



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

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June 23, 2021

Hilary Dvorak, Principal City Planner
Community Planning and Economic Development
City of Minneapolis

Dear Hilary:

Friends of the Mississippi River (FMR) appreciates the opportunity to share our comments on the Upper Harbor Terminal (UHT) draft Alternative Urban Areawide Review (AUAR).

As you know, FMR has been involved in planning for the future of UHT for decades. We have substantial principled objections to the city's draft coordinated development plan, including concerns about its environmental impacts. We hoped that the AUAR process would be expansive and transparent in responding to community questions about how the proposed development will impact the health and quality of life of nearby residents, the river, and all plants and animals with whom we share this land.

But the draft AUAR is inadequate in significant ways, particularly when examining and mitigating cumulative environmental and climate impacts. The study does not fully respond to the questions and concerns we've heard community members raise about the project, and it does not fully address well-documented environmental justice issues.

Given the existing pollution and environmental disparities around UHT, and the site's presence in the Northside Green Zone, the AUAR ought to be as comprehensive and transparent as possible. But we've found so many contradictory statements and so much missing information in the draft AUAR that we're left with an impression of careless work. This document does not reassure residents and stakeholders that their concerns were given full consideration and honest answers.

Development scenarios

We maintain our displeasure at the use of a "no-build" scenario as the alternative to the development scenario in the city's draft coordinated plan. Community members, including FMR, requested that the AUAR scope include an alternative scenario that gave genuine

consideration to whether other community-created ideas for the site provided better environmental outcomes. Responding to that request by using a no-build scenario was not an act of good faith. We are not aware of anyone interested in leaving the UHT site as-is. A no-build scenario doesn't provide what residents asked for in their scoping comments and doesn't provide any real opportunity to explore and compare the environmental impacts of different development scenarios sought by the community.

We also question why buildings that exceed the city's zoning and overlay district height limits were included in Scenario 2. If Scenario 2 "represents the maximum density allowed" under the 2040 Comprehensive Plan, then it should incorporate the Mississippi River Corridor Critical Area (MRCCA) portion of that plan (Appendix A), which states the structure height limits, tiering requirements, and other clear guidance for development. Therefore Scenario 2 should not include any structures incompatible with the MRCCA plan and ordinance.

A similar inconsistency exists on page 39. The report notes that the maximum building height (with premiums) allowed on Parcel 7A is ten stories, due to the 2040 plan's designation of this parcel as Corridor 6. Why, then, is a proposed height of 15 stories stated as being in alignment with the city's comprehensive plan as part of Scenario 2?

Scenario 2 should be revised in compliance with all district and built form designations included in the 2040 Comprehensive Plan.

Mississippi River Corridor Critical Area Overlay District

We would like to restate our continued opposition to building height increases in Scenarios 1 and 2 within MRCCA and the Shoreland Overlay districts. These height limits promote strong 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. The MRCCA ordinance, which was approved by city leaders just months ago, was developed through years of extensive stakeholder participation and should not be disregarded at the first opportunity.

The proposed MRCCA height conditional use permits (CUPs) at UHT would require the city to examine the environmental and scenic impacts of such CUPs and mitigate any impacts that it allows to occur. The AUAR should include a thorough examination of the proposed projects' impacts to MRCCA resources and whether or not the proposed development will be able to meet the environmental standards contained in the city's new MRCCA ordinance. Mitigation measures should be included for any documented impacts.

If the city were serious about conducting a full examination of this project's potential environmental impacts and whether or not its draft coordinated plan can even meet the city's own MRCCA requirements, it would include that analysis in this environmental review.

Instead, the city proposes to consider those impacts at some later date, with less public engagement and awareness. The variance processes will be less visible, with little to no proactive outreach by the city and little time (typically just days) for community members to review and respond to the CUP request. This obfuscates a potentially significant level of environmental impacts from the proposed development.

The AUAR also excludes a complete description of the MRCCA criteria that a CUP must meet. The list of criteria and mitigation strategies on pages 39-40 should include the full text from the city's MRCCA ordinance.

Also, on page 24, the description of setback requirements within MRCCA is worded poorly and confusingly. This section should be rewritten for clarity. The MRCCA setback requirement is 50 feet from the river's Ordinary High Water Level for structures and 25 feet for impervious surfaces.

Existing environmental injustices and cumulative impacts ignored

One persistent theme in the AUAR is a lack of true consideration of cumulative impacts. The Environmental Quality Board's guidance for AUARs states that "the total impact on the environment with respect to any of the items on the [form] may also be influenced by past, present, and reasonably foreseeable future projects outside of the AUAR area."

This isn't the standard the city adhered to in this AUAR. There is little discussion of existing environmental burdens experienced by area residents and no acknowledgment of any potential for development to add to these, particularly in terms of noise and air quality.

As one example of the city's failure to fully consider cumulative impacts, the AUAR states that "year 2040 vehicle-related CO concentrations in the project area are likely to be lower than existing concentrations even considering the increase in development-related and background traffic" (p.75).

We find this statement concerning for a few reasons. First, this statement should include attribution to a reputable source. Second, it appears that the city's goal is "just don't make things worse." This is not a high enough bar in a community already disproportionately burdened with environmental impacts. In accordance with the Northside Green Zone, the city should be striving to improve environmental conditions for residents in this area, not just hoping to maintain the status quo. And third, 2040 is 19 years away. Residents are suffering from poor air quality now. The AUAR should examine the more immediate impacts of the development and what environmental impacts already exist and need remediation, not just hope that things won't be worse in 19 years.

One way to mitigate vehicle emissions would be to implement strategies to improve non-automobile mode share. The traffic analysis report in the AUAR's appendices assumes only seven percent of site trips will use non-motorized transportation modes. It doesn't appear to assume much transit use (given the site's poor transit service). Yet the AUAR also acknowledges the city's Transportation Action Plan goal of having 60 percent of trips use walking, biking, or transit by 2030. While this citywide goal might be achieved differently in different areas, it's disappointing to see the city have such low expectations of reducing automobile traffic at UHT. How will the city achieve its climate goals without taking advantage of opportunities to design big, new redevelopment sites with automobile reduction in mind?

A similar lack of effort is apparent in the discussion of noise impacts. The study notes that noise from I-94 dominates the area, including the existing residential neighborhoods. But it makes no attempt to explore whether the UHT project can mitigate this burden. Instead, it states that the freeway noise will help overpower music venue noise. We don't believe that "don't make things worse" is a suitable standard to seek in a massive new development subsidized heavily with public funds. The AUAR should include mitigation strategies to address existing noise impacts in the area.

We also note the statement on page 93 about future projects in the area. The AUAR states that future projects "will be individually mitigated to ensure no cumulative impacts occur to environmental and community resources." Yet the UHT AUAR doesn't accomplish that for this project because it doesn't provide full mitigation of impacts. It just states that the cumulative impacts won't be severe enough to worry about because existing conditions are already poor. If that pattern continues for future projects, we'll end up with conditions slowly worsening over time, with each new project contributing "minor" negative impacts and no assessment of the long-term cumulative impacts. The UHT AUAR should provide full mitigation of current cumulative impacts, as discussed in more detail throughout this letter.

Climate change not addressed

The UHT AUAR should include a discussion about climate change and greenhouse gas emissions because of the potential for the project to have significant environmental impacts in this realm. This analysis would be aligned with the city's Climate Action Plan goals and the higher level of scrutiny to which any project in the Northside Green Zone should be subjected.

The Minnesota Environmental Quality Board (EQB) is in the process of recommending changes to the environmental review program to better address climate change. For guidance, the city could look to the EQB's draft recommendations. We would like to see the following analyses included in the AUAR:

- The proposed project's greenhouse gas emissions and carbon footprint
- Impacts of these greenhouse gas emissions

- How climate change may influence these impacts
- Whether these impacts may worsen problems already accentuated by climate change
- Mitigation measures to reduce or eliminate these impacts

Air quality review inadequate

As FMR requested in its comments on the AUAR draft scoping document, the AUAR should include air-quality impact analysis of the proposed industrial uses. Even if the site only contains “light” industrial use, this may include significant truck traffic. Truck emissions, both due to the nature of the vehicles as well as idling during loading/unloading, are usually more significant than emissions from a passenger vehicle. This should be added to the AUAR and analyzed for both air quality and climate change impacts.

