

**WHITTIER ALLIANCE – Business Association
MEETING MINUTES**

August 13, 2007 – 4:00PM-5:30PM

Minneapolis College of Art & Design, Emeritus Room – 2501 Stevens Ave

Present Ed Bell, Erica Christ, Andrew Church, Liz Grzechowiak, Paul Jablonsky, Darcy Knight, Becky Olson, Thom Pham, Mike Stebnitz, Lisa Vecoli, Jim Walsh, Hassan Warsame
Speakers Officer Scott Downing, Officer Michael Killebrew / Pam Nordaune (MCAD) / Michael Krause, Craig Wilson, Heather Gay (Kandiyohi Development Partners), Huey Fung (Proprietor)
Staff Marian Biehn, Eric James

Call to Order at 4:06 by Chair Erica Christ. The Conflict of Interest & Standard of Conduct policies were noted. **Motion** to approve the agenda **carried**. A **motion** to approve the July 11, 2007 minutes **carried**.

Spotlight: Minneapolis College of Art and Design, Pam Nordaune

Pam asked how many people have been inside MCAD. She introduced herself as part of external relations and noted the college needs to be less insular than it has previously with the community. MCAD is about students, art and design. It has been around for 121 years, and a lot of people don't know they started as the Minneapolis Society of Fine Arts, which spun off the MIA. The college offers bachelor and graduate degrees. They are one of the top four art schools in the nation. Some alums are responsible for the first design of the iPod shuffle. Five alums were on HGTV and work is showing up in local retailers such as Target, television, film, and advertising. One of the underappreciated aspects of MCAD is an in-house design studio (DesignWorks) where MCAD has engaged the community. Whittier has worked with this group in the past. They serve all non-profit clients and help with strategic planning, logos, advertising, etc. It helps students get real world application. The association toured the DesignWorks studio.

Fifth Precinct Report

Lt. Frizell was not available due to the 35W incident. Marian noted NRP money is going to Nicollet beat cops. She would like updates from businesses when and where they see the officers. The officers are buy-back, so it's whoever signed up, not regulars. Officers Scott Downing and Michael Killebrew introduced themselves as the officers on the Whittier beat who patrol in squads, on bike, in plain clothes, etc. Their job is to search and destroy. Businesses can help out Police by installing high resolution digital cameras to identify perpetrators and incidents.

Killebrew talked about the trespassing signs which give police permission to enter property to confront people hanging out (sell drugs, pee, look for victims, robbery). This allows police to make contact with those people and to cite them for trespassing. They are able to take these people to jail for various criteria: If they can't identify them because they are likely from out of town, failure to pay fines, long criminal histories, and history of warrants. These criteria permit police to search peoples' pockets and discover more illegal substances. In order to have the yellow trespassing sign affixed to a property, sign an affidavit, have it notarized and take it to CPS Sarah Mahmud. Police are aware of repeat livability offenders. If they can make contact with them for cause, many times they will discover an outstanding warrant. The property owner or the property manager has the authority to sign an affidavit. Downing said this sign is acceptable with the City Attorney's office. Only the specific trespassing sign allows police to enter property to question people who are either lost or there to do illegitimate things.

Citizens Arrest: Killebrew said Police prefer employees tell people to leave. If they don't leave, Police can use the state statute, which elevates a second offense it becomes a gross misdemeanor. When the information is called into 911, a valid description of the person and what they did is needed. Some people have to meet criteria for it to be a crime (ie: just standing on the corner is not loitering). The statute describes the elements. When Police come in they can tag the individual with a crime and the citizen can fill out a trespassing form at the time of arrest. Misdemeanors cannot occur when Police do not see it themselves. If citizens do it, then it can become one. The person making the citizens arrest will have to go to court and testify. Downing said aggressive solicitation is a popular reported crime. Many times when Police show up, the person is not doing anything and legally they cannot do it. The Citizens Arrest Form (with some exceptions) for all misdemeanor arrests that do not occur in Police presence require a form. The information is all confidential and the perpetrator does not get it. The City Attorney's office prosecutes all misdemeanors. The crime explained however must fit criteria for it to be a crime.

For example: You are at an ATM and a person approaches and begs for money when you are retrieving money. That is aggressive solicitation. Killebrew said aggressive solicitation many times is qualified by if the person is using drugs or alcohol. Specific solicitation requirements were reviewed. A person standing with a sign is not aggressive solicitation.

