5:45 p.m. SPECIAL STUDY SESSION – Community room

Discussion item

1. 5:45 p.m. PLACE Via Sol and Via Luna projects update

6:30 p.m. CITY COUNCIL MEETING – Council chambers

1. Call to order
   1a. Pledge of allegiance
   1b. Roll call

2. Presentations -- None

3. Approval of minutes -- None

4. Approval of agenda and items on consent calendar
   NOTE: The Consent Calendar lists those items of business which are considered to be routine and/or which need no discussion. Consent items are acted upon by one motion. If discussion is desired by either a Councilmember or a member of the audience, that item may be moved to an appropriate section of the regular agenda for discussion. The items for the Consent Calendar are listed on the last page of the Agenda.

   **Recommended Action:** Motion to approve the Agenda as presented and items listed on the Consent Calendar; and to waive reading of all resolutions and ordinances. (Alternatively: Motion to add or remove items from the agenda, or move items from Consent Calendar to regular agenda for discussion.)

5. Boards and Commissions -- None

6. Public hearings
   6a. 2019 Connect the Park – Dakota Avenue South bikeway (4019-2000)

   **Recommended action:** Mayor to open public hearing, take public testimony, and close the public hearing. Council is asked to take final action on this project at the Dec. 2, 2019 meeting.

7. Requests, petitions, and communications from the public – None

8. Resolutions, ordinances, motions and discussion items
   8a. Planned unit development major amendment to Section 36-268-PUD 9

   **Recommended action:** Motion to approve the first reading of Ordinance amending Section 36-268- PUD 9 subject to the conditions recommended by staff and set second reading for Dec. 2, 2019.

   8b. Benilde-St. Margaret’s – conditional use permit approving a major amendment to the existing special permit

   **Recommended action:** Motion to approve a conditional use permit authorizing a major amendment to the special permit to allow a building expansion and accessory building at Benilde-St. Margaret’s school with conditions.

**Recommended action:** Motion to approve the 2020 Acceptable Materials and Exemptions List and Administrative Rules.

8d. Efficient building benchmarking ordinance

**Recommended action** Mayor to open public hearing, take testimony, and close the hearing. Motion to approve the first reading of the Efficient Building Benchmarking ordinance and set the second reading of ordinance for Dec. 2, 2019.

9. Communications – None

Auxiliary aids for individuals with disabilities are available upon request. To make arrangements, please call the administration department at 952/924-2525 (TDD 952/924-2518) at least 96 hours in advance of meeting.
Consent calendar

4a. Approve second reading and adopt Ordinance amending Section 36-4 definitions and Section 36-366 architectural design to establish transparency requirements for ground floor street facing facades in the C-1, C-2, and MX Districts, and retail, service and restaurant uses in the O and BP Districts, and approve the Summary Ordinance for publication.

4b. Adopt Resolution authorizing the special assessment for the repair of the sewer service line at 2749 Blackstone Avenue South, St. Louis Park, MN. P.I.D. 09-117-21-32-0024.

4c. Adopt Resolution accepting work and authorizing final payment in the amount of $27,368.18 for the Utica Avenue Trail project with G.L. Contracting, Inc. – Project No. 4017-2000D

4d. Adopt Resolution supporting Perspectives’ State Capital Grants Bonding Request of $4.9 million to complete their Seed the Change Capital Project.

4e. Adopt Resolution authorizing the award of the 2020 arts and culture grants.

4f. Adopt Resolution accepting work and authorizing final payment in the amount of $30,253.85 to Northwest Asphalt, Inc. for the reconstruction of three tennis courts at Carpenter Park, city contract no. 87-19.

4g. Adopt Resolution accepting work and authorizing final payment in the amount of $9,648.63 to K. A. Witt Construction, Inc. for the construction of five pickleball courts in Wolfe Park, city contract no. 94-19.

4h. Adopt Resolution authorizing installation of all-way stop controls on Quentin Avenue at 40th Street.

St. Louis Park Economic Development Authority and regular city council meetings are carried live on civic TV cable channel 17 and replays are frequent; check www.parktv.org for the schedule. The meetings are also streamed live on the internet at www.parktv.org, and saved for video on demand replays. The agenda is posted on Fridays on the official city bulletin board in the lobby of city hall and on the text display on civic TV cable channel 17. The agenda and full packet are available by noon on Friday on the city's website.
Executive summary

Title: PLACE Via Sol and Via Luna projects update

Recommended action: PLACE will be providing an in-person update to the EDA/council of its Via Sol and Via Luna projects. Staff requests direction relative to PLACE’s requested revisions to its Purchase and Redevelopment Contract with the EDA.

Policy consideration: Does the EDA wish to 1) approve material changes to the Via Luna project, 2) extend the deadline for conveyance of the South Parcels to PLACE, and 3) extend the required construction dates for both Via Sol and Via Luna projects?

Summary: As first discussed at the June 10, 2019 Study Session and as reflected in PLACE’s pending PUD major amendment, PLACE is requesting several material revisions to its Via Luna multi-family housing development to be constructed on the South Parcels. Among them are the reduction of apartment units to 50 from 81, with the removal of 31 market-rate units. The remaining 50 units would all be affordable at 60% AMI (Area Median Income) and all designed as Live/Work units.

Construction plans for the Via Luna apartment and hotel buildings and E-Generation facility (South Components) will not be building permit approval-ready by the required December 31, 2019 closing date to acquire the South Parcels. Since these and other actions are required to be complete prior to acquisition of the South Parcels per the Purchase and Redevelopment Contract, PLACE is requesting that the closing date for acquisition of the South Parcels be extended 31 days to January 31, 2020.

Given the current construction status of Via Sol on the North Parcels and the additional time needed to close and start construction on the South Parcels, PLACE is requesting that the construction completion date for Via Sol be extended to August 31, 2021, and the commencement and completion dates for Via Luna (South components) be extended to February 29, 2020, and August 31, 2021 respectively.

The above requested revisions will require a sixth amendment to the Purchase and Redevelopment Contract between the EDA and PLACE.

Financial or budget considerations: The removal of the market rate units in Via Luna will reduce the amount of tax increment generated by the project. Thus, the number of years needed to generate the previously approved financial assistance for Via Luna is estimated to increase from approximately 9 years to 13 years.

Strategic priority consideration: St. Louis Park is committed to providing a broad range of housing and neighborhood oriented development.

Supporting documents: Discussion
              PLACE Via community update – November 11, 2019

Prepared by:  Greg Hunt, economic development coordinator
Reviewed by:  Karen Barton, community development director
Approved by:  Tom Harmening, EDA executive director and city manager
**Discussion**

**Background:** PLACE E-generation One, LLC (PLACE) received approvals in 2017 to construct a mixed-income, mixed-use, multigenerational, environmentally sustainable, transit-oriented development with live/work for creatives. The development campus is located on the north and south sides of the future Wooddale Avenue SWLRT Station. The previously approved development included:

**North Site (Via Sol and E-Generation):**
- 218 residential units (22 at 50% AMI, 130 at 80% AMI, 66 at market rate), including 18 live/work units;
- Bike shop and makers space;
- 0.88 acres of urban forest, for public access to nature, stormwater management, and habitat;
- 29,500 square feet of green roof for additional stormwater management and habitat;
- PLACE’s E-Generation facility on the northern site;
- 216 parking spaces located underground, on-street, and in a surface parking lot;
- 60 car-free units.

**South Site (Via Luna and Hotel):**
- 81 residential units (48 at 60% AMI, 33 at market-rate), all 81 designed as live/work units;
- 110-room hotel hiring community members;
- Café, coffee house, and five microbusinesses;
- Placemaking plaza at the Wooddale LRT Station;
- 231 parking spaces located in a four-story parking garage;
- 30 car-free units.

The buildings are required to adhere to the city’s green building policy and designed to achieve LEED standards.

**CONSTRUCTION PLANS UPDATE**

**Via Sol**

As stated in the October 28, 2019 Study Session written report, PLACE terminated its previous architect from both Via projects causing substantial delays to both. For Via Sol, the respective roles held by its previous architect are now being filled by the following firms:

- MSR - Architect
- Barr - Civil Engineer, Landscape Architect
- ISS - Structural Engineer

Changing architects after building plan approval triggers specified requirements under the Minnesota State Building Code regarding architect/engineer of record and plan review. Therefore, all construction documents are required to be resubmitted under the new project team and approved by the city’s Building and Energy Department before construction can proceed. Updated construction plans are expected to be submitted the week of November 11th and may take up to six weeks to review and approve depending on the number, complexity and
specifications of any proposed revisions. PLACE’s building permit for Via Sol expires January 24, 2020. If no construction has started by that date, PLACE will be required to apply for a new building permit.

Via Luna and Fairfield Inn
The respective roles held by its previous architect for the South Site are now being filled by the following firms:

- LHB - Architect
- Barr - Civil Engineer, Landscape Architect
- MBJ - Structural Engineer

PLACE has applied for a major amendment to Section 36-268-PUD 9 for changes to the proposed redevelopment on the South Site. The PUD amendment would:

- Reduce the number of units in the Via Luna apartment building from 81 units to 50 units - all remain live/work units and all affordable at 60% AMI. Two units would be 3-bedrooms;
- Replace the above ground parking ramp and with mostly underground parking and a small surface lot for commercial uses and hotel check-ins reducing the total amount of parking by 54 stalls;
- Remove the small dog run on the east side of the site, add outdoor rooftop patio space on the hotel, and expand the placemaking plaza near the Wooddale LRT Station;
- Redesign the placemaking plaza to include more site amenities including additional landscaping and a stormwater landscape feature;
- Activate Wooddale Avenue South with artist studio spaces;
- Activate 36th Street West with commercial studio spaces;
- Group the artist live/work studios on the first and second floor of the residential building, so they are more publicly accessible. The second floor of the west wing would be entirely studio spaces;
- Better accommodate truck traffic (move ins, deliveries, trash) within the placemaking plaza and surface parking lot;
- Create an improved interface between the LRT station and the placemaking plaza.

Construction plans for the apartment and hotel buildings are expected to be submitted by December 17th and therefore will not be approval-ready by the required date under the Fifth Amendment to the Purchase and Redevelopment Contract of December 31, 2019.

E-Generation Facility
Under the Fourth Amendment to the Purchase and Redevelopment Contract, the E-Generation facility (to be completed on the North Site) was included in the definition of the South Components to allow for construction staging for the South Parcels on the site.

Preparation of construction plans for the E-Generation facility will not be completed by the closing date for the South Parcels as required under the Contract. PLACE expects these plans to follow after approval of the Via Luna and the hotel plans. PLACE maintains that the time expected to construct this facility should be much shorter than the other project components and should be completed by the same time as Via Luna and the hotel.
As a condition for closing on conveyance of the South Parcels, the Purchase and Redevelopment Contract with PLACE requires that the construction plans for the South Components must be approved by the EDA (city) on or before the property closing date (December 31, 2019). Since these and other actions are required to be complete prior to closing, PLACE is requesting that the closing date for acquisition of the South Parcels be extended to January 31, 2020. However, it is unclear how the E-Generation construction permit approvals factor into this extension request since it is anticipated that the construction plans will not be submitted until sometime after January 31, 2020.

Additionally, PLACE has changed its construction method for the Via Luna apartment building to a lift process. This construction method has never been used in Minnesota, nor in the United States since the late 1980’s. As such, the structural review process may take longer than typical since the city will need to hire a consulting structural engineer to review the building design.

FINANCING UPDATES

Via Luna Housing Allocation Bonds
At the November 5, 2018 council meeting, the city council held a public hearing and amended terms for the Series 2017 Note (housing allocation bonds), issued in the amount of $27,183,503 to finance Via Luna. Old National Bank, with which the bonds are currently parked, subsequently extended the bonds twice and will now expire on January 31, 2020. State law has since changed and now prohibits these bonds from being further extended. There is insufficient time to publicly sell the bonds. However, PLACE has indicated they are working to have the bonds privately placed with Greater Minnesota Housing Fund which would not require as much time as a public sale and could allow them to close by the January 31, 2020 expiration date.

Hotel
PLACE has indicated that “the hotel has assembled $37.8M of the total $49.8M cost” and is working to secure the additional equity needed for the project. PLACE hopes to have a further update by the Study Session.

E – Generation Facility
PLACE has also indicated that financing for the E-Generation is “lined up”. Further documentation will need to be submitted to staff for verification.

Proposed Revisions to Purchase and Redevelopment Contract
The proposed revisions to the Via Luna and hotel projects as outlined in the pending PUD amendment (namely the removal of the 33 market rate apartment units, the addition of two more affordable units ((3-bedroom units)) and revising the number and types of Live/Work units distributed between the two apartment buildings) are material changes under the Purchase and Redevelopment Contract necessitating a Sixth Amendment.

As noted above, construction plans for the Via Luna apartment, hotel, and E-Generation buildings (South Components) will not be approval-ready by the required financing/real estate closing date of December 31, 2019. PLACE therefore is requesting that the closing date for acquisition of the South Parcels be extended to January 31, 2020. However, currently it is
unclear how the E-Generation construction permit approvals factor into this extension request since it is anticipated that the construction plans will not be submitted until sometime after January 31, 2020. PLACE will need to request some type of accommodation for submittal of the construction plans for the E–Generation facility in order to close on the South Parcels by January 31, 2020.

Given the current construction status of Via Sol on the North Parcels and the additional time needed to close and start construction on the South Parcels, PLACE is requesting that the construction completion date for Via Sol be extended to August 31, 2021, and the commencement and completion dates for Via Luna be extended to February 29, 2020, and August 31, 2021 respectively.

**Next steps:** The above requested revisions and extensions require a Sixth Amendment under the Purchase and Redevelopment Contract. Pending direction from the council, such an amendment could be scheduled for EDA consideration on December 2, 2019.
MEMORANDUM

DATE: November 11, 2019

TO: City of St. Louis Park

FROM: Chris Velasco

RE: Via community update

Dear All:

Thank you for the opportunity to update you on our Via community. We appreciate that the City gave us the opportunity to succeed on the North Phase, and we have successfully closed on that phase and broken ground. We request the same opportunity to succeed with our South Phase.

The Via Community is a sustainable, transit-oriented campus surrounding the Wooddale Station. The campus provides 267 apartments for people across the income spectrum, including a healthy mix of households earning 50%, 60%, 80% of Area Median Income (AMI), and market rate apartments and live work spaces, all seeking a LEED™ award for green building and sustainable design.

### Via’s North Phase contains:
- 217 apartments, including 152 affordable apartments and 65 market-rate apartments
- Space for a bike shop opening onto the bike trail
- Urban Art Forest
- Solar parking and wind turbine
- FULLY FINANCED AND BROKEN GROUND

### Via’s South Phase contains:
- Hotel (Fairfield Inn & Suites by Marriott). Franchise awarded. First nonprofit Marriott franchise.
- Via Luna (50 affordable live work apartments for creatives)
- Creative Co-Working with performance/exhibit space
- Cafe and coffee house, and rooftop deck
- NEEDS A ONE MONTH EXTENSION FROM YOU

PLACE is a nonprofit with a mission to create places that foster a sustainable, just, and inspiring world.
Project Updates

North Phase (Via Sol)

Top Five Things to Know about Via Sol:

1. The North Phase is **fully financed and has broken ground**.

2. The site turned out to be even more contaminated than environmental studies had shown. Remediation took longer and cost nearly twice as much as had been budgeted. All contaminated conditions have now been abated.

3. The Architect of Record had to be terminated for default of their contract. Design Architect, MSR, took over responsibility as AOR. The Building and Energy Department suspended the project’s building permit on August 6, requiring all documents to be re-submitted and reviewed. We anticipate that work will be allowed to resume by January 20.

4. Project commercial broker, Rich Yablonsky, received interest from **Erik’s Bike Board & Ski** in opening a bike shop in Via Sol.

5. Via Sol has nearly 100 people on its waiting list and is expected to open in August 2021.

South Phase (Hotel & Via Luna)

Top Six Things to Know about the Hotel and Via Luna:

1. Approval. Project design has been greatly improved by LHB Architects, and **received Planning Commission approval** on Wednesday, November 6. Most of our parking has moved below ground.

2. New architect. The Architect of Record had to be terminated for default of their contract. They withheld the architectural plans from the project and caused a substantial delay. LHB Architects have taken over and redesigned the project from scratch, a cost to PLACE and to the timeline.

3. More affordable. We have added **two additional affordable, 3-bedroom** live work apartments in the bridge.

4. Creative Co-Working. The first and second floors comprise our **Creating Co-Working Space** and allow for visitors to meet the creatives in their spaces and see creative works in process. The multi-purpose space will serve as **affordable, performance and exhibit space** for St. Louis Park.

5. Job Training. The hotel will be operated by Aimbridge Hospitality, who will train people from Via’s affordable housing to have careers in hospitality.

6. Arts & Transit Plaza. Our design will feature an Arts and Transit Plaza to celebrate the Wooddale Station area and create a sense of place.
Financing Updates

North Phase (Via Sol)

1. The North Phase is **fully financed and has broken ground.**

2. The delay caused by the suspension of the building permit has cost the project approximately $270,000 each month, which has depleted our interest reserve account.

3. PLACE has three strategies to replace lost funds:

   1. Improve budget and schedule. The team will look for opportunities to construct the building more cost effectively, and to speed up the schedule.
   
   2. Fund raise. It is always easier to raise donations once the building starts to be visible
   
   3. Insurance. We have insurance to rectify the project for costs caused by the architect who defaulted

South Phase (Hotel & Via Luna)

1. Via Luna has all financing lined up.

2. The hotel has assembled $37.8M of the total $49.8M cost. Equity broker, Mainstreet Funding Solutions (recommended by Marriott), has been engaged to secure the financing for the project. Note: Things are moving quickly with hotel financing, and an update may be available by the Study Session.

3. E-Generation™ has all financing lined up.

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Timeline Updates

North Phase (Via Sol)

Via Sol is expected to be ready for occupancy in **August of 2021**.

