



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

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Dear members of the Board of Zoning Appeals:

We are writing to share our feedback on two variance requests for the Presbyterian Homes development at Highland Bridge. Friends of the Mississippi River strenuously opposes variance request 20-094996. We do not oppose variance request 20-095009. Each variance is discussed in detail below.

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.

FMR has been a vocal supporter of dense redevelopment of the former Ford site; we believe that density is one crucial strategy to fighting climate change. We have collaborated with the city for many years to agree on height limits and design standards that facilitate dense development while also protecting scenic views and enhancing the public realm. The Mississippi River is a tremendous asset to us all—and the riverfront should be managed in a way that respects the river's significance to our entire community.

Protecting public interest and scenic views

When evaluating height variance/CUP requests, FMR looks to a performance standard: will the new development be visible from the river, and if so, how much? The scenic views in this area are among the finest the Mississippi River has to offer. This area is the only gorge along the river's entire length.

Think about what it's like to step out onto the Ford Bridge and look over the river: despite being between two major cities, one can see almost no human-made development. Decades of stewardship and advocacy have minimized development that's taller than the treeline or otherwise detrimental to river views. The views are dominated by the water, trees, bluffs and soaring birds. You're able to gain a sense of your place in the landscape...literally a *sense of place* that is unique and special.

All public leaders, including city board appointees, staff, and elected officials, have been entrusted by the community to protect this precious asset. We cannot allow excessive building height to endanger the views that are treasured by so many more community members than one proposed building could ever serve.

Variance request 20-094996 (820 Mount Curve Blvd, Lot 1 Block 7)

The applicant is seeking a 31-foot variance—an increase of nearly 50 percent above the site’s 65-foot height limit. We are concerned that this 96-foot tower, plus its additional 8-foot spire, will damage prized public views of the special, scenic Mississippi River gorge. The applicant’s view analysis suggests that it will.

The view analysis submitted by the applicant shows some other structures in the area that might also be visible from some angles, but these drawings are speculative because many of those buildings don’t exist yet. Those shown further east also aren’t within the Mississippi River Corridor Critical Area (MRCCA) and therefore are not subject to the same standards that this proposal must meet. There also aren’t any illustrations of whether this building will be visible from the western shoreline, looking up towards the St. Paul bluffs.

It appears that the applicant wants to pick and choose what they like about the city’s forthcoming MRCCA ordinance. The applicant wants the forthcoming 65-foot building height limit in the Urban Mixed (UM) district (higher than what is allowed under the current RC3 zoning) but does not want to meet the other standards of the new MRCCA ordinance.

The new ordinance will require a CUP for height increases over the 65-foot limit (without special exceptions for stepped-back facades or decorative elements). The CUP process will require evaluating potential impacts to several river-related resources, including public river corridor views.

“Public river corridor views” are defined by the state as views towards the river from public parks or overlooks, as well as views towards the bluffs from the shoreline of the opposite shore. Several important viewpoints in the Highland Bridge area have been catalogued in Minneapolis’ and St. Paul’s 2040 comprehensive plans.

The new ordinance will require written findings from the BZA or planning commission that:

- The CUP will not be detrimental to public river corridor views. (The applicant will be required to identify and describe these views as well as conduct a visual impact assessment.)
- The CUP is consistent with the character and management purpose of the MRCCA district. According to state rules, “the UM district must be managed in a manner that allows for future growth and potential transition of intensely developed areas that *does not negatively affect public river corridor views* and that protects bluffs and floodplains.

Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and *providing public access to and public views of the river are priorities* in the district [emphasis added].”

Under the new ordinance, any negative impacts on views will require mitigation proportional to the impacts. This could include limiting structure height or modifying structure design to limit visual impacts.

If the applicant is eager to benefit from the increased Critical Area height limit than it should be prepared to meet the spirit of all requirements of the new Critical Area standards. This includes protection of highly-prized scenic river views. It’s difficult to understand how exceeding the new height limit by 31 feet (nearly 50 percent) protects river views or otherwise serves the public interest.

Due to the importance of these river views, we also do not believe that this variance request meets the city’s current requirement that “the variance will not alter the essential character of the surrounding area.”

Furthermore, the “corner feature element” serves no significant purpose; it appears to be solely decorative. The housing and other core functions of the structure are in compliance with the 65-foot height limit. There is no justifiable reason to allow a variance this significant for a purposeless tower that damages the city’s best natural views.

We also disagree with the applicant’s assertion that the eight-foot spire should be exempt from being considered part of the structure’s height under the section of the MRCCA ordinance that exempts “chimneys, church spires, flag poles, public monuments, and mechanical service stacks and other similar mechanical equipment” from height limits. This “corner feature element” simply isn’t a church, isn’t a flagpole, isn’t a public monument, and doesn’t serve any mechanical function.

We urge the city and development team to collaborate towards a revised design that removes this 96-foot “corner feature element” from the building and finds alternative ways to support wayfinding and a sense of place for the Highland Bridge community without harming the river views that make this area so special.

Variance request 20-095009 (825 Mount Curve Blvd, Lot 1 Block 6)

This proposed building has the unique situation of sitting in two MRCCA districts. The MRCCA district boundary between River Towns and Crossings (RTC, with a 48-foot height limit) and Urban Mixed (UM, with a 65-foot height limit) follows the line of the river bluff to maintain a consistent line of lower buildings nearest the bluff.

While this boundary makes complete sense for the MRCCA goal of protecting views, it does place the district boundary at somewhat of a diagonal line across the street grid in and around Highland Bridge. The BZA should anticipate future variance or CUP requests for similar situations and should use this opportunity to set some standards for consistent decision-making in the coming years.

In this situation, the building site is split nearly equally between the two districts. Allowing a variance for a 55-foot building that “splits the difference” between these two height limits seems reasonable. The applicant’s view analysis shows that this building will likely not be visible from overlooks or the opposite shore. This 7-foot variance (right at the district boundary) and a 31-foot variance on the neighboring property seem likely to have very different levels of impact.

A 55-foot building can also fulfill the state’s requirement to prioritize building tiering away from the river bluff in the RTC and UM districts; this building’s height leaves space for the next structure to the east to meet the 65-foot UM height limit and still enjoy views toward the river. (Buildings nearest to the river in the RTC and UM districts actually need to be shorter than the maximum height limits to meet this tiering requirement within the district. We encourage St. Paul to follow Minneapolis’ example of establishing subdistricts in their new MRCCA ordinance that provide more clarity and long-range consistency for tiering.)

If this building were to have a significant impact on scenic views, were mostly located in one district, or if the height variance request were higher than the modest 7-foot variance requested here, FMR would make a different recommendation. We encourage the BZA to document these decisions in a way that allows you to weigh future requests against the same criteria.

Thank you for your attention to these important issues. We look forward to working together as development continues at Highland Bridge. If you’re interested in learning more about the forthcoming MRCCA ordinance, we have extensive maps, handouts, videos, and other resources available at www.fmr.org/river-rules.

For the river,

A handwritten signature in black ink that reads "Colleen O'Connor Toberman". The signature is written in a cursive, flowing style.

Colleen O'Connor Toberman
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