Andrew Church asked what is required to identify people. Police need Minnesota ID or passport. Transients many times do not have IDs but MPD computer systems are advanced enough to search records in other states. When the person is

processed, the jail asks for name, photographed and finger-printed. Police are able to scan fingerprints. Killebrew said over 50% of the people lie to Police to avoid arrest and usually are on warrant or probation. He said for MPD to clean up the neighborhood, people have to do citizens arrest, have zero-tolerance and have high resolution video. Downing said that a good example is Super America which has all digital cameras on CDs in their store. Many smaller businesses don't have funds to purchase good equipment and the employees even don't have access to the tapes. If you have a video system, remember to have a video tape in the machine.

Paul asked about assaults and robberies. Killebrew said the numbers have been the same recently. 22nd from Nicollet to Lyndale, 24th "focus zones" 28th to 32nd from Lyndale to Stevens (increased gang activity, robberies occurring at night 8pm-1am). Almost all victims are by themselves, many are women. Bikes are used in the get away. If approached by a robber, women should store their valuables in their pocket and just give their purse to the robber. Don't carry more than one CC card and carry small amounts of cash. Don't carry social security cards. Try to park close to where you are going. Safety awareness workshops and crime prevention workshops are all free. The City webpage has Crime Prevention statistics.

Hassan from BP he asked how long the Police are around after midnight. The officers pass around a couple times overnight but their focus area is Stevens Square and south of Franklin to 32nd from 1st over to Aldrich where a lot of activity is occurring. The officers clarified the officers may only patrol Stevens Square and Whittier and not allowed to cross 35W. Hassan reported construction had begun on his building expansion and is concerned. Killebrew said shifts have changed to more patrol Franklin and 3rd. Downing said many people have had huge arrest records, some have had 50 arrests. Marian reported each year when MCAD goes into session, many new students have incidents occur to them during that time due to being new in an urban environment

Paul asked about the murder that occurred. Killebrew reported they have no knowledge of the status of the investigation. Pam said Police is still processing forensic evidence. The recent bridge collapse has likely stressed the entire department. Pam said they have expanded security patrols as well as escorts. MCAD is looking into installing more cameras and are sending security alerts to the Whittier lists.

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ACE Icehouse Redevelopment – Kandiyohi Development Partners

Kandiyohi has returned for variance and compliance requests. They are also presenting a good neighbor agreement which they have done before with other neighborhoods. Craig Wilson, principal business partner at Kandiyohi introduced a new employee, Heather Day a graduate of Mankato and has been in the Twin Cities for about 3 years and with KDP for 2 months. She specializes on construction management and green building. Craig reviewed the site plan and a couple changes. There were questions on parking. KDP was asked at the previous meeting to do interviews with current tenants and that information was made available. He asked if anyone had already seen the presentation of the site plan and all members present had. Craig said they recently communicated with AZIA who expressed interest to stay in the Anemonie Sushi Bar space, and so have reconfigured the hotel entrance north of the space. The updated proposal sets the building façade back on Nicollet from 4-10 feet, producing an angled front which gets more linear towards the entrance. 421 square feet of green space is incorporated on these setbacks. The City is requiring 650 sq ft and a variance is being requested for alternative compliance, having green space elsewhere in the project. Green space is being added to the center courtyard and rear green wall and will overall oversupply green space to 16,000 sq ft. The green space diagrams were shown to the committee. A building site plan was shown. The front may include planter boxes but is not part of permanent green space. No questions were asked on green space requirements. The alleyway green wall will extend up to the flat wall space of the rear hotel in the upper levels.

A computerized image of how the building will look was shown. Open glass space from the street details the "fins." Another view was shown looking north onto AZIA. Boulevard trees are currently on the site but may be replaced if they are diseased. Jim asked for clarification on the tree statuses. Planters are included in front of retail spaces and new trees will replace existing tree spaces. Tom Pham asked about the surface materials. Corian steel will be the façade. The proposed parking plan hasn't changed. The parking analysis breakdown was given to the committee members. Michael Krause reviewed the parking spaces.

The hotel generates 24 spaces at 1 space per 3 guests. The city's assumption is that most people staying at a hotel aren't driving. They are reusing the Ice House as an event center (8500 square feet with 1500 feet of mezzanine space). This triggers the largest requirement of 132 parking spaces. It will not be used continually but for events on evenings and weekends. There is new retail of 18,000 square feet generating 47 spaces. The second floor office space of 8,000 sq ft produces 19 spaces. AZIA is currently approved for 40 spaces (would be 95 spaces under standards). Approved 2002 for 40 space variance. The entire project is a total 90,000 square feet with 262 parking spaces. They have a 14 space credit for shared parking that not every space will be used by existing businesses all at the same time. Ie: staying at hotel

go to event, eating at restaurant patron retail. Icehouse currently has 11 grandfathered spaces. Counting out the 14 and 11 spaces equals 237 required parking spaces. They are building 243 spaces, providing an excess of 6 spaces over City requirement, and not seeking variance to parking. A project goal was to entirely park the project as complete as they could.