South Phase (Hotel & Via Luna)

The South Phase is expected to be ready for occupancy in **August of 2021**

E-Generation™

E-Generation is expected to be ready for operation in **August of 2021**

*Note: All final components of Via are expected to be completed at the same time; August of 2021*
Executive summary

Title: Zoning ordinance establishing facade transparency requirements

Recommended action: Motion to approve second reading and adopt Ordinance amending Section 36-4 definitions and Section 36-366 architectural design to establish transparency requirements for ground floor street facing facades in the C-1, C-2, and MX Districts, and retail, service and restaurant uses in the O and BP Districts, and approve the Summary Ordinance for publication.

Policy consideration: Does city council wish to require a minimum amount of ground floor transparency for street facing facades?

Summary: The city has regulated the amount of ground floor transparency in planned unit developments to increase the interaction between the internal spaces of a building with the public realm. One of the city’s goals is to allow people inside buildings to easily observe street life and improve public safety. Ground floor transparency regulations are particularly important in areas where there is high pedestrian traffic, as transparency can help create a vibrant and safer street. Ground floor windows and transparent doors may also strengthen the commercial viability of a use by attracting customers and adding to the enjoyment of the pedestrian’s experience on the street.

The attached draft ordinance responds to feedback from the planning commission and city council. The intent of the ordinance is to be flexible, especially for small businesses and existing buildings, yet provide for a safe and active pedestrian realm and vibrant streets.

The planning commission held a public hearing on October 16, 2019 and voted 6 to 0 to recommend adoption of the proposed ordinance.

The city council voted 6 to 0 to approve the first reading of an Ordinance on November 4, 2019 based on the recommendation of the planning commission.

Financial or budget considerations: None.

Strategic priority consideration: St. Louis Park is committed to providing a broad range of housing and neighborhood oriented development.

Supporting documents: Discussion  
Ordinance  
Summary for publication  
Map of affected areas

Prepared by: Jennifer Monson, planner  
Reviewed by: Sean Walther, planning and zoning supervisor  
Karen Baron, community development director  
Approved by: Tom Harmening, city manager
Discussion

Background: In the summer of 2018, city council directed staff and the planning commission to consider zoning standards for ground floor window transparency to increase vibrancy along the city’s commercial streets. The planning commission and city council have since discussed the importance of ground floor transparency requirements and have provided feedback on a draft ordinance during several study sessions, and one joint city council/planning commission study session.

The city has regulated the amount of ground floor transparency in planned unit developments to increase the interaction between the internal spaces of a building with the public realm. In the past, there has been very little pushback with developers on these requirements; however, commercial and especially retail tenants, who tend to be more focused on the interior layouts of their spaces than the building’s exterior design (except perhaps the building orientation toward parking lots), have tried to reduce the amount of required window transparency.

The attached draft ordinance responds to feedback from the planning commission and city council. The intent of the ordinance is to provide flexibility, especially for small businesses and existing buildings, yet advance the city’s goals for a safe and active pedestrian realm and vibrant streets.

The limitations on window paintings and signage that are included in the ordinance would be applied to all businesses, existing and new in the C-1 and C-2 Districts, and retail, service, and restaurant uses in the O and BP Districts. The remainder of the ordinance will be applied when upgrades and renovations to buildings occur. The regulation establishing a minimum percentage of transparency on the front and side street facing facades would not apply to existing buildings. This requirement will be enforced on all new buildings and buildings which expand the gross floor area of the building by more than 50 percent.

In January 2019, the planning commission voted 6 to 0 to recommend denial of the ordinance. Planning commission members were concerned about requiring prescriptive amounts of transparency along ground floor, street facing facades, as well as restricting the first three feet of space within the building. They were also hesitant to strictly limit the sign area in windows, and they were not convinced the flexibility afforded in the ordinance could be administered both consistently (fairly) and as broadly as businesses may need.

After further discussions with city council in March, planning commission revisited the ordinance, and thought the overall amount of required transparency should be reduced to 50 percent. No other changes were recommended to the proposed ordinance.

The planning commission held a public hearing on October 16, 2019 and voted 6 to 0 to recommend adoption of the proposed ordinance.

The city council voted 6 to 0 to approve the first reading of an Ordinance on November 4, 2019 based on the recommendations of the planning commission.
Ordinance No. ____-19

Ordinance relating to Section 36-4 Definitions and Section 36-366 Architectural Design to establish transparency requirements for ground floor street facing facades in the C-1, C-2, and MX Districts, and retail, service, and restaurant uses in the O and BP Districts

The City of St. Louis Park does ordain:

Section 1. The City Council has considered the advice and recommendation of the Planning Commission (Case No. 18-70-ZA).

Section 2. Sections of Chapter 36 of the St. Louis Park City Code are hereby amended by adding underscored text and deleting strikethrough text. Section breaks are represented by ***.

CHAPTER 36
ZONING

Section 36-4 Definitions

************

Ground Floor Transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows at the pedestrian level, measured between 2’ and 8’ above grade.

************

36-366 Architectural design

**

(b) Standards.

**

(3) Ground floor transparency.

a. The following facade design guidelines shall be applicable to all ground floor street-facing facades in the C-1, C-2, and MX Districts, and retail, service, and restaurant uses in O and BP Districts:

i. Window paintings and signage shall cover no more than 10 percent of the total window and door area.
ii. Visibility into the space shall be maintained for a minimum depth of three (3) feet. Display of merchandise is allowed within this three (3) feet.

iii. Interior storage areas, utility closets and trash areas shall not be visible from the exterior of the building.

iv. No more than 10 percent of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90 percent of window and door area shall be highly transparent, low reflectance windows with a minimum 60 percent transmittance factor and a reflectance factor of not greater than 0.25.

v. For all new buildings constructed after January 1, 2019, and existing buildings which expand the gross square footage of the building by more than 50 percent, the minimum ground floor transparency shall be 50 percent on the front façade, and 20 percent on all other ground floor street facing facades.

vi. The city acknowledges a degree of flexibility may be necessary to adjust to unique situations. Alternatives that provide an increase in pedestrian vibrancy and street safety including but not limited to public art and pedestrian scale amenities may be considered and may be approved by the Zoning Administrator, unless the development application requires approval by City Council, in which case the City Council shall approve the alternate transparency plan.

(3)(4) Additions and accessory structures. The exterior wall surface materials, roof treatment, colors, textures, major divisions, proportion, rhythm of openings, and general architectural character, including horizontal or vertical emphasis, scale, stylistic features of additions, exterior alterations, and new accessory buildings shall address and respect the original architectural design and general appearance of the principal buildings on the site and shall comply with the requirements of this section.

(4)(5) Screening.

a. The visual impact of rooftop equipment shall be minimized using one of the following methods. Where rooftop equipment is located on buildings and is visible within 400 feet from property in an R district, only the items listed in subsections 1 and 2 shall be used.

1. A parapet wall.

2. A fence the height of which extends at least one foot above the top of the rooftop equipment and incorporates the architectural features of the building.

3. The rooftop equipment shall be painted to match the roof or the sky, whichever is most effective.
b. Utility service structures (such as utility meters, utility lines, transformers, aboveground tanks); refuse handling; loading docks; maintenance structures; and other ancillary equipment must be inside a building or be entirely screened from off-site views utilizing a privacy fence or wall that is at least six feet in height. A chain link fence with slats shall not be accepted as screening.

c. All utility services shall be underground except as provided elsewhere in this chapter.

(5)(6) Parking ramps. All new parking ramps shall meet the following design standards:

a. Parking ramp facades that are visible from off the site shall display an integration of building materials, building form, textures, architectural motif, and building colors with the principal building.

b. No signs other than directional signs shall be permitted on parking ramp facades.

c. If the parking ramp is located within 20 feet of a street right-of-way or recreational trail, the facade facing the street shall be subject to the same requirements for exterior surface materials as for buildings.

(6)(7) Awnings and canopies.

a. Awnings and Canopies.

1. Construction. Awnings and canopies shall have noncombustible frames. If an awning can be collapsed, retracted or folded, the design shall be such that the awning does not block any required exit.

2. Projection. Awnings and canopies less than 25 feet in width may extend up to two feet from the face of the nearest curb line measured horizontally.

3. Clearance. All portions of any awning and canopy shall provide at least eight feet of clearance or any walkway and twelve feet of clearance over any driveway or roadway.

4. Supports. Canopy posts or other supports located within a public right-of-way or easement shall be placed in a location approved by the city engineer.

b. Permit required. A building permit shall be issued prior to the installation of any awning or canopy. In addition to the building permit, an encroachment agreement shall be issued by the city engineer prior to the installation of any awning or canopy that extends into, upon or over any street or alley right-of-way, park or other public property. The encroachment agreement shall include provisions that hold the owner of the awning or canopy liable to the city for any damage which may result to any person or property by reason of such encroachment or the removal of such encroachment. Additional conditions may be imposed on encroachment permits to protect the health, safety or welfare of
the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the city engineer.

c. Submission requirements. The following information shall be submitted prior to the installation of an awning or canopy.

1. Application form and fee. A separate fee shall be required for the building permit and encroachment agreement.

2. Dimensioned and scaled site plan and building elevations.

3. Four sets of drawings for each awning or canopy proposed.

d. Projections to be safe. All such projections over public property shall be structurally safe, shall be kept in a safe condition and state of repair consistent with the design thereof and repaired when necessary in the opinion of the city engineer or building official by and at the expense of the person having ownership or control of the building from which they project.

e. Removal upon order. The owner of an awning or canopy, any part of which projects into, upon, over or under any public property shall upon being ordered to do so by the city engineer remove at once any part or all of such encroachment and shall restore the right-of-way to a safe condition. Such removal and restoration of the right-of-way will be at the sole expense of the property owner. The city may, upon failure of the property owner to remove the encroachment as ordered, remove the encroachment, and the reasonable costs of removing such encroachment incurred by the city shall be billed and levied against the property as a special assessment.

Section 3. This ordinance shall take effect (December 13, 2019)

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<td>Date of Publication</td>
<td>November 28, 2019</td>
</tr>
<tr>
<td>Date Ordinance takes effect</td>
<td>December 13, 2019</td>
</tr>
</tbody>
</table>

Reviewed for administration: Adopted by the City Council November 18, 2019

Thomas K. Harmening, city manager Jake Spano, mayor

Attest: Approved as to form and execution:

Melissa Kennedy, city clerk Soren Mattick, city attorney
Summary for Publication

Ordinance No. _____-19

An ordinance relating to ground floor street facing facades

This ordinance amends Sections 36-4 Definitions and Section 36-366 Architectural Design to establish transparency requirements for ground floor street facing facades in the C-1, C-2, and MX Districts and retail, service and restaurant uses in the O and BP Districts.

This ordinance shall take effect 15 days after publication.

Adopted by the City Council November 18, 2019

Jake Spano /s/
Mayor

A copy of the full text of this ordinance is available for inspection with the City Clerk.

Published in St. Louis Park Sailor: November 28, 2019
Ground floor transparency ordinance

Zoning districts affected

Legend
- M-X Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- BP Business Park (retail, service, & restaurant uses only)
- O Office (retail, service, & restaurant uses only)

Source: Community Development 2019
Executive summary

Title: Special assessment – sewer service line repair at 2749 Blackstone Avenue South

Recommended action: Motion to adopt Resolution authorizing the special assessment for the repair of the sewer service line at 2749 Blackstone Avenue South, St. Louis Park, MN. P.I.D. 09-117-21-32-0024.

Policy consideration: The proposed action is consistent with policy previously established by the city council.

Summary: Clark Johnson, owner of the single-family residence at 2749 Blackstone Avenue South, has requested the city authorize the repair of the sewer service line for their home and assess the cost against the property in accordance with the city's special assessment policy.

The city requires the repair of service lines to promote the general public health, safety and welfare within the community. The special assessment policy for the repair or replacement of water or sewer service lines for existing homes was adopted by the city council in 1996. This program was put into place because sometimes property owners face financial hardships when emergency repairs like this are unexpectedly required. Plans and permits for this service line repair work were completed, submitted, and approved by city staff. The property owner hired a contractor and repaired the sewer service line in compliance with current codes and regulations. Based on the completed work, this repair qualifies for the city's special assessment program. The property owner has petitioned the city to authorize the sewer service line repair and special assess the cost of the repair. The total eligible cost of the repair has been determined to be $3,975.

Financial or budget considerations: The city has funds in place to finance the cost of this special assessment.

Strategic priority consideration: Not applicable.

Supporting documents: Resolution

Prepared by: Jay Hall, utility superintendent
Reviewed by: Mark Hanson, public works superintendent
Beth Simonsen, accountant
Tim Simon, chief financial officer
Cynthia S. Walsh, director of operations and recreation

Approved by: Tom Harmening, city manager
Resolution No. 19-____

Resolution authorizing the special assessment for the repair of the sewer service line at 2749 Blackstone Avenue South, St. Louis Park, MN P.I.D. 09-117-21-32-0024

Whereas, the property owner at 2749 Blackstone Avenue South, has petitioned the City of St. Louis Park to authorize a special assessment for the repair of the sewer service line for the single family residence located at 2749 Blackstone Avenue South; and

Whereas, the property owner has agreed to waive the right to a public hearing, right of notice and right of appeal pursuant to Minnesota Statute, Chapter 429; and

Whereas, the City Council of the City of St. Louis Park has received a report from the Utility Superintendent related to the repair of the sewer service line.

Now therefore be it resolved by the City Council of the City of St. Louis Park, Minnesota, that:

1. The petition from the property owner requesting the approval and special assessment for the sewer service line repair is hereby accepted.

2. The sewer service line repair that was done in conformance with the plans and specifications approved by the Operations and Recreation Department and Department of Inspections is hereby accepted.

3. The total cost for the repair of the sewer service line is accepted at $3,975.

4. The property owner has agreed to waive the right to a public hearing, notice and appeal from the special assessment; whether provided by Minnesota Statutes, Chapter 429, or by other statutes, or by ordinance, City Charter, the constitution, or common law.

5. The property owner has agreed to pay the city for the total cost of the above improvements through a special assessment over a ten (10) year period at the interest rate of 4.25%.

6. The property owner has executed an agreement with the city and all other documents necessary to implement the repair of the sewer service line and the special assessment of all costs associated therewith.

Reviewed for administration: Adopted by the City Council Nov. 18, 2019

Thomas K. Harmening, city manager Jake Spano, mayor

Attest:

Melissa Kennedy, city clerk
Executive summary

Title: Final payment resolution – Utica Avenue Trail – Project No. 4017-2000D

Recommended action: Motion to adopt Resolution accepting work and authorizing final payment in the amount of $27,368.18 for the Utica Avenue Trail project with G.L. Contracting, Inc. – Project No. 4017-2000D

Policy consideration: Not applicable.

Summary: On August 6, 2018, the city council awarded the bid for the Utica Avenue Trail. The project was advertised, bid and awarded to G.L. Contracting, Inc. in the amount of $641,997.55.

This trail was constructed parallel to Utica Avenue, just west of Highway 100. It connects the North Cedar Lake Regional Trail to the Birchwood neighborhood, the pedestrian bridge over Highway 100, and the newly installed bikeway along 28th Street and 27th Street.

The contractor completed this work within the contract time allowed at a final contract cost of $547,363.51. This is a significant underrun in the project of approximately $95,000. The underrun is attributed to the removal of underground conduit and handholes from the contract. The original estimate for the conduit work was approximately $50,000. It was determined that the conduit could be installed later as part of a more cost-effective project without negatively impacting the trail.

Financial or budget considerations: The cost of the work performed by the contractor under Contract No. 105-18 has been calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original contract price</td>
<td>$641,997.55</td>
</tr>
<tr>
<td>Work certified to date</td>
<td>$547,363.51</td>
</tr>
<tr>
<td>Previous payments</td>
<td>$519,995.33</td>
</tr>
<tr>
<td>Balance due</td>
<td>$27,368.18</td>
</tr>
</tbody>
</table>

This project was planned for and included in the city’s capital improvement program (CIP) for 2017 using General Obligation Bonds.

Strategic priority consideration: St. Louis Park is committed to providing a variety of options for people to make their way around the city comfortably, safely and reliably.

Supporting documents: Resolution

Prepared by: Jack Sullivan, senior engineering project manager
Reviewed by: Debra Heiser, engineering director
Approved by: Tom Harmening, city manager
Resolution No. 19-____

Resolution authorizing final payment
and accepting work of the
2017 Connect the Park
Utica Avenue Trail project

City project No. 4017-2000D
Contract No. 105-18

Be it resolved by the City Council of the City of St. Louis Park, Minnesota, as follows:

1. Pursuant to a written contract with the City dated August 6, 2018, G.L. Contracting, Inc. has satisfactorily completed the 2017 Connect the Park, Utica Avenue Trail project, as per Contract No. 105-18.

2. The Engineering Director has filed her recommendations for final acceptance of the work.

3. The work completed under this contract is accepted and approved. The final contract cost is $547,363.51.

4. The City Manager is directed to make final payment in the amount of $27,368.18 on this contract, taking the contractor's receipt in full.

Reviewed for administration: Adopted by the City Council November 18, 2019

________________________________________  _______________________________________
Thomas K. Harmening, city manager           Jake Spano, mayor

Attest:

________________________________________
Melissa Kennedy, city clerk
Executive summary

**Title:** Resolution of support for Perspectives’ State Capital Grants Bonding Request

**Recommended action:** Motion to adopt Resolution supporting Perspectives’ State Capital Grants Bonding Request of $4.9 million to complete their Seed the Change Capital Project.

**Policy consideration:** Does the council wish to adopt a resolution supporting Perspectives request for $4.9 million in the 2020 Capital Investment Bill to complete their Seed the Change capital project?

**Summary:** Perspectives, Inc. has requested the City of St Louis Park serve as the municipal sponsor for their $4.9 million State Capital Grant request to complete their Seed the Change Capital campaign. The Seed the Change capital campaign was launched for the purpose of renovating their 60-year-old facility into a functional, healthy and vibrant family center. The 22,000 square foot building was purchased in 1996, and despite costly repairs over time, has continued to deteriorate. Additionally, the building is at capacity as demand continues to increase.

