

THE HEIGHTS DESIGN GUIDELINES

Declarant’s design review should be concurrent and streamlined with City’s Site Plan review. These guidelines can be more restrictive than City code but not less.

Defined Terms. Defined terms used and not defined herein shall have the meanings assigned to them in the Declaration of Restrictions and Covenants for The Heights.

Amendments. These Design Guidelines are subject to change from time to time as determined by Declarant in its sole discretion.

SECTION 1 SECURITY

- 1.1 **Crime Prevention Through Environmental Design.** Initial development of the Property shall implement design strategies consistent with Crime Prevention Through Environmental Design (CPTED) and provide a written summary of such strategies to be submitted with construction plans for review.

SECTION 2 SUSTAINABILITY GUIDELINES

- 2.1 **Purpose.** The purpose of this Section is to advance Declarant’s mission to ‘advance sustainable development’ and core components of that effort is to reduce energy use and CO2 emissions to mitigate the effects of climate change. Alternative strategies that show demonstrable and quantifiable progress towards these goals may be considered alternative compliance to the requirements below and potentially approved as a waiver as provided in the recorded Covenants.
- 2.2 **LEED Certification.** Declarant is pursuing Leadership in Energy and Environmental Design (“LEED”) v4.1 for Communities: Plan + Design certification for the Development and has submitted for pre-certification at the platinum level. Each building and parcel in the Development shall comply with the sustainability guidelines in this Section 2. Each building and tenant improvement shall register and certify for LEED v4.1 at the silver level or above. The LEED boundary for each improved parcel of land within the Development shall be the same as the boundary of that parcel.
- 2.3 **Decarbonization.**
- 2.3.1 **Energy Efficient Design and Operations.** All buildings and tenant improvements (with the exception of detached single family residential) shall achieve 50% better energy efficiency than the latest DOE-approved ASHRAE 90.1 standard. As part of the LEED certification process, owners of detached single family residential buildings shall achieve LEED v4.1 Residential Single Family Homes EA Prerequisite: Minimum Energy Performance. Additionally, all industrial and multi-tenant buildings and improvements must implement fundamental commissioning

of building systems as defined in LEED v4.1 BD+C EA Prerequisite: Fundamental Commissioning and Verification.

- 2.3.2 Electrification. Except as otherwise expressly provided herein, all buildings shall be all-electric, shall not use natural gas, and shall be designed and built to take advantage of on-site renewable energy generation. Natural gas service can only be incorporated into designs with the prior written consent of Declarant and must be restricted to systems or devices for which an equivalent all-electric system or design is unavailable, impractical, not cost effective, or is determined to present an equity gap, as reasonably determined by Declarant. All buildings using natural gas service must offset an equivalent amount of carbon emissions each year. Carbon offsets must be Green-e Climate certified (or equivalent) and from greenhouse gas emissions reduction projects within the U.S.
- 2.3.3 Renewable Energy. All multi-family residential buildings (greater than 4 units) in the Development must install photovoltaic ("PV") systems on their roofs to maximize PV coverage of the roof area. All light industrial buildings must install PV systems that generate, on an annual basis, enough electricity to meet one hundred twenty percent (120%) of the site's anticipated energy use, including (i) any District Energy equipment that is hosted within the boundaries of the parcel containing the light industrial building and (ii) any anticipated future electrical loads for electric vehicle charging, as allowed by the Public Utilities Commission. All non-industrial parking lots containing twenty (20) or more parking spaces, including the top level of any multi-level parking structures, must install PV systems that cover a minimum of thirty percent (30%) of said lot area. All panels used in PV systems must be rated in the top five percent (5%) of commercially available efficiency ratings when said PV system is installed. Any renewable energy credits generated from PV systems in the Development shall be credited to the Development as a whole. Each Owner, at its option, may allow third-party ownership of PV systems. Owners are encouraged to work with Declarant to identify creative financing for renewable energy systems.
- 2.3.4 District Energy. For heating and cooling, all buildings shall connect to the District Energy System, if provided.
- 2.3.5 Embodied Carbon. To better understand building life cycle impacts related to embodied carbon and take advantage of opportunities to reduce embodied carbon in the built environment, each industrial and multi-tenant building shall study and attempt to reduce embodied carbon, beginning early in the concept design phase. As part of the LEED certification process, Owners of non-residential buildings shall pursue Option 2 for compliance with MR Credit: Building Life-Cycle Impact Reduction and evaluate the feasibility of achieving up to 3 points; at least 1 point shall be achieved. Owners using the LEED Residential Multifamily rating system shall pursue Option 4 for compliance with MR Credit: Building Life-Cycle Impact Reduction and evaluate the feasibility of achieving up to 3 points; at least 1 point shall be achieved. Section 2.3.5 does not apply to single family homes or tenant

improvements within commercial buildings. Mass timber construction is encouraged to reduce embodied carbon.

