

NOTICE OF DECISION

The City of Minneapolis has completed the Environmental Assessment Worksheet (EAW) process for the Malcolm Yards Mixed Use Residential development located at 419 29th Avenue SE, 504 29th Avenue SE, 501 30th Avenue SE, 445 Malcolm Avenue, 501 Malcolm Avenue and 518 Malcolm Avenue in Minneapolis. On May 11, 2018, the City Council decided to not order the development of an Environmental Impact Statement (EIS), therefore making a Negative Declaration, and adopting the Findings of Fact and Record of Decision document. This City Council action was approved by the Mayor on May 18, 2018, and was published in the Finance and Commerce newspaper on May 19, 2018.

Copies of the EAW are available for review at the downtown Minneapolis Central Library located at 300 Nicollet Mall, and in the office of the City's CPED, Land Use, Design and Preservation Section at 250 S. 4th Street, Room 300 Public Service Center. Copies of these documents can also be provided to individuals upon request by Hilary Dvorak, Principal City Planner, phone; 612-673-2639; email: hilary.dvorak@minneapolismn.gov.

The EAW, other reports and studies, and the Findings of Fact and Record of Decision for this EAW are also available for review on the City of Minneapolis web site:
<http://www.ci.minneapolis.mn.us/cped/planning/WCMSIP-152386>.

FINDINGS OF FACT AND RECORD OF DECISION

ENVIRONMENTAL ASSESSMENT WORKSHEET

Malcolm Yards Mixed Use Residential

Location: 419 29th Ave SE, 504 29th Ave SE, 501 30th Ave SE, 445 Malcolm Ave, 501 Malcolm Ave and 518 Malcolm Ave
City of Minneapolis, Hennepin County, Minnesota

Responsible Governmental Unit (RGU): City of Minneapolis

| | RGU | Proposer / Project Contact |
|-------------------------|--------------------------------------|---|
| Contact persons | City of Minneapolis Hilary Dvorak | Wall Development Company Jeff Ellerd |
| Title | Principal City Planner | Development Project Manager |
| Address | 250 South 4th Street, Room 300, PSC | 811 LaSalle Avenue, Suite 210 |
| City, State, ZIP | Minneapolis, MN 55415 | Minneapolis, MN 55402 |
| Phone | 612-673-2594 | 612-767-4005 |
| E-mail | hilary.dvorak@minneapolismn.gov | jeff@wallcompanies.com |

Final action (refer to Exhibit D): Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for the above project, the City of Minneapolis concluded the following on May 3, 2018:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Malcolm Yards Mixed Use Residential development were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).
2. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects;
 - Cumulative potential effects;
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority;
 - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City’s process for considering the specific discretionary permissions

necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this site.

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

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Minneapolis prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Malcolm Yards Mixed Use Residential development according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subp.19. Residential development D. 375 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under Minnesota Statutes, section 473.859 and Subpart 32. Mixed residential and industrial/commercial projects with a sum of quotients exceeding 1.0. Exhibit A includes the project summary, and Exhibit B includes the Environmental Review Record.

II. EAW NOTIFICATION AND DISTRIBUTION

On February 26, 2018, the City published the EAW and distributed it to the official EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on March 5, 2018, as well. Exhibit C includes the public notification record and mailing list for distribution of this EAW.

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

Exhibit E includes the comment letters received. The Zoning and Planning Committee of the Minneapolis City Council considered the EAW and the draft of this "Findings of Fact and Record of Decision" document during its May 3, 2018, meeting. Notification of this Zoning and Planning Committee public meeting was provided with the EAW and to all persons or agencies commenting on the EAW.

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

The City received eight (8) written comments during the public comment period on the dates identified from the following:

1. Department of the Army, February 16, 2018, and March 8, 2018
2. Metropolitan Council, March 23, 2018
3. University of Minnesota, March 27, 2018
4. Department of Administration, State Archaeologist, March 28, 2018
5. Minnesota Pollution Control Agency, April 2, 2018
6. Minnesota Department of Natural Resources, April 4, 2018
7. Hennepin County, April 4, 2018
8. Department of Administration, State Historic Preservation Office, April 4, 2018

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

1. Department of the Army

Comment: "Notice that permits may not be required."

Response: Comment noted for the record.

2. Metropolitan Council

Comment: “Land Use – Forecasts: Council staff recommends City request a forecast increase as part of pending Malcolm Yards Comprehensive Plan Amendment or as part of upcoming 2040 comprehensive plan updated.”

Response: This will be addressed as part of 2040 Comprehensive Plan Update.

Comment: “Land Use – Regional Trails: EAW should acknowledge the Grand Rounds Missing Link Trail Search Corridor as identified in the 2040 Regional Parks Policy Plan. Although the Council has not approved a master plan from the Minneapolis Park and Recreation Board that would identify an alignment for the regional trail, we anticipate that the trail will travel through the general area of Malcolm Yards. The greenway and park proposed in the EAW will complement this future regional trail.”

Response: Comment noted for the record.

Comment: “Land Use – Comprehensive Plan: As stated in the EAW, the City’s pending Malcolm Yards Comprehensive Plan Amendment proposes removing the project area from the SEMI Industrial Employment District and re-guiding the land from Industrial to Transitional Industrial. The City’s comprehensive plan states that industrial areas located outside of Industrial Employment Districts will be labeled “transitional” since they may eventually evolve to other uses compatible with surrounding development.

Should the project proceed as defined in the EAW, the Council staff recommend guiding the area to a designation that reflects greater certainty in land use policy (rather than a “transitional” one), concurrent with the update to its comprehensive plan. We note that the draft Minneapolis 2040 Plan proposes to guide the project site with the land use category “Production Mixed Use”, which allows residential uses, and with the built form category “Transit 15”.

Response: The designation for the area studied in the EAW will be addressed as part of 2040 Comprehensive Plan Update.

3. University of Minnesota

Comment: “The EAW does not adequately address Cumulative Potential Effects.”

Response: The EAW incorporates all currently planned development and projects for which there is a reasonable basis of expectation and sufficiently detailed information available to contribute to the understanding of cumulative potential effects. As part of the request for an amendment to the Comprehensive Plan, the project proposer outlined a larger vision for the area and documented why the amendment to the plan should be considered. If any additional projects not included within the scope of the EAW are proposed, additional environmental review may be triggered.

There is no activity related to development occurring at the site. The video referenced in the comment depicts a stockpile of soil from another development project that was stored on the Site.

Comment: “The University does not support the proposed Transitway crossing at 30th Avenue South as characterized in the EAW.”

Response: No crossing is anticipated as part of the proposed project for the purposes of environmental review. All analyses completed within the EAW do not assume a crossing of the transitway will be required at 30th Avenue South.

Comment: “A publicly-held infrastructure network (roads and corresponding utilities) is needed throughout the area north of the UMN transitway.”

Response: The new, private roadways within the project site have been designed to either meet or be adaptable to City standards for public roads. If public roads and utilities are desired by the City of Minneapolis, the project proposer will work with the City to allow for that to occur.

Comment: “Proposed utilities will be considered for connection at UMN-owned infrastructure when they are in public, not private, ownership.”

Response: The project proposer currently anticipates connecting utilities to either existing utility infrastructure that is serving the Site or to existing public infrastructure that exists along Malcolm Avenue. Sanitary and potable water service currently serve the Site from Malcolm, 30th and 29th Avenues. The project proposer may reuse any or all of these connections, depending on how they meet the needs of the development. The project proposer is working with the Mississippi Watershed Management Organization (MWMO) on a district stormwater treatment system, similar to that constructed south of the transitway. If that is not completed, the project proposer will address stormwater onsite and via treatment/storage/discharge, in accordance with applicable City of Minneapolis rules and regulations.

Comment: “The Traffic Impacts Study (Appendix 5) is incomplete.”

Response: The project proposer consulted with the City of Minneapolis to establish an appropriate scope for traffic analysis. As part of the study, new traffic counts were completed at appropriate intersections in November 2017. Traffic volumes were collected when the University of Minnesota was in session during a typical weekday. Traffic counts were completed on November 7-9, 2017 at the University/Malcolm Avenue and Malcolm Avenue/transitway intersections. Traffic counts were completed on November 28-29, 2017 at the Malcolm Avenue/4th Street intersection. With 4th Street closed due to construction in the area, data presented in the Travel Demand Management Plan completed for the RISE at Prospect Park project were used for the University Avenue/29th Avenue, University Avenue/30th Avenue, 4th Street/29th Avenue, and 4th Street/30th Avenue intersections. Data was collected using industry accepted standards. Other data from previous traffic studies and publicly available data was also used.

The analysis of the weekday a.m. and p.m. peak hours is the standard for determining traffic impacts of proposed development during the highest volume time periods on the adjacent streets. The proposed land uses generate fewer trips during the non-peak hours of adjacent street traffic, resulting in lesser impacts during those periods. Further evaluation of the traffic volumes during non-peak periods is not warranted.

The City and the Applicant will continue to work with the University regarding analysis of the need for future signalization of the Transitway/Malcolm Avenue intersection.

Comment: “The UMN Transitway should be treated as a fixed guideway, and as a result would require additional traffic control measures at the crossing.”

Response: Consideration of the transitway as a fixed-use guideway does not materially change the analysis findings. As noted above, the City and the Applicant will continue to work with the University regarding analysis of the need for future signalization. Signalization would not meaningfully alter the results of the traffic analysis for the operation of Malcolm Avenue.

4. Department of Administration, State Archaeologist

Comment: “I recommend that a qualified archaeologist conduct a survey of the property to determine if the project could damage potentially significant unrecorded archaeological sites.”

Response: The proposed project is in an area that has been the subject of many previously executed historical evaluations. The 1997 SEMI AUAR, the 1997 Landscape Research report, the 2003 Junction of Industry and Freight report, the 2011 Historic Inventory of the Central Core by Mead & Hunt and the 2013 study by Hess Roise included all or some of the current proposed project site. The reports evaluated the Site and determined which, if any of the structures may be eligible for the National Register of Historic Places. Portions of the Harris site were determined to be potentially significant; however, since the completion of the study, extensive damage from fires and vandals has occurred. Considering this damage, it was determined by Hess Roise in 2013 that neither of the two remaining buildings are eligible properties due to the structural rehabilitation necessary.

None of the reports or analyses recommend the need for an archaeological survey. While the Site has a long history of industrial uses, it has also been substantially graded and had continuous industrial operations on it that have included the movement and mixing of soils. Further, as the foundations of the elevators and other buildings have been there since the original development, it is highly unlikely that surface and subsurface grades have been significantly altered over time, reducing the likelihood that areas of past use have been buried.

