comp Plan calls for support of walkability, comfort, safety, resilience, and mobility improvements throughout campus and the network of streets, and public spaces throughout the Capitol Area. These two important street reconstruction projects will transform two corridors in the Capitol Area. Mr. Musty then hands the discussion over to Anna Potter.

Rice Street Project Presentation – Anna Potter, City of Saint Paul Public Works

Ms. Potter thanks the Madam Chair and Board members and begins her presentation on Rice Street. Ms. Potter notes that they just kicked off the design process for this project and shares a map of the street that they will be working on. She acknowledges that it takes a long time to get streets built correctly with public process, then shares the timeline for the project:

- August-December 2024: Understand existing conditions
- January-December 2025: Evaluate design options
- January-December 2026: Recommended concept and final design
- January-April 2027: Construction

Ms. Potter then states the goals for the project while noting that they are in flux right now. They will be working with a technical team, CAAPB staff, community members, and property owners to flesh out the goals. Currently the goals are:

- Improve pedestrian safety and access
- Improve bicycle safety and access
- Improve transit and multimodal operations
- Develop mobility hub
- Improve vehicle safety and operations
- Design for an enhanced and sustainable public realm
- Design for existing and changing land uses
- Utilize partnerships and have a transparent process

Next, Ms. Potter comments that her team and CAAPB staff have significant coordination in the following ways:

- Participation in monthly Project Management Team
- Standing monthly check-in specific to CAAPB issues
- Partnership on community engagement and outreach planning
- Review goals, concepts, and design for consistency with related projects and processes (CMDf, etc.)
- Assist with scoping and planning for mobility hub
- Project can provide updates to and engagement with CAAPB leadership as requested

Ms. Potter concludes the presentation by reiterating that they just kicked off, so they will be coming back to CAAPB with updates. Finally, she shares the other project contacts – Nick Fischer, primary contact and Project Manager, and Haila Maze, Consultant Lead.

Jackson Street Reconstruction Project Presentation – Cassie Pinta of TKDA

Ms. Pinta begins their presentation noting that they are speaking on behalf of the City of Saint Paul, and then shares a map of where the project will be taking place. Ms. Pinta then shares the feedback they received from the community:

The community has spoken about Jackson Street during recent, nearby projects.

- What the street looks like is important to the neighborhood, and it needs improvement.
- Accessibility is an issue including cracks in the sidewalk and roadway.
- Safety improvements are needed including increased lighting and better sight lines.
- Signage needs to be improved.

Ms. Pinta then explains the project scope and design in response to community feedback:

The project will reconstruct Jackson Street between University Avenue and Pennsylvania Avenue. The following improvements will be included:

- A new bikeway along the west side of the roadway
- Removal of all on-street parking
- New pavement
- New lighting and traffic control
- New trees and additional greenspace in boulevards
- Utility improvements including new water and sewer lines
- Retaining wall improvements

Ms. Pinta then states that in regard to the funding, a portion of this street reconstruction project will be paid for by a 1% local option sales tax, called Common Cent. This sales tax was approved by Saint Paul voters in November 2023. A portion of the project will also be funded through assessments to property owners adjacent to the project.

Ms. Pinta next provides a general timeline of the project:

- Preliminary Design: July – October 2024
- Final Design: October 2024 – May 2025
- Public Hearing: April 2025
- Construction Begins: July 2025
- Community Engagement: Now – April 2025

Ms. Pinta states that she anticipates some construction work to fall into 2026, but that the roadway aspect will be done before the snow falls. She then shares future engagements that they are working toward coordinating.

Lt. Gov. Flanagan asks if there are any questions.

Questions

Mr. McClean notes that the streets in question are important Regions Hospital emergency route.

Ms. Pinta acknowledges Mr. McClean's comment and states that their main concern is their [the hospital's] opinion of losing some free parking that's along the roadway on the south end of Jackson Street. Ms. Pinta points out that the hospital has two brand new parking ramps that can

be used, but they will be coordinating a meeting to see how they can accommodate those who are unable to afford parking in the ramps. They are also working to ensure residents have parking spaces as well.

Mr. McClean thanks Ms. Pinta for her comments and adds that he was thinking more about the routes that emergency vehicles need to take and if that would be affected by this project.

Ms. Pinta assures Mr. McClean that they are taking that into consideration during their design process.

