



# Capitol Area Architectural and Planning Board



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Date: Updated June 3, 2023  
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: 2023 Legislative Provisions: Capitol Area and CAAPB

The following is 2023 Legislation related to Capitol Area, the Comprehensive Plan and CAAPB. See the **following pages** for full text of all legislative provisions referenced below.

### Provisions and appropriations **implementing the Comprehensive Plan:**

- [Chapter 68 \(HF2887\)](#) : Rice Street Capitol Area Redesign (\$25M) – changes; leaves out the Como Avenue (connection from Rice St to Hmongtown), and leaves out the stretch along 12<sup>th</sup> across interstate to St Peter (connection to downtown). Funds available FY 2024 until June 30, 2029.
- [Chapter 62 \(HF1830\)](#) : Capitol Mall Design Framework and Implementation (\$1M planning + \$5M projects)
- [Chapter 53 \(SF3035\)](#) : Capitol Area Community Vitality Task Force and Account (\$150K planning + \$5M implem)
- [Chapter 62 \(HF1830\)](#) : Ford Building – Enforces CAAPB’s Mixed Use + Local Businesses Policy
- (could not find) -~~Capitol Area Transportation Corridors (\$5M)~~

### Provisions **changing or removing CAAPB authority in campus building projects:**

- [Chapter 62 \(HF1830\)](#) State Office Building (removes key CAAPB powers, removes Admin’s duty to CAAPB).
- [Chapter 71 \(HF670\)](#) Ford Building Demolition Budget (establishes appropriation for demolition))

### Provision addressing **appointments of Executive Secretary:**

- [Chapter 71 \(HF670\)](#) appointment of is no longer a responsibility of the broader board, it is now a responsibility of the board chair with board consultation

### Appropriation addressing **CAAPB operating budget and project based contracts:**

- [Chapter 62 \(HF1830\)](#) “The base for this appropriation in fiscal year 2026 and each year thereafter is \$455,000. \$500,000 the first year is to support commemorative artwork activities. This is a one-time appropriation and is available until June 30, 2027. \$130,000 in fiscal year 2024 and \$55,000 in fiscal year 2025 are for mandatory zoning and design rules. This is a onetime appropriation.”

**FY 2024:** \$1,070,000\* (\$455,000 base + \$130,000 rules updates + \$500,000 commemorative works)

**FY 2025:** \$510,000 (\$455,000 base + \$55,000 rules updates)

*\* does not reflect additional planning/support contracts for Capitol Mall Design Framework (\$1M) and Capitol Area Community Vitality Task Force (\$115K) available May 23 2023*

# RICE STREET

## CHAPTER 68--H.F.No. 2887

Sec. 16.

### **APPROPRIATION; RICE STREET CAPITOL AREA REDESIGN.**

(a) \$25,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of transportation for one or more grants to the city of St. Paul, Ramsey County, or both for planning, predesign, design, engineering, environmental analysis and mitigation, land acquisition, and reconstruction of Rice Street from West Pennsylvania Avenue to John Ireland Boulevard. This is a onetime appropriation and is available until June 30, 2029.

(b) The Rice Street Capitol Area redesign project under this section must:

(1) be developed under a multiagency process that includes but is not limited to coordination between the city of St. Paul, Ramsey County, the Metropolitan Council, the commissioner of transportation, and the Capitol Area Architectural and Planning Board under Minnesota Statutes, section 15B.03;

(2) conform with the comprehensive plan adopted under Minnesota Statutes, section 15B.05, and the street design manual adopted by the city of St. Paul; and

(3) establish a multimodal hub in the vicinity of Rice Street and University Avenue.

# FORD BUILDING

## Subd. 3. Ford Building \$4,542,000

(a) To design the abatement of hazardous materials and demolition of, and to demolish and abate hazardous materials at, the Ford Building and associated infrastructure located on the Capitol complex as the first phase of overall site redevelopment. This appropriation may also be used to design, construct, and equip improvements to maintain access to the Capitol complex tunnel system as well as to provide security, irrigation, and landscaping for the site. (b)

Notwithstanding Minnesota Statutes, chapter 15B, or the Comprehensive Plan for the Minnesota State Capitol Area, no additional study shall be required prior to a building permit being issued for the work authorized in this appropriation or to proceed with such work.

## Sec. 122. FORD BUILDING SITE REDEVELOPMENT; MIXED-USE DEVELOPMENT REQUIRED.

“Notwithstanding any law to the contrary, the commissioner of administration may not prepare or approve building construction plans for redevelopment of the Ford Building or the Ford Building property site unless the plans are for mixed-use development and identify ground-level space for locally owned businesses.”