As part of the proposed project, the Harris Machinery building is anticipated to be renovated/repurposed to the degree possible. The Delmar #4 building is not included within the boundaries of the EAW. Most other buildings on the Site have been demolished. While an archaeological survey varies from the historical analysis done to date, it is unlikely that significant intact prehistoric or historic aged archaeological resources will be discovered. The completion of a Phase I archaeological survey is unlikely to provide any additional historical context for activities completed within the Site. Past historical development and uses of the property are well documented in the historical record and the previously completed historic assessments.

The Site is all on private land and not subject to the rules related to preservation of items of potential archaeological significance. As part of the redevelopment of each parcel, the Proposer will commit to evaluating the initial excavations during construction for items of significance.

5. Minnesota Pollution Control Agency

Comment: “Contamination/Hazardous Materials/Wastes (Item 12). Relates to rules and regulations associated with demolition and wastes associated with demolition.”

Response: Comment noted for the record.

Comment: “Noise (Item 17). Comment related to compatibility of proposed uses (residential) and existing use (Industrial) and noise associated with those uses.”

Response: As stated in the EAW, the uses near the Site already are of a mixed-use nature. Housing, both single family and multi-family, including both rental and ownership units, are located in close proximity to the Site. More units are currently proposed or under construction within a block of the Site. No complaints have been received to date related to noise. The intermingling of land uses is specifically encouraged in this area with its proximity to the University and the Prospect Park Station for the Green Line LRT.

The industrial users in the area are generally light-industrial/commercial in nature and any noise associated with them is primarily related to truck traffic. Truck traffic already travels through residential and mixed-use areas to access Malcolm Yards. The land north of the Site is vacant and provides for a buffer related to industrial activities to the north.

The project proposer has significant experience in the construction and management of mixed-use development proximate to existing industrial users. Enhancements to the building energy code have changed construction requirements for ‘standard’ buildings. These changes result in better acoustical performance by traditional building construction assemblies. Walls are generally thicker than they were previously with more insulation, which will increase the Sound Transmission Class (STC) rating of the standard building assemblies. The developer will retain an acoustician, Veneklasen Associates, to assist in an evaluation of the project design and to perform any additional building assembly design and analysis that may be required. Some options for mitigation, if deemed necessary, may include enhanced window assemblies for residential units to ensure that noise does not penetrate the living space or modifications to the wall and/or roof assemblies. There is no reason to believe that the existing conditions at or proximate to the Site are such that noise conditions are or will exceed those standards applicable to the proposed uses.

Comment: “Noise (Item 17). During construction and related activities, all equipment should be fitted with the appropriate mufflers to help maintain the noise standards.”

Response: Comment noted for the record.

6. Minnesota Department of Natural Resources

Comment: “The EAW appears complete and the project does not warrant an EIS.”

Response: Comment noted for the record.

Comment: “Comment associated with potential need for water appropriations permits.”

Response: Comment noted for the record.

Comment: “Comment related to abandoned or unknown wells.”

Response: Wells will be addressed in accordance with Minnesota Department of Health Code as encountered as part of redevelopment.

Comment: “Recommendations on integration of sustainable features and design.”

Response: The project intends to incorporate a sustainable design and is working with the Mississippi Watershed Management Organization (MWWO) and the Minneapolis Parks and Recreation Board on issues surrounding stormwater, greenspace, etc. Sustainable components will be included into buildings as feasible.

7. Hennepin County

Comment: “Due to the nearby Green Line LRT and the Intercampus Transitway crossings, traffic analysis should be completed in a microsimulation software such as VISSIM or an equivalent to account for the pre-emption/priority for both lines.”

Response: The traffic study completed by the Proposer and scoped by the City was designed to fully evaluate existing and proposed traffic conditions related to the project. Microsimulation analysis is typically reserved for much larger scale projects or for detailed operational analyses rather than planning level evaluations. There is no pre-emption or priority currently in place for the University of Minnesota transitway in this area. Malcolm Avenue is controlled with stop signs at the transitway intersection. University busses and vehicles use the transitway, but traffic is typically limited to one vehicle every 2-3 minutes at peak times. The intersection will continue to operate with two-way stop control as shown in the traffic analysis. No modifications to the intersection were indicated as necessary based on the traffic impact study.

The Green Line LRT that traverses University Avenue at Malcolm Avenue operates with LRT prioritization at the signalized intersections. During collection of peak period traffic data at this intersection, the LRT system did override the signal timing and phasing to pass through the intersection. This prioritization did not cause any issue for traffic staging or queuing at the intersection. The addition of the traffic from the proposed project is addressed by the mitigation items outlined within the traffic study for the project.

Comment: “The traffic analysis should use a 0.5% growth rate for a 20-year forecast.”

Response: The traffic study completed by the Proposer and scoped by the City evaluated the project and projected growth in a manner typical of other developments in the City. Traffic forecasts presented in the traffic study accounted for a 1% background growth for the forecasts years through 2022 and 2027. No additional growth modeling is required.

Comment: “The eastbound left turn lane onto University at Malcolm is now a 90-foot left turn lane and will need to be lengthened to maintain functionality of this intersection.”

Response: It is assumed that this comment refers to the eastbound turn lane from University Avenue to northbound Malcolm Avenue. This turn lane was constructed as part of the Green Line LRT project. The City and the applicant will continue to work with Hennepin County regarding the need to extend the length of the eastbound turn lane from University Avenue to northbound Malcolm Avenue.

Comment: “Hennepin County supports implementing the necessary no parking zones to allow for a southbound left turn lane to be striped on Malcolm at University to help maintain the functionality of the intersection, as generally shown in EAW Figure 9.”

Response: Comment noted for the record.

Comment: “Due to the industrial nature of the University and Malcolm Avenue area, a submittal including truck-turn templates with the revised/proposed re-striping configuration, such as shown in EAW Figure 9, be sent to Hennepin County for further review.”

Response: It appears that this comment intended to reference Figure 9 in the traffic study, not in the EAW. As the southbound left turn lane modification is pursued, a turn template diagram will be submitted to the County.

Comment: “It is Hennepin County’s position that this and future nearby projects do not harm the functionality of the county roadway system, and that mitigation efforts being completed to maintain this functionality be implemented at no cost to the County.”

Response: Mitigation efforts outlined in the traffic study completed for the project will be implemented at no cost to Hennepin County.

8. Department of Administration, State Historic Preservation Office

Comment: “(W)e recommend that a re-evaluation of the significance and integrity be completed for the remaining buildings in the Peteler Portable Railway Manufacturing Company complex in order to determine whether they are still considered eligible for listing the NHRP.”

Response: Hess, Roise and Company prepared a report in April 2013 titled Site Evaluation: Peteler Portable Railway Manufacturing/Harris Machinery, 501 Thirtieth Avenue Southeast, Minneapolis, Minnesota. A copy of the report can be provided to any interested parties. The report indicates that “... a period of significance from 1888-1914 appears appropriate to reflect the site’s association with the growth of the Peteler Portable Railway...” Relating this information to the remaining buildings on the Site, only the Harris Machine and Erecting Shop remains from the period of significance. The building is in a severe state of disrepair. The roof has collapsed. Fires have severely damaged the structural integrity of the building. It is the intention of the project proposer to adaptively reuse as much of the existing building as possible as part of the proposed project; however, the structure will not be able to be fully restored, thus making it ineligible for future historic designation. The majority of the roof has collapsed. Parts of the second floor have also failed. The renovation of the building is likely to include only the first floor and will require new structural components in order to allow that to occur.

The other remaining building is known as the Warehouse and Retail Shop or Canvas Shop. It was constructed in 1955 and is outside of the period of significance. It is targeted for demolition. All other structures have been razed from within the Site.

Comment: “(W)e recommend that a Phase I archaeological survey be completed. For this site, the survey should focus on historical/industrial archaeological properties and will need to meet the Secretary of the Interior’s Standards for Identification.”

Response: The proposed project is in an area that has been the subject of many previously executed historical evaluations. The 1997 SEMI AUAR, the 1997 Landscape Research report, the 2003 Junction of Industry and Freight report, the 2011 Historic Inventory of the Central Core by Mead & Hunt and the 2013 study by Hess Roise included all or some of the current proposed project site. The reports evaluated the Site and determined which, if any of the structures may be eligible for the National Register of Historic Places. Portions of the Harris site were determined to be potentially significant; however, since the completion of the study, extensive

damage from fires and vandals has occurred. Considering this damage, it was determined by Hess Roise in 2013 that neither of the two remaining buildings are eligible properties due to the structural rehabilitation necessary.

None of the reports or analyses recommend the need for an archaeological survey. While the Site has a long history of industrial uses, it has also been substantially graded and had continuous industrial operations on it that have included the movement and mixing of soils. Further, as the foundations of the elevators and other buildings have been there since the original development, it is highly unlikely that surface and subsurface grades have been significantly altered over time, reducing the likelihood that areas of past use have been buried.

As part of the proposed project, the Harris Machinery building is anticipated to be renovated/repurposed to the degree possible. The Delmar #4 building is not included within the boundaries of the EAW. Most other buildings on the Site have been demolished. While an archaeological survey varies from the historical analysis done to date, it is unlikely that significant intact prehistoric or historic aged archaeological resources will be discovered. The completion of a Phase I archaeological survey is unlikely to provide any additional historical context for activities completed within the Site. Past historical development and uses of the property are well documented in the historical record and the previously completed historic assessments.

The Site is all on private land and not subject to the rules related to preservation of items of potential archaeological significance. As part of the redevelopment of each parcel, the Proposer will commit to evaluating the initial excavations during construction for items of significance.

V. ISSUES IDENTIFIED IN THE EAW

No substantive environmental impacts/issues were identified in this EAW.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the Responsible Governmental Unit (RGU), the City of Minneapolis in this circumstance, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison:

A. Type, extent, and reversibility of environmental effects:

The environmental effects identified in the petition are visual, localized, and can be mitigated through the City's existing formal development review process. This process captures and evaluates development proposals not only from a Planning perspective, which encompasses community planning, heritage preservation and development services analysis, but also includes evaluations by the Public Works Department related to stormwater management, water and sewer design, traffic, streets, right-of way, etc., the Construction Code Services Division of CPED related to building code review and inspections and the various utility companies.

B. Cumulative potential effects:

All future development within the area will be considered through the City’s development review process; either administratively or through a public hearing process. This has and will continue to allow the City to manage potential cumulative effects of future development within the vicinity and throughout the City as a whole.

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

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

The City’s development review process is comprehensively administered by City Staff and implemented by experienced Commissions and the City Council. Any potential environmental effects are mitigated by the City’s development review process.

