



*Working to protect the Mississippi River
and its watershed in the Twin Cities area.*

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Dear Members of the Planning Commission:

Thank you for the opportunity to comment on Minneapolis' proposed Mississippi River Corridor Critical Area (MRCCA) ordinance.

Friends of the Mississippi River (FMR) is a non-profit organization with a mission to engage community members and other stakeholders to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities Region. We represent thousands of people in the metropolitan area who care deeply about the river, including a growing membership of over 2,700 people and more than 3,200 volunteers and 2,000 advocates engaged each year.

The Mississippi River is a natural, cultural and historic wonder that helps define our metro area. In recognition of this, its 72-mile stretch through the Twin Cities is not only a state-designated Critical Area but also a national park afforded special protective policies.

The MRCCA ordinance adoption process is an important opportunity for communities to define their goals and expectations for years to come. A successful ordinance will guide riverfront use in a way that reflects the city's environmental, development, and recreational priorities while providing clarity for landowners and developers.

A strong, thoughtful ordinance

On the whole, we're pleased with Minneapolis' draft MRCCA ordinance; it reflects a high degree of value for the river as the vibrant heart of the city. The ordinance thoughtfully balances dense urban development with protection for the river's recreational, scenic, ecological, and cultural functions.

As one of the first (out of 25) cities within MRCCA to adopt its ordinance, Minneapolis will set a strong example for other cities and townships. This will help the entire Twin Cities riverfront be more consistently managed as an asset for all residents.

Minneapolis' ordinance exceeds minimum state standards in several notable ways. These strong points include:

- Clear and consistent standards for variances and conditional use permits (CUPs), including expectations that the variance or CUP is consistent with the purpose of MRCCA and will not negatively harm wildlife, habitat, and/or public views.

- Specifying several potential mitigation strategies for any harmful impacts caused by building construction, vegetation removal, or land alteration.
- Creation of three Urban Mixed subdistricts to guide tiering of building heights.
- The size threshold for development projects subject to open space protections is set at five acres (the state-mandated minimum standard is 10-20 acres).
- Addition of protections for birds during nesting and migration.
- Prohibiting fences within bluff and shoreline impact zones on private land.

Recommendation: Add bird-safe building standards

FMR believes that dense urban development is critical to addressing climate change and protecting the environment. However, dense development can still include science-based provisions that reduce harm to wildlife and promote safe passage for species with whom we share this land.

The Mississippi River is a crucial migratory flyway for about 40% of all North American migrating birds. Roughly 270 bird species live in or travel through the Twin Cities river flyway. Bird populations are experiencing significant collapse and are under continued threat. In the U.S. it's estimated that 600 million birds are killed in window strikes each year.

One way to balance density with wildlife protection is to require bird-friendly lighting design, building design, and building materials (such as fretted glass) in all new development along the river. The state of Minnesota already incorporates these specifications into its B3 Guidelines for state-funded projects. FMR recommends that Minneapolis require adherence to the same specifications for all new buildings constructed within MRCCA.

The city's draft ordinance does include some stronger protections for birds and other wildlife than required by the state rules, such as requiring that bird nesting and migration schedules be considered during vegetation removal and construction of public facilities (551.I(c)(2)e and 551.H(a)(6)) and specifying that sign and kiosk lighting must be shielded and directed downward (551.G.(e)(4) and 551.H(f)(6)). Adding a requirement for compliance with B3 Guidelines or a similar standard would strengthen these protections in a significant way.

Other cities with bird-safe design and/or materials requirements for some or all new buildings include New York City, Toronto, San Francisco, Oakland, CA, and Madison, WI.

Recommendation: Specify maximum building heights allowed by variance or CUP

Minneapolis' MRCCA ordinance reflects a thoughtful approach to building height. This is evident in the clear standards for evaluating variances and CUPs, as well as the tiering standards in the Urban Mixed subdistricts (discussed more below).

However, we recommend adding a maximum building height that would be allowed under a variance or CUP. There will come a point when building height is so excessive in relation to the district's context and purpose that even using every mitigation strategy possible will not be sufficient to prevent harmful impacts. By determining and communicating these height limits in advance, the city

can provide clarity for developers and reduce community controversy. (Note that this would not apply to the Urban Core subdistrict in downtown Minneapolis, where the MRCCA ordinance defers to underlying zoning in terms of building height limits.)

Recommendation: Tier building heights at Upper Harbor Terminal

FMR appreciates the city's approach to actualizing the state requirement for tiering building heights within the Urban Mixed (UM) district. The city's proposal for three subdistricts (UM1, UM2, and UM3) with different height limits is a laudable approach to tiering and sets a tangible example for other cities within MRCCA to follow.

However, the Upper Harbor Terminal (UHT) site is proposed to be exempted from this approach, instead being designated entirely as UM3 right up to the river's edge. We are concerned about this lack of tiering at what the city hopes will be a new crown jewel of the riverfront. UHT should receive the same quality of urban design as the rest of the city's riverfront. Shortchanging this site would be inequitable.

Including two or three UM districts at UHT would promote stronger urban form, improve river views (including for sites further back from the river that may be redeveloped in the future), and create a more welcoming sense of scale and relationship to the river for the many visitors coming to enjoy the parks, trails, housing, and commercial development at UHT.

Recommendation: Lengthen public hearing notification period

We recommend lengthening the agency notification period for public hearings (551.C(g)(1)) from ten days to 30 days. This will greatly improve the ability of the National Park Service, Minnesota Department of Natural Resources (DNR), and adjoining local governments to participate in the public review process. These agencies often have technical expertise and important perspectives that can be helpful to the city. We also suggest that the ordinance include a requirement that the MN DNR be notified at the time of application submission.

Please don't hesitate to contact me at ctoberman@fmr.org or 651-222-2193 x29 to discuss any of our comments further. FMR also has extensive MRCCA ordinance resources (including videos, handouts, and interactive maps) available at www.fmr.org/river-rules.

Thank you for your time and consideration.

For the river,



Colleen O'Connor Toberman
River Corridor Program Director