### **ALSO RELEVANT TO FORD BUILDING, SITE AND BLOCK:**

**Excerpt: “Sec. 124. CAPITOL MALL DESIGN FRAMEWORK.** (a) An update to the Capitol Mall Design Framework must include: (1) plans to integrate green space campuswide, including but not limited to the addition of green space on the following sites at the approximate sizes indicated:...” “...(ii) the northeast corner of Rice Street and University Avenue, with a minimum size of 32,000 square feet; ...” *(See next page for full text of Sec. 124)*

# CAPITOL MALL DESIGN FRAMEWORK

## “Sec. 124. CAPITOL MALL DESIGN FRAMEWORK.

(a) An update to the Capitol Mall Design Framework must include:

(1) plans to integrate green space campuswide, including but not limited to the addition of green space on the following sites at the approximate sizes indicated:

(i) the southwest corner of Rice Street and University Avenue, with a minimum size of 20,700 square feet;

(ii) the northeast corner of Rice Street and University Avenue, with a minimum size of 32,000 square feet; and

(iii) the north side of the State Capitol building adjacent to University Avenue;

(2) plans for visual markers and welcome information for the Capitol campus at one or more corners of Rice Street and University Avenue, anchoring a pathway to the State Capitol building and Capitol Mall that features interpretive markers honoring the importance and stature of the Capitol campus as both a historic site and as a modern, active public gathering space for all Minnesotans; and

(3) plans to plant trees throughout the Capitol campus, prioritizing the creation of a mature tree canopy to provide an area of shade for users of the Capitol Mall between or adjacent to the State Capitol building and Martin Luther King, Jr. Boulevard.

(b) The Capitol Area Architectural and Planning Board must contract with one or more professional design consultants with expertise on horticulture, landscape architecture, civic space design, infrastructure assessment, and operations and maintenance planning to develop the framework updates. The board must additionally consult with the commissioners of administration and public safety and the senate majority leader and the speaker of the house or their designees before any proposed framework update is approved. The board must approve the updated design framework no later than March 1, 2024.

**EFFECTIVE DATE.** This section is effective the day following final enactment.”

**Sec. 39. APPROPRIATION; CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD; CAPITOL MALL DESIGN FRAMEWORK.**

“\$1,000,000 in fiscal year 2023 is appropriated from the general fund to the Capitol Area Architectural and Planning Board to update the Capitol Mall Design Framework and for initial implementation of the framework. This is a onetime appropriation and is available until December 31, 2024.

**EFFECTIVE DATE.** This section is effective the day following final enactment.”

**Sec 11. ADMINISTRATION**

“**Capitol Mall Design Framework Implementation.** \$5,000,000 the first year is to implement the updated Capitol Mall Design Framework, prioritizing the framework plans identified in article 2, section 124. This appropriation is available until December 31, 2024.”

# CAPITOL AREA COMMUNITY VITALITY ACCOUNT

## ARTICLE 17 CAPITOL AREA

### Section 1. **CAPITOL AREA COMMUNITY VITALITY TASK FORCE; APPROPRIATION.**

Subdivision 1. Task force established; membership. (a) A Capitol Area Community Vitality Task Force is established. The task force consists of the following members:

- (1) the executive secretary of the Capitol Area Architectural and Planning Board;
- (2) one member of the Capitol Area Architectural and Planning Board, appointed by the board;
- (3) two members of the house of representatives appointed by the speaker of the house, of whom one must be a member of the majority caucus of the house, and one must be a member of the minority caucus of the house;
- (4) two members of the senate appointed by the majority leader of the senate, of whom one must be a member of the majority caucus of the senate, and one must be a member of the minority caucus of the senate;
- (5) four members who are residents, businesspeople, or members of local organizations in the Capitol Area, appointed by the mayor of St. Paul; and
- (6) one member of the public appointed by the governor.

(b) The task force must elect a chair and other officers from among its members. Appointments to the task force must be made no later than July 15, 2023. The executive secretary of the Capitol Area Architectural and Planning Board must convene the first meeting of the task force no later than August 15, 2023.

(c) As used in this section, "Capitol Area" includes that part of the city of St. Paul within the boundaries described in Minnesota Statutes, section 15B.02.

Subd. 2. **Terms; compensation.** The terms and compensation of members of the task force are governed by Minnesota Statutes, section 15.059, subdivision 6.

Subd. 3. **Administrative support.** The Capitol Area Architectural and Planning Board must provide administrative support to assist the task force in its work.

Subd. 4. **Duties; report.** The task force must consider and develop recommendations for the administration, program plan, and oversight of the Capitol Area community vitality account established by this act. The task force must submit its recommendations to the Capitol Area Architectural and Planning Board for approval. A report including the approved recommendations must be submitted by the Capitol Area Architectural and Planning Board to the chairs and ranking minority members of the committees of the legislature with jurisdiction over the board no later than February 1, 2024.

Subd. 5. **Expiration.** Notwithstanding Minnesota Statutes, section 15.059, subdivision 6, the task force expires upon submission of the report required by subdivision 4.