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

D. Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs:

A project of this type within an urban setting is neither unique nor unanticipated. Residential, commercial and mixed-use developments that have been significantly more intense than the proposed project have been the subject of EAWs and EISs as well as the City’s development review process. Based on these studies, the environmental effects of this project can be anticipated and controlled by the City’s development review process.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the EAW, the “Findings of Fact and Record of Decision” document, and related documentation for this project, the City of Minneapolis, as the (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Malcolm Yards Mixed Use Residential development were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).
2. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects;
 - Cumulative potential effects;
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority;

Findings of Fact and Record of Decision – Malcolm Yards Mixed Use Residential EAW

- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City's process for considering the specific discretionary permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this site.

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

Exhibits:

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

EXHIBIT A

Project Description

The total project area encompasses a 10.1 acre site. The Malcolm Yards Mixed Use Residential project would include up to 800 attached residential units and 80,000 square feet of new commercial development constructed in two phases. The project area would be accessed from Malcolm Avenue and via new private connecting roads.

EXHIBIT B

Environmental Review Record for the Malcolm Yards Mixed Use Residential EAW

| Date | Action |
|------------|--|
| 02/26/2018 | City Staff distributes EAW to official EQB mailing list and Project List. EAW is posted on the City's website. |
| 03/05/2018 | Minnesota Environmental Quality Board (EQB) publishes notice of availability in <i>EQB Monitor</i> and the 30-day comment period commences. |
| 04/04/2018 | EAW public comment period closes. |
| 05/03/2018 | Zoning and Planning Committee (Z & P) of the City Council considers the "Draft Findings of Fact and Record of Decision" report, provides recommendation to the City Council. |
| 05/11/2018 | City Council approves Z & P Committee recommendation and makes a finding of Negative Declaration: EAW is adequate and no EIS is necessary. |
| 05/18/2018 | Mayor approves Council action regarding EAW |
| 05/19/2018 | City publishes notice of Council/Mayor decision in <i>Finance and Commerce</i> . |
| 05/21/2018 | City publishes and distributes Notice of Decision and availability of final "Findings" report to official EQB List and the Project List |
| 05/28/2018 | EQB publishes Notice of Decision in <i>EQB Monitor</i> . |

EXHIBIT C

Public Notification Record

The following describes the public notification process of CPED for the Malcolm Yards Mixed Use Residential EAW:

1. The City maintains an updated list based on the Official EQB Contact List. The Malcolm Yards Mixed Use Residential EAW project list follows. All persons on that list were sent copies of the EAW. CPED also distributes copies of the EAW to elected and appointed officials, City staff and others who have expressed interest in the project.
2. A notice of the availability of the Malcolm Yards Mixed Use Residential EAW, the dates of the comment period, and the process for receiving a copy of the EAW and/or providing comment was published provided with each copy of the EAW and in the *EQB Monitor* and was provided to the City's CPED Media contact for notice and distribution.
3. CPED distributed the Notice of Decision with information regarding the final "Findings" document to the Official EQB Contact List and the project list.
4. The EQB published the Notice of Decision in the *EQB Monitor*.

Attached:

Official EQB Contact List
Project List

EAW Distribution List, April, 2018

Agency and Organization Distribution List

Environmental review documents must be sent to the agencies listed on pages 12-13 in accordance with the requirements for each environmental review process. CDs or electronic copies may be submitted in lieu of paper copies, unless a paper copy is specifically noted. Confirmation of receipt is advised when submitting electronic copies to an email address provided on the following pages.

| STATE AGENCIES | | | |
|------------------------------------|------------------------------------|---|--|
| Agency/ Organization | Distribution Instructions | Mailing Address | Electronic Submission (if applicable) |
| Environmental Quality Board | 1 electronic copy | Environmental Quality Board Environmental Review Program 520 Lafayette Road N – 4 th Floor St. Paul, MN 55155-4194 | *Please use the EQB Monitor Submission Form |
| Department of Agriculture | 1 copy | Becky Balk Department of Agriculture 625 North Robert Street St. Paul, MN 55155 | becky.balk@state.mn.us |
| Department of Commerce | 1 copy | Ray Kirsch Department of Commerce 85 Seventh Place East, Suite 280 St. Paul, MN 55101 | raymond.kirsch@state.mn.us |
| Department of Health | 1 copy | Department of Health Environmental Health Division 625 North Robert Street St. Paul, MN 55155 | health.review@state.mn.us |
| Department of Natural Resources | 1 copy | Randall Doneen Department of Natural Resources Environmental Review Unit 500 Lafayette Road St. Paul, MN 55155-4025 | randall.doneen@state.mn.us |
| Pollution Control Agency | 1 paper copy and 1 electronic copy | Dan Card Pollution Control Agency Environmental Review Unit 520 Lafayette Road N St. Paul, MN 55155 | dan.card@state.mn.us |
| Board of Water and Soil Resources | 1 copy | Annie Felix-Gerth Board of Water and Soil Resources 520 Lafayette Road N St. Paul, MN 55155 | annie.felix-gerth@state.mn.us |
| Department of Transportation | 1 copy | Debra Moynihan Department of Transportation Mn/DOT Office of Environmental Stewardship 395 John Ireland Boulevard, MS 620 St. Paul, MN 55155 | debra.moynihan@state.mn.us |
| State Historic Preservation Office | 1 paper copy | Sarah Beimers Minnesota State Historic Preservation Office 50 Sherburne Ave, Suite 203 St. Paul, MN 55155 | N/A |
| LIBRARIES | | | |
| Environmental Conservation Library | 1 electronic or 2 paper copies | Helen Burke Environmental Conservation Library Hennepin County Library – Minneapolis Central Government Documents – 2nd Floor 300 Nicollet Mall Minneapolis, MN 54401-1992 | govdoc@hclib.org |

| FEDERAL AGENCIES | | | |
|---|---|---|--|
| Agency/ Organization | Distribution Instructions | Mailing Address | Electronic Submission (if applicable) |
| U.S. Fish and Wildlife Service | 1 copy | Project Leader U.S. Fish and Wildlife Service Minnesota-Wisconsin Field Office E.S. 4101 American Boulevard E Bloomington, MN 55425-1665 | peter_fasbender@fws.gov |
| U.S. Army Corps of Engineers | 1 copy | Chad Konickson U.S. Army Corps of Engineers Regulatory Branch 180 Fifth Street East, Suite #700 St. Paul, MN 55101-1678 | mvp-reg- inquiry@usace.army.mil |
| U.S. Environmental Protection Agency | 1 copy | Kenneth Westlake U.S. Environmental Protection Agency US EPA, Region 5 Office of Enforcement and Compliance Assurance 77 West Jackson Boulevard Chicago, Illinois 60604 | westlake.kenneth@epa.gov |
| National Park Service | 1 copy. NOTE: Send only if project is located within, or could have a direct impact upon, the Mississippi River Critical Area/Mississippi National River and Recreation Area (72-mile stretch of river from the mouth of the Crow River at Dayton/Ramsey to the Goodhue County border) | Stewardship Team Manager National Park Service 111 East Kellogg Boulevard, Suite 105 St. Paul, MN 55101-1288 | N/A |
| REGIONAL AGENCIES | | | |
| Agency/ Organization | Distribution Instructions | Mailing Address | Electronic Submission (if applicable) |
| Metropolitan Council | 1 copy. NOTE: Send only if the project is in the seven-county metro area | Review Coordinator, Local Planning Assistance Metropolitan Council 390 Robert Street N St. Paul, MN 55101-1805 | reviewscordinator@metc.state.mn.us |
| OTHER AGENCIES | | | |
| Agency/ Organization | Distribution Instructions | Mailing Address | Electronic Submission (if applicable) |
| State Archaeologist | 1 copy | Amanda Gronhovd Office of the State Archaeologist Fort Snelling History Center St. Paul, MN 55111-4061 | amanda.gronhovd@state.mn.us |
| Indian Affairs Council | 1 copy | Melissa Cerda Indian Affairs Council 161 St. Anthony Avenue, Suite 919 St. Paul, MN 55103 | melissa.cerda@state.mn.us |

Malcolm Yards Mixed Use Residential EAW Project Mailing List

Wall Development Company
John Wall
811 LaSalle Avenue, #210
Minneapolis, MN 55402
john@wallcompanies.com

Jeff Madejczyk
WENCK
1800 Pioneer Creek Center
Maple Plain, MN 55359
jmadejczyk@wenck.com

Council Member Cam Gordon
Ward 2 - 307 City Hall

Prospect Park Neighborhood Organization

Public Works - Allan Klugman – Room 300 Border Avenue

City Attorney's Office - Erik Nilsson – Room 210 City Hall

Andrew Caddock ASLA, LEED-AP
Senior Planner, Capital Planning and Project Management
University of Minnesota
400 Donhowe Building
319 15th Ave SE
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Jason Gottfried
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Hennepin County – Public Works
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Medina, MN 55340-5421
Jason.Gottfried@hennepin.us

Kyle O'Donnell Burrows
Service Development
Metro Transit
560 Sixth Avenue North
Minneapolis, MN 55411
Kyle.Burrows@metrotransit.org

EXHIBIT D

Council/Mayor Action

Minneapolis City Council Agenda

Regular Meeting
May 11, 2018 - 9:30 am
Room 317, City Hall

Members Present: Council Members Lisa Bender (President), Andrea Jenkins (Vice-President), Andrew Johnson (Majority Leader), Cam Gordon (Minority Leader), Kevin Reich, Steve Fletcher, Phillipe Cunningham, Jeremiah Ellison, Abdi Warsame, Lisa Goodman, Alondra Cano, Jeremy Schroeder, and Linea Palmisano

(Majority vote of all members, 7; 2/3 vote of all members, 9; quorum 7)

Zoning & Planning

3. Environmental Assessment Worksheet: Malcolm Yards Mixed-Use Residential Development, 419 29th Ave SE, 504 29th Ave SE, 501 30th Ave SE, 445 Malcolm Ave, 501 Malcolm Ave, and 518 Malcolm Ave This link open a new window(2018-00515)
 1. Approving the adequacy of the Environmental Assessment Worksheet (EAW) for the proposed Malcolm Yards Mixed-Use Residential Development located at 419 29th Ave SE, 504 29th Ave SE, 501 30th Ave SE, 445 Malcolm Ave, 501 Malcolm Ave, and 518 Malcolm Ave.
 2. Approving the determination that an Environmental Impact Statement (EIS) is not required.
 3. Adopting the Findings of Fact as prepared by the Community Planning & Economic Development Department.