- 2.4 Electric Vehicle Infrastructure. All parking areas within the Development shall include infrastructure to support electric vehicles ("EV"), as defined by the International Building Code and as follows:
- 2.4.1 Industrial and commercial parcels shall provide EV-Installed charging at a minimum level 2 charging stations for at least ten percent (10%) of spaces; at least ten percent (10%) of spaces shall be EV-ready; at least thirty percent (30%) EV-capable, for a total of fifty percent (50%) of spaces EV-supported.
 - 2.4.2 Multifamily parcels shall provide at a minimum level 2 charging stations for at least twenty percent (20%) of spaces; all other spaces shall be EV-ready for a total of one hundred percent (100%) of spaces EV-supported.
 - 2.4.3 Single family parcels shall provide all spaces at least EV-ready; charging equipment is optional.
- 2.5 Construction Waste Management. All building projects shall implement a construction waste management plan and Owners shall commit to diverting seventy-five percent (75%), but in no case less than fifty percent (50%), of construction waste from landfills and incineration facilities by recovering, reusing, and/or recycling materials.
- 2.6 Building Operations Waste Management. As directed by LEED for Communities MR Prerequisite: Solid Waste Management, all buildings shall provide storage areas for segregated waste collection services for recycling, organics, and solid waste.
- 2.7 Reporting. All owners shall report monthly whole-building energy consumption, on-site energy generation, electrical demand, and water use to the Energy Star Portfolio Manager for the Development and Declarant on an annual basis. Owners shall provide other building data upon the reasonable request of Declarant.

SECTION 3 LANDSCAPING

- 3.1 General Requirements. The Property shall be landscaped in accordance with a Landscape Plan prepared by a licensed landscape architect and approved in writing by Declarant. Each Landscape Plan shall indicate the type, size, quantity, and placement of all plant materials proposed. Wherever feasible, the Landscape Plan shall connect landscaped areas to existing and neighboring planted areas, to increase large patches of plantings. All unpaved areas (except garden areas) shall be landscaped with native and adaptive species that provide thriving biodiversity, canopy coverage habitat, stormwater treatment, and other ecosystem services. Turf grass shall only be used in limited areas that provide additional programmatic opportunities such as recreation, gathering, and athletic spaces. All planted areas shall be watered by high-efficiency automatic sprinkler systems or other adequate irrigation systems. Irrigation system controllers shall include weather and moisture sensors.
- 3.2 Maintenance. The landscaped areas of each development parcel and the street frontage boulevard areas shall be maintained in a neat and satisfactory manner. All plant material shall be properly planted and maintained in an organized and manicured manner pursuant to the maintenance requirements of Article 6 of the recorded covenant, with special care taken during the initial establishment period (three years). Where the term manicured is used, it shall generally mean that planting beds and turf transitions are neatly edged, and that ground layer plantings do not intrude upon walkways, drives, or curbs.
- 3.3 Budget. For new construction, a landscape budget of not less than two percent (2%) of the total project cost for each parcel shall be used for planting trees and shrubs, sodding, walkways, plazas, site based public art, and other outdoor landscaping. The cost of a typical required fencing, or infrastructure required for basic site functions (such as retaining walls needed to maintain grades around parking lots) are not considered as a part of the two percent (2%) landscaping budget.
- 3.4 Plant Materials. Declarant encourages sustainable design practices. Turf grass shall be minimized or eliminated in favor of large areas of native plant community restoration or other turf alternatives of native and adaptive species that consider long-term pest and disease prevention and climate change resiliency. Tree cover shall be optimized by planting trees to provide continuous canopies, especially where the trees might shade parking areas or other hard surfaces during the afternoon. Plant materials shall be a minimum of 2-1/2" caliper for deciduous trees, 1-1/2" caliper for ornamental trees, and 6' height for coniferous trees. Declarant may consider landscape designs that include smaller plant sizes, provided that the overall quantity of caliper inches of trees provided is not less than the equivalent quantity of caliper inches required by ordinances. Reduced plant sizes may only be used in portions of the site where the effects of an immediate landscape are not significant (in areas between or to the rear of buildings, and in areas not directly visible from public rights-of-way).

In the design of the landscape, Declarant prefers canopy trees to ornamental varieties. Plants other than trees shall be provided in sizes that ensure vigorous growth and reasonable landscape effect within two (2) years of planting. This allowance shall not

reduce or eliminate the requirements for screening as noted in other sections of this Declaration.

- 3.5 Biodiversity. A biodiverse tree canopy shall be established throughout the entire Heights Development, following these general guidelines for biodiverse tree selection: (i) any one genus shall not represent more than ten percent (10%) of the tree biodiversity within the Development; (ii) any one species shall not represent more than five percent (5%) of the tree biodiversity within the Development; (iii) a minimum of thirty percent (30%) of the tree canopy, by individual, shall be composed of coniferous species; (iv) strategic areas may have less frequent tree coverage to establish specific biome types, such as savannas, prairies, shrublands, and wetland emergent vegetation; (v) strategic areas may have less frequent tree coverage to keep sight lines clear to public art installations; and (vi) species selection on the Property shall be coordinated with overall biodiversity of the neighborhood.