The facility will serve dual-diagnosed, previously homeless mothers and their children, as well as economically disadvantaged children within the community, Grades K-8, who are on the free/reduced lunch program. The facility will also serve preschool children living in poverty who have been traumatized through homelessness, addiction, and abuse.

As part of the formal request process, the State office of Management and Budget requires the city to adopt a resolution supporting Perspectives’ Capital Investment Bill request and ranking the priority in relation to other State Bonding requests the city may have. The city does not have any other 2020 State Bonding requests, so Perspectives’ request can be ranked as the city’s first choice.

Perspectives made a similar request of the city last year; however, no bonding bill was passed by the State in 2019.

**Financial or budget considerations:** No financial or budget impacts other than associated staff time.

**Strategic priority consideration:** St. Louis Park is committed to providing a broad range of housing and neighborhood oriented development.

**Supporting documents:** Discussion
Resolution
Perspectives website: [www.perspectives-family.org](http://www.perspectives-family.org)

**Prepared by:** Karen Barton, community development director

**Approved by:** Tom Harmening, city manager
Discussion

**Background:** Founded in 1976, Perspectives, Inc. is a 43-year-old human service agency located in St. Louis Park that serves homeless mothers and their children who are suffering from co-occurring mental health and substance abuse disorders. Perspectives offers the largest program for therapeutic supportive housing for women and children in the Midwest, housing approximately 75 women and 130 children annually.

Perspectives launched their Seed the Change Capital Campaign for the purpose of renovating their 60-year-old office building into a vibrant family center. Perspectives purchased the 22,000-sq.-ft. building in 1996 and, over time, has reconfigured it in order to provide comprehensive services to homeless/at risk families and children. Today, despite costly repairs, the building continues to deteriorate, and the space is at capacity. There is also an urgent need to provide security and handicap accessibility, which the current building does not have.

**Present considerations:** Seed the Change Capital Campaign for Perspectives will completely renovate the existing 22,000 square foot Family Center and expand the Perspectives Family Center by an additional 16,000 square feet. The newly renovated and expanded 38,000 square foot facility will include: four new Early Childhood Education classrooms; new & expanded therapy and group rooms for Outpatient Co-occurring Treatment and Children’s Mental Health; Kids Cafe dining room expansion; safe, fenced playgrounds and additional green space, expanded space for Kids Connection Programming; updated secure reception area, new multi-purpose/media room; and new parking lot.

The funding will provide for expansion and enhancement for four key programs: 1. Clinical Services - providing onsite diagnostic assessments, treatment planning, screening, referrals and individual, family and/or group psychotherapy, led by an integrated team of mental health and chemical health professionals. 2. Children's Mental Health - therapists provide assessments, treatment plans and both one-on-one and family counseling to assist children in their healing process. 3. Kids Connection - a year-round, comprehensive, extended-day academic program. 4. Kids Cafe - a nutritional and culinary program.

**Next steps:** Should Perspectives receive the requested State Capital Grant Bond funding, the City of St Louis Park would enter into agreements with Perspectives for the operation of the facility.

Perspectives anticipated timeline for construction, pending funding approval is as follows:

- Construction Bids sought - June/July 2020
- Contractor selection - September 2020
- Contractor Agreements completed - February 2021
- Construction begins - April 2021
- Building Addition completed - August 2021
- Building renovations completed - February 2022
- Project Completed - March 2022
Resolution No. 19-____

Resolution supporting Perspectives, Inc. request of $4.9 million in State of Minnesota Capital Grant Funding for 2020

Whereas, Perspectives, Inc., a nationally recognized non-profit human service agency, providing intervention services to women and children to address the devastating effects of homelessness, poverty and the exposure to addiction, mental illness, and abuse; and

Whereas, Perspectives, Inc. has launched a capital campaign for the purpose of renovating their 60-year-old facility to expand their services and provide an accessible, safe, and healthy environment for the people they serve; and

Whereas, Perspectives, Inc. is seeking $4.9 million in Capital Grant funding from the State of Minnesota to complete their Seed the Change Capital Campaign; and

Whereas, The City of St Louis Park is supportive of Perspectives’ mission and recognizes the importance of the services they provide to the community and region; and

Whereas, The City of St Louis Park has the ability and legal authority to serve as the municipal sponsor for Perspectives’ State Capital Grant request;

Now therefore be it resolved that the City of St Louis Park does acknowledge support for Perspectives’ State Capital Grant funding request; and

It is further resolved that the City of St Louis Park ranks this 2020 Capital Investment Bill request on behalf of Perspectives, Inc as the city’s first priority in State Capital Grant funding for 2020.

Reviewed for administration: Adopted by the City Council November 18, 2019

Thomas K. Harmening, city manager Jake Spano, mayor

Attest:

Melissa Kennedy, city clerk
Executive summary

Title: Award of the 2020 arts and culture grants

Recommended action: Motion to adopt Resolution authorizing the award of the 2020 arts and culture grants.

Policy consideration: Are the recommended grant awards in keeping with council expectations?

Summary: The council has supported the annual arts and culture grant program since its inception in 2006. The grant program is intended to fund art projects and cultural activities that build bridges between artists and communities, engages people in creative learning and promotes artistic production and cultural experiences in St. Louis Park. This program is funded through the city’s budget process. St. Louis Park Friends of the Arts provides technical assistance.

The grant committee is comprised of the St. Louis Park Youth Development Fund, Friends of the Arts, city staff, Discover St. Louis Park and community members. The committee reviewed the applications and identified applicants whose proposals best met the objectives of the grant program. Twelve applications were received for the 2020 grant process. The following three best met the criteria and were recommended for approval:

- Cindy Jurgensen: $10,000 to be used to create a mural in Historic Walker Lake.
- Sabes Jewish Community Center (JCC) (Robyn Awend): $3,000 to fund the “Celebration of Rube Goldberg” exhibition and workshop.
- Kristina Nesse: $5,500 to fund “Joy Street,” a street painting initiative.

Financial or budget considerations: $20,000 is budgeted in the Development Fund for 2020. The total recommended amount for art projects in 2020 is $18,500.

Strategic priority consideration: St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: Resolution

Prepared by: Maria Solano, senior management analyst
Approved by: Tom Harmening, city manager
Resolution No. 19-____

Resolution authorizing award of St. Louis Park Arts and Culture Grants to Cindy Jurgensen, Sabes Jewish Community Center and Kristina Nesse

Whereas, the City of St. Louis Park created this program in 2006 with the assistance of Friends of the Arts and the St. Louis Park Youth Development Fund to create and support a grant program to fund art projects and cultural activities that build bridges between artists and communities, engage people in creative learning, and promote artistic production and cultural experiences in St. Louis Park; and

Whereas, twelve applicants responded to the call for proposals and were evaluated by a committee comprised of representatives of the St. Louis Park Youth Development Fund, Friends of the Arts, city staff, Discover St. Louis Park and community members; and

Whereas, the committee recommends the city council fund three (3) grant proposals for a total of $18,500.

Now therefore be it resolved that the City Council of the City of St. Louis Park, Minnesota, authorizes execution of grant agreements with the following organizations based on the review committee’s recommendations and the applicants’ proposals:

1. Cindy Jurgensen is awarded a maximum of $10,000.
2. Sabes Jewish Community Center (JCC) (Robyn Awend) is awarded a maximum of $3,000.
3. Kristina Nesse is awarded a maximum of $5,500.

Reviewed for Administration:  
Adopted by the City Council November 18, 2019

__________________________________________  
Thomas K. Harmening, city manager  
Jake Spano, mayor

Attest:

__________________________________________  
Melissa Kennedy, city clerk
Executive summary

Title: Final payment resolution – Carpenter Park Tennis Court Reconstruction – Project No. 2121119

Recommended action: Motion to adopt Resolution accepting work and authorizing final payment in the amount of $30,253.85 to Northwest Asphalt, Inc. for the reconstruction of three tennis courts at Carpenter Park, city contract no. 87-19.

Policy consideration: Not applicable.

Summary: On April 15, 2019, the city council awarded a contract in the amount of $135,917 for the reconstruction of three tennis courts in Carpenter Park.

The contractor completed its work within the contract time allowed at a final contract cost of $159,375. The final cost includes change orders for additional quantities of top soil and seed, contaminated soil disposal, and extra gravel base.

Financial or budget considerations: The 2019 CIP included $145,000 for the reconstruction of tennis courts. The cost of the work performed by the contractor under contract no. 87-19 has been calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original contract</td>
<td>$135,917.00</td>
</tr>
<tr>
<td>Change order additions</td>
<td>$23,458.00</td>
</tr>
<tr>
<td>Revised contract</td>
<td>$159,375.00</td>
</tr>
<tr>
<td>Previous payments</td>
<td>$129,121.15</td>
</tr>
<tr>
<td><strong>Balance due</strong></td>
<td><strong>$30,253.85</strong></td>
</tr>
</tbody>
</table>

Strategic priority consideration: Not applicable.

Supporting documents: Resolution

Prepared by: Stacy M. Voelker, senior office assistant
Reviewed by: Rick Beane, parks superintendent

Cynthia S. Walsh, director of operations and recreation

Approved by: Tom Harmening, city manager
Resolution No. 19-____

Resolution authorizing final payment to Northwest Asphalt, Inc. and accepting work for the reconstruction of three tennis courts in Carpenter Park

City Project No. 21211119
Contract No. 87-19

Be it resolved by the City Council of the City of St. Louis Park, Minnesota, as follows:

1. Pursuant to a written contract with the city dated April 16, 2019, Northwest Asphalt, Inc. has satisfactorily completed the reconstruction of three tennis courts in Carpenter Park, as per Contract No. 87-19.

2. The Operations and Recreation Director has filed her recommendation for final acceptance of the work.

3. The work completed under this contract is accepted and approved. The final contract cost is $159,375.00.

4. The city manager is directed to make final payment in the amount of $30,253.85 on this contract, taking the contractor’s receipt in full.

Reviewed for administration: Adopted by the City Council Nov. 18, 2019

Thomas K. Harmening, city manager Jake Spano, mayor

Attest:

Melissa Kennedy, city clerk
Executive summary

**Title:** Final payment resolution – Wolfe Park Pickleball Court Construction – Project No. 21999908

**Recommended action:** Motion to adopt Resolution accepting work and authorizing final payment in the amount of $9,648.63 to K. A. Witt Construction, Inc. for the construction of five pickleball courts in Wolfe Park, city contract no. 94-19.

**Policy consideration:** Not applicable.

**Summary:** On April 15, 2019, the city council awarded a contract in the amount of $209,906 for the construction of five pickleball courts in Wolfe Park.

The contractor completed their work within the contract time allowed at a final contract cost of $198,972.65. The final cost includes change orders for reductions in the cost of tree removal and disposal of excavated soils.

**Financial or budget considerations:** The 2019 CIP included $175,000 for the construction of pickleball courts. Staff rearranged some CIP projects and saved money on other projects to cover the increased cost for this project in the Park Improvement Fund. The contract to K. A. Witt Construction, Inc. was the largest part of this project. The cost of the work performed by the contractor under contract no. 94-19 has been calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Original contract</td>
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<td>Change order reductions</td>
<td>($10,933.35)</td>
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<td>Revised contract</td>
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<tr>
<td>Balance due</td>
<td>$9,948.63</td>
</tr>
</tbody>
</table>

**Strategic priority consideration:** Not applicable.

**Supporting documents:** Resolution

**Prepared by:** Stacy M. Voelker, senior office assistant

**Reviewed by:**
- Rick Beane, parks superintendent
- Cynthia S. Walsh, director of operations and recreation

**Approved by:** Tom Harmening, city manager
Resolution No. 19---

Resolution authorizing final payment to K. A. Witt Construction, Inc. and accepting work for the construction of five pickleball courts in Wolfe Park

City Project No. 21999908
Contract No. 94-19

Be it resolved by the City Council of the City of St. Louis Park, Minnesota, as follows:

1. Pursuant to a written contract with the city dated April 16, 2019, K. A. Witt Construction, Inc. has satisfactorily completed the construction of five pickleball courts in Wolfe Park, as per Contract No. 94-19.

2. The Operations and Recreation Director has filed her recommendation for final acceptance of the work.

3. The work completed under this contract is accepted and approved. The final contract cost is $198,972.65.

4. The city manager is directed to make final payment in the amount of $9,948.63 on this contract, taking the contractor’s receipt in full.

Reviewed for administration: Adopted by the City Council Nov. 18, 2019

Thomas K. Harmening, city manager Jake Spano, mayor

Attest:

Melissa Kennedy, city clerk
Executive summary

Title: Traffic Study 715: Installation of all-way stop controls on Quentin Avenue at 40th Street (Petition)

Recommended action: Motion to adopt Resolution authorizing installation of all-way stop controls on Quentin Avenue at 40th Street.

Policy consideration: Installing traffic controls is allowed per the city's established regulatory authority. City council considers non-qualifying traffic control devices if 70 percent of properties within a 600-foot radius from the location sign a petition.

Summary: Staff received a request for all-way stop signs at the intersection of Quentin Avenue and 40th Street in February 2016. The intersection is a four-way intersection with stop signs at the west and east approaches. The west approach meets the intersection at a skewed angle.

The city's traffic control policy and the Minnesota Manual of Uniform Traffic Control Devices (MnMUTCD) guide the installation of stop signs. The policy sets out warrant criteria that an intersection should meet in order to have stop signs installed.

The traffic committee discussed the study at the August 2016 meeting and did not recommend supporting the request because the intersection did not meet the thresholds for stop sign installation.

Staff received a petition that meets the traffic control policy requirements. Past practice by the council has been to approve stop sign requests when such a petition is received.

A letter was sent to the surrounding area looking for comments and concerns regarding the proposed traffic control change. 20 comments were received from residents through email. 17 were in support of adding stop signs and 3 were against the addition of stop signs.

Financial or budget considerations: The cost to install these traffic controls is minimal and will come out of the general operating budget.

Strategic priority consideration: St. Louis Park is committed to providing a variety of options for people to make their way around the city comfortably, safely and reliably.

Supporting documents: Discussion
                      Resolution
                      Petition

Prepared by: Ben Manibog, transportation engineer
Reviewed by: Debra Heiser, engineering director
Approved by: Tom Harmening, city manager
Discussion

Background: Staff received a request for all-way stop signs at the intersection of Quentin Avenue and 40th Street in February 2016. The intersection is a four-way intersection with stop signs at the west and east approaches. The west approach meets the intersection at a skewed angle.

The city’s traffic control policy and the Minnesota Manual of Uniform Traffic Control Devices (MnMUTCD) guide the installation of stop signs. The policy sets out warrant criteria that an intersection should meet in order to have stop signs installed. The stop sign criteria for traffic volume, crash history, and sightlines were not met for this intersection.

Stop signs are installed to control conflicting traffic movements at intersections and assign who has the right of way. Multiple studies have found that stop signs do not slow down traffic except in the immediate vicinity of the intersection. Also, stop sign compliance is low when drivers believe the signs are not justified, creating an enforcement problem. Finally, they create traffic noise and higher CO2 emissions due to vehicles slowing down, idling, and starting back up again. Past experience has demonstrated that placing stop signs in locations where they do not meet these conditions can potentially cause an intersection to be less safe due to low compliance.

Traffic study: The traffic committee discussed the study at the August 2016 meeting and did not recommend supporting the request because the intersection did not meet the thresholds for stop sign installation.

The thresholds for stop sign installation are as follows:

- Combined vehicular, bicycle and pedestrian volumes entering the intersection from all approaches averages more than 2,000 a day.

  Result: According to traffic counters, 1,523 vehicles a day entered the intersection.

- Crash records indicate five or more accidents within a three-year period.

  Result: Crash history showed two reported accidents within the last three years.

- The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right of way rule if stopping or yielding.

  Result: The sightlines were found to be clear at this intersection with adequate ability for drivers to apply the normal right of way rule if stopping or yielding.

Petition and comments: When the traffic committee does not recommend the installation of a traffic control device, residents have the opportunity to petition the city council to consider the committee’s recommendation. Per city policy, non-qualifying devices and traffic calming methods may be considered if both of the following are satisfied:

- 70% of properties within a 600-foot radius from the location sign a petition or a neighborhood association supports a neighborhood study and calming strategy.
• Special studies and installation of traffic calming controls (except signs) would be at residents or neighborhood cost (specifically assessed to benefitted residents or areas).

The city has received the attached petition that meets the requirements listed above. Past practice by the council has been to approve stop sign requests when a petition is received that meets the requirements of the traffic control policy.

A letter was sent to the surrounding area looking for comments and concerns regarding the proposed traffic control change. 20 comments were received from residents through email. 17 were in support of adding stop sign and three were against the adding of stop signs. Their comments are summarized below:

**In support of the addition of stop signs (17 comments):**

- “We live on 40th Street and are strongly in favor of the proposed 4-way stop at 40th & Quentin. Cars drive very quickly on both 40th & Quentin and due to the inexact yet perpendicular nature of this intersection and frequency of parked cars on Quentin, this intersection is almost always blind when driving East on 40th Street. We hope you can pass this wonderful proposal!”

- “…I frequently go through the 40th & Quentin intersection. When traveling East on 40th, it is extremely difficult to see traffic approaching from the North because of cars parked along the West side of Quentin. I have witnessed a number of occasions of near accidents at that intersection. I don't believe we should wait for accidents to occur before installing a stop sign if the current parking rules are in force. I think you should either eliminate parking on the West side of Quentin or install a stop sign.”

- “While I typically am very supportive of the decisions of the Engineering Department, I am disappointed with this one and I would be interested in meeting with you personally to show you why I believe it is critical that we install a 4-way stop here. Here are a few of my reasons:

  “First, there is a significant blind spot cause by commercial and residential parking on Quentin Ave. north of 40th street. This is compounded by the fact that West 40th meets Quentin in a non-perpendicular fashion. It was fantastic having a temporary 4-way stop here a few years ago during a construction period, which made us all realize how much safer this would be for pedestrians.