Action Taken: Adopted

EXHIBIT E

Comments Received on the Malcolm Yards Mixed Use Residential EAW:

1. Department of the Army, February 16, 2018, and March 8, 2018
2. Metropolitan Council, March 23, 2018
3. University of Minnesota, March 27, 2018
4. Department of Administration, State Archaeologist, March 28, 2018
5. Minnesota Pollution Control Agency, April 2, 2018
6. Minnesota Department of Natural Resources, April 4, 2018
7. Hennepin County, April 4, 2018
8. Department of Administration, State Historic Preservation Office, April 4, 2018



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

02/16/2018

REPLY TO ATTENTION OF
REGULATORY BRANCH

Regulatory File No. MVP-2018-00475-JTB

THIS IS NOT A PERMIT

Jeff Ellerd
Wall Development Company
811 LaSalle Avenue, Suite 210
Minneapolis, MN 55402

Dear Mr. Ellerd:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2018-00475-JTB

Applicant: Wall Development Company c/o Jeff Ellerd

Project Name: Wall Development Company / Malcolm Yards Mixed Use Redevelopment

Received Date: 02/15/2018

Project Manager: Justin Berndt
(651) 290-5446
Justin.T.Berndt@usace.army.mil

Additional information about the St. Paul District Regulatory Program, including the new Clean Water Rule, can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers
St. Paul District
Regulatory Branch



REPLY TO ATTENTION OF
REGULATORY BRANCH

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

March 8, 2018

Regulatory File No. MVP-2018-00475-JTB

Wall Development Company
c/o Jeff Ellerd
811 LaSalle Avenue, Suite 210
Minneapolis, Minnesota 55402

Dear Mr. Ellerd:

This letter is in response to correspondence we received from the City of Minneapolis regarding the Malcolm Yards Mixed Use Redevelopment Project. The purpose of this letter is to inform you that based on the Environmental Assessment Worksheet for the project referenced above, a Department of the Army (DA) permit may not be required for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

Regulatory Branch (File No. MVP-2018-00475-JTB)

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our St. Paul office at (651) 290-5446 or Justin.T.Berndt@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a stylized flourish extending to the right.

Justin Berndt
Project Manager

Enclosures

cc:
Ben Carlson (BWSR)
Hilary Dvorak (City of Minneapolis)

March 23, 2018

Hilary Dvorak, Principal City Planner
City of Minneapolis
250 S. 4th Street, Room 300
Minneapolis, MN 55402

**RE: City of Minneapolis Environmental Assessment Worksheet (EAW) –
Malcolm Yards Mixed Use Redevelopment**
Metropolitan Council Review No. 21874-1
Metropolitan Council District No. 8

Dear Ms. Dvorak:

The Metropolitan Council received the EAW for the Malcolm Yards Mixed Use Redevelopment project on February 15, 2018. The proposed project is located northeast of the intersection of Malcolm Avenue SE and the University of Minnesota Transitway. The proposed development consists of 10.1 acres with 800 attached residential units and 80,000 square feet of commercial development consisting of retail, restaurants, and office/maker space.

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

We offer the following comments for your consideration.

Item 9 – Land Use – Forecasts (Todd, 651-602-1322)

Council staff recommend that the City request a forecast increase as part of the pending Malcom Yards Comprehensive Plan Amendment or as part of the upcoming 2040 comprehensive plan update. We have prepared a draft set of TAZ forecasts for 2040, which are available for local governments to review. The Metropolitan Council's current scenario assumes that future development in the project area would be primarily employment-related uses, which is consistent with the City's 2030 Plan. In the Metropolitan Council's draft TAZ forecasts, TAZ #1277 is forecasted to gain 556 households from 2014 to 2040. This is substantially less than the 800 residential units expected to be built on the project site.

Council staff recommend that the City request a forecast increase of 800 additional households and 1,600 population, and that the City allocate this growth to TAZ #1277.

Item 9 – Land Use – Regional Parks and Trails (Michael Larson, 651-602-1407)

The EAW should acknowledge the Grand Rounds Missing Link Regional Trail Search Corridor as identified in the 2040 Regional Parks Policy Plan. Although the Council has not approved a master plan from the Minneapolis Park and Recreation Board that would identify an alignment for the regional trail, we anticipate that the trail will travel through the general area of Malcolm Yards. The greenway and park proposed in the EAW will complement this future regional trail.

Hilary Dvorak, Principal City Planner
March 23, 2018
Page 2

Item 9 – Land Use – Comprehensive Plan (Michael Larson, 651-602-1407)

As stated in the EAW, the City's pending Malcolm Yards Comprehensive Plan Amendment proposes removing the project area from the SEMI Industrial Employment District, and regarding the land from Industrial to Transitional Industrial. The City's comprehensive plan states that industrial areas located outside of Industrial Employment Districts will be labeled "transitional" since they may eventually evolve to other uses compatible with surrounding development.

Should the project proceed as defined in the EAW, the Council staff recommend guiding the area to a designation that reflects greater certainty in land use policy (rather than a "transitional" one), concurrent with the update to its comprehensive plan. We note that the draft Minneapolis 2040 Plan proposes to guide the project site with the land use category "Production Mixed Use," which allows residential uses, and with the built form category "Transit 15."

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Michael Larson, Principal Reviewer, at 651-602-1407.

Sincerely,



LisaBeth Barajas, Manager
Local Planning Assistance

CC: Paul Mogush, Principal Project Coordinator, City of Minneapolis
Cara Letofsky, Metropolitan Council District 8
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Michael Larson, AICP, Sector Representative / Principal Reviewer
Raya Esmaeili, Reviews Coordinator

March 27, 2018

Hilary Dvorak
Community Planning & Economic Development Department
City of Minneapolis
250 South 4th Street, Room 300
Minneapolis, MN 55415

Re: Malcolm Yards Mixed Use Residential development: EAW review
419 29th Ave SE, 504 29th Ave SE, 501 30th Ave SE, 445 Malcolm Ave, 501 & 518 Malcolm Ave

Dear Ms Dvorak:

As an adjacent and impacted landowner, the University appreciates the opportunity to comment on the draft EAW approved by City staff for the above referenced project.

The proponent of this development defines a mixed-use development project in a formerly industrial, underutilized part of the City. In principle, the University supports this opportunity to realize broadly held goals for placemaking, vibrant activity patterns and greater critical mass to support services and amenities in a part of the City that has been slow to redevelop over the last decades. However, the University has a number of broad as well as specific concerns with the EAW information, as summarized below and expanded on in subsequent appendices.

As noted in the EQB guidelines, "the purpose of the EAW process is to disclose information about potential environmental impacts of the project. It is not an approval process. The information disclosed in the EAW process has two functions: to determine whether an EIS is needed and to indicate how the project can be modified to lessen its environmental impacts. Such modifications may be imposed as permit conditions by regulatory agencies."

Our review of the document presented for public comment leads us to the conclusion that the information is inadequate in describing impacts to University land and operations, and that modifications to the project should be required by the City of Minneapolis prior to issuing any approvals for the proposed project.

1) The EAW does not adequately address Cumulative Potential Effects (pp. 41-42)

The EAW does not align to EQB guidelines and fails to acknowledge future project phases as described in recently published documents including but not limited to the "Towerside Framework for Planning and Implementation" (Feb. 17, 2018), multiple CPED staff reports¹ and the project proponent's own promotional website². In fact, the video header at that web page

¹ CPED staff reports include multiple projects north of the Transitway as well as the Aeon Prospect Park south of the Transitway. See especially the [April 24, 2027 CPED staff report](#) for the developer-proposed Comprehensive Plan Amendment later approved by the City.

² <https://www.malcolmyards.com/> (accessed 3/14/2018)

shows site preparation in progress for areas outside the scope of this EAW yet adjacent to the subject properties and owned by the project proponent.

2) The University does not support the proposed Transitway crossing at 30th Ave S as characterized in the EAW. (Project Description pp 4-5; Transportation pp. 38-41)

Regarding the proposed crossing of the UMN Transitway at 30th Ave SE, the EAW fails to address how such a crossing would impact the following University concerns:

- Maintaining current travel time for UMN buses between campuses, which is critical to maintaining class schedules and currently meets an 8 minute time allowance between 23rd Ave and the Transitway and Buford and Gortner Ave in St Paul.
- Improving safety for all users in all modes of travel at the proposed crossing
- Requiring traffic control measures at the proposed crossing, including coordination with the existing crossing at Malcolm Ave SE 200 feet to the east.

The University has noted a number of concerns and inaccuracies in the Traffic Study that directly challenge the recommendation that the 30th Ave crossing is acceptable. Please review Appendix B regarding Traffic Signal Warrant Guidelines and Fixed Guideways. The University encourages the City to require supplemental information to address these concerns.

3) A publicly-held infrastructure network (roads and corresponding utilities) is needed throughout the area north of the UMN Transitway.

Build-out of circulation networks is proposed in the EAW. However, with the exception of Malcolm Avenue, all are shown as private roads: 5th St SE, 29th Ave SE and 30th Ave SE. These streets should be dedicated as public right-of-way with roadway and sidewalk facilities constructed to City standards, and should provide for future connections to a potential east-west transportation corridor, for the benefit of orderly development of the area in the long term. This is as proposed in the "Granary Corridor Study" (2012, City of Minneapolis) and as called for in the University's position statement on Transitway operations (provided to the City of Minneapolis and to the Developer during the EAW preparation process):

*"Design and begin implementation of the comprehensive, integrated, and effective public transportation and infrastructure grid north of the existing Transitway. Plans would include moving the existing Transitway to the north."*³

³ ibid

4) Proposed utilities will be considered for connection at UMN-owned infrastructure when they are in public, not private, ownership.

UMN will consider potential public utility connections to and crossings of UMN infrastructure under certain conditions stated in the detailed EAW comments in Appendix A, such as the MWMO initiative south of the transitway. Private utility connections and crossings are not supported by the University of Minnesota due to potential liabilities.

5) The Traffic Impacts Study (Appendix 5) is incomplete.

The traffic study does not adequately document existing conditions or account for the impacts of projected traffic volumes to the Transitway at existing or proposed crossings. Existing traffic volume data provided is inconsistent with City of Minneapolis data. See Appendix A, Transportation subbullet 6.

The proposed development will create safety concerns and conflicts with existing UMN Transitway operations. Projected traffic volumes in the EAW are limited to AM/PM peaks, however existing and proposed land uses in the district generate significant trips throughout the day.

6) The UMN Transitway should be treated as fixed guideway, and as a result would require additional traffic control measures at the crossing.