A resident noted new parking in Whittier is great. He asked if another restaurant was planned. Krause said it may be but no current plans are on the site right now but they are not limiting the extent of tenants. Krause pointed out the calculations are based on current City standards and that current code drives too many parking spaces and planning is anticipating the parking standards will be changed for restaurants and coffee-shops. When space lease begins in the project, parking requirements may change.

Liz asked if it was paid or free parking. Krause said some spaces will be under contract to businesses to offer free to patrons but most spaces will be available to the public at an hourly rate. Liz said what price standards will be used. Krause said the parking is mostly driven by finances of the development and need to simply pay for the investment. Liz asked who manages the ramp. Krause said management is included in the overall project. Daily and hourly rate information is not yet available. Paul said the maximum traffic is on Fridays and weekdays. He asked if more parking can be squeezed out of the project because of demand elsewhere in the neighborhood. Krause said the plan is maxing out the requirements of the site because AZIA is not being drilled under. Currently 40 spaces exist in the surface lot and they will be adding roughly 200 new additional spaces to the n'hood. Most busy parking periods may never have enough parking, there never is, but for the uses of the project associated with the block will be supplied. Havey said valet parking may be included in the project and so cars may be stacked or double-parked to make full use of the ramp. Farther down, more expensive to go. Paul said valet companies can double park certain areas to maximize use.

The Chair asked if any forecasts have been done on public attitudes toward parking. A woman from the Grand Avenue association said even though a lot was created, nobody wanted to pay to park and neighbors still drive around the block. Krause said he grew up in Minnesota all his life and understands paying for parking is difficult. He said people do want to store their car safe, legal, and be within distance of their destination. People may eventually get use to the ramp. Havey pointed out the cash cow for the Calhoun Square owners was their 900 space parking ramp. Krause said it may likely follow that pattern when the ramp becomes a more reasonable option, people will utilize it. Paul said signage toward the parking ramp would be appreciated.

Good Neighbor Agreement

Kandiyohi is doing a bio-mass facility elsewhere in the city and working with cemetery groups, neighborhood, etc, drafted a Good Neighbor Agreement (GNA) that addresses problems that come about. Most agreements are reactive, the current agreement is proactive. He refined the document with Whittier Alliance and came up with a draft presented. Changes include having the advisory group meet in advance of construction. KDP is in the process of hiring a General Contractor. Should driving pilings occur, these will be scheduled ahead and businesses be notified ahead of time. There's an opportunity to share concerns amongst businesses. KDP is creating local jobs with this project that are accessible for high management as well as well-paying for lower-skilled workers. More discussions will be done ad-hoc. Krause said the GNA is not to provide solutions to all issues that arise but have a process and mechanism to address issues that arise. This formalizes the process without presuming an outcome. The Chair reviewed previous incidents with the BKV group on Artist Quarter Lofts. One incident included disruption of rodents nests and other wildlife. It is helpful for businesses to know general timeframes of disruptive construction as well as overall updates (projected opening dates, etc). Lisa spoke in support of the GNA and that other businesses may discover they are impacted in the future. Paul asked about the staging area. Wilson noted they are still looking into that. The Chair reviewed the agreement. Five representatives are included from the n'hood. Krause said more people may join but that in order to meet quickly with quorum, a smaller group is preferred. Marian noted changes, delays and special circumstances are included in the agreement. Liz spoke in favor of the agreement and that it gestures well but it does not include liability concerns.

BA 1 Motion: The Business Association moves to enter into a Good Neighbor Agreement with the ACE Icehouse Redevelopment at 2528-2550 Nicollet Avenue. Motion carried.

Site Plan Review

The variances were reviewed: 1) Overall site plan review and approval, 2) Alternative compliance for having green space elsewhere on the project, 3) Conditional use permit (CUP) for a shopping center as retail spaces opens out within the building and not onto the street, retail opening both onto the street and within are also covered under the CUP 4) Setback variance on the back alley. Liz asked where the entrance hotel has moved. Wilson said the entrance has moved next to the Anemonie Sushi Bar. The Taco Morelos space is now open to any kind of development. Marian asked for clarification of the rear green wall. Wilson said a new skeleton wall is in front of the building façade on the rear where plants will grow.