Mr. McClean thanks Ms. Pinta for her comments. He also notes that at Community Engagement sessions, there are often comments that are outside the scope of the project. He wonders if there is a way to capture that feedback from the city, county, and community engagement sessions for the CAAPB to review.

Ms. Pinta explains that Mr. Musty attends their monthly meetings, and they also have summaries of their different events that include who they interacted with and general comments made during the sessions. Their team recently received comments about the parking, and they are now trying to implement those comments and add a parking bay for residents.

[Unclear who is speaking] They are speaking about Rice Street project, and asks what the scope of the project is – Is it only focusing on brick and mortar, the physical infrastructure? And if so, are there other teams from Saint Paul dealing with the social aspects who will be coordinating with the City?

Ms. Potter answers yes to both questions. She then explains that the \$25 million the State appropriation gave to them has three components:

1. Rebuild the street including the physical infrastructure needed to do that
2. Ensure that there is coordination with CAAPB and a public, transparent process
3. Establish a Mobility Hub

Ms. Potter acknowledges that there will be economic development issues that arise, like parking capacity issues outside the right of way. So in their monthly technical group, they have people from Planning and Economic Development and from DSI, who have the same counterparts of the County, where they discuss if an issue is regarding the physical infrastructure of the street or if it's a policing and enforcement issue. And hopefully one of the attendees at that meeting will know how to handle the concern or at least know who to contact to address the issue.

Lt. Gov. Flanagan thanks the presenters.

Item 5. Approval of Minutes from May 15, 2024

Board member James Garrett moves to approve the minutes from the May 15, 2024 meeting. Board member McClean seconds. Lt. Governor Flanagan calls for a voice vote, no nays. The minutes are approved.

Item 6. Informational memo: Other project updates

Lt. Gov. Flanagan points out that the Board packet contains other status updates on CAAPB projects, and that the CAAPB staff is available for questions.

Executive Secretary Cedarleaf Dahl expresses gratitude for the support of the agencies and communities with which the CAAPB works. He also introduces CAAPB's new employee, Jessie Hughes.

Board Vice Chair Dana Badgerow motions to adjourn. Mr. Garrett seconds the motion. Lt. Gov. Flanagan adjourns the meeting.

Adjourn

Meeting adjourned at 10:41 a.m.

DRAFT



Capitol Area Architectural and Planning Board

Capitol Area Architectural and Planning Board

Freeman Building

625 Robert St N

Saint Paul, MN 55155

651-757-1500

<https://mn.gov/caapb/>

Capitol Area Architectural and Planning Board Meeting

December 11, 2024, 2:30 – 3:00 p.m.

DRAFT Minutes

Board Members

Present: Board Vice Chair Dana Badgerow, Dr. Kate Beane, Alicia Belton, James Garret Jr., James McClean, Melanie McMahon, Rep. Klevorn, Rep. Schultz, Sen. Pappas

Not Present: Lieutenant Governor Peggy Flanagan, Senator Nelson

Joined later: Hannah Hills

Quorum present? Yes.

Proceedings

Meeting Kick-Off

- Board Vice Chair Dana Badgerow calls the meeting to order at 2:30 p.m.
- Board member roll call
- Overview of Agenda

Item 1. Approval of Proposed Design: Replacement of John Ireland Boulevard Bridge (over Interstate 94) - proposal by MnDOT

Vice Chair Badgerow commends everyone for the wonderful cooperative work on the project. She turns the discussion over to CAAPB Principal Planner Peter Musty asking him to introduce the other speakers and resources.

Mr. Musty introduces Mr. Matthew Parent from MnDOT and Ms. Anna Potter, Principal Planner City of Saint Paul. He then confirms that all Board members received the background information for the

meeting including CAAPB staff memo, MnDOT's Report, Findings from Section 106, Commitment Letter, Proposed Layout, and Profile and Next Steps Letter from the City. Mr. Musty then proceeds to provide a historical overview of the John Ireland bridge and project background. He highlights that CAAP Board's original stance on the project was that the project would not trigger CAAPB requirements or larger design competition if the bridge restoration plan retained the "classically articulated railings and lights." He further relays that MnDOT, in consultation with CAAPB, conducted a 106 process on the project which was reviewed by State Historic Preservation Office and was found to have posed no adverse effects to historic resources. He continues to say that though the introduction of the Capitol Mall Design Framework brought in a minor design conflict for the John Ireland bridge, the project proceeded as planned considering the impact any changes would have had on the federal funding conditions. Hence resulting in a solution formulated by CAAPB, MnDOT, and City which informed the resolution under consideration by the Board.