The UMN has been consistent in its analysis that the UMN Transitway should be treated as fixed guideway. (See Appendix B, UMN memorandum dated April 29, 2016 regarding traffic signal warrant guideline and recommended controls at pedestrian and vehicular crossings.) Level of Service is not a valid measure of traffic operations at fixed guideways.

Summary

While the University supports the intention of additional development of land north of the University owned and operated Transitway, the EAW document is inadequate in some important aspects.

Until the document addresses key concerns of the University as an adjacent landowner related to impacts to the Transitway, it is not possible for the University to offer support for these crossings to the project proponent. The University encourages City decision makers, as the appropriate jurisdiction with authority over streets and utilities, to consider modification to the proponents' development package before delivering approvals through the permitting process.

Sincerely,



Mike Berthelsen
Vice President, University Services
University of Minnesota

cc: Monique MacKenzie, Director of Planning, University of Minnesota
Erick Garcia Luna, Director of Community and Local Government Relations, University
of Minnesota
David Frank, Director Community Planning and Economic Development, City of
Minneapolis

Attachments

Appendix A: Detailed EAW Comments

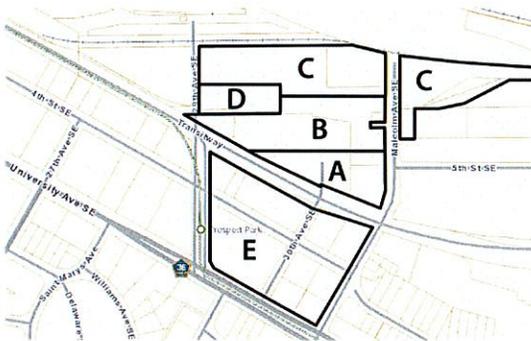
Appendix B: Traffic signal warrant guidelines and fixed Guideways (UMN Memorandum
4/29/2016)

Appendix C: UMN Transitway position paper, July 2017

PHASES OF DEVELOPMENT

Future phases of development are well documented in public sources but are not described in the EAW as required by EAW Guidelines regarding Cumulative Potential Effects (CPE)⁴. EQB Guidelines for disclosing CPE emphasize use two criteria to screen for project phases to be included in the EAW: 1) “the future project is ‘reasonably likely to occur;’” and 2) “sufficiently detailed information is available about the project to contribute to the understanding of CPE.” The University feels that both criteria are met in this case.

The figure and table below summarize publicly available information regarding CPE-related development adjacent to the subject properties but not addressed in the EAW.



| | DESCRIPTION | SIZE | USES | included in EAW? |
|----------|--|-------------------------------------|--|------------------|
| A | Phase I in EAW | 370,500 SF (380 units) 38,000 SF | multi-family commercial | YES |
| B | Phase II in EAW | 415,000 SF (420 units) 42,000 SF | multi-family commercial | YES |
| C | Presumed later phases (not in EAW) in area north and east of subject properties The developer’s own marketing materials designate these as Projects Currently Underway.” ⁵ | unknown | <u>see graphic below</u> climbing gym (18,000 SF ⁶) office/makerspace (SF unknown) workforce housing (SF unknown) | NO |

⁴ [EQB Guidelines](#) p. 43 (accessed 3/14/2018)

⁵ <https://www.malcolmyards.com/> (accessed 3/14/2018)

⁶ [Star Tribune](#), May 26, 2017 (accessed 3/14/2018)

| | | | | |
|----------|---|-----------------------------|-------|-----------|
| D | United Crushers elevator: adaptive reuse TBD, per memorandum of understanding between Wall Cos. and Prospect Park neighborhood association. ⁷ | existing site is 1.58 acres | TBD | NO |
| E | Ongoing development north of University Ave SE and the UMN Transitway. | unknown | mixed | NO |

Item C in the table above is further illustrated by the image below, available in the “Projects Currently Underway” section at malcolmyards.com.



TRANSPORTATION

1. Appendix 5: “Traffic generated by the proposed project has minimal impact on operations at (the intersection of) Malcolm Avenue SE/U of M Transitway.... No Improvements are needed at these intersections to accommodate the proposed project” The University disagrees with this assertion.
 - o Based on the Transit Cooperative Research Program (TCRP) Bus Rapid Transit (BRT) report, the traffic control device standards and guidance of Light Rail Transit (LRT) in Minnesota Manual of Uniform Traffic Control Devices (MN MUTCD) are applicable to the University Transitway. Specifically at Malcolm/Transitway, a traffic signal should be implemented with speed limit less than 35 mph, while it or an automatic gate system also provides support for more efficient Transitway bus operation with potentially higher speed limit. In this case,

⁷ [MinnPost](#) Feb 2, 2017 (accessed 3/14/2016)

a traffic signal would be more appropriate than an automatic gate as a gate system can create conflict phase when the system fails to detect bicycles, which is possible since bicycle detection is less reliable than for vehicles or train with current technology. Appendix D documents the argument for above statements. [See UMN Transitway Memo to City, 4/29/2016⁸]

2. The EAW fails to state which day(s) of week and date(s) were used for the existing conditions traffic study, or the AM & PM peak times observed for existing conditions at Malcolm Ave/Transitway.
 - 7:30 AM - 6:30 PM is the highest-frequency time for campus connector on Transitway, with a bus every 2.5 minutes. This project's traffic study observed a bus every 1.9 minutes during AM & PM peaks.
3. What is the distribution of this project's trip generation at non-peak times? How will the distribution of this project's trip generation interact on Malcolm Ave with operations of adjacent industrial uses that already have queueing problems as noted on page 40?
 - Page 61 of the Appendices states "significant portion of traffic on Malcolm Ave SE consists of truck traffic accessing the industrial uses.... Most prevalent during the midday time period when the industrial uses are fully operating". In addition, given the extended period of construction anticipated for the project, the EAW should address projected truck traffic in this time frame.
 - Pages 51 of Appendices: Trip distribution allocates 15% to 4th St SE. What is the basis for this? This seems high, as 4th St is not a through street.
4. Level of Service (LOS), as evaluated on pp. 59-60 of the Appendices, is not an appropriate measure for Transitway as a fixed guideway. A more appropriate measure is frequency of potential conflicts or reported incidents between buses and other modes (pedestrians, cyclists, vehicles) at Transitway crossings and along the Transitway.
5. The EAW's findings stt that traffic volumes on Malcolm will triple during the high-frequency-bus-period (all day). This will negatively impact UMN bus travel times and bicyclists on the Transitway and will put bus passengers at risk unless a traffic signal is added. In 2016 UMN issued a memo to the City of Minneapolis raising safety concerns about existing conflicts at the Malcolm intersection⁹. In 2017, the University shared with the City its position regarding the UMN Transitway.¹⁰ UMN Transitway buses already are directed to slow down to approximately 20 MPH as they approach the Malcolm intersection, due to the frequency of near-misses (which can cause injury to bus

⁸ Memo from UMN to City of Minneapolis DPW dated April 29, 2016 [available in Google Drive](#)

⁹ *ibid*

¹⁰ UMN position re UMN Transitway July 13, 2017 [available in Google Drive](#)

passengers regardless of whether vehicles ever come in contact) and the occurrence of actual accidents due to failure of traffic on Malcolm to yield right of way.

6. In Appendix 5 - Traffic Impacts Study data fails to identify day/date of observation or AM or PM peak times. Existing volumes cited are significantly lower than City of Minneapolis counts.
 - City of MPLS counts of Malcolm Ave northbound and southbound vehicle volumes just south of Tway: Monday July 24 and Tuesday July 25, 2017 counts.
 - Monday Total: 3,454
 - Tuesday Total: 3,982
 - AM Peak: Monday: 11:45-12:45; 256 total.
 - AM Peak: Tuesday: 9:30-10:30; 309 total
 - PM Peak: Monday: 13:45-14:45; 325 total.
 - PM Peak: Tuesday: 17:45-18:45; 334 total
 - Appendix 5 counts (day/date/time not specified)
 - AM Peak: 168 (101 NB, 67 SB)
 - PM Peak: 226 (117 NB, 109 SB)

UTILITIES

7. The University does not support private utility crossings of the Transitway as proposed by the EAW. The University is open to discussing potential Transitway crossings of publicly owned and operated utilities, which could be allowed by the University with the proper agreements in place and, if required, with a utility permit issued by UMN Building Codes Division to the project. In the EAW p. 9 states that a utility easement is in-process for crossing the UMN Transitway. Page 19 identifies potential Transitway crossing of proposed sanitary sewer at 30th Ave SE. For text on p. 20, see the above comment on sanitary sewer. The University does not support proposed direct sewer connections to the Transitway storm sewer, or proposed private storm sewer crossings of the Transitway. On p. 23, potential watermain crossings of the Transitway at 29th Ave SE and 30th Ave SE will only be considered from public mains.

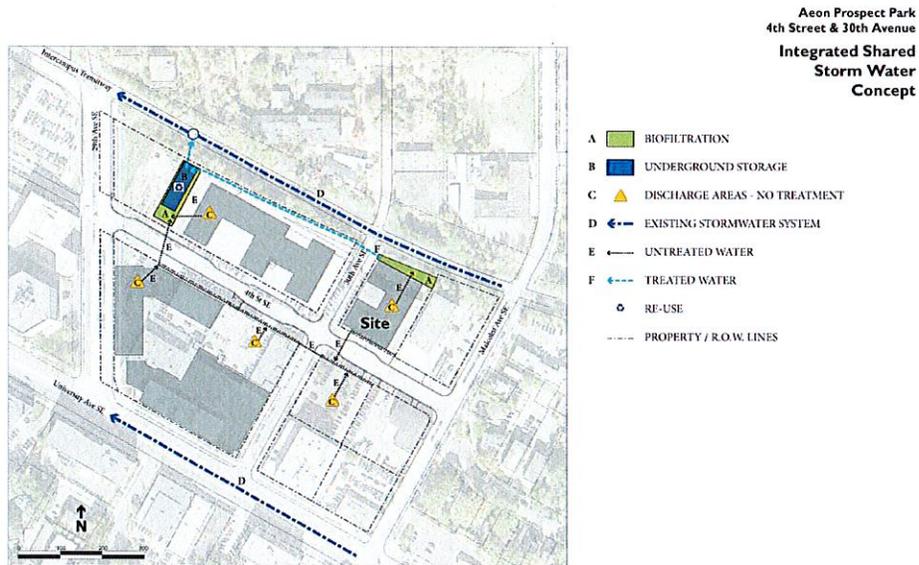
STORMWATER MANAGEMENT

8. Page 22: The project proposes a storm sewer connection to existing UMN sewer infrastructure in the Transitway. In the EAW, the table on page 7 should be revised to indicate that UMN permitting is required for such a connection. However, a MWMO-owned district stormwater system could be allowed to connect to the Transitway storm sewer if proposed plans and stormwater computations provided by the project demonstrate that doing so would provide capacity and/or water-quality benefits to the Transitway storm sewer (for example, by reducing runoff volume and/or rate, and/or improving runoff water quality), and provided an operations and maintenance agreement could be reached between UMN and MWMO. Such calculations would confirm whether

the proposed district system would collect water from a larger subcatchment area than is currently draining to the Transitway from the Malcolm Yards site. (Note, the EAW states a goal of retaining 100-year storm runoff on the proposed site.)