Liz asked for clarification on the CUP request. The Chair said a CUP means Whittier can attach conditions on it. For example in the past Old Arizona asked for multiple entrances in which their wine bar shop opened up into the interior. This triggers the CUP requirement. Krause said CUP is an archaic piece of old zoning. Planners could not prohibit shopping malls (as bad urban stuff) and instead defined rules for business doors opening into the inside of a building. This CUP doesn't make much sense anymore because sometimes in urban development it is not possible for every interior business to have a door open out onto a public street.

Wilson noted the second floor green space will have events. He compared it to Brit's Pub's green in downtown. Wilson noted the gate may be closed after hours if all businesses are closed to avoid vagrants. Marian asked if the alleyway walkway on the north side of the building has been clarified. Wilson said it is a seasonal entrance and will depend on what retail goes in but will remain public. The Chair asked about the north building adjacent wall. The structural engineer believes it is an independent wall.

Liz commented on the overall site plan review. With Artist Quarter Lofts, the City acknowledged that Bad Waitress was the only restaurant allowed in the development but then Jasmine 26 was brought in. She commented KDP may be digressing on the diverse retail focus. She noted Christian, owner of Bad Waitress, is not in support of more restaurant space. Liz said she wished the overall site plan would note where AZIA stands in the project. There is nothing on record indicating this. Krause said the Whittier Alliance should be wary about telling all future developers they do not want any more restaurants in the n'hood. KDP is not willing to do that. They are looking for a mix of retail, clothing, bicycle, barber shops, all different kinds of retail. An absolute condition of the site plan cannot dictate how many restaurants are allowed (which the City cannot legally do). KDP is not looking at restaurants as a priority but there may be restaurants in the project. Wilson added the current two restaurants would like to return (Jasmine and Saigon Deli). Jasmine would like to maintain a small deli. The Chair commented the saturation of restaurants on Nicollet has not dissuaded people from opening more restaurants and parking becomes a common discussion. She does not know if a saturation point will be reached soon but that what she hears is great opportunity for Icehouse to have complimentary services and retail, making the neighborhood more attractive. The Chair acknowledged the n'hood cannot predict if a great restaurant may open up in the project. Wilson said in the future, KDP will continue to state what they do want instead of what they do not want. The Chair said she personally votes against projects in which will seem to fail. The BA prefers to support projects that will succeed. Liz noted the n'hood previously voiced support for diverse retail only. She noted today was the first day in which restaurants were mentioned in the project. Wilson noted KDP previously stated what is currently on the site will return. The Chair clarified a net gain of restaurants would not occur, for example Tacos Morelos would be replaced by a new restaurant. Wilson reiterated the idea to contract food services to the hotel for AZIA. (**Office Note: Existing restaurants on site include: AZIA, Anemonie Sushi Bar, Tacos Morelos, Jasmine Deli, Saigon Deli, Sindbad Deli*)

BA 2 Motion: The Business Association moves to support the setback variance of 11 feet to 0 feet on the west alleyway lot line at 2528-2550 Nicollet Ave. Motion carried with 1 abstention.

BA 3 Motion: The Business Association moves to support the conditional-use permit for a shopping center (business entrances opening into an interior) in the ACE Icehouse Redevelopment at 2528-2550 Nicollet Ave. Motion carried with 2 abstentions.

BA 4 Motion: The Business Association moves to support the alternative compliance to minimum landscape requirements of the Pedestrian Overlay District (650 sq. ft. of Nicollet Ave green space required by P.O.D. / proposing alternative 421 sq. ft. on the street front with additional green space in the interior courtyard, green roof and west facade to total 16,000 sq. ft.) at 2528-2550 Nicollet Ave. Motion carried with 1 abstention.

BA 5 Motion: The Business Association moves to support the site plan review of the ACE Icehouse Redevelopment at 2528-2550 Nicollet Ave. Motion carried with 1 abstention.

Discussion: A resident suggested access to the parking ramp be improved for the public and not simply for the hotel. The group clarified a pedestrian entrance off 26th and off Nicollet. Andrew Church noted it's in the interest of the developer to maximize use of the parking ramp by the community and other businesses.

Old / New Business

Meeting adjourned at 5:30 p.m. Minutes submitted by Eric Fu-Wah James, Whittier Alliance.