  “Second, I’ve observed that most cars on W. 40th are cut-through traffic, some of which simply cut through to ‘beat’ the lights on Excelsior Blvd. The wide angle of the Quentin southbound to 40th westbound corner causes some motorists to carry excessive speed through the corner, as I have observed multiple times is a hazard while walking with small children.

  “Finally, while it’s often hard to find an issue that has consensus amongst our neighbors (take sidewalks and bike lanes, for example), this is one for which I have found virtually unanimous consent. Everyone I’ve spoken to supports a 4-way stop and I think this would be an easy win for both the Engineering department and our
neighborhood. Supporting simple and popular requests like this would lend us more credibility at times when we’re looking to make bigger infrastructure changes.

“I would also like to request more information about the traffic committee and am interested in whether this is a public process. I have some questions around the methodology used for determining whether a stop sign is necessary. I understand the reasoning to limit stop signs to where they’re most needed and to reduce stop signs on bikeways to avoid cyclist disruption. In general, however, I feel that making cars stop helps to level the playing field between cars and pedestrians. I also feel that citing reasons such as potential ‘compliance issues’ are invalid when there is a public safety concern expressed by residents. I believe that stop signs will absolutely reduce vehicle speeds at intersections, which is statistically where most bicycle and pedestrian related risk exists, and therefore we need to take a more neutral position toward their use and installation. I can’t think of any measure that would reduce bicycle and pedestrian safety risk more than slowing traffic at intersections.”

• “I have officially submitted a complaint to the city about this intersection two times since I have moved to 40th and Princeton. My husband has been in a fender bender at this intersection and I have witnessed many other near miss collisions. What I think is missing from the cities argument is that (especially in the winter when there is snow on the ground and cars cannot park close to the curb or there is snow pilled up) it is extremely difficult to see past the parked cars. Our neighborhood is very concerned and is begging for a solution.

“This is an easy fix before there is a major accident. We need to either put up a 4 way stop sign or not allow parking on the West side of Quentin. I have been told that the businesses need those space. If there isn’t a way around that then we need a sign that says "No parking beyond this sign" and put the sign at least 3 car lengths back from the intersection on both sides of the intersection.”

• “I am writing to express my support for a stop sign at Quentin at 40th. My reason for supporting this is because in my experience there ARE visibility issues due to the angle of the approach from the west (heading east). I think perhaps the visibility issues involve cars' structural elements, and that a lot of the people who use this intersection are so familiar with the hazards of the intersection, that they use extreme caution, thus leading to a low rate of crashes.

“Perhaps the visibility issue does not exist in all vehicles, but in my vehicle, I really have to make a concerted effort to make sure that I have absolutely made sure that I have seen the complete road of the approaching northbound traffic on Quentin. I believe this is a combination of the placement of my vehicle's structural support between the front and back door and the angle of the approach and the road. I have had NUMEROUS near misses that have made a distinct impression on my mind such that I now remember that I must take EXTREME caution at this intersection especially traveling west to east. I have also witnessed other cars with near misses, so I believe other cars have similar visibility issues.
“I consulted with my husband, Jim Beneke, who states he has difficulty also with visibility traveling east on 40th at Quentin. He feels he really needs to strain his neck to effectively look for traffic coming northbound on Quentin due to the angle. Additionally, he feels that it can be difficult to see around cars parked on the near side (west side) of Quentin to effectively see northbound traffic on Quentin. He denies having had near misses of crashes because he is extremely careful proceeding through this intersection because he knows of the poor visibility issues.

“I would urge your traffic study people to take another look at the sight lines, and perhaps use a variety of vehicles, and particularly look at the sight lines when approaching the intersection from the west, traveling toward the east. THAT is the point of concern that we have experienced.”

• “I am the resident of 4819 W 40th Street and am in favor of adding a stop sign at Quentin and 40th. I have a small child and cars go extremely fast down Quentin and I am worried for her safety. The increased car parking on Quentin makes visibility extremely difficult when trying to cross Quentin. Please add my name to the petition in favor of a 4 way stop.”

• “I have lived at 3918 Natchez Ave South for 16 years and feel the same about the corner in question as I did 16 years ago. It is dangerous! Cars are flying over this hill heading north on Quentin to turn at Excelsior and the cars coming south on Quentin can’t be seen because of bumper to bumper cars parked between Excelsior and 40th on both sides of Quentin. If you are traveling from Wooddale on 40th you can’t see cars either way on Quentin until you are half way through the intersection again because of parked cars. Its also challenging being so close to a school and only having sidewalks on one side of Quentin south of 40th. Its frightening to try and watch children cross the street on their own.

“There is absolutely no good reason to not try and slow this traffic down and make it a safer intersection by adding a four-way stop. Do we know why there are so many cars parked on Quentin? I would think it must be coming from the businesses due to their small parking lots.”

• “I am in favor of a 4 way stop at that intersection. I use it daily and have encountered numerous near misses as those traveling east/west don’t realize that north/south doesn’t have a stop. Accidents waiting to happen if they havent’ already.”

• The issue at this intersection, as I see it, are the sight lines, especially when on eastbound 40th. Vehicles are now regularly parked on the west side of Quentin, north of the intersection. To see southbound traffic on Quentin, drivers at the stop sign on eastbound 40th need to pull into the intersection to see beyond the parked cars. Because of the weird angle of the south leg of Quentin at the intersection, this generally puts vehicles at the stop sign too far into the road. The sight lines have always been tricky but the more recent development of parked cars has made it trickier. I thought the intersection worked really well when there was a temporary four-way stop.
“I don’t know traffic volumes but do know there have been crashes and sight lines are tricky (people who have gone through the intersection literally thousands of times and had close calls or seen close calls say so). For these reasons I think a four way stop can be supported and in the best interests of traffic safety. Thank you for your consideration.”

• “We’ve seen many near misses and there are children walking to and from Susan Lindgren. It’s a busy corner with many cars cutting through the neighborhood trying to avoid the Wooddale/Excelsior Blvd stoplight and traffic. It would be smart to be proactive and do this now rather than have car accidents and pedestrians harmed where the visibility is difficult and people are always in such a hurry.”

• “I live in the neighborhood at 40th and Kipling and drive through this intersection multiple times a day. It is a safety issue for all parties involved, and would make me feel much more comfortable when driving. Due to the cars often parked on Quentin, it can be hard to see oncoming traffic and once the snowbanks are present it becomes even more challenging.”

• “My daughter lives on Kipling Ave and I drive through this intersection very frequently on my way to see her and my grandkids. This intersection is often busy with traffic flowing to and from the neighborhood to Excelsior Blvd and Highway 100. Given the layout of the streets at the intersection of 40th and Quentin Ave, I feel there is inadequate visibility for drivers to incoming traffic when on 40th as well as when on Quentin. This is particularly acute on 40th approaching the intersection when since there are cars parked on Quentin blocking the view to the south of the street. The situation is likely to get worse as we get into the winter and have piles of snow restricting visibility. In the interest of vehicular and pedestrian safety, I request that you consider installing a 4 way stop sign that will ensure that all parties plan can plan to stop at the intersection before proceeding.”

• “I’m writing to strongly advocate for a four-way stop at 40th/Quentin. We live too far out to have been included in the official petition but we’ve lived in the neighborhood for 8 years and I can’t tell you how many times I’ve nearly been T-boned by drivers flying down Quentin to hit the light. I cross that intersection several times per day and now I have small children whose lives are in daily danger because of the horrible angles of that intersection and the drivers who are motivated to not miss a very long light at Quentin and Excelsior. It’s SO difficult to see around parked cars to ensure safe crossing and it’s a matter of WHEN, not IF there will be deaths at that intersection (and when there are, it will be on the conscience of those who chose not to act to improve safety). Thank you for your attention to this matter. I appreciate your willingness to listen.”

• “I live in the neighborhood at 40th and Kipling and drive through this intersection multiple times a day. It is a safety issue for all parties involved, and would make me feel much more comfortable when driving if there were a 4-way stop sign at this intersection, as well as others along 40th. Due to the cars often parked 40th and the adjacent streets, it can be hard to see oncoming traffic and once the snowbanks are present it becomes even more challenging.”
• I am writing in support of making 40th and Quentin a 4-way stop sign intersection. The angle of the roads along with cars parking along those roads near the intersection make it a dangerous crossing. We have found this to be so true that we find ourselves going a different route to get from our house (42nd and Monterey) out to Wooddale. Please consider adding these stop signs to create a safer intersection for all.

• “I live at 4821 Vallacher and I am STRONGLY in support of a 4 way stop sign at 40th and Quentin for safety reasons. I also think the Princeton and Vallacher intersection should have a 4 way stop sign. Very dangerous”

• “I live at 4915 Vallacher Ave with my husband and two children. I cannot tell you enough about how important this 4 way stop at Quentin and 40th would be. So very many times I have seen cars not paying attention to children, mine included and just blow through that intersection. Not to mention near auto accidents. The traffic has to slow down towards the school! People come whipping around the corner from Excelsior and do nothing but accelerate going toward 41st and Quentin where the cross walks are. It’s crazy! A lot of this traffic is people headed to 42nd to get to Linden Hills and the Lakes too! There is absolutely NO reason that there should NOT be a stop there? That should be the real concern. Not why SHOULD we? But, why DON’T we?”

Against the addition of stop signs (3 comments):

• “I was one of the people who signed the petition. However, after reading your letter and the results of the traffic study that was done at that intersection, I have changed my opinion. For all the reasons that you listed, I agree with the City recommendation that, at this time, a Stop sign NOT be installed at that intersection.”

• “We are one of the households that signed the petition, however after reading the traffic study for 40th and Quentin that Mr. Manibog reviews in his letter of 10/31/2017 and after reading the informative paragraph regarding the ineffectiveness of stop signs when it comes to slowing traffic, Ann and I have concluded that we support the traffic committee recommendation against installation of another stop sign at this location. We no longer support the petition.”

• “I would agree w/ the city's traffic committee's recommendation against the installation of an additional stop sign at this location. In my opinion, two reported accidents within a three-year period does not merit the time, energy, effort, and funding of our city. Note that I live at 4043 Quentin Avenue and typically go through this intersection daily, if not multiple times per day, and have had no issues w/o the added stop sign. In addition to the above, I would suggest that we remove the "no turn on right" sign that is on Excelsior Boulevard and Quentin Avenue. There are rarely pedestrians crossing the street, and this causes backup on Excelsior.”
Resolution No. 19-____

Installation of all-way stop controls on Quentin Avenue at 40th Street (Petition)

Whereas, the City of St. Louis Park, Minnesota received a request for stop signs at the intersection of Quentin Avenue and 40th Street; and

Whereas, the traffic committee has reviewed the request and did not recommend installation of additional stop signs at the intersection of Quentin Avenue and 40th Street; and

Whereas, non-qualifying traffic control devices may be considered if seventy (70) percent of residents within a six hundred (600) foot radius from the intersection petition; and

Whereas, city staff received a completed and valid petition requesting the installation of all-way stop signs at the intersection of Quentin Avenue at 40th Street; and

Whereas, St. Louis Park is committed to providing a variety of options for people to make their way around the city comfortably, safely, and reliably.

Now therefore be it resolved by the City Council of the City of St. Louis Park, Minnesota, that the engineering director is hereby authorized to:

1. Install stop signs on all of the approaches of the intersection of Quentin Avenue and 40th Street.

Reviewed for administration: Adopted by the City Council November 18, 2019

Thomas K. Harmening, city manager Jake Spano, mayor

Attest:

Melissa Kennedy, city clerk
Petition for all way stop control at the intersection of Quentin Avenue and 40th Street.

Request that the City of St. Louis Park install stop signs on Quentin Avenue (north-south traffic). This intersection currently only has stop control on 40th Street (east-west traffic).

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# Petition for all way stop control at the intersection of Quentin Avenue and 40th Street.

Request that the City of St. Louis Park install stop signs on Quentin Avenue (north-south traffic). This intersection currently only has stop control on 40th Street (east-west traffic).

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Request that the City of St. Louis Park install stop signs on Quentin Avenue (north-south traffic). This intersection currently only has stop control on 40th Street (east-west traffic).

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<td>4831 W 40th St.</td>
<td>X</td>
<td>Linda S. Jin</td>
<td></td>
</tr>
<tr>
<td>4109 Ralston Ave.</td>
<td></td>
<td>John B.</td>
<td></td>
</tr>
<tr>
<td>4976 N 40th St.</td>
<td></td>
<td>Nancy K.</td>
<td></td>
</tr>
<tr>
<td>8144 Ottawa Ave.</td>
<td></td>
<td>Paula Engelking</td>
<td></td>
</tr>
<tr>
<td>3934 Ottawa Ave.</td>
<td></td>
<td>Linda Hammes</td>
<td></td>
</tr>
<tr>
<td>4911 N 40th St.</td>
<td></td>
<td>Michael H.</td>
<td></td>
</tr>
</tbody>
</table>

Oct 28 5/5
Executive summary

Title: 2019 Connect the Park – Dakota Avenue South bikeway (4019-2000)

Recommended action: Mayor to open public hearing, take public testimony, and close the public hearing. Council is asked to take final action on this project at the Dec. 2, 2019 meeting.

Policy consideration: Does the city council wish staff to continue to pursue the bikeway segment identified in this report?

Summary: Connect the Park is the city’s 10-year capital improvement plan (CIP) to add additional bikeways, sidewalks, and trails throughout the community. The primary goal of Connect the Park is to develop a comprehensive, city-wide network of bikeways, sidewalks, and trails that provides local and regional connectivity, improves safety and accessibility, and enhances overall community livability.

This report focuses on the segment of Dakota Avenue bikeway from Minnetonka Boulevard to Lake Street. The segment of Dakota Avenue bikeway from Minnetonka Boulevard to Cedar Lake Road was approved for final design by council on May 6, 2019.

The engineering department has been working on the preliminary design and associated public process for a bikeway on Dakota Avenue from Minnetonka Boulevard to Lake Street. Staff recommends buffered bike lanes, curb extensions at each intersection, a rectangular rapid flashing beacon (RRFB) at 33rd Street, installation of parking restrictions on one side of Dakota Avenue, removal of school-day permit parking on select side streets, and removal of timed school-day restrictions on Dakota Avenue.

Financial or budget considerations: This project is included in the city’s capital improvement plan for 2019. The project is proposed to be financed by using general obligation bonds. The following report contains updated project cost figures for the Dakota Avenue bikeway from Minnetonka Boulevard to Lake Street. Staff estimates that it will cost $443,000 to construct the bikeway.

Strategic priority consideration: St. Louis Park is committed to providing a variety of options for people to make their way around the city comfortably, safely and reliably.

Supporting documents: Discussion
- April 15, 2019 public hearing report (pages 136 – 152)
- Nov. 12, 2019 study session report (pages 273 – 301)

Prepared by: Ben Manibog, transportation engineer
Jack Sullivan, senior engineering project management

Reviewed by: Debra Heiser, engineering director
Approved by: Tom Harmening, city manager
Discussion

**Background:** The Dakota Avenue corridor is centrally located and is a key north-south connection that will enhance walking and biking in the city by connecting destinations such as parks, schools, businesses, regional trails, and Southwest Light Rail Transit (SWLRT).

As is the case with most of the bikeways in the Connect the Park initiative, this transportation project is a retrofit project rather than a full reconstruction of the street.

**Proposed layout:** The engineering department has been working on the preliminary design and associated public process for a bikeway on Dakota Avenue from Minnetonka Boulevard to Lake Street. Given the nature of this segment of roadway, staff recommends buffered bike lanes, curb extensions at each intersection, a rectangular rapid flashing beacon (RRFB) at 33rd Street, installation of parking restrictions on one side of Dakota Avenue, removal of school-day permit parking on select side streets, and removal of timed school-day restrictions on Dakota Avenue. More details on the recommended design can be found in the [Nov. 12, 2019 study session report](#) (pages 273 – 301)

**Financial considerations:**
The proposed bikeway south of Minnetonka Boulevard includes buffered bike lanes, curb extensions at each intersection (31st, 32nd, and 33rd Streets), and a RRFB at 33rd Street.

As prefaced in the Nov. 12, 2019 study session report, estimated project costs for the Dakota Avenue South bikeway from Minnetonka Boulevard to Lake Street are $443,000. Below is the preliminary construction estimates. Final project cost estimates will be provided when the project is brought forward to council for final plan approval and authorization for bidding.

<table>
<thead>
<tr>
<th>Dakota Avenue South bikeway</th>
<th>CIP</th>
<th>Engineer’s estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction cost</td>
<td>$318,000</td>
<td>$354,400</td>
</tr>
<tr>
<td>Engineering and administration</td>
<td>$79,500</td>
<td>$88,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$397,500</strong></td>
<td><strong>$443,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding sources</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridge and bikeways (GO Bonds)</td>
<td>$397,500</td>
<td>$443,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$397,500</strong></td>
<td><strong>$443,000</strong></td>
</tr>
</tbody>
</table>

GO bonds are expected to be used to fund the estimated $443,000 for bikeways. The debt service levy for this project will be $52,815 starting in 2021 for ten years.

The overall cost estimate for the south segment is $46,000 higher than the CIP. The main factors influencing the change in the cost estimate was the additional refinement to the design.

**Other financial considerations:**
*Alternative design:* The Nov. 12 project report provided an estimate of $1,500,000 to widening Dakota Avenue to accommodate two lanes of on-street parking and the on-street bikeway. This is approximately one million dollars more than the staff-recommended plan of buffered bike lanes, parking restrictions, and curb extensions.
This estimate was provided to illustrate the additional costs needed to maintain all the on-street parking that exists on the corridor today.

*Operation and maintenance costs:* This project creates new city infrastructure, including bikeways and enhanced pedestrian crossings. With new infrastructure, there will be operation and maintenance costs. Annual operational efforts include snow removal, pavement sweeping, and general upkeep. In addition, there are long term costs associated with the replacement of new pavement markings for bicycles and pedestrians that occur on longer cycles of every 3 to 5 years. Signs are replaced every 15 to 20 years.