A precedent exists in the development projects south of the Transitway along Green 4th. (See image below.¹¹) There, the MWMO -- a public agency -- partnered with multiple private developers to design a district stormwater management facility and propose a storm sewer connection to the Transitway main. Critically, the MWMO's rigorous stormwater runoff modeling demonstrated a benefit to the peak capacity of the University's sewer infrastructure when compared with existing conditions. The University established a License Agreement with the MWMO, not the private landowners, and MWMO has a clear plan for long-term operation and maintenance.

If the same conditions established south of the Transitway can be met for the subject properties, the University would welcome discussion with MWMO.



MSR
710 South The Green, 3rd Floor
Minneapolis, Minnesota 55415-2241
612.379.2210 ext.
612.379.2241 fax

4th Street & 30th Avenue Proposed Development COW Submission 2017

¹¹ [CPED staff report](#) for "Aeon Prospect Park, 3001 4th St SE," June 20, 2018

PDF - 11 pages

Memorandum

Date: 4/29/2016

To: Tim Drew,
Traffic and Parking Services Division, City of Minneapolis

From: Yilun Xu,
Parking and Transportation Services (PTS), University of Minnesota

Cc: Sandy Cullen and Ross Allanson

Re: Recommendation of Traffic Control Device at Malcolm Avenue and University
Transitway Intersection (DRAFT)

Introduction

The thru-stop traffic control at the intersection of University Transitway and Malcolm Avenue SE, presents a challenging dilemma that drivers from the approach with higher traffic volume (Malcolm) have to stop and yield to the buses and bicycles from the approach with lower traffic volume (Transitway). Drivers on Malcolm Avenue SE do not see compelling reasons to fully stop and/or defensively look for cross traffic, due to the lack of conflicting cross traffic in most cases.

The Transitway is owned, operated and maintained by the University of Minnesota, while Malcolm Avenue SE is within the jurisdiction of City of Minneapolis (MPLS). It is necessary to maintain uninterrupted traffic flow on the Transitway for its purpose to provide an efficient connection between the Minneapolis and St. Paul campus of University of Minnesota for the intercampus campus shuttles and cyclists.

This memo concludes, based on the crash analysis and traffic signal warrant study, in the following sections, that the existing thru-stop traffic control, along with optional "cross traffic does not stop" sign panel and the electrical warning signs, is no longer effective to maintain to an acceptable level the efficiency and safety of the University Transitway, due to the unbalanced traffic volume and control, diminished effect of the electrical signs and increasing traffic volume on Malcolm Avenue SE.

Crash Analysis

This memo documents (in Appendix A) the 3-5 years crash history and comparison at Malcolm Avenue SE, Westgate Drive, 25th Avenue SE, Como Avenue and Energy Park Drive intersections along Transitway. The first two intersections are thru-stop controlled and the last three are signalized. Based on available data, Malcolm/Transitway intersection carries much higher crash rate (1.91) compared to others (0-0.35). Based on the crash report review, most crashes happened at Malcolm/Transitway were due to drivers' failure to yield to Transitway traffic which can be corrected by an traffic signal system.

Based on the number and severity of crash at Malcolm/Transitway intersection for the past 36 month (Apr. 2013 to Mar. 2016), it is concluded (in Appendix B) that the annual crash cost is \$261,933. In the meantime, the 3-year crash rate is 229% of the state average of similar roadway environment and traffic control.

Based on the analysis of the recent crashes, Malcolm/Transitway intersection bears a critical safety risk that needs immediate engineering attention in terms of traffic control.

Traffic Control Experiments

Several traffic control experiments and improvements were conducted early in the history and during the recent years. During 1997-1998, the original warning light system was implemented to mitigate the crash issues at the Malcolm/Transitway intersection. This thru-stop intersection, before the system implementation in 1998, had a crash rate 30 times higher than the state average. This crash rate was significantly reduced after the system implementation (1). However, from today's perspective, this warning light system cannot reliably and/or accurately detect/differentiate buses and cyclists, which leads to warning messages displayed longer or shorter than necessary. In addition, it has become more frequent that the system was faulty due to issues with electrical relays, cameras and/or controller. The warning light system remained active until February 2015 when it was concluded, based on engineering judgement, that it would no longer be effective to warn drivers for crossing traffic before a systematic upgrade.

Traffic volume crossing Transitway at Malcolm Avenue SE increased with recent land development near the intersection. Even though it is not yet mature to conclude the causal relationship between the increased traffic volume and the higher recent crash rate, the crash risk is certainly exposed to more and more users. The City of Minneapolis (MPLS) and the University agreed in early 2015 to implement a package of traffic sign improvement to the intersection's thru-stop traffic control. This included:

1. Enlarge the two stop signs for Malcolm Avenue SE approaches to 36" in diameter;
2. Add "Cross traffic does not stop" panels to the stop signs;
3. Turn off the electrical warning signs and covered them with "X";
4. Establish no parking zones on Malcolm Avenue SE approaching the intersection

A behavioral study was conducted by the University to compare driver stop sign compliance before and after the implementation of the entire traffic sign improvement package. It was believed that there was no noticeable difference/improvement (Appendix C). In addition and unfortunately, crash issues continued in late 2015 and early 2016.

The warning light system was turned back on in August 2015 after the signs faces were upgraded with newer technologies. However, the system only remained active until December 2015 when the controller failed. Even though the sign face upgrade improve the message clarity, the problem of unreliable and inaccurate detection of buses and cyclists still existed, along with the frequently malfunctioned system components. A design was completed in early 2016 to completely upgrade the warning light system so that it can reliably and accurately detects buses and bicycles. This design addressed replacing the existing detectors and controller, and reusing the already upgraded sign faces.

Even with the completely redesigned warning light system, it is unclear whether it will improve the stop sign compliance and/or mitigate the crash problems. Therefore, the new warning light system is an option for further experiments, instead of necessarily a solution.

Traffic Control Device Options

It is reasonable to conclude that the current thru-stop control with the original warning light system is no longer an appropriate traffic control option, due to the recent year high crash rate that is 229% of the state average.

Based on the Transit Cooperative Research Program (TCRP) Bus Rapid Transit (BRT) report, the traffic control device standards and guidance of Light Rail Transit (LRT) in Minnesota Manual of Uniform Traffic Control Devices (MN MUTCD) are applicable to the University Transitway. Specifically at Malcom/Transitway, a traffic signal should be implemented with speed limit less than 35mph, while it or an automatic gate system also provides support for more efficient Transitway bus operation with potentially higher speed limit. In this case, automatic gate is less appropriate than traffic signal as it can create conflict phase when the system fail to detect bicycles, which is possible since bicycle detection is less reliable than that for vehicles or train with current technology. Appendix D documents the argument for above statements.

It is reasonable to believe, based on the analysis in this memo, that the condition A and B in the Warrant 7 “Crash Experience” in MN MUTCD (3) are met (refer to the warrant details in Appendix E). The current level of traffic volume may not meet the requirement in condition C. Meeting two out of the three conditions in the “Crash Experience” warrant suggests, though not mandates, the need to consider a traffic signal system at Malcolm/Transitway.

Recommendation

Based on the fact and argument for the Malcolm/Transitway intersection:

1. The 3-year crash rate is 229% of the state average and also much higher than other intersections along Transitway;
2. The annual crash cost is \$261,933;
3. Traffic signal are recommended based on TCRP BRT report and MN MUTCD;
4. Warrant 7 “Crash Experience” in MN MUTCD suggests the need to consider traffic signal;

It is recommended by this memo that traffic signal to be immediately designed and constructed at Malcolm/Transitway intersection. This system shall be designed to detect, differentiate and preempt bus and bike on Transitway while maintaining the efficiency of Malcolm Avenue.

Reference

1. Sohrweide, T. and Benson, L. 1998. Transitway ITS Safety Application.
2. Transportation Research Board. 2003. TCRP (Transit Cooperative Research Program) Bus Rapid Transit report, Volume 2: Implementation Guidance
3. MnDOT. MN MUTCD (Minnesota Manual of Uniform Traffic Control Devices).

Appendix A Crash History and Comparison

Table 1 Number of Crash by year and location along Transitway based on available data

| | Malcolm | Westgate | 25th | Como | Energy Park |
|-----------|---------|----------|------|------|-------------|
| 2012 | 3 | 0 | NA | NA | NA |
| 2013 | 0 | 0 | 0 | 0 | 1 |
| 2014(d) | 4(a) | 1(c) | 0 | 1 | 1 |
| 2015(d) | 3(b) | 1 | 0 | 1 | 3 |
| 2016 (Q1) | 1 | 0 | 0 | 0 | 0 |

a. Includes 1 crash due to icy condition,

b. Includes 1 close-call incident due to stop-sign running vehicle, involving multiple personal injuries on the bus

c. Include 1 crash due to icy condition

d. Total of 5 fail-to-yield crashes from Sep. 14 to Aug. 15 potentially correctable by traffic signal

* Source: UMPD crash reports; transit crash/incident records

Table 2 Crash rate comparison by location based on available data

| | Malcolm | Westgate | 25th | Como | Energy Park |
|-------------------------------------|---------|----------|-------|-------|-------------|
| Crash Rate (R) | 1.91 | NA | 0.00 | 0.17 | 0.35 |
| Daily Volume (V) | 3,705 | NA | 4,118 | 9,770 | 11,970 |
| Total Number of Available Crash (C) | 11 | 2 | 0 | 2 | 5 |
| Number of Years (N) | 4.25 | 4.25 | 3.25 | 3.25 | 3.25 |

*assuming 320 daily two-way total buses volume and 1,260 daily two-way bike volume on Transitway (equivalent to a total of 1,270 passenger vehicles)

*daily volume data are collected from Minneapolis Transportation Data Management system and Mn/DOT Traffic Data system; the most recent AADT data can be dated to 2013 or 2012

Crash rate

$$R = \frac{1,000,000 \times C}{365 \times N \times V}$$

Where:

R = Crash rate for the intersection expressed as crashes per million entering vehicles (MEV)

C = Total number of intersection-related crashes in the study period

N = Number of years of data

V = Traffic volumes entering the intersection daily

Appendix B Recent Three-years (Q2 13 to Q1 16) Crash Analysis

Intersection Safety Screening

Intersection: Malcolm and University Transitway



Baseline Crash Data, 2012-2014.

| Crashes by Crash Severity | |
|---------------------------|---|
| Fatal | 0 |
| Incapacitating Injury | 0 |
| Non-incapacitating Injury | 4 |
| Possible Injury | 1 |
| Property Damage | 3 |
| Total Crashes | 8 |

| Intersection Characteristics | |
|------------------------------|-------------|
| Entering Volume | 3,705 |
| Traffic Control | Thru / stop |
| Environment | Urban |
| Speed Limit | 30 mph |

Annual crash cost = \$261,933

Statewide Comparison

Urban Thru / Stop

| Total Crash Rate | |
|-----------------------|-------------|
| Observed | 1.97 |
| Statewide Average | 0.19 |
| Critical Rate | 0.86 |
| Critical Index | 2.29 |

| Fatal & Serious Injury Crash Rate | |
|-----------------------------------|-------------|
| Observed | 0.00 |
| Statewide Average | 0.33 |
| Critical Rate | 16.32 |
| Critical Index | 0.00 |

The observed crash rate is the number of crashes per million entering vehicles (MEV). The critical rate is a statistical comparison based on similar intersections statewide. An observed crash rate greater than the critical rate indicates that the intersection operates outside the expected, normal range. The critical index reports the magnitude of this difference.