Mr. Musty relays that the resolution includes approval for the John Ireland bridge structure and deck design, which makes part of a larger end-to-end project that incorporates other public works connected to the corridor such as Rice Street Build, the City's 12th Street redesign, Kellogg extension for the Capitol bikeway, and other upcoming improvements down the line. He passes to Mr. Matthew Parent from MnDOT.

Mr. Matthew Parent from MnDOT begins by recapping on the project background, existing conditions and schedule, as well as proposed design and constraints. He also acknowledges the presence of his boss Mr. Dale Gade.

Mr. Parent provides a background of the John Ireland bridge saying it is deteriorating and will become unsafe for use, and so the project aims to enhance safety and mobility for all users whilst preserving the bridge's design features. He relays that in order to deliver on the goals, there will need to be a careful disassembling of the bridge over I-94. He also notes that the project funding also includes work on Marion Street bridge and 10 other bridges in the corridor.

Mr. Parent further states that as project designs were being developed, they needed to take into account the adopted vision of the Gatehouse and Capitol Mall design that complies with current CAAPB planning and zoning requirements. They also needed to maintain a similar or identical aesthetic to the existing bridge design and not limit any future design works coming through the Rethinking I-94 project, whilst also meeting Federal funding requirements.

Mr. Parent touches on existing bridge conditions which includes two lanes of traffic in each direction, two bike lanes on the outside, 10 feet of raised sidewalk and the 26-foot grass median, and underneath it a four-span bridge with three separate infrastructures. He also noted that the bridge was load posted in 2020.

Mr. Parent states that upon request from CAAPB and City of Paul, MnDOT conducted a traffic analysis study to determine how many lanes were warranted on the bridge. The results showed that turn lanes were needed and all four lanes should be maintained. Which led to the adding of the striped northbound left turn which was not originally part of the plan.

Mr. Parent further relayed that the new bridge will replace 3 separate structures to become one superstructure maintaining the current 26-foot grass median. The sidewalks will be at deck level and a

barrier will be included between the bikes and pedestrians. The gate houses will not be impacted, and they are planning on extending the project to better tie in the recent work on the John Ireland Boulevard.

In closing, Mr. Parent outlines the project schedule briefly beginning the public engagement phase which took place in August of 2023. Recommended concept was taking into final design in September of 2023. From September to November 2023, the project took longer as they worked out on details of the barrier design. He confirms that MnDOT still plans to deliver the project in Spring 2025, an adjustment from the planned 2024 date which allowed for more time with at the preliminary design stage. Also highlighting that project could not be moved beyond 2025 in light of Federal funding.

Vice Chair Badgerow thanks Mr. Parent for his presentation and applauds MnDOT for taking into consideration CAAP Board's recommendations on the project. She then asks if there are any questions for Mr. Musty or Mr. Parent.

Seeing that there are none, Vice Chair Badgerow then proceeds to the purpose of the meeting which is to approve a resolution that would approve on behalf of the CAAP Board this permit design and process. Vice Chair Badgerow requests Mr. Musty from CAAP Board to read the resolution.

Mr. Musty reads a portion of the suggested Board Action stating that the MnDOT process meets all the requirements related to CAAP Board staff and Advisory Committee participation. He further says that CAAP Board has a statute that requires large changes to be looked at by Advisors, who suggested approval of current design with provision of continued collaboration.

Vice Chair Badgerow asks if there are any questions with respect to the resolution. Noting that there are none, she appreciates the moving forward of the project and thanks MnDOT and City of Saint Paul for making it happen.

Vice Chair Badgerow asks if the Board is ready to vote and requests for a motion to approve the resolution. Board Member Hannah Hills moves to approve the resolution, and is seconded by Board Member James Garret Jr.

CAAPB's Executive Secretary Mr. Erik Cedarleaf Dahl takes a voice vote, Dr. Kate Beane, Board Member James McClean, Board Member James Garret, Board Member Hannah Hills, Board Member Melanie McMahon, Representative Issac Shultz, Senator Sandy Pappas, and Vice Chair Badgerow all vote in favor of the motion, and it is unanimously approved.

Vice Chair Badgerow thanks the Board for approving the motion and commends the cooperation on the project. She asks if there is a motion to adjourn.

Board Member Hannah Hills moves to adjourn the meeting, and Board Member Melanie McMahon seconds.

Adjourn

Meeting is adjourned at 2:54 p.m.