There is expected to be minimal increases with the annual operations costs since most of the bikeway is a retrofit within the existing roadway. However, there will be more long-term costs associated with the replacement and upkeep for the addition of on-street bicycle pavement markings.

As final plans are developed, staff will work on identifying the new incremental costs and will present them when this project is presented to council for final plan approval and authorization for bids.

**Proposed schedule**
The schedule for this project is intended to merge with the Dakota/Edgewood bikeway and bridge project. The proposed schedule is as follows:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public hearing</td>
<td>Nov. 18, 2019</td>
</tr>
<tr>
<td>Approve preliminary layout and authorize final plans</td>
<td>Dec. 2, 2019</td>
</tr>
<tr>
<td>City council – approve final plans and order ad for bid</td>
<td>January 2020</td>
</tr>
<tr>
<td>Construction</td>
<td>Spring 2020 – Fall 2020</td>
</tr>
</tbody>
</table>
Executive summary

Title: Planned unit development major amendment to Section 36-268-PUD 9

Recommended action: Motion to approve the first reading of Ordinance amending Section 36-268-PUD 9 subject to the conditions recommended by staff and set second reading for Dec. 2, 2019.

Policy consideration: Does city council wish to amend Section 36-268-PUD 9 to allow fewer residential units, underground parking, and rearranging of the proposed uses for the PLACE Via Luna and hotel development?

Summary: PLACE E-generation One, LLC (PLACE) received approvals in 2017 to construct a mixed-income, mixed-use, multigenerational, environmentally sustainable, transit-oriented development with live/work for creatives. The developer seeks a major amendment to the PUD and proposes to:

- Reduce the number of units on the south site (Via Luna) from 81 units to 50 units;
- Reduction of 31 market-rate units from the south project; the remaining 50 units will be affordable at 60% Area Median Income (AMI);
- Replace the above ground parking ramp with mostly underground parking and a small surface lot for commercial uses and hotel check-ins; and
- Relocate the residential uses and artist studios to the west wing of the building, and the other commercial and hotel uses to east wing of the building.

In general, the site plans and the building elevations remain largely unchanged, with the exception in the change of parking which is now mostly underground. There are no changes proposed to the north site, Via Sol and E-Generation.

The planning commission held a public hearing on November 6, 2019. Three residents voiced concerns regarding traffic and the loss of the market rate residential units along 36th Street. An additional comment was submitted via email prior to the meeting noting a preference for a mix of market rate and affordable units on both sides of the development. The commission voted 5 to 2 to recommend approval of the ordinance.

Financial or budget considerations: A reduction in residential units will extend the term of the tax increment financing note for the project.

Strategic priority consideration: St. Louis Park is committed to providing a broad range of housing and neighborhood oriented development.

Supporting documents: Discussion
- PUD ordinance
- Draft planning commission minutes
- Exhibits

Prepared by: Jennifer Monson, planner
Reviewed by: Sean Walther, planning and zoning supervisor
Karen Barton, community development director

Approved by: Tom Harmening, city manager
Discussion

Site information:

Site area (acres): 1.68 acres

Current use: Vacant building and city parking lot

Surrounding land uses:
North: Wooddale Avenue LRT Station
East: small scale commercial
South: 36th Street West/TowerLight
West: Wooddale Avenue South

Current 2040 land use guidance
TOD - transit oriented development

Current zoning
PUD planned unit development

Background: PLACE E-generation One, LLC (PLACE) received approvals in 2017 to construct a mixed-income, mixed-use, multigenerational, environmentally sustainable, transit-oriented development with live/work units for creatives. The development campus is located both north and south of the future Wooddale Avenue LRT Station. The previously approved development included:

North Site (Via Sol and E-Generation):
- 218 residential units (22 at 50% AMI, 130 at 80% AMI, 66 at market rate), including 18 live/work units;
- Bike shop and makers space;
- 0.88 acres of urban forest, for public access to nature, stormwater management, and habitat;
- 29,500 square feet of green roof for additional stormwater management and habitat;
- An E-Generation facility on the northern site, which is a renewable energy system to convert locally-sourced organic waste into energy for the development and a soil amendment byproduct that will be used in the onsite greenhouse;
- 216 parking spaces located underground, on-street, and in a surface parking lot; and
• 60 car-free units.

South Site (Via Luna and Hotel):
• 81 residential units (48 at 60% AMI, 33 at market rate), all 81 designed as live/work units;
• 110-room Fairfield by Marriott hotel hiring community members;
• Café, coffee house, and five microbusinesses;
• Placemaking plaza at the Wooddale LRT Station;
• 231 parking spaces located in a four-story parking garage; and
• 30 car-free units.

The buildings, site and program are designed to support a multigenerational creative community where households at all stages in life and income feel welcome. The development includes a mobility plan with car/bike sharing, shuttle, and car-free living incentives. The buildings will adhere to the city’s green building policy and will be designed to LEED standards. (Much more detail regarding the original approved development can be found online in city council’s agenda packet for May 1, 2017. The PLACE staff report starts on page 579 of the PDF.)

Present considerations: PLACE applied for a major amendment to Section 36-268-PUD 9 for changes to the south residential site, Via Luna. The amendment would reduce the overall development’s unit count from 299 to 268 residential units and the overall parking from 447 to 393 spaces. The development was also approved with 90 car-free units, meaning PLACE would pay tenants of 90 units to live car-free. PLACE requests to maintain 90 car-free units.

The PUD amendment would:
• Reduce the number of units on the south site (Via Luna) from 81 units to 50 units. All remaining live/work units at 60% AMI.
• Replace the above ground parking ramp and with mostly underground parking and a small surface lot for commercial uses and hotel check-ins;
• Relocate the residential uses and artist studios to the west wing of the building;
• Relocate the restaurant, coffee shop and hotel to the east wing of the building;
• Remove the small dog run on the east side of the site, add outdoor rooftop patio space on the hotel, and expand the placemaking plaza near the Wooddale LRT Station;
• Redesign the placemaking plaza to include more site amenities including additional landscaping and a stormwater landscape feature;
• Activate Wooddale Avenue South with artist studio spaces;
• Activate 36th Street West with commercial studio spaces;
• Group the artist live/work studios on the first and second floor of the residential building, so they are more publicly accessible. The second floor of the west wing would be entirely studio spaces;
• Better accommodate truck traffic (move ins, deliveries, trash) within the placemaking plaza and surface parking lot;
• Relocate trash collection from the placemaking plaza to the surface parking lot;
• Create an improved interface between the LRT station and the placemaking plaza.

In general, the exterior of the buildings and the site plan remain largely unchanged, but the changes help the site function better overall.
There are no changes proposed to Via Sol (the north site).

### Zoning analysis: Proposed zoning changes to Via Luna (south site)

<table>
<thead>
<tr>
<th></th>
<th>Approved</th>
<th>Proposed</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hotel</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>110 rooms</td>
<td>110 rooms</td>
<td>No change</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>81 total units</td>
<td>50 total units</td>
<td>Reduction of 31 units.</td>
</tr>
<tr>
<td></td>
<td>48 at 60% AMI</td>
<td>All 50 at 60% AMI</td>
<td>Excludes market rate units and adds 2 affordable units. All units still designed as live/work</td>
</tr>
<tr>
<td></td>
<td>33 market-rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hotel: 110 spaces</td>
<td>Hotel: 110 spaces</td>
<td>Number of car-free units remains unchanged.</td>
</tr>
<tr>
<td></td>
<td>Residential: 63</td>
<td>Residential: 30</td>
<td>Commercial floor area is reduced, and less parking is required and provided.</td>
</tr>
<tr>
<td></td>
<td>Commercial: 54</td>
<td>Commercial: 43</td>
<td>Meets EVSE requirements</td>
</tr>
<tr>
<td></td>
<td>Total: 227</td>
<td>Total: 173</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(7 EV stations)</td>
<td>(9 EV stations)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30 car-free units</td>
<td>30 car-free units</td>
<td></td>
</tr>
<tr>
<td><strong>Bicycle Parking</strong></td>
<td>159 spaces</td>
<td>114 spaces</td>
<td>Code requires 71 spaces</td>
</tr>
</tbody>
</table>

**Parking:** As part of the development’s overall mobility plan, PLACE received approvals to have 90 car-free dwelling units. PLACE requests maintaining the previously approved 90 car-free dwelling units. Utilizing the same parking reductions that were previously applied, this would give the development an excess of one parking space. If the city were to require a reduction in the overall number of car-free units equivalent to percentage of overall units removed from the development, Via Luna would have a deficit of 8 parking spaces.

Staff recommends retaining the 90 car-free units due to the development’s location at a light rail station and the ability for shared parking between the coffee shop, restaurant and residential uses.

In 2017, PLACE received a 35% reduction in parking compared to typical city parking requirements. The proposed amendment to Via Luna and Hotel brings the development closer into compliance with city code, bringing their reduction to 30%.

Additionally, the Walker Consulting parking study that was originally done for the PLACE development looked at requirements from other cities with similar surrounding land uses. These case studies, which included Minneapolis, Denver, and Portland, all allowed for greater parking reductions in similar development scenarios than what is currently requested.

**Public comment:** Staff received a comment via email that has been submitted as part of the official public record from Sandy Woessner, who lives at 3456 Wooddale Avenue S. St. Louis Park, noting that she would prefer a mix of market rate and affordable units on both sides of the development.
Additional emails were sent to the Mayor and councilmembers, which were forwarded to staff. These emails were not submitted as part of the official public record. Those residents voiced concerns over the lack of market-rate housing, and questioned developer’s ability to deliver the project as proposed/approved.

**Planning Commission:** The planning commission held a public hearing on November 6, 2019. Three residents voiced concerns regarding the loss of the market-rate residential units on the South site, and some concerns about traffic.

The planning commission voted 5 to 2 to recommend approval of the PUD major amendment.

**Recommendations:** Staff recommends approval of the PUD major amendment with the following conditions, which shall be incorporated into the ordinance and/or planning development agreement for this development:

1. The developer shall continue to work with city staff and SWLRT to coordinate construction activities, and to refine the design of the entrance driveway off Yosemite and the planting area along Wooddale Avenue South, as required by city staff.

2. The developer shall work with city staff to refine the design of the Wooddale Avenue South planting area and sidewalk and said design shall require city administrative review and approval.

3. The developer shall adhere to the parking management plan for hotel and residential parking for Site C and Site D.

4. All Official Exhibits shall be updated to reflect the PUD major amendment prior to issuance of a building permit.

5. The site shall be developed, used and maintained in accordance with the conditions of this ordinance, approved Official Exhibits, planning development agreement and City Code.

6. All utility service structures shall be buried. If any utility service structure cannot be buried (i.e. electric transformer), it shall be integrated into the building design and 100% screened from off-site with materials consistent with the primary façade materials.

7. Prior to starting any land disturbing activities, excluding demolition, the following conditions shall be met:
   a. Assent Form, Official Exhibits and planning development contract shall be signed by the applicant and property owner.
   b. A preconstruction meeting shall be held with the appropriate development, construction, private utility, and city representatives.
   c. All necessary permits shall be obtained.

8. Prior to issuance of building permits, the following conditions shall be met:
   a. The developer shall sign the city's Assent Form and the Official Exhibits.
b. A Planning Development Contract shall be amended and executed between the Developer and City that addresses, at a minimum:
   i. The conditions of PUD approval as applicable or appropriate.
   ii. The installation of all public improvements including, but not limited to: on-street parking, sidewalks and boulevard improvements and the execution of any necessary agreements related to the maintenance of such improvements including the inclusion of Special Service District #6.
   iii. The developer’s contribution of $48,200 to the City for regional stormwater pond improvements.
   iv. Developer agrees to provide art work on or near the site with city/public involvement in the selection of the location, artist, and art work.
   v. Easements related to electronic communication and fiber infrastructure.
   vi. Any necessary sidewalk easements.
   vii. A performance guarantee in the form of cash escrow or irrevocable letter of credit shall be provided to the City of St. Louis Park in the amount of 1.25 times of the costs of all public improvements (sidewalks and boulevards), and the private site stormwater management system and landscaping.
   viii. The developer shall reimburse City attorney’s fees in drafting/reviewing such documents as required in the final PUD approval.
   ix. The Mayor and City Manager are authorized to execute said Planning Development Contract.

d. Final construction plans for all public improvements and private stormwater system shall be signed by a registered engineer and submitted to the city engineer for city administrative review and approval.

e. Building material samples and colors shall be submitted to the city for city administrative review and approval.

9. The developer shall comply with the following conditions during construction:
   f. All city noise ordinances shall be complied with, including that there be no construction activity between the hours of 10 p.m. and 7 a.m. Monday through Friday, and between 10 p.m. and 9 a.m. on weekends and holidays.
   g. The site shall be kept free of dust and debris that could blow onto neighboring properties.
   h. Public streets shall be maintained free of dirt and shall be cleaned as necessary.
   i. The city shall be contacted a minimum of 72 hours prior to any work in a public street.
   j. Work in a public street shall take place only upon the determination by the city engineer (or designee) that appropriate safety measures have been taken to ensure motorist and pedestrian safety.
   k. The developer shall install and maintain chain link security fencing that is at least six feet tall along the perimeter of the site. All gates and access points shall be locked during non-working hours.
   l. Temporary electric power connections shall not adversely impact surrounding neighborhood service.
10. Prior to the issuance of any permanent certificate of occupancy permit the following shall be completed:
   m. Public improvements, private utilities, site landscaping and irrigation, and storm water management system shall be installed in accordance with the Official Exhibits.

11. All mechanical equipment shall be fully screened. Rooftop equipment may be located as indicated in the Official Exhibits so as not to be visible from off-site.

12. The material used in, and placement of, all signs shall be integrated with the building design and architecture.
Ordinance No. _____-19

Ordinance amending Section 36-268-PUD 9

The City of St. Louis Park does ordain:

Section 1. The City Council has considered the advice and recommendation of the Planning Commission (Case No. 19-21-PUD).

Section 2. The St. Louis Park Ordinance Code, Section 36-268-PUD 9 is hereby amended by adding underscored text and deleting strikethrough text. Section breaks are represented by ***.

Section 36-268-PUD 9.

(a) Development Plan

The site shall be developed, used and maintained in conformance with the following Final PUD signed Official Exhibits:

1. EX-1 - PUD Exhibit
2. G001 – Cover Sheet
3. G002 – Legend
4. G003 – General Notes
5. C001 – Existing Conditions and Removals - North
6. C1.0 – Existing Conditions - South
7. 6: C003 – Tree Removals and Preservation Plan- North
8. C1.1 – Tree Preservation Plan - South
9. 7. C101 – Site Plan – Overall
10. 8. C102 – Site Plan Northwest
11. 9. C103 – Site Plan Northeast
12. 10. C101 C2.0 – Site Plan South
13. 11. C201 – Temporary Erosion Control Plan- North
15. 13. C401 – Sanitary Sewer and Watermain- North
17. C4.0 – Utility Plan – South
18. C5.0 – Erosion and Sediment Control Plan – South
19. C5.1 SWPPP Notes Sheet 1 - South
20. C5.1 SWPPP Notes Sheet 2 – South
21. C6.0 Detail Sheet General Site – South
22. C6.1 Detail Sheet Water and Sanitary – South
23. C6.2 Detail Sheet Storm Sewer - South
24. C6.3 Detail Sheet Erosion Control - South
25. 15. C801 – Site Details
26. 16. C802 – Site Details
27. 17–C901 – City Std Utility Plates
28. 18–C902 – City Std Utility Plates
29. 19–C903 – City Std Utility Plates
30. 20–C904 – City Std Erosion Control Plates
31. 21. C1001 – MNDOT Std Ped Curb Ramp Details
32. 22. C1002 – MNDOT Std Ped Curb Ramp Details
23. L101 – Planting Plan – Overall
33. 24. L102 – Planting Plan – Northwest
34. 25. L103 – Planting Plan – Northeast
35. 26. L104L100 – Planting Plan – South
36. L500 – Landscape Details - South
37. 27. L801 – Planting Details
38. 28. V101 – Preliminary Plat
39. 29. V102 – Preliminary Plat
40. 30. V103 – Preliminary Plat
41. 31. E101 – Electrical Site Plan – Overall - North
42. C7.0 – Photometric Plan - South
32. S001 – Site Plan
43. 33. A101 – North Building Floor Plans
44. 34. A102 – North Building Floor Plans
45. 35. A103 – North Building Floor Plans
46. 36. A104 – North Building Floor Plans
47. 37. A105 – North Building Floor Plans
48. 38. A106 – North Building Elevations
49. 39. A107 – North Building Illustrative Elevations
50. 40. A2,01 – South Building Hotel & Residential Level 5 Floor Plans
51. 41. A2,02 – South Building Hotel & Residential Level 1 Floor Plans
52. 42. A2,03 – South Building Hotel & Residential Level 2 Floor Plans
53. 43. A2,04 – South Building Hotel & Residential Level 3 Floor Plans
54. 44. A2,05 – South Building Hotel & Residential Level 4 Floor Plans
55. 45. A2,06 – South Building Hotel & Residential Level 5 Floor Plans
56. 46. A2,07 – South Building Hotel & Residential Level 6 Floor Plans
57. 47. A2,08 – South Building Hotel & Residential Level 7 Floor Plans
48. A209 – South Building Elevations
58. 49. A2,10 – South Building Elevations South Site Hotel & Residential Elevations & Sections
59. 50. A2,11 – Hotel Elevations South Site Hotel & Residential Elevations & Sections
60. 51. A2,12 – South Building Illustrative Elevations South Site Hotel & Residential Elevations & Sections
61. 52. A301 – E-Generation Floor Plans
62. 53. A302 – E-Generation Roof Plan
63. 54. A303 – E-Generation Elevations
64. 55. A4,01 – 3D View
65. 56. A501 – Illustrative Sections
57. A502 – Sections
66. 58. PLACE – Envelope Proposals
67. 59. PLACE – Sustainability Proposals
68. 60. PLACE – Proof of Parking
69. 61. PLACE – Lighting Proposals
70. 62. PLACE – Parking Requirements
71. 63. PLACE – Mobility Plan (Travel Demand Management Plan)
The site shall also conform to the following requirements:

1) The property shall be divided into four zones, as indicated on PUD Exhibit of the Official Exhibits. The zones shall be established by dividing the site into a northwest site, a northeast site, a southwest site, and a southeast site. The northwest site shall be called “Site A – E-Gen”, the northeast site shall be called “Site B – North” the southwest site shall be called “Site C – Hotel” “Site D – South” and the southeast site shall be called “Site D – South” “Site C – Hotel”.