The observed total crash rate for this period is 1.97 per MEV; this is 2.3 times the critical rate. If crashes were reduced by 4 over three years, this intersection would perform within normal range.

The observed fatal and serious injury crash rate for this period is 0.00 per 100 MEV; this is 100% below the critical rate. The intersection operates within the normal range.

Appendix C Stop sign compliance comparison before and after the sign improvement package in early 2015

Below is a table comparing the stop sign compliance before and after the implementation of a traffic sign improvement package agreed by City of Minneapolis and the University in early 2015, including additional no parking, larger stop signs with "cross traffic does not stop" panel, and the de-energization of the warning light system.

Table 3 Stop sign compliance rate comparison before and after the sign improvement

| | Date & Time | Before/After traffic sign improvement | Stop Compliance | | Potential Hourly Conflicts on Transitway | Hourly Volume on Malcolm |
|-----------|---|---------------------------------------|----------------------|-----------|--|--------------------------|
| | | | Rolling or full stop | Full stop | | |
| Peak | 2/6/15 Friday 5P – 7P | Before | 90% | 24% | 95 | 303 |
| | 3/6/15 Friday 5P – 7P | After | 92% | 24% | 86 | 239 |
| Near Peak | 2/5/15 Thursday 7P-9P & 2/6/15 Friday 10A – 11A | Before | 79% | 21% | 29 | 156 |
| | 3/5/15 Thursday 7P-8P/Friday 11A – 12P | After | 82% | 23% | 42 | 171 |

Appendix D Applying BRT and LRT standards to University Transitway

Chapter 4.3.2 of Volume 2: Implementation Guidance of TCRP (Transit Cooperative Research Program) Bus Rapid Transit report states that:

“Traffic signal displays and locations should be consistent with those set forth in the MUTCD as well as those specified by local agencies. The “Transit Signal” displays for LRT vehicles should be used for BRT, as appropriate. They are applicable where buses operate 1) along median arterial busways, 2) along at-grade busways on separate rights-of-way, and 3) in queue bypass lanes. The rationale is that BRT vehicles are, in essence, rubber-tired LRT vehicles. Examples of these signal displays are shown in Figure 4-3. BRT traffic signals should be separated horizontally and vertically from general traffic signals by a distance of at least 3 feet.”(2)

This statement is applicable to the University Transitway since campus shuttles are running on this at-grade separate busway. Therefore, it is appropriate to apply LRT (Light Rail Transit) traffic control standards in MN MUTCD (Minnesota Manual of Uniform Traffic Control Devices) to the Transitway.

The Transitway falls into the “Semi-exclusive” category of LRT facilities where the LRT alignment is in a separate right-of-way or along a street or railroad right-of-way and where motor vehicles, pedestrians and bicycles have limited access and cross at designated locations only (3). In this case, Transitway shall be equipped with a combination of automatic gate and flashing-light signals, or flashing light signals only, or traffic signal unless an engineering study indicates that the use of Crossbuck Assemblies, Stop sign or YIELD signs alone would be adequate.

Based on the analysis in this memo, the thru-stop control was not adequate and/or effective in preventing crashes. Therefore, two options exist based on the LRT standards in MN MUTCD:

Option 1 (Standard) Highway-LRT grade crossing in semi-exclusive alignments shall be equipped with flashing-light signals where LRT speed exceed 35mph. Traffic signal may be used instead of flashing light signals where LRT is less than 35mph.

Option 2 (Guidance) Highway-LRT grade crossing in semi-exclusive alignments should be equipped with automatic gates and flashing light signals where LRT speed exceed 35mph. Traffic signal may be used instead of gate where LRT is less than 35mph.

Since this section of Transitway has a speed limit of 30mph, based on Option 1 (Standard) the Malcolm/Transitway intersection should be equipped with flashing lights or traffic signal. However, based on Option 2 (Guidance) the traffic signal or automatic gate provides support for more efficient Transitway bus operation with potentially higher speed limit. Specifically in this case, automatic gate is less appropriate than traffic signal as it can create conflict phase when the system fail to detect bicycles. In general, bicycle detection is less reliable than that for vehicles or train with current technology.

Appendix E Warrant 7, Crash Experience in MN MUTCD

The Crash Experience signal warrant conditions are intended for application where the severity and frequency of crashes are the principal reasons to consider installing a traffic control signal. The need for a traffic control signal shall be considered if an engineering study finds that all of the following criteria are met:

- A. Adequate trial of alternatives with satisfactory observance and enforcement has failed to reduce the crash frequency; and
- B. Five or more reported crashes, of types susceptible to correction by a traffic control signal, have occurred within a 12-month period, each crash involving personal injury or property damage apparently exceeding the applicable requirements for a reportable crash; and
- C. For each of any 8 hours of an average day, the vehicles per hour (vph) given in both of the 80 percent columns of Condition A in Table 4C-1 (see Section 4C.2), or the vph in both of the 80 percent columns of Condition B in Table 4C-1 exists on the major-street and the higher-volume minor-street approach, respectively, to the intersection, or the volume of pedestrian traffic is not less than 80 percent of the requirements specified in the Pedestrian Volume warrant. These major-street and minor-street volumes shall be for the same 8 hours. On the minor street, the higher volume shall not be required to be on the same approach during each of the 8 hours.

1 page

U of MN Position regarding the University's Transitway and Towerside Development

July 13, 2017. Prepared by U Services

The University believes that in order to attract and retain students, faculty, and staff, it is important that the community around campus is vibrant, welcoming, safe, and attractive for all who live, visit, or work here. To that end, the University supports the efforts to develop the Towerside area into such a place. A key component of this development must be a comprehensive, integrated, and effective public transportation and infrastructure grid developed by the cities in which Towerside is located.

The University's Transitway runs through the Towerside Area. This high speed dedicated busway carries 1.8 million trips per year between the Minneapolis and St. Paul portions of the Twin Cities Campus. Class schedules and passing times in Minneapolis and St. Paul are set based upon students being able to travel between Minneapolis and St. Paul in eight minutes. The safety and efficiency of the Transitway operations directly supports the University's academic mission and is paramount to the University's position related to supporting the Towerside development.

In order to support the near term and long term development of the Towerside Area, the University believes there are immediate and long term actions that can be taken in order to achieve the development objectives of the area while maintaining the safe and efficient operations of the Transitway.

Immediate actions:

- Prioritization of the City of Minneapolis' implementation of a signalized gate arm crossing of the UMN Transitway at Malcolm Ave.
- Prohibition of truck staging on Malcolm Avenue so as to allow for safe and efficient flow of vehicular and pedestrian traffic.
- Conduct a detailed engineering review and simulation study to determine whether an additional signalized crossing between 25th Ave and Malcolm would maintain the eight minute service headway on the Transitway. If service headways can be maintained, this crossing would be implemented and synched with the Malcolm Avenue signalized crossing.
- Design and begin implementation of the comprehensive, integrated, and effective public transportation and infrastructure grid north of the existing Transitway. Plans would include moving the existing Transitway to the north.
- Enable utility crossings under the existing Transitway at public roadways, subject to successful advancement of the above bullet.

Actions within 3-5 years:

- Construct the new University Transitway north of the Towerside Area as part of the City of Minneapolis' construction of the transportation and infrastructure grid. Following the construction of the new Transitway, the University and the City would complete the land transfer of the new Transitway for the former Transitway. The former Transitway would then become part of the City's public roadway network.
- In addition, we believe the completion of Granary Road would also advance development in the area and we are committed to working with the neighborhoods and the cities to finding a solution to the past problems with alignment. All of the parties would work together towards a specific plotting, financial plan and schedule for a future Granary Corridor that will include a roadway, pedestrian path, and bicycle path.

March 28, 2018

Hilary Dvorak
City of Minneapolis
Principal City Planner
250 South 4th Street
Minneapolis, MN 55415

RE: Malcolm Yards Mixed Use Redevelopment

Dear Ms. Dvorak:

I appreciate being given the opportunity to comment on the above listed project. Based on my review, I recommend that a qualified archaeologist conduct a survey of the property to determine if the project could damage potentially significant unrecorded archaeological sites. The proposed project encompasses an area that has held a variety of industries potentially important in the development of Minneapolis. Due to its history, the project area has a high potential for containing unrecorded industrial archaeological sites. These sites could relate to the industries and industrial processes themselves, or to the daily lives of the workers.

Please note that the archaeologist conducting this survey should have a knowledge of, and experience in industrial archaeology. The Minnesota State Historic Preservation Office maintains a list of qualified archaeologists at: <http://www.mnhs.org/preservation/directory>.

Please contact me if you have any questions or concerns.