Inconsistent statements regarding music venue parking and traffic

The AUAR appears to dodge the question asked by many residents about how music venue parking will be provided and whether parking and traffic will impact nearby residents, park visitors, etc.

The report states, “event parking for attendees will be provided off-site and an event management plan will be required to manage traffic and parking needs. Therefore, parking demand for Parcel 3 was not included in the calculations” (p. 83). It’s hard to reconcile that statement with that on page 114 noting that some event parking may indeed be included on the properties within the AUAR boundary. The June 2021 Transportation Management Plan (TMP) published by Kimley-Horn also clearly states an intention for some venue parking to be within the AUAR study area and surrounding neighborhoods. If the event venue is signaling this clear plan to provide some parking at UHT, then that parking need must be included in the AUAR calculations.

The AUAR also includes contradictory statements about whether the music venue will contribute to rush-hour traffic. On page 83, the report states, “traffic associated with the community performing arts center was not included in the peak hour traffic analysis because this land use is not expected to generate traffic during a typical weekday peak hour.” That seems in blatant contradiction to the statement just a few pages later that a “weekday evening capacity event at music venue or park... includes overlap and interaction with p.m. peak traffic” (p. 87). The traffic analysis should be rewritten to reconcile these statements and provide more precise information about potential impacts of weekday evening events at the venue.

The AUAR also states an intention to “close off a portion of West River Parkway to general traffic during medium and large events” (p. 115). This contradicts the recommendations of the Minneapolis Park and Recreation Board’s UHT Community Advisory Committee (CAC),

which urged that public park and riverfront access, including to the MPRB-owned parkway, be prioritized above the needs of private uses.

In the CAC's January 2021 recommendations to the city, they stated that "pedestrian, bicycle, and vehicular access to the park should stay open, regardless of events at the venue or elsewhere in the private development. Any traffic management or event management plans should not close Dowling Avenue or other direct access routes to the park including the public parking area." Parkway closure should be removed from the TMP and should not be considered as an appropriate traffic mitigation strategy in the AUAR.

Inconsistent statements regarding music venue size

Throughout the report, including the Noise section, the maximum capacity of the music venue is stated as 10,000 people. Yet the included AECOM noise assessment states the venue capacity as being 8,000-9,000 people. This assessment, then, doesn't seem to be based on the same venue design and size as that being proposed in Scenarios 1 and 2. If this noise assessment is providing the basis for the city's claim of "no impacts" then it should be revised in accordance with the planned venue size as stated in the AUAR.

Sustainability strategies lacking

We're puzzled by the sustainability outcomes and strategies discussed in Table 18 (p. 96). In particular, the objective to "improve environmental conditions in North Minneapolis" and the related outcomes are not supported by the strategies. As one example, one stated outcome is to "reduce registered air pollutants by 25 percent." But there is no strategy that can clearly accomplish this; the only strategies related to air pollution are about monitoring (not reducing) pollution and reducing air pollution from construction vehicles. These strategies are not sufficient.

The same is true of the other outcomes listed in this section. One outcome is to "create educational areas for ecological jobs/careers training and public/group immersive learning," but there is not a single strategy included to advance this. Table 18 should be completely revised to include strategies sufficient to meet all stated outcomes.

Parks within the study area

Pages 15 and 18 both state that "there are no existing parks within the study area." This is incorrect and should be revised. The majority of the site is within the boundary of a national park: the Mississippi National River and Recreation Area. A portion of the site is also within the boundary of Above the Falls Regional Park.

While the property may not be presently being used for recreation or conservation purposes typically associated with a “park,” the property’s presence within national and regional parks is of immense significance to its future.

To summarize our comments: the draft UHT AUAR is incomplete and inadequate. It glosses over essential questions and concerns that community members have raised for several years. And the presence of so many obvious errors and inconsistencies suggests that this process was not taken seriously nor given sufficient time and scrutiny.

We’re left wondering why the community should trust an environmental review filled with fundamental flaws, omissions, and contradictions. We urge the city to slow down its AUAR process until all community concerns can be fully addressed and more opportunity has been given for community members to engage in this vital process.

Sincerely,

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
River Corridor Director