2) Parking will be provided off-street in a surface lot, on-street, in structured parking, and within the public plaza. The property shall be developed with 299,268 residential units, including 99,68 live/work units, a 110 room hotel, a minimum of 35,000 – 30,000 square feet of ground floor commercial space, 0.88 acres of urban forest, an e-generation energy facility, and a greenhouse.

Parking will be provided off-street in a surface lot, on-street parallel parking, and structured parking. A total of four hundred forty-seven (447) three-hundred-and-eighty-nine (389) parking spaces will be provided: 251, 223 spaces for residential units or 0.83 – 0.80 spaces per dwelling unit, 110 spaces for the hotel or 1.0 space per hotel room, 76, 56 spaces for non-residential uses and 10 spaces for shared cars. An additional 55 spaces are required as a proof of parking as indicated on Sheet 60 – 66 of the Official Exhibits. Parking requirements are provided based on Sheet 62 – 68 of the Official Exhibits.

3) The development site shall include a minimum of 12 percent designed outdoor recreation area based on private developable land area.

4) The development shall incorporate a Travel Demand Management (TDM) plan including:

   a. The development shall offer car-free incentives for a minimum of 90 dwelling units.
   b. The development shall provide 10 cars available as a car share.
   c. The development shall provide a local shuttle until opening day of the Southwest Light Rail Green Line Wooddale Station.
   d. A transportation concierge program shall be maintained.
   e. The development shall provide car-free perks for 90 households until the site conforms to the city’s off-street parking requirements.
   f. The TDM plan shall be reported to the city annually for a duration of three (3) years.

*******
(e) Site D – South

1) Permitted with Conditions:
   a. Multiple-family dwellings. Uses associated with the multiple-family
dwellings, including, but not limited to the residential office, fitness
facility, mail room, assembly rooms or general amenity space.
   b. Live-work Type I - Studio.
      i. All material or equipment shall be stored within an enclosed
         structure.
      ii. Operation of the home occupation is not apparent from the
          public right-of-way.
      iii. The activity does not involve warehousing, distribution or retail
          sales of merchandise produced off the site.
      iv. No person is employed at the residence who does not legally
          reside in the home, except that a licensed family day care facility
          may have one outside employee.
      v. No light or vibration originating from the business operation is
discernible at the property line.
      vi. Only equipment, machinery and materials which are normally
          found in the home are used in the conduct of the home
          occupation.
      vii. No more than one non-illuminated wall sign limited to two
          square feet in area is used to identify the home occupation.
      viii. Space within the dwelling devoted to the home occupation does
           not exceed one room or forty-five (45) percent of the floor area,
           whichever is greater.
      ix. No portion of the home occupation is permitted within any
          attached or detached accessory building.
      x. The structure housing the home occupation conforms to the
         building code; and in the case where the home occupation is day
         care or if there are any customers or students, the home
         occupation has received a certificate of occupancy.
      xi. A Registration of Land Use (RLU) shall be required from the city
          when there is a change in tenant.
   c. Live-work Studio Type II.
      i. Live-work uses as defined by Sec. 36-142 of city code are
         permitted on the first floor.
      ii. A Registration of Land Use (RLU) shall be approved by required
          from the city when there is a change in tenant.
   d. Commercial uses. Commercial uses are only permitted on the first and
      second floors, and are limited to the following: coffee shops, office,
      private entertainment (indoor), retail shops, service, showrooms and
      studios.
      i. All parking requirements must be met for each use per Sheet 62
         of the Official Exhibits.
      ii. Hours of operation for commercial uses shall be limited to 6 a.m.
          to 12 a.m.
      iii. Restaurants are prohibited.
iv. In vehicle sales is prohibited.

c. **Civic and institutional uses.** Civic and institutional uses are limited to the following: education/academic, library, museums/art galleries, indoor public parks/open space, police service sub stations, post office customer service facilities, public studios and performance theaters.

2) **Accessory Uses:**

a. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed ten percent of the gross floor area of the associated permitted use.

b. Home occupations complying with all of the conditions in the R-C district.

c. Catering, if accessory to food service, delicatessen or retail bakery.

d. Gardens.

e. Parking lots.

f. Outdoor seating, with the following conditions:
   i. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
   ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.

g. No outdoor uses or storage allowed.

h. **Solar panels**
   i. Roof or building mounted solar systems may exceed the maximum allowed height in the PUD zoning district by 3 feet.

**Section 3.** The contents of Planning Case File 19-21-PUD are hereby entered into and made part of the public hearing record and the record of decision for this case.

**Section 4.** This ordinance shall take effect (December 27, 2019)

<table>
<thead>
<tr>
<th>First reading</th>
<th>November 18, 2019</th>
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<tr>
<td>Second reading</td>
<td>December 2, 2019</td>
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<tr>
<td>Date of publication</td>
<td>December 12, 2019</td>
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<tr>
<td>Date ordinance takes effect</td>
<td>December 27, 2019</td>
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Reviewed for administration: Adopted by the City Council December 2, 2019

Thomas K. Harmening, city manager Jake Spano, mayor

Attest: Approved as to form and execution:

Melissa Kennedy, city clerk Soren Mattick, city attorney
MEMBERS PRESENT: Jim Beneke, Lynette Dumalag, Matt Eckholm, Courtney Erwin, Claudia Johnston-Madison, Jessica Kraft, Carl Robertson

MEMBERS ABSENT: None

STAFF PRESENT: Jennifer Monson, Gary Morrison, Sean Walther

1. Call to Order – Roll Call

2. Approval of Minutes of August 21, September 18 and October 16, 2019

Commissioner Robertson made a motion to approve all three sets of minutes. Commissioner Johnston-Madison seconded the motion, and the motion passed on a vote of 7-0.

3. Public Hearings

A. Planned unit development major amendment to Section 36-268-PUD 9

Applicant: Place E-Generation One, LLC
Location: 5950 West 36th Street
Case Nos: 19-21-PUD

Jennifer Monson, planner, presented the staff report. The applicant requests to reduce the number of residential units from 81 to 50, to move parking underground and to a surface ramp, and to rearrange approved uses with the site.

Ms. Monson noted the site is 1.68 acres at the corner of 36th Street and Wooddale Avenue, adjacent to the future light rail transit station.

Ms. Monson outlined the 2017 approvals, and noted the changes tonight are for the south site only. She added the hotel and residential would be flip-flopped to provide an active frontage along Wooddale Avenue with artists’ studios versus the hotel façade. Overall access has not changed to the site with emergency access and large trucks for trash or delivery remaining as originally noted.

Ms. Monson stated the placemaking plaza will remain with pedestrians and bicycles included, and landscaping will remain as originally designed. The coffee shop will further
down from Wooddale Avenue in order to discourage short term stopping near the light rail stop.

Ms. Monson stated the live/work space will be maintained but the studio space would now move to the first floor instead of being within the residence. She added the hotel will remain at 110 rooms with no changes.

Ms. Monson stated staff has received one comment from the public, asking that the units remain a mix of affordable and market rate.

Commissioner Robertson asked how these live/work are different within the city.

Ms. Monson said all residential units within the city allow for a home occupation and these would be no different. Additionally, these units allow for extra space, with taller ceilings and for a more creative studio space, and for visits. A home occupation is not supposed to generate anything that would suggest a home occupation exists there. There is also a registration of land use to make sure it adheres to the code.

Commissioner Erwin asked if any of the ground floor spaces will be used as living spaces or purely for studio space.

Ms. Monson stated purely for work space. She added while each studio is assigned to an apartment within the building, no studios provide living or apartment space.

Ms. Monson added there is gallery space for artists to show their wares.

Commissioner Johnston-Madison noted the city council will hold a first reading with the developer on November 18, 2019 and asked if there are any other meetings coming up with the developer.

Ms. Monson stated there is a study session and a meeting for the planned unit development ordinance, but at this time she did not know if there were any other meetings scheduled.

Commissioner Johnston-Madison asked if there is an agenda yet for the November 18, 2019, study session.

Ms. Monson stated there will be a discussion of the 6th amendment with the EDA.

Commissioner Johnston-Madison asked why this change was made by the developer.

Ms. Monson stated the developer changed architects and with that changed their development plans.

Commissioner Johnston-Madison asked if the project will start in February 2020 and on what staff is basing this on.
Ms. Monson stated the developer must have a complete set of building plans ready to
go and January 31, 2020 is their hard deadline for finalization of financing, and then
start construction.

Commissioner Johnston-Madison asked if the developer has financing or not, and if they
will ask for another extension.

Ms. Monson stated the EDA reviews that, but as far as staff is aware, the developers
financing for the apartment buildings should be ready, and the hotel financing is in
process.

Commissioner Beneke asked if the commercial parking is reserved just for the hotel or
for the coffee shop also.

Ms. Monson stated the commercial parking lot will be for the hotel guest registration
and coffee shop as well, adding that overnight guests and residents will all have
reserved parking in the underground garage.

Commissioner Kraft asked about the change with market rate housing and why that
change was made.

Ms. Monson referred the question to the developer to answer.

Commissioner Robertson asked if there has been any feedback from building officials on
permitting.

Ms. Monson stated yes there has been discussion on this.

Commissioner Erwin asked if there is direct access from the site to the LRT station.

Ms. Monson said yes there is direct access on the sidewalk and is the same elevation as
the plaza.

Commissioner Johnston-Madison asked if there are bathrooms in the studios.

Ms. Monson stated the studios are not living units, so do not have bathrooms in them.
There are shared restrooms on the second floor.

Commissioner Johnston-Madison asked where the elevators are in the building and Ms.
Monson pointed them out on the design.

Chris Velasco, PLACE, the developer made himself available for questions.

Commissioner Johnston-Madison asked Mr. Velasco if he has financing for the project.
Mr. Velasco stated the project is $50 million all in and there is a final bit of equity to raise to finish the project and they are hoping to finalize this week. He stated this refers to the equity for the hotel.

Chair Eckholm asked why the hotel and residence are being switched in the first place.

Mr. Velasco stated the 2017 tax bill eliminated all of their financing temporarily, so this caused a big delay, and then tax-exempt financing was struck for a time also. He stated in the delay they changed architects and started looking at the project with Marriott, and the entrance into the hotel area, which they felt was awkward. Mr. Velasco stated when the south side became the affordable area, this allowed for the switch and allows the hotel entrance to be accessed easier.

Commissioner Johnston-Madison asked about ownership of the structure.

Mr. Velasco stated the non-profit PLACE will own the entire structure, and there is a reserve account to ensure the affordable housing will be taken care of over time. He added the hotel is the builder of the building and the residents are leasing from the hotel, as it is all one connected building, and the Marriott hotel then will take care of the building very well.

Commissioner Dumalag asked what the agreement terms are with the Marriott.

Ms. Velasco stated the term is 20 years.

Commissioner Erwin asked what the phasing is of the whole project and if the reduction in these units will affect the phasing unit of how the project will be built.

Mr. Velasco stated this second phase will be completed as one building, and with a 12-month construction schedule, it should be completed in Feb 2021 without any additional phasing.

Commissioner Erwin asked if this includes the north side of the project as well.

Mr. Velasco stated the north side will be delayed as the new architect submits plans. He stated the project is larger and will take longer, but within 2021.

Commissioner Robertson stated this project is very ambitious and unique, and provides a nice mix in opportunities, and asked about the market rate live/work part of the project that was removed from the south side -- and why this has occurred.

Mr. Velasco stated their financing group would not lend PLACE the money to do the market rate live/work part of the project because it has not been done before, while the affordable rate live/work projects have been successful. He added the north side market rate live/work will still be done, however with only six units included there.
Commissioner Johnston-Madison asked what happened when a resident in the affordable live/work area begins to make more money beyond the AMI cap, and if they would need to move into another affordable unit.

Mr. Velasco stated the line is 140% of AMI if a resident moves beyond that, a market rate unit would be turned into an affordable unit, so as to maintain the same rate of units.

Commissioner Erwin asked can someone else move into an affordable unit even if they don’t need the studio space.

Mr. Velasco stated since the studio space is free to the resident and is included, it most likely will be used. He added the resident applicant would also need to prove they will use the studio space for its intended use.

Commissioner Johnston-Madison asked who will own the building.
Mr. Velasco stated PLACE – the non-profit- will own the building and lease it. He stated the renter pays utilities for their apartment and studio. He noted the utility rates are calculated up-front and modeled and is a cost included in the master lease.

Commissioner Dumalag asked if a third party is managing the lease.

Mr. Velasco stated they are third party managing this through Metro Plains, which is managing the whole complex.

Chair Eckholm opened the public hearing.

Roger Onken, 3600 Wooddale Ave. S., #212, which is kitty-corner from the project. He noted the traffic management report from 2017 was not favorable and asked if another traffic management report would be forthcoming from the city. He also stated he has concerns about the 100% of below market rate all concentrated in one area of the complex, and he has concerns about multiple families moving into one unit and upkeep of the property, if this happens.

Meghan Phimister, 3451 Zarthan Ave. S., stated she has lived in St. Louis Park for over 30 years and has been following this project for 4 years. She stated residents in the area were told the north side of the project would have started in March or April, and she is now concerned about the full south side moving to all affordable housing and there are only 6 units on the north side. She is concerned about the 100% affordable housing on the south side, adding this project has not even started and is not even financed yet. She added she is tired of looking at a giant pile of dirt on Highway 7. It should be opened for other bids, its dragging, and she is not in favor of the changes being asked for.

Kim Anderson, 3248 Yosemite Ave. S., stated she has a question about financing and if the financing that is in place is still solid if the project does not become 100% affordable housing.
Mr. Velasco stated no, it is not.

Ms. Anderson stated we are still at a phase with PLACE that the model as presented is not sustainable as presented. She stated this was a non-competitive project and now we are at the 6th amendment. This develop has not been able to attain any foundation support within the community either and added she would like to know why. She has been cautiously optimistic and she is really concerned. She stated Mr. Velasco has a great vision, but asked can we afford to deprive people who need affordable housing right now, and asked that someone ask the tough questions now.

The Chair closed the public hearing.

Ms. Monson answered questions of those who spoke at the public hearing.

She noted the traffic analysis did include some mitigations at Wooddale and at the Wooddale Bridge, and the frontage road at Hwy 7. She stated with the improvements from SWLRT, it was shown the traffic would improve in this area.

Ms. Monson stated the timeline and market rate questions related to the north side. She noted there are 66 market units there, and not 6 units, adding it is a broad base of units within the development. She stated the new plans for the north side will be submitted next Tuesday and will be reviewed and approved prior to the end of the year, with the new architect’s plans. She added the north site should begin construction in January and phase 2 should begin in February.

Ms. Monson stated Mr. Velasco was correct in stating that financing was removed from the south side of the project, if market rate housing was included. She added that is why the south side is not all affordable units.

Commissioner Johnston-Madison stated she is concerned about the free studio and feels this is risky and would vote against this.

Commissioner Dumalag also stated she is concerned how this will be managed and is concerned about how it will look 10-15 years from now after the tax credits are gone, or the Marriott leaves.

Commissioner Robertson stated he is split. He said it is a good vision, but the artist studios changes it and he feels some of the mix has been lost. For successful affordable housing, it should blend into the fabric and not be noticeable, and he has concerns about this reduction and is not comfortable with the changes.

Chair Eckholm stated he has seen this type of project be successful in other places. He stated he is struggling in that this is a good vision, but there are concerns in how the vision will be executed. He stated he is comfortable supporting it.

Commissioner Johnston-Madison stated if this is not approved tonight, it would not affect the north side.
Ms. Monson stated this is an overall concept and yet the north can function without the south side and the city has already sold the north side to the developer.

Commissioner Kraft stated she is coming into this without knowing the full history, and thinks of this as a complete project, and will feel a mix with the SWLRT bringing this together along with the woneruf. She stated she will support this.

Commissioner Kraft made a motion, Commissioner Beneke seconded, recommending approval of the planned unit development major amendment to Section 36-268-PUD 9.

The motion passed on a vote of 5-2 (Robertson, Johnston-Madison against).
City council meeting of November 18, 2019 (Item No. 8a)
Title: Planned unit development major amendment to Section 36-268-PUD 9
City council meeting of November 18, 2019 (Item No. 8a)
Title: Planned unit development major amendment to Section 36-268-PUD 9

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<td>KEY PLAN - EXTERIOR ELEVATIONS</td>
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TOTAL 10,217.51 SF 100% | TOTAL 4,930.38 SF 100% | TOTAL 6,854.09 SF 100% |

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| WINDOWS & STOREFRONT | 26%                   | 28%                   |
| 5/8" CEMENTITIOUS PANEL | 63%             | 66%                   |
| METAL WRAPPED SUBSTRATE | 2%            | 5%                    |
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Executive summary

Title: Benilde-St. Margaret’s – conditional use permit approving a major amendment to the existing special permit

Recommended action: Motion to approve a conditional use permit authorizing a major amendment to the special permit to allow a building expansion and accessory building at Benilde-St. Margaret’s school with conditions.

Policy consideration: Does the city council support the proposed major amendment to the Benilde-St. Margaret’s special permit?

Summary: Benilde-St. Margaret’s (BSM) requests an amendment to its existing special permit to convert an interior courtyard to classrooms and to construct an accessory building for the athletic complex. The proposal includes two components.
1. Convert a courtyard into classroom space. The courtyard is approximately 3,600 square feet in area. It is located within the existing building footprint of the school, so the addition does not expand the existing outer perimeter of the school building. The subject courtyard is pictured below.
2. Construct a 3,000 square foot (50 x 60 foot) athletics and maintenance building on the site of an existing smaller 660 square foot (22 x 30 foot) maintenance building.