Sincerely,



Amanda Gronhovd
State Archaeologist
Fort Snelling History Center
St. Paul, MN 55111
Amanda.Gronhovd@State.MN.US
612-725-2411

April 2, 2018

Jeff Ellerd
Development Project Manager
Wall Development Company
811 LaSalle Avenue, Suite 210
Minneapolis, MN 55402

Re: Malcolm Yards Mixed Use Development Environmental Assessment Worksheet

Dear Jeff Ellerd:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Malcolm Yards Mixed Use Development project (Project) in the city of Minneapolis, Hennepin County, Minnesota. The Project consists of a new mixed use development. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Contamination/Hazardous Materials/Wastes (Item 12)

Please note that any demolition activities must comply with state and federal regulations that require inspection of the structure for hazardous materials such as asbestos, lead based paint, light ballasts, thermostats, stored chemicals, ozone depleting chemicals, etc. Regulated asbestos-containing materials (RACM) must be abated prior to demolition activities. A "Notification of Asbestos Related Work" must be submitted to the Minnesota Department of Health by a licensed asbestos inspector 10 working days prior to conducting abatement activities, if abatement of 160 square feet, 260 linear feet, or 35 cubic feet of RACM is required. A "Notification of Intent to Perform a Demolition" must be submitted to the MPCA 10 working days prior to the start of demolition. Flaking lead based paint present on the structure must be encapsulated or removed and properly disposed of off-site at the appropriate disposal facility prior to demolition activities. Any lead based paint chips present on the ground following demolition must be removed and properly disposed of off-site at the appropriate disposal facility. A fact sheet regarding Lead Paint disposal is available on the MPCA website at:

<http://www.pca.state.mn.us/index.php/view-document.html?gid=9049>. The Project proposer should also consider recycling as much of the structure materials as possible to reduce the volume of material disposed of in the landfill. If you have any questions regarding demolition issues or asbestos and lead paint abatement, please contact Scott Parr in our St. Paul office, at 651-757-2638.

Noise (Item 17)

The MPCA appreciates the developer's discussion on noise provided in the EAW under item 17, and has additional comments and considerations for both the developer and the city of Minneapolis.

Although land use post-development may be consistent with nearby (current) land uses, under Minn. R. ch. 7030.0030, "[a]ny municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use."

Jeff Ellerd
Page 2
April 2, 2018

Thus, the MPCA strongly encourages that a noise monitoring study be conducted prior to the finalization of project planning. Conducting such a study, in accordance with the methodology outlined in "A Guide to Noise Control in Minnesota" (document number p-gen6-01), can help the developer and the City identify whether any noise mitigation would be required and, if so, generate investigation into possible options for applying mitigation techniques. Identifying mitigation needs would be especially important in the construction of residential units in the area, which fall under the strictest state noise standards (NAC 1). State noise standards are independent of municipal zoning boundaries, so re-zoning to allow for residential land use will not impact the applicability of the state noise standards.

In addition, during construction and related activities, all equipment should be fitted with the appropriate mufflers to help maintain the noise standards. For questions regarding noise, please contact Christine Steinwand at 651-757-2327.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,



Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Christine Steinwand, MPCA, St. Paul
Scott Parr, MPCA, St. Paul
Teresa McDill, MPCA, St. Paul

Dvorak, Hilary A.

From: Horton, Becky (DNR) <becky.horton@state.mn.us>
Sent: Wednesday, April 04, 2018 11:42 AM
To: Dvorak, Hilary A.
Cc: Richter, Joe G (DNR)
Subject: Malcom Yards EAW

Dear Hillary Dvorak,

The Minnesota Department of Natural Resources (DNR) has reviewed the Environmental Assessment Worksheet (EAW) for the Malcom Yards development project. The EAW appears complete and the project does not warrant the need for an EIS.

We appreciate that the EAW acknowledges the possible need for a DNR Water Appropriation Permit for construction dewatering of the foundations and installation of the utilities. Underground parking is proposed for the site. Should the parking garage be constructed below the groundwater table and permanent dewatering be necessary, then an additional DNR Water Appropriation Permit will be needed for the project. Likewise, Water Appropriation Permits would be required to use water from any of the wells currently located on site, or if there is the need to pump groundwater for pollution remediation, if water use exceeds volumes previously noted. Please note that should a DNR Water Appropriation Permit be needed for the site, and should there be active pollution treatment near the site, then the DNR will need documentation that the Minnesota Pollution Control Agency has approved the discharge of the appropriated water as part of the DNR Water Appropriation Permit.

As a reminder, it is likely that there are abandoned wells on the site whose existence is not known. These abandoned wells will need to be sealed in accordance with the regulations of the Minnesota Department of Health.

We recommend that water that is stored in the infiltration pond be considered for use to irrigate the park area, and that native species be utilized in landscaping to limit watering and maintenance needs. In addition, we recommend that the proposer consider sustainability goals by incorporating the Minnesota B3 guidelines into the project and incorporating a bird-friendly building design. This type of design would fit into the city's plans/policies highlighted on page 11 of the EAW. The American Bird Conservancy and the Minnesota B3 Guidelines websites could be useful for planning with these items in mind (American Bird Conservancy website: https://abcbirds.org/wp-content/uploads/2015/04/Bird-friendly_Building_Guide_WEB.pdf and Minnesota B3 website: <https://www.b3mn.org/guidelines/>).

On behalf of the DNR, thank you for consideration of these comments.

Becky

Rebecca Horton

Region Environmental Assessment Ecologist | Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55404

Phone: 651-259-5755

Fax: 651-772-7977

Email: becky.horton@state.mn.us

mndnr.gov



HENNEPIN COUNTY

MINNESOTA

April 4, 2018

Hilary Dvorak
City of Minneapolis
Principal City Planner
250 South 4th Street, Room 300
Minneapolis, MN 55417

Re: Comments to the Malcolm Yards Mixed Use Residential Development Environmental Assessment Worksheet (EAW) as advertised in the EQB Monitor March 5, 2018

Dear Ms. Dvorak:

This letter provides comments to the above noted EAW for the proposed Malcolm Yards Mixed Use Residential Development being planned in the City of Minneapolis. The proposed project is a multi-parcel redevelopment project in southeast Minneapolis. The existing industrial properties are being redeveloped to a mixed use residential project with 800 units of residential and 80,000 square feet of new commercial to be constructed in two phases. This letter provides Hennepin County's comments that mainly pertain to the traffic analysis and the impacts to nearby intersection operations.

- Due to the nearby Green Line LRT and the Intercampus Transitway crossings, traffic analysis should be completed in a microsimulation software such as VISSIM or an equivalent to account for the pre-emption/priority for both of these lines.
- Similarly, the traffic analysis should use a 0.5% growth rate for a 20 year forecast beyond completion of the development with build and no build scenarios.
- The eastbound left turn lane onto University at Malcolm is now a 90 foot left turn lane and will need to be lengthened to maintain functionality of this intersection.
- Hennepin County supports implementing the necessary no parking zones to allow for a southbound left turn lane to be striped on Malcolm at University to help maintain the functionality of the intersection, as generally shown in EAW Figure 9.
- Due to the industrial nature of University and Malcolm Avenue area, a submittal including truck-turn templates with the revised/proposed re-striping configuration, such as shown in EAW Figure 9, be sent to Hennepin County for further review.



- It is Hennepin County's position that this and future nearby projects do not harm the functionality of the county roadway system, and that mitigation efforts being completed to maintain this functionality be implemented at no cost to the County.

We appreciate your consideration of Hennepin County comments at this time and look forward to your response. If you have any questions, please contact me a 612-348-5714 or david.jaeger@hennepin.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Jaeger', with a large, sweeping flourish extending to the right.

David Jaeger
Environmental Specialist

Cc: Chad Ellos, Bob Byers and Jason Gottfried, Transportation Planning
Josh Potter, Transportation Design

April 4, 2018

Hilary Dvorak
City of Minneapolis
250 South 4th Street, Room 300
Minneapolis, MN 55415

RE: Malcolm Yards Mixed Use Redevelopment
Minneapolis, Hennepin County
SHPO Number: 2018-1242

Dear Ms. Dvorak,

Thank you for providing our office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

It is our understanding that the proposed redevelopment project involves new construction on approximately 10 acres to include both residential units and commercial development. Although the site was once home to several industrial properties, the EAW also indicates that there are only four (4) currently vacant buildings, two (2) former Harris Machinery/Peteler Portable Railway Manufacturing Company properties and two (2) former Minnesota Medical Foundation/Archer Daniels Midland Delmar Elevator Complex buildings. The EAW indicates that only one of the extant buildings, the former Harris Machinery building, is proposed to be rehabilitated as part of the Malcolm Yards Mixed Use Redevelopment project.

The information provided under EAW section 14. *Historic Properties* provides a somewhat accurate overview of information included in our statewide inventory records, as well as historic property evaluations that our office has never had the opportunity to review. To clarify, our records indicate:

- For the adjacent **Archer Daniels Midland Delmar Elevator Complex Buildings**, primarily the two remaining elevators, the annex, and the two office buildings to the west of the Harris Machinery property, which are all that remains of this complex, have been determined by our office through previous review to be **not eligible** for listing in the National Register of Historic Places (NRHP). It is our understanding that the current project will result in no direct impacts to these structures.
- For the Harris Machinery/**Peteler Portable Railway Manufacturing Company**, this complex of buildings, which included four (4) buildings when it was surveyed in 2002, was determined by our office to be eligible for listing in the NRHP. The EAW reports that a "site evaluation" was completed in 2013 by a historical consultant who reported that, due to significant physical deterioration, the properties had experienced a loss of historic integrity. Our office has no record of being provided the opportunity to review this 2013 report and we are therefore unable to provide any comment regarding this evaluation. Unfortunately, it appears as though the majority of the buildings have been demolished in recent years. The EAW reports that only the Machine and Erecting Shop and the Canvas Shop remain. Based upon information provided in the 2002 evaluation, we are able to identify the Machine and Erecting Shop, but are unable to determine what the Canvas Shop building is and what purpose it served during the period of

significance. Due to the loss of some of the major historic properties associated with the Peteler Portable Railway Manufacturing Company complex, in order to determine continued eligibility of the remaining structures we recommend that a re-evaluation of the property be completed.

- For the **R.R. Howell Company**, our office determined in 2004 through previous review that this property was not eligible for listing in the NRHP. The EAW indicates that all structures associated with this property have been demolished in recent years.

In summary, we recommend that a re-evaluation of significance and integrity be completed for the remaining buildings in the Peteler Portable Railway Manufacturing Company complex in order to determine whether they are still considered eligible for listing in the NHRP.

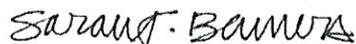
Regarding archaeology, due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. For this site, the survey should focus on historical/industrial archaeological properties and will need to meet the requirements of the Secretary of the Interior's *Standards for Identification*. The survey should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

Both of these recommended surveyed should be undertaken and completed prior to any construction or site work commencing.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office by the responsible federal agency.

Please contact me at sarah.beimers@state.mn.us or 651-201-3290 if you have any questions regarding our comment letter.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager