



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

101 East Fifth Street
Suite 2000
Saint Paul, MN 55101

651-222-2193
www.fmr.org
info@fmr.org

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Re: 2648 Marshall St. NE, PLAN16261

Dear Planning Commissioners:

Friends of the Mississippi River appreciates this opportunity to comment on the proposal for 2648 Marshall St. NE, specifically on the Mississippi River Corridor Critical Area (MRCCA) variance request for structure placement (bluff encroachment).

We urge you to deny this variance request. This variance has been previously denied and still does not meet the required findings.

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 city's MRCCA ordinance, newly adopted in 2021, protects the river as an ecological, scenic, and recreational asset for all residents. Very few Minneapolis residents are fortunate enough to own waterfront property, yet everyone should be able to enjoy and benefit from our city's wonderful water resources.

It's crucial that waterfront development in the Above the Falls area of North and Northeast Minneapolis, where residents have suffered from the riverfront being privatized, industrialized, and inaccessible be held to the same high standards that we expect of waterfront development elsewhere in the city. This project should not be given a pass simply because there are some lacking riverfront conditions on surrounding properties. The city's

MRCCA ordinance, along with the Above the Falls Master Plan, are intended to improve future riverfront conditions, access, and enjoyment.

Same project was denied in 2021

It appears that this proposed project is identical to the project proposed in 2021. The Planning Commission approved that project based on a staff report that did not properly address the city's then-new MRCCA ordinance. The project was denied on appeal, and the applicant chose not to pursue it further.

It is not clear how this proposed project could be approved now when it was denied two years ago with the same design and same city ordinances in place. Nothing has changed. The applicant has decided against modifying their project to comply with city code.

MRCCA variance requirements not met

The MRCCA ordinance and state rules that guide riverfront development were created through several years of stakeholder engagement. That public input should be honored by properly upholding the ordinance.

MRCCA variances require several specific written findings. It does not appear that the proposed project meets these findings.

Required finding: “The extent, location, and intensity of the variance will be in substantial compliance with the MRCCA Plan” (Minneapolis Ordinances §551.1820(a)(b)2.a.).

This finding is not met. This variance is not in substantial compliance. Where the MRCCA bluff setback requirement is 40 feet, the applicant has requested a zero-foot setback and plans to build directly on the edge of the bluff. *There is no way this substantially complies with the required setback in extent, location, and intensity.*

Required finding: “The variance is consistent with the management purpose of the MRCCA district in which is it located” (Minneapolis Ordinances §551.1820(a)(b)2.a.).

This finding is not met. Building on the edge of a bluff is not consistent with MRCCA Urban Mixed District priorities of “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” (Minneapolis Ordinances §551.1830(a)(5)b).

Bluffs are one of the river's special natural features and should be protected for the health of the land, water, and river ecosystem. Given the realities of increasing erosion from increasingly extreme rain events, we can't afford to treat bluff protections as an afterthought.

Request is due to design preference, not insufficient buildable area

This property has plenty of buildable area without a variance, as evidenced by the existing conforming duplex. The site also appears to have sufficient space for an additional home if designed differently.

We're not aware of any reason why the proposed new home (approximately 1,500 square feet, up to 16 feet tall) must be only one story. A two-story home could have a smaller footprint and could likely comply with the required setback. The layout seems based on the applicant's design preferences and/or economic considerations. A design preference for a river view is not a hardship unique to the property.

Furthermore, the proposed 1,000 square foot garage is enormous, yet appears to be intended to serve only the new dwelling unit. It does nothing to further the city's purpose for allowing cluster developments, which is to increase housing density through efficient use of land. The city does not have to grant an extreme variance to the MRCCA setback requirements simply because the applicant desires a massive private garage larger than many homes.

Incompatible with 2040 Plan and Above the Falls Plan

The requested variances are also inconsistent with goals and land use guidance of the 2040 Plan. Placing the proposed new structure on the river bluff on a parcel guided as Future Land Use: Park undermines and threatens to foreclose goals of the 2040 Plan relating to Environmental Systems, Parks & Open Space, and Equity.

2648 Marshall St. NE is a critical link for completing the continuous trails envisioned for the Above the Falls Regional Park. It is also within the Northern Green Zone, and the city must consider the benefits to the community of regional park infrastructure like parks and trails.

The rationale underlying dismissal of future land use and built form guidance as Parks is deeply flawed. The description of "Park" in both future use and built form categories clearly describes parks and park-supportive structures, not housing. In addition, asserting that the Minneapolis Parks and Recreation Board (MPRB) has no "imminent" plans to purchase is unfounded. 2648 Marshall St. NE is within the boundary of the Above the Falls Regional Park and part of an MPRB land acquisition plan approved by the Metropolitan Council. The MPRB has demonstrated interest in acquiring this property.

Linking North and Northeast Minneapolis to the rest of the regional park system with connected parks and trails is an equity issue. Looking forward, approval of these variances could doom the future of the Above the Falls Regional Park, which is so needed to address historical inequities.

As privately owned land becomes available, developers will rely on this land use decision as precedent. Instead of providing needed open space and access to the river, there will be a wall of privately owned housing, putting traditionally underserved residents of North and Northeast in no better position than they were when blocked from the river by industrial uses.

This application has not met the required findings for a MRCCA bluff setback variance, just as it failed to meet them two years ago when this variance request was first denied. Furthermore, the variance request appears to be based on the applicant's design preferences for river views and an enormous private garage. An amended design could comply with city code while adding the desired housing unit to the site.

We urge you to deny the bluff setback variance request. Thank you for your time and attention.

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
Land Use & Planning Director