Today BSM has approximately 1,200 students. The proposed improvements are meant to improve the quality of the facility including the maintenance and athletic components, not to increase enrollment.

Parking: BSM had a total of 553 spaces, 432 spaces on-site and 158 spaces under contract with Beth-El Synagogue, which is located across Barry Street. City code requires 411, therefore, BSM has a surplus of 142 parking spaces, and no additional parking is required as a result of this application.

Planning commission held a public hearing on November 6, 2019. No comments were received, and the commission voted unanimously to recommend approval of the major amendment.

Financial or budget considerations: None.

Strategic priority consideration: Not applicable.

Supporting documents: Discussion
Draft resolution
Exhibit L-CIL remodel
Exhibit M-maintenance building site plan
Supporting documents for CIL remodel and maintenance building

Prepared by: Gary Morrison, assistant zoning administrator
Reviewed by: Sean Walther, planning and zoning supervisor
Karen Barton, community development director
Approved by: Tom Harmening, city manager
Discussion

Site information:

Site area: 31.97 acres

Current use: Middle and high school

Surrounding land uses:
- North: Single-family residences
- East: Single-family residences
- South: Synagogue and multi-family residence
- West: Highway 100

Current 2040 land use guidance
- CIV - civic

Current zoning
- R-1 single-family residence

Present considerations: Educational facilities are a conditional use in the R-1 Single-Family Residence district. However, BSM operates under a special permit that was first approved in 1985 and has been amended several times since. The city no longer utilizes the special permit process and utilizes the conditional use permit process to amendments to the special permits that exist throughout the city. BSM was last before the city in 2017 for a similar remodel that entailed enclosing an interior courtyard.

School Remodel: The proposal is to enclose the interior courtyard and remodel the areas immediately adjacent to it into the Center of Innovative Learning (CIL), which is an informal area where students can collaborate. Two classrooms will be relocated as part of the remodel. A portion of the roof to be constructed over the infilled courtyard will extend approximately 10 feet above the existing roof. The purpose of the raised roof is to provide natural light into the space. This design is consistent with other windows that extend above the roof for the purpose of providing natural light throughout the building.
The height of the proposed roof will be 23 feet above grade. This is lower than the auditorium which is 31 feet above grade and the top of the sloped chapel roof, which is 43 feet above grade. The proposed roof is shown below in blue.

Zoning analysis:
Lighting: Lights within the CIL space will be down cast, so the light emanating from the new windows should be similar in appearance to other windows throughout the building.

Parking: A parking study was completed as part of the 2008/9 special permit amendment to improve the athletic fields. At the time BSM had a total of 544 spaces, 386 spaces on-site and 158 spaces under contract with Beth-El Synagogue, which is located across Barry Street.
As a result of the special permit improvements, BSM added 46 spaces on-site, which increased the total available parking spaces to 590 (432 on-site and 158 at Beth-El). The study also showed that the total parking required by the city zoning ordinance was 363 spaces.

The proposed remodel is for the middle school and does not result in an increased in required parking spaces.

*Screening-Maintenance Building:* The existing maintenance building is well screened from the residential properties to the north. The replacement building will maintain the existing screening. Pictures of the area around the shed, including the screening, are attached.
Resolution No. 19-____

Amends and Restates Resolution No. 17-083

Resolution amending and restating Resolution No. 17-083 adopted on May 1, 2017, and granting amendment to existing special permit under Section 36-37 of the St. Louis Park ordinance code relating to zoning to approve a building expansion at Benilde St. Margaret’s School located at 2501 State Highway 100 South

Findings

Whereas, Benilde-St. Margaret’s School, has made application to the City Council for an amendment to an existing special permit under Section 36-37 of the St. Louis Park Ordinance Code to allow a building expansion at 2501 State Highway 100 within a R-1 Single Family Residential Zoning District having the following legal description:

That part of the South ½ of the Northwest ¼ of Section 31, Township 29, Range 24 lying east of State Highway No. 100, north of the south 330.00 feet thereof, and west of the east 450.00 feet thereof; also the west 233.58 feet of the east 450.00 of the north 500 feet of said South ½ of the Northwest ¼.

Subject to roads.

Whereas, the City Council has considered the information related to Planning Case Nos. 00-20-SP, 08-45-SP, 09-12-SP, 17-12-CUP, 19-31-CUP and the effect of the proposed modifications to construct a building addition on the health, safety, and welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, the effect on values of properties in the surrounding area and the effect of the use on the Comprehensive Plan; and compliance with the intent of the Zoning Ordinance; and

Whereas, a continued special use permit was amended regarding the subject property pursuant to Resolution No. 17-083 of the St. Louis Park City Council dated May 1, 2017, which contained conditions applicable to said property; and

Whereas, due to proposed additions to the building, amendments to those conditions are now necessary, requiring the further amendment of the special permit granted under Resolution No. 17-083; and

Whereas, it is the intent of this resolution to restate the conditions of the permit granted by Resolution No. 17-083, to add the amendments now required, and to consolidate all conditions applicable to the subject property in this resolution;

Whereas, the contents of Case No. 19-31-CUP are hereby entered into and made part of the public hearing record and the record of decision for this case.
It is further resolved that Resolution No. 17-083 is hereby restated and amended by this resolution which continues and amends a special permit to the subject property for the purposes of constructing an addition to the school building and converting storage space to classroom at the school building located within the R-1 Single Family Residential District at the location described above based on the following conditions:

1. That the grading and drainage be constructed and maintained thereafter in accordance with Exhibit A – Grading and Drainage Plan, Exhibit B – Sodding, Seeding and Landscape Plan and all conditions set forth in the City’s Flood Plain Zoning District regulations be satisfied as specified in Section 14:123.100(2)(a) through (k).

2. That all grading, sodding and seeding be completed by October 15, 1985.

3. The special permit shall be amended pursuant to Planning Case No. 92-42-SP to permit construction of a pylon sign 19.5 feet in height and to permit a total sign area of 200 square feet.

4. The special permit shall be amended on May 1, 2000 (Case No. 00-20-SP) to incorporate all of the preceding conditions and add the following conditions:
   a. The site shall be developed, used and maintained in accordance with Official Exhibits C thru K. Exhibits B and D, landscape plan may be modified as to the exact location of the arborvitae plantings along the north lot line to most effectively provide screening and to preserve existing trees. Exhibit B landscape plan may also be modified to move up to 50% of the new bufferyard plantings north of the Princeton Court townhomes to directly east of the east parking lot, provided this is agreed to by the applicant and Princeton Court townhomes.
   b. Prior to any site work, applicant shall meet the following conditions:
      1. Obtain a Watershed District permit and submit copy to City.
      2. Applicant shall sign assent form and official exhibits.
   c. A building permit is required, which may impose additional conditions.
   d. If parking should become a problem in the future, the Zoning Administrator may require that proof of parking be converted to parking and any additional measures taken by Benilde-St. Margaret’s at its expense to mitigate the parking congestion.
   e. A five foot building height variance for an auditorium is approved, subject to all conditions of final approval.
   f. The property owner shall grant a trail easement to the City at no cost in a location to be agreed upon by both parties, if it is determined by the City that a trail is to be constructed in this area.

5. The special permit shall be amended on June 15, 2009 to incorporate all of the preceding conditions and add the following conditions:
a. The site shall be developed, used and maintained in accordance with exhibits incorporated by reference herein.

b. Prior to starting any site work, the following conditions shall be met:
   1. The property owner shall dedicate at no cost to the City a 10’ easement required as part of prior approvals along the west frontage road and along 25 ½ Street West.
   2. All required permits shall be obtained, including but not limited to those permits issued by the Minnehaha Creek Watershed District.
   3. The applicant shall provide to the City a financial guarantee in the form of a Letter of Credit or Cash Escrow to ensure the installation and survival of all landscaping materials. The financial guarantee shall be in the amount of 125% of the cost of installation.
   4. The applicant shall establish a committee consisting of three neighboring property owners residing to the south of the property, three neighboring property owners residing to the north of the property, and representatives from the Benilde-St. Margaret’s School. The committee shall meet a minimum of two (2) times per school year to discuss the upcoming athletic schedule and any outstanding issues raised by either Benilde-St. Margaret’s or adjacent property owners. The Community Development Director or designee shall be informed of and may attend committee meetings.

c. The requirements for a minimum of 400 off-street parking spaces and for a minimum of 44 proof-of-parking spaces on-site from the May 1, 2000 approval shall continue.

d. The applicant shall install and maintain a device governing all outdoor amplified sound systems on the site to be in compliance with the City’s noise regulations.

e. Music played over any outdoor amplified sound system shall be permitted until 10:00 PM for a duration of not more than thirty (30) minutes before any varsity athletic event or for occasional outdoor events typical of a high school. Neighborhood notification shall be required for any special outdoor events featuring music.

f. Upon the City’s request due to planned construction of a trail, the property owner shall grant at no cost to the City a 10’ trail easement along the north property line running from the cul-de-sac at Westridge Lane to the east and terminating at the northeast corner of the property. Should the City construct such a trail, the City shall be responsible for any costs associated with fence or landscaping relocation.
g. The current application does not include the construction of a bubble or dome on the property. A major amendment to the Special Permit would be required if a bubble or dome is proposed in the future.

h. Use of field five (5) for athletic activities, as designated on the official exhibits, shall between the months of September and December of each year be prohibited during the following times:
   1. 9:00 PM Friday to 9:00 AM Saturday.
   2. 9:00 PM Saturday to 9:00 AM Sunday.

i. Use of field five (5) for athletic activities, as designated on the official exhibits, shall between the months of April and August of each year be prohibited during the following times:
   1. 9:00 PM Friday to 8:00 AM Saturday.
   2. 9:00 PM Saturday to 8:00 AM Sunday.

j. Upon completion of the new primary turf field (field 1), and until such a time as it can be brought into full compliance with the lighting requirements of the Zoning Ordinance, lighting at the existing track and field (field 4) shall not be used except for track and field meets between March 15 and June 15 of each year.

k. The applicant shall follow guidelines for all fields and associated facilities on the site, as follows:
   1. To the greatest extent possible, all major non-track events shall take place at the new field 1 (one) per the official exhibits. Major events shall be defined as any non-track event with over 100 fans in attendance where both the lighting and sound system is used.
   2. To the greatest extent possible, the applicant shall utilize only one lighting or sound system at any given time. In no case shall the applicant utilize more than two lighting or sound systems at any given time.
   3. Athletic training using the on-site bleachers shall not be permitted.
   4. Except for current users, the City’s Parks and Recreation Department, temporary, or emergency situations, the applicant shall not permit regular use of its fields by other schools or organizations. A minor amendment to the Special Permit shall be required to allow regular use of the applicant’s athletic fields by other schools or outside organizations.
   5. To the greatest extent possible, the applicant shall attempt to minimize use of the outdoor amplified sound system and field lighting system during months that school is not in session, with the exception of current summer sports programs.
   6. The addition of new summer sports programs using the outdoor amplified sound system and field lighting system shall require a minor amendment to the Special Permit.
   7. Except for the National Anthem, summer sports programs shall, to the greatest extent possible, avoid playing music over the outdoor amplified sound system.
6. The special permit shall be amended on May 1, 2017 to incorporate all of the preceding conditions and add the following conditions:
   a. The addition be constructed as illustrated on Exhibit C – 2017 Building Addition.
   b. The cross displayed on the exterior of the glass wall facing east shall not be lit.
   c. The glass shall be tinted to reduce the amount of interior light visible from outside the building.

7. The special permit shall be amended on November 18, 2019 to incorporate all of the preceding conditions and add the following conditions:
   a. The courtyard remodel shall begin within two years of the approval of the amendment to the special permit and shall be constructed as illustrated in Exhibit L-CIL Remodel.
   b. Construction of the maintenance building shall begin by December 31, 2025. It shall be located in accordance with Exhibit M-Maintenance Building Site Plan.
   c. The maintenance building is to have a gable roof, and it shall not exceed 20 feet in height measured from the top of the concrete slab to the roof peak.
   d. Additional screening may be required with the building permit for the maintenance building as determined by the zoning administrator.

In addition to any other remedies, the developer or owner shall pay an administrative fee of $750 per violation of any condition of this approval.

Under the Zoning Ordinance, this permit shall be revoked and cancelled if the building or structure for which the conditional use permit is granted is removed.

Assent form and official exhibits must be signed by applicant (or applicant and owner if applicant is different from owner) prior to issuance of building permit.

Reviewed for administration

Adopted by the City Council November 18, 2019

________________________________________
Thomas K. Harmening, city manager

________________________________________
Jake Spano, mayor

Attest:

________________________________________
Melissa Kennedy, city clerk
City council meeting of November 18, 2019 (Item No. 8b)
Title: Benilde-St. Margaret's – conditional use permit approving a major amendment to the existing special permit

EXISTING ENLARGED SITE PLAN

MAINTAIN TRUCK ACCESS TO EXISTING WELL & GATE VALVE

NEW 60' X 50' ATHLETICS & MAINTENANCE STORAGE BUILDING (3000 SF)

PROPERTY LINE (BLUE)

2' SETBACK FROM PROPERTY LINE (YELLOW)
(zoning code for accessory buildings; Article IV Div 4. Sec. 36-162 Subsection d.1.b.1)

50' SETBACK FROM PROPERTY LINE
(zoning code for educational buildings in R-1; Article IV Div 4. Sec. 36.163 Subsection d.6.a)

60'-0"  60'-0"  50'-0"  50'-0"  50'-0"  18'-0"
Executive summary

Title: Zero Waste Packaging 2020 Acceptable Materials, Exemptions List and Administrative Rules

Recommended action: Motion to approve the 2020 Acceptable Materials and Exemptions List and Administrative Rules.

Policy consideration: Does council wish to approve the recommended 2020 Acceptable Materials and Exemption List and Administrative Rules?

Summary: The Zero Waste Packaging ordinance went into effect on January 1, 2017. Each year staff reviews items that could be temporarily exempt (allowed), even though they are not recyclable or compostable, as well as administrative rules to guide implementation of the ordinance.

In 2019, there were three items on the exempt list and staff recommends keeping those exemptions. Unfortunately, due to a significant shift in compliant product availability, staff recommends adding two other material types. We hope this is just a short-term exception while the market adapts. The reasons for each exemption are provided in the discussion.

Existing exemptions – recommend to keep
1. Paper food wraps and liners (e.g. fast food wrappers)
2. Asian takeout pails (plastic-lined, fold-top style paper)
3. Portion cups and lids (rigid polystyrene #6, two ounce or smaller)

New exemptions – recommend to add
4. Molded fiber products (e.g. clamshells, containers, bowls, etc.)
5. Paper plates

The recommended 2020 Administrative Rules keep in effect the 2019 rules for catering on city property and remove two rules which were incorporated directly into the ordinance during the amendment process in June 2019.

Strategic priority consideration: St. Louis Park is committed to continue to lead in environmental stewardship.

Supporting documents: Discussion
Zero Waste Packaging 2020 Acceptable Materials and Exemptions List
Zero Waste Packaging 2020 Administrative Rules

Prepared by: Emily Barker, solid waste specialist
Reviewed by: Kala Fisher, solid waste manager
Mark Hanson, public works superintendent
Cynthia S. Walsh, director of operations and recreation
Approved by: Tom Harmening, city manager
Discussion

Background: The Zero Waste Packaging (ZWP) ordinance went into effect on January 1, 2017. The ordinance requires that restaurants and food trucks utilize packaging that is recyclable or compostable. It also requires that restaurants with seating have appropriate waste disposal options for items used on-site (in-house). Since 2017, city staff have prepared a list of temporarily exempt items that are not recyclable or compostable, but which are being allowed due to limited compliant alternatives. In addition, administrative rules are written to clarify certain aspects of the ordinance. These are reviewed annually and presented to council. A written report with the following recommendations was provided to council during the October 28, 2019, study session.

Present considerations: In preparation for 2020, staff have reviewed the current temporary exemptions and administrative rules and are proposing changes to both.

Exemptions
For 2020, staff proposes to keep the three material exemptions from 2019 and add two additional material categories. The exemptions, and reasoning, are as follows:

1. Paper food wraps and liners: These are commonly used to line reusable food baskets and wrap items such as sandwiches, burgers and tacos. They are not compostable due to various grease barriers, which may be plastic, foil or chemical. Most options that would be compostable do not offer the same grease resistance or leak-proof properties. Given the lack of compostable options, staff recommend they continue to be exempted.

2. Asian takeout pails: These plastic-lined, fold-top style paper containers are an industry standard for many Asian restaurants, including several in St. Louis Park. In the past, staff had identified two options meeting the compostable requirement, but both had very limited availability through special order requiring high quantity purchases, so the decision was made to exempt these items. In 2019 staff learned that one of those options lost its third-party verification for composability, limiting availability further. Given the lack of a compostable version of these pails, staff recommend they continue to be exempted.

There has been a request made to remove this exemption. The following is the timeline of that request and staff response.

- April 2019: During the ordinance amendment process, a request was made by Zero Waste West Metro Minnesota (ZWWMM), a local advocacy group, to remove the exemption. Staff noted the request and explained the discussion would be revisited in the fall during the normal exemption review process.
- June 2019: A petition created by ZWWMM was given to Mayor Spano with signatures from 24 restaurants, also requesting the change. On June 27, city staff sent a letter to 21 of the businesses (three were outside St. Louis Park) informing them of the city’s exemption process and the opportunity to provide additional comments in the fall.
- September 2019: On September 27, an email soliciting feedback on existing exemptions or requests for new exemptions was sent to the city’s Zero Waste
Packaging email list, which included any petition signers that provided the email. It is important to note that no additional comments were received regarding the pails.

- October 2019: On October 17, staff met with representatives from ZWWM to share the staff recommendation to continue the exemption. Staff also contacted restaurants in town that may be impacted by the removal of the exemption; seven of the ten utilize these pails and the majority of them are small businesses. There are approximately 115 restaurants total in the city.