Subd. 6. **Appropriation.** \$150,000 in fiscal year 2024 is appropriated from the general fund to the Capitol Area Architectural and Planning Board to support the work of the task force, including but not limited to payment of fees and other expenses necessary to retain appropriate professional consultants, conduct public meetings, and facilitate other activities as requested by the task force.

## Sec. 2. **CAPITOL AREA COMMUNITY VITALITY ACCOUNT.**

Subdivision 1. **Account established; appropriation.** (a) A Capitol Area community vitality account is established in the special revenue fund. Money in the account is appropriated to the commissioner of administration to improve the livability, economic health, and safety of communities within the Capitol Area, provided that no funds may be expended until a detailed program and oversight plan to govern their use, in accordance with the spending recommendations of the Capitol Area Community Vitality Task Force as approved by the Capitol Area Architectural and Planning Board, has been further approved by law.

(b) As used in this section, "Capitol Area" includes that part of the city of St. Paul within the boundaries described in Minnesota Statutes, section 15B.02.

Subd. 2. **Appropriation.** \$5,000,000 in fiscal year 2024 is transferred from the general fund to the Capitol Area community vitality account.

# STATE OFFICE BUILDING: Removal of CAAPB authority (and duties to CAAPB of the commissioner of Administration) \*

“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.”

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Implicit in the provision above is that the Minnesota statutes listed “do not apply” to the State Office Building rehabilitation and expansion project as soon as the House of Representatives gives “final approval” to the project:

**Statute 15B.05, Subdivision 3** - establishes that all construction on public land must follow Comprehensive Plan, requirement for competition

**Statute 15B.06** - establishes Zoning rules

**Statute 15B.08** - establishes CAAPB authority for approval of all substantial changes to buildings (specifically includes older buildings such as State Office Building)

**Statute 16.31 (DEPARTMENT OF ADMINISTRATION)** - establishes requirements for competitions, authority of comprehensive plan on projects of architectural significance, and the commissioner of Administration’s duties to CAAPB

\* Staff is researching the full extent of the applicability of this provision, to community, to open space, to the City of Saint Paul, among other implications. **For your convenience, the following pages list the full text of the Minnesota Statutes affected by the “do not apply” provision:**



**“Does Not Apply”:** Statute 15B.05, Subdivision 3 (all construction on public land (Capitol Area) must follow Comprehensive Plan, requirement for competition)

**“15B.05 COMPREHENSIVE USE PLAN. ...**

...Subd. 3.**Construction.** No construction on public land in the Capitol Area may take place unless the comprehensive plan and the requirement for a competition under section [15B.10](#) are followed. ...”

**“Does Not Apply”:** Statute 15B.06 (establishes Zoning rules in Capitol Area)

**“15B.06 ZONING RULES.**

Subdivision 1. **Zoning rules.**

- (a) Under the comprehensive plan, the board may regulate in the Capitol Area:
  - (1) the kind, character, height, and location of buildings and other structures;
  - (2) the size of yards and open spaces;
  - (3) the percentage of lots to be occupied; and
  - (4) the uses of land, buildings, and other structures.
- (b) The regulation must be done by zoning rules adopted under chapter 14, the Administrative Procedure Act.

Subd. 2. **Construction standards and design-review.** The board, in its zoning rules, may include standards and design-review procedures for proposed construction in the Capitol Area that significantly affect the area's dignity, beauty, and architectural integrity.

Subd. 3. **Penalty.** A person who violates a zoning rule of the board is guilty of a misdemeanor.

Subd. 4. **Abatement.** The board may move to abate, by injunction, a violation of its zoning rules.”

**“Does Not Apply”:** Statute 15B.08 (establishes CAAPB authority for approval of all substantial changes to buildings in Capitol Area (specifically includes older buildings such as State Office Building)

**15B.08 CONSTRUCTION PROCESS.**

Subdivision 1. **Prerequisites.**

- (a) A person must not begin construction in the Capitol Area until after completing the steps in paragraph (b).
- (b) The person must:
  - (1) submit the construction plans to the board;
  - (2) secure a zoning permit from the board; and
  - (3) secure a certificate from the board stating that the person has complied with the board's standards and design-review procedures.
- (c) The board must define construction in its rules.

# AMENDMENT TO CAAPB STATUTE 15B: APPOINTMENTS OF EXECUTIVE SECRETARY

## “ARTICLE 2 MISCELLANEOUS

Section 1. Minnesota Statutes 2022, section 15B.03, subdivision 4, is amended to read:

Subd. 4. Executive secretary, employees, contractors. (a) The chair of the board must appoint an executive secretary to serve the board. The chair must consult with the board before making an appointment. The executive secretary serves in the unclassified service.

(b) The board may employ any other officers and employees it considers necessary. Those employed under this paragraph are in the state classified civil service.

(c) The board may contract for professional and other similar services on the terms it considers desirable.”