3. **Portion cups (two ounce or smaller) and lids:** While compliant alternatives exist for the rigid polystyrene (#6, PS) portion cups, they have several limitations.
   - *Recyclable options* – available, but recyclability is limited due to food contamination and size. If these cups aren’t clean (as is often the case when used for condiments) they are too dirty to recycle. Additionally, small items like portion cups are difficult for recycling facilities to sort properly, often ending up in the trash or as a contaminant in glass.
   - *Compostable* – available, but functionality varies depending on use. Many compostable plastics cannot be used for hot condiments, such as nacho cheese.

4. **Molded fiber products:** As you may have heard, many of the molded fiber compostable products currently on the market will be losing their third-party certification through BPI, effective January 1, 2020. This is due to a class of chemicals called perfluoroalkyl and polyfluoroalkyl substances (PFAS), or fluorinated chemicals, which are used to provide moisture and grease resistance. Examples of these products include clamshells, salad bar containers and bowls. These are being used in many local restaurants that are affected by the ZWP ordinance. Given this situation and the lack of replacement products which will meet compostable standards by the start of 2020, staff recommends a new temporary exemption on these products.

   The issue of PFAS has been growing over the last few years. BPI made the decision to end certification for any products which have intentionally added PFAS or have levels over 100 ppm total fluorine when tested. City staff have reached out to product manufacturers to gather more information on how they are responding to this loss of certification. Several are in the process of developing PFAS-free products, but few, if any, will be widely available by the start of 2020. In September, city staff convened a meeting with individuals from the City of Minneapolis, City of St. Paul, Hennepin County, Minnesota Department of Health (MDH), Minnesota Pollution Control Agency and Specialized Environmental Technologies (the compost facility where city curbside organics are processed) to discuss the issue and how the various entities could work together in addressing the challenges presented by PFAS in food packaging. MDH provided background on PFAS for the group, and discussion followed on strategies that could be taken. The consensus was to allow the non-certified items to be used for 2020, under an exemption, with the assumption that the manufacturers will have products available in the near future. This approach seeks to limit disruption for businesses and residents, but also closely monitors product developments. City staff intend to stay in regular contact with product manufacturers, third-party certification/approval programs, the compost facility and other local government entities during this time.
5. **Paper plates**: For the same reason as molded fiber products, this exemption would apply to any paper plate. This exemption would not extend to polystyrene (#6) foam plates.

It will continue to be a requirement that a food establishment utilizing any of the exempt materials must inform customers that the items are not recyclable or compostable. The business must clearly indicate to customers that the items must be placed in the garbage. This shall be done in print, such as on menus, posted signage or directly on the packaging.

**Administrative rules**

Updates made to Chapter 12 during the ordinance amendment process earlier in 2019 added two of the previous administrative rules directly to the ordinance. Therefore, only one rule will remain for 2020.

- As in 2019, for any catering taking place at city-owned facilities where organics and recycling collection containers are available, caterers who provide single-use food service items will need to ensure they follow the ordinance. This applies to city-sponsored events or private events. This same expectation has been in place for food trucks from the beginning and is a reasonable expectation for catering at city-owned facilities. This will ensure that event locations such as the ROC, the Rec Center, City Hall and Westwood Hills Nature Center are minimizing trash generated during events.

Catering activities which take place on private property or at city-owned facilities without organics and recycling will be exempt from the ordinance.

**2020 changes to the ordinance which enhance our ordinance**

In addition, staff wish to note the following changes to the ordinance which were adopted in 2019. While these are separate from the annual exemption process, they will also take effect in 2020.

- Effective January 1 for all food establishments
  - **Compostable utensils**: Food establishments will be required to utilize compostable utensils, when not providing reusable options.
  - **Straws by request**: Food establishments shall no longer provide straws to customers, unless requested. A front-of-house straw dispenser or other self-serve setup will meet the requirement of the ordinance.

- Effective January 1 for food trucks and July 1 for all other food establishments
  - **Compostable cup labeling**: Food establishments will need to ensure that all compostable cups and containers are labeled to indicate compostability.
  - **Cup and container lids**: Food establishments will need to ensure that lids used for compostable cups and containers are compostable and lids used for recyclable cups and containers are recyclable.

**Next steps**: Upon council approval, the list of acceptable materials and exemptions will be shared with impacted businesses immediately via email and a written letter in December 2019.
Zero Waste Packaging Ordinance
2020 Acceptable Materials and Exemption List

Acceptable materials

Pursuant to subsection 12-205 of the ordinance, the public works division has developed the following list of packaging materials that meet the ordinance provisions for 2020.

**Recyclable packaging** – The following materials meet the definition for recyclable packaging under subsection 12-202 of the ordinance.

1. Plastic
   a. Polyethylene Terephthalate (#1 PET or PETE)
   b. High Density Polyethylene (#2 HDPE)
   c. Polypropylene (#5 PP)
2. Metal
   a. Aluminum (foil and containers)

**Compostable packaging** – The following materials meet the definition for compostable packaging in subsection 12-202 of the ordinance.

1. Third-party verified compostable products – must be BPI Certified Compostable, Cedar Grove Accepted or Compost Manufacturing Alliance Approved.

Temporarily exempt materials

Pursuant to subsection 12-205 and 12-206 of the ordinance, the public works division has developed the following list of packaging materials that do not meet the definition for zero waste packaging in subsection 12-202. However, due to the limited alternatives currently available, these items are temporarily exempt from this ordinance and acceptable through December 31, 2020.

1. Paper food wraps and liners (e.g. fast food wrappers)
2. Asian takeout pails (plastic-lined paper, fold-top style)
3. Portion cups and lids (rigid polystyrene #6, two ounce or smaller)
4. Molded fiber products (e.g. clamshells, containers, bowls, etc.)
5. Paper plates

Food establishments that choose to utilize temporarily exempt items must provide information to customers to clearly indicate these items cannot be recycled or composted and must be placed in the garbage. This must be done in print, for example on menus, posted signage or directly on the packaging.

November 18, 2019
1. **Catering activities**

Section 12-202 defines food establishments by using the Hennepin County Code of Ordinances, Chapter 3.3.1. Caterers are included in this definition and are thus required to comply with the ordinance. However, due to the fact that catering is often provided by licensed food establishments from outside the city at event locations that are not normally impacted by the ordinance, the public works division created an administrative rule temporarily exempting catering activities. Most catering activities occurring in the City of St. Louis Park will continue to be temporarily exempt through December 31, 2020.

However, as in 2019, catering activities taking place at city-owned facilities where both recycling and organics are available will need to be in compliance. The following locations are included:

- **City Hall**
  - Community Room
  - Council Chambers
  - Westwood Room
- **Fire Station 1**
  - Training Room
- **Municipal Service Center**
  - Multi-purpose/Lunchroom
- **Police Department**
  - Roll Call/Training Room
- **Rec Center**
  - Aquatic Park
  - Banquet Room
  - Gallery Room
  - ROC
- **Westwood Hills Nature Center**

“Catering activities” means the preparation of food under contract in support of an event such as a reception, party, luncheon, conference, ceremony or trade show.

November 18, 2019
Executive summary

Title: Efficient building benchmarking ordinance

Recommended action: Mayor to open public hearing, take testimony, and close the hearing. Motion to approve the first reading of the Efficient Building Benchmarking ordinance and set the second reading of ordinance for Dec. 2, 2019.

Policy consideration: Does the city council support creation of a program to increase awareness and encourage energy and water conservation as a step toward achieving the city’s Climate Action Plan goals?

Summary: The Climate Action Plan includes a midterm goal to reduce energy consumption in large commercial buildings 30% by the year 2030. One step to support this is the proposed Efficient Building Benchmarking ordinance, requiring owners of commercial, multifamily, and public buildings over 25,000 square feet to report annual whole building energy and water use. The data would be used to benchmark energy consumption and motivate performance improvement. Empowering property owners with the ability to compare the performance of their building to itself, its peers, and to industry standards is key in this effort. The data may also reveal long-term utility cost savings opportunities to property owners.

The proposed program would apply to approximately 275 buildings in St. Louis Park. While representing less than 2% of our total building count, it would create benchmarks for approximately 52% of the total commercial building square footage in the city. A web-based, interactive map of all benchmarked buildings within the Hennepin County Efficient Buildings Collaborative (of which St. Louis Park is a pilot city) will provide enhance visuals and comparison capabilities to help promote the goals of the benchmarking program.

The benchmarking process will take property owners 4-10 hours to configure and 2-3 hours per year after that to upload utility data. Technical assistance would be provided by Overlay Consulting. The program would require no out-of-pocket expenses from property owners.

Financial or budget considerations: Adopting the Efficient Building Benchmarking ordinance will require resources to administer. Contracting for the services provided by Overlay Consulting would result in a $31,000 expenditure in the first year; that amount is currently included in the proposed 2020 general operating fund budget. Expenditures for each future year that the city contracts with Overlay Consulting would be $26,000. Staff plans to review the option to maintain this program within the city in 2021 and beyond.

Strategic priority consideration: St. Louis Park is committed to continue to lead in environmental stewardship.

Supporting documents: Discussion
Ordinance

Prepared by: Emily Ziring, sustainability manager
Reviewed by: Brian Hoffman, director of building and energy
Approved by: Tom Harmening, city manager
Discussion

**Background:** The city’s Climate Action Plan (CAP) include goals to reduce energy consumption across building types, including commercial and residential. One method to increase awareness and encourage investment in energy efficiency is implementing an energy benchmarking program for larger buildings. Several cities across the US—including Denver, Seattle, and Chicago—have implemented benchmarking requirements and are observing reduced energy consumption as a result.

The Hennepin County Efficient Buildings Collaborative was established to provide consistent methodology and technical support for benchmarking programs across Hennepin County municipalities; creating uniformity in program reporting will assist commercial property owners that have buildings in more than one city. St. Louis Park is considered a pilot city in the Hennepin County Efficient Buildings Collaborative framework and has received free consulting services to help develop this ordinance. Similar programs have been adopted in other cities within Hennepin County, including Minneapolis and recently in Edina.

Feedback about the proposed ordinance from property owners has been important in helping to shape the program. In August, letters were mailed to approximately 300 property owners notifying them about the program and inviting them to attend one of two public meetings in September at City Hall to learn more and provide feedback. At both meetings, Brian Hoffman, Director of Building and Energy, and Katie Jones from Center for Energy and Environment (CEE) gave an in-depth presentation about the program. One of the public meetings was recorded and is available to view on the city’s YouTube Channel for property owners or community members who are interested in learning more about the program. An article about the Efficient Building Benchmarking ordinance was featured in the October Park Perspective newsletter and in the SPARC quarterly newsletter.

**Present considerations:** The proposed Efficient Buildings Program would require annual whole building energy and water consumption reporting for larger commercial and multifamily rental buildings. All buildings of these types over 25,000 square feet are proposed to be included. In future years the council may consider requiring benchmarking of smaller buildings; contracted costs for program administration by Overlay Consulting are stepped based on total number of buildings and would increase if the program includes more than 300 buildings. Industrial facilities where significant energy consumption is used for production would be exempt to avoid distorting the comparative results. The city will also benchmark all publicly-owned facilities (other than smaller park structures).

The annual work for property owners and managers participating is intended to be minimal. In year one, property owners will be required to enter their building characteristics, use and utility consumption for the previous calendar year using the EPA’s free web-based Energy Star Portfolio Manager tool; in future years, only the annual utility consumption will need to be entered.

The program timeline is as follows.
Year One:
- January 2020: Sustainability Division staff and Overlay Consulting begin outreach to property owners
- January – May 2020: Overlay Consulting holds training sessions with property owners
- March – May 2020: Property owners upload their calendar year 2019 data
- June 1, 2020: All data due and vetted (this date is recommended for consistency with surrounding Hennepin County cities to improve performance comparison capabilities)
- June – September 2020: Sustainability Division staff and Overlay Consulting work directly with property owners who have not met the June 1 deadline
- September 2020: Energy Report Card mailed to property owners and benchmarking reports shared with sustainability staff

Year Two and beyond:
- January – May 2021: Overlay Consulting holds training sessions with property owners
- March – May 2021: Property owners upload their calendar year 2020 data
- June 1, 2021: All data due. Data is vetted and displayed on interactive map.
- June – September 2021: Sustainability Division staff and Overlay Consulting work directly with property owners who have not met the June 1 deadline
- September 2021: Energy Report Card sent to property owners, benchmarking reports shared with sustainability staff, interactive map available publicly

Beginning in 2021, benchmarking results will be publicly-available via a county-wide, web-based interactive map that will update automatically as new building reports are submitted. The interactive map design will allow users to view benchmarking compliance statistics, Energy Star rating, and Energy Use Intensity (EUI), and to compare buildings by size, type, and location. This data will be compiled year-over-year to provide historical comparison ability. Collective results could be utilized by building owners to compare their building performance with buildings of similar types within the county.

In addition to maintaining the interactive map, Overlay Consulting will be responsible for outreach to property owners, annual training, technical assistance, vetting of data submitted, customized feedback to property owners, and reports to the city.

Staff will work directly with property owners who do not meet the June 1, 2020 deadline to improve program participation. In 2021 and beyond, property owners will be subject to the Administrative Penalties and code violation sections of the city code.

**Next steps:** If the Council approves the first reading, the second reading is scheduled for Dec. 2, 2019. The city will then need to enter into a Joint Powers Agreement with Hennepin County for the Efficient Buildings Collaborative and into a separate agreement with Overlay Consulting for training and technical assistance.

In early 2020, sustainability division staff and Overlay Consulting will begin reaching out to property owners to educate them on the benchmarking process and compliance requirements.
Ordinance No. ___-19

Efficient building benchmarking

The City of St. Louis Park does ordain:

Section 1. St. Louis Park City Code Chapter 6 is amended by adding Article VIII to provide as follows:

6-301 Definitions.

The following words shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

Benchmark means to compare the measured energy performance of a building to itself, its peers, or to industry standards, with the goal of informing and motivating performance improvement.

Benchmarking information means information related to a building’s energy performance as generated by the benchmarking tool using descriptive information about the physical building, its operational characteristics, and energy and water consumption.

Benchmarking tool means the United States Environmental Protection Agency’s Energy Star Portfolio Manager tool or an equivalent tool as adopted by the city.

Energy means electricity, natural gas, steam, heating oil, or other product sold by a utility for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

Energy performance score means the numeric rating generated by the Energy Star Portfolio Manager tool or equivalent tool adopted by the city that compares the energy usage of the building to that of similar buildings.

Energy Star Portfolio Manager means the tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

Gross square footage means total building floor area of all conditioned space calculated from overall exterior wall dimensions of all below and above grade floors.
Industrial means manufacturing, compounding, processing, packaging, treatment, and assembly of products and materials.

Property owner means a person or entity possessing title to a building, or an agent authorized to act on behalf of the property owner.

Tenant means a person or entity occupying or holding possession of a building or premises pursuant to a rental or lease agreement.

Utility means an entity that distributes and sells natural gas, electric, or thermal energy services for buildings.

Water means supplied, metered potable water for mixed use and irrigation uses.

Sec 6-302. Benchmarking Required.

(a) Required. Annual benchmarking is required for all buildings of 25,000 gross square feet or larger. A property owner shall input the energy and water consumed during the previous calendar year and obtain an energy performance score by June 1, 2020, and by every June 1 thereafter. The property owner shall annually provide benchmarking information to the city, in such form as established.

The information input annually by the property owner shall include, but need not be limited to:

1. Building characteristics;
2. Building use;
3. Meter information, including consumption.

(b) Exemptions.

1. A building if its primary use is industrial, and the industrial use of the building comprises the majority of energy demands for the building. A property owner must make a request to the city to qualify for this exemption. In order to qualify for an exemption, the property owner must permit the city to complete an inspection of the property. The city will determine whether the building qualifies for an exemption based on the requirements contained in this chapter.

2. Condominium multiple family residential buildings.
(3) A property owner may request exemption in writing from the benchmarking and energy assessment requirements of subsection (a) for any of the following:

(a) The property is presently experiencing qualifying financial distress such that the property is the subject of a qualified tax lien sale or public auction due to property tax arrearages, the property is controlled by a court-appointed receiver based on financial distress, the property is owned by a financial institution through default by the borrower, the property has been acquired by a deed in lieu of foreclosure, or the property has a senior mortgage which is subject to a notice of default; or

(b) The property or areas of the property subject to the requirements of this section have been less than fifty (50) percent occupied during the calendar year for which benchmarking is required; or

(c) The property does not have a certificate of occupancy or temporary certificate of occupancy for all twelve (12) months of the calendar year for which benchmarking is required.

Sec. 6-303. Multiple Tenant buildings.

Where aggregate data is not available, each tenant located in a property subject to benchmarking under this chapter shall, within thirty (30) days of a request by the property owner and in a form to be approved by the city, provide all information that cannot otherwise be acquired by the property owner that is needed by the property owner to comply with the requirements of this section.

Sec. 6-304. Public disclosure.

The city shall make readily available to the public, and update annually, benchmarking information for the previous calendar year by September 1, 2021, and by every September 1 thereafter.

Sec. 6-305. Violations.

It shall be unlawful for any entity or person to fail to comply with the requirements of this section or to misrepresent any material fact required to be prepared or disclosed by this section.

Violations shall be subject to the Administrative Penalties section of the city code. Violations constitute a misdemeanor offense.

Section 2. This ordinance shall be effective 15 days following publication.
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<thead>
<tr>
<th>Event</th>
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<tr>
<td>First reading</td>
<td>November 18, 2019</td>
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<tr>
<td>Second reading</td>
<td>December 2, 2019</td>
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<tr>
<td>Date of publication</td>
<td>December 12, 2019</td>
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<tr>
<td>Date ordinance takes effect</td>
<td>December 27, 2019</td>
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Reviewed for administration:  

Thomas K. Harmening, city manager  

Attest:  

Melissa Kennedy, city clerk

Adopted by the City Council (insert date)

Jake Spano, mayor

Approved as to form and execution:

Soren Mattick, city attorney