SECTION 4 FENCING

- 4.1 Types of Fences. Various types of fencing may be used depending on the location within the parcel: black ornamental fences shall be used in front yard areas, areas up to the front façade of the building, and areas facing a public right-of-way. Black vinyl-covered chain-link may only be used in areas beyond the front façade of the building. All fences must be approved in writing by Declarant prior to installation. In no case will exposed or zinc-coated chain-link fences be permitted. The style, type, and height of all fences shall be dependent on location and use and shall be included in the site plan review submission.
- 4.2 Cedar Fencing. For single family residential lots only, cedar wood fencing is acceptable as “screening” where required per zoning code or in lieu of ornamental metal and vinyl-coated chain-link. Cedar wood fencing shall be stained or sealed and maintained in good overall repair.
- 4.3 Ornamental Metal. Ornamental fences that are fabricated from materials other than metal are prohibited. Ornamental fences shall be simple in design, with a maximum of four (4) horizontal rails, with pickets at spacings not less than four (4) inches and not greater than six (6) inches. Where an ornamental fence already exists in the Development, any new fence shall match that fence as closely as possible. Recommended height for ornamental fencing is four (4) feet.
- 4.4 Vinyl-Coated Chain-Link. The use of vinyl-coated chain-link shall be restricted to IT-zoned parcels and the back yards of T-zoned parcels. Vinyl-coated chain-link is not an acceptable material in front or corner side yards of T-zoned parcels. Black vinyl-coated chain-link fence (with matching posts and accessories) is acceptable as “security fencing” along the boundaries that separate the Property from surrounding property and such other locations, if any, that are approved in writing by Declarant under the recorded Covenants. “Security fencing” shall be no higher than allowed by city ordinances.

SECTION 5 INDUSTRIAL TRANSITION (IT) ZONING SITE AND BUILDING DESIGN GUIDELINES

- 5.1 Industrial Transition (IT) Zoning. Purpose. The purpose of this section is to provide property owners the benefit of input and recommendations from significant community engagement efforts by the Declarant. The below strategies focus on increasing the livability and walkability of the industrial areas within the Development as requested by community members. The below guidelines provide business entry and welcome to the Development, wayfinding, help mitigate design and construction costs, produce a differentiator in the industrial marketplace and help reinforce destination placemaking. The following provisions shall apply to only the portions of the Development located in the City of Saint Paul's IT zoning district.
- 5.2 Building Area; Land Coverage. The minimum land coverage for any single building and single lot on the Property shall be 35 percent (35%). However, maximum utilization of the available site is encouraged with self-contained parking within the limits established by City building ordinances and zoning requirements, as well as methods for reducing parking needs and encouraging alternative mobility options.
- 5.3 Setback. The setback requirement for the Property in such amounts as are required by any zoning ordinance or building code of the City or other governing authority. All buildings on the Property shall comply with such setback requirements. Additionally, twenty-five (25) foot wide landscape buffers shall be reserved along every parcel edge that abuts a right-of-way, regardless of its yard type designation. The stormwater and landscape buffer along the east side of Howard Street North may fulfill this requirement, even if the stormwater and landscape buffer is contained within the right-of-way. Fifteen (15) foot wide landscape buffers shall be reserved along every parcel edge that abuts a publicly accessible trail.
- 5.4 Storage. All storage areas, utility areas, maintenance equipment, and refuse containers shall be located within the building. Outside storage of materials, equipment, and products shall be prohibited except as specifically approved in writing by Declarant. If permitted, such storage shall be fully screened by a wall extension of the building. Such wall extensions shall be constructed to complement the building and be of like material. Materials in an outside storage area, if permitted by Declarant, shall not be visible to surrounding areas. No freestanding storage buildings or structures shall be allowed.
- 5.5 Parking, Loading, and Unloading. All parking, loading, and unloading shall be accommodated in off-street facilities. Parking requirements shall be in accordance with City ordinances. No more than two (2) rows of parking shall be permitted at building fronts facing City streets. Consideration should be given to shared parking if allowed by City ordinances and with agreement of parties to the parking agreement and Declarant.

All private streets, driveways, parking lots, and loading/unloading areas shall be hard surfaced bituminous, concrete, or permeable paving material, or with approval of Declarant, porous bituminous or concrete. Surface parking lots having an area of 40,000 square feet or more shall be planted with overstory deciduous trees to provide a minimum

of twenty percent (20%) shaded area in the parking lot within ten (10) years of planting (as measured on June 21 at noon), and to provide visual relief of parking areas. Landscape islands shall be used to define traffic movement patterns in parking areas. In locations where three or four rows of parking run parallel to each other, the first parking/drive-aisle/parking zone shall be separated from the second with a parallel, twenty (20) foot wide vegetative buffer. The vegetative buffer shall be used for green infrastructure stormwater treatment as much as is practical (see Figure 1. Vegetated Buffer, below). Additional parking lot layout requirements are as follows (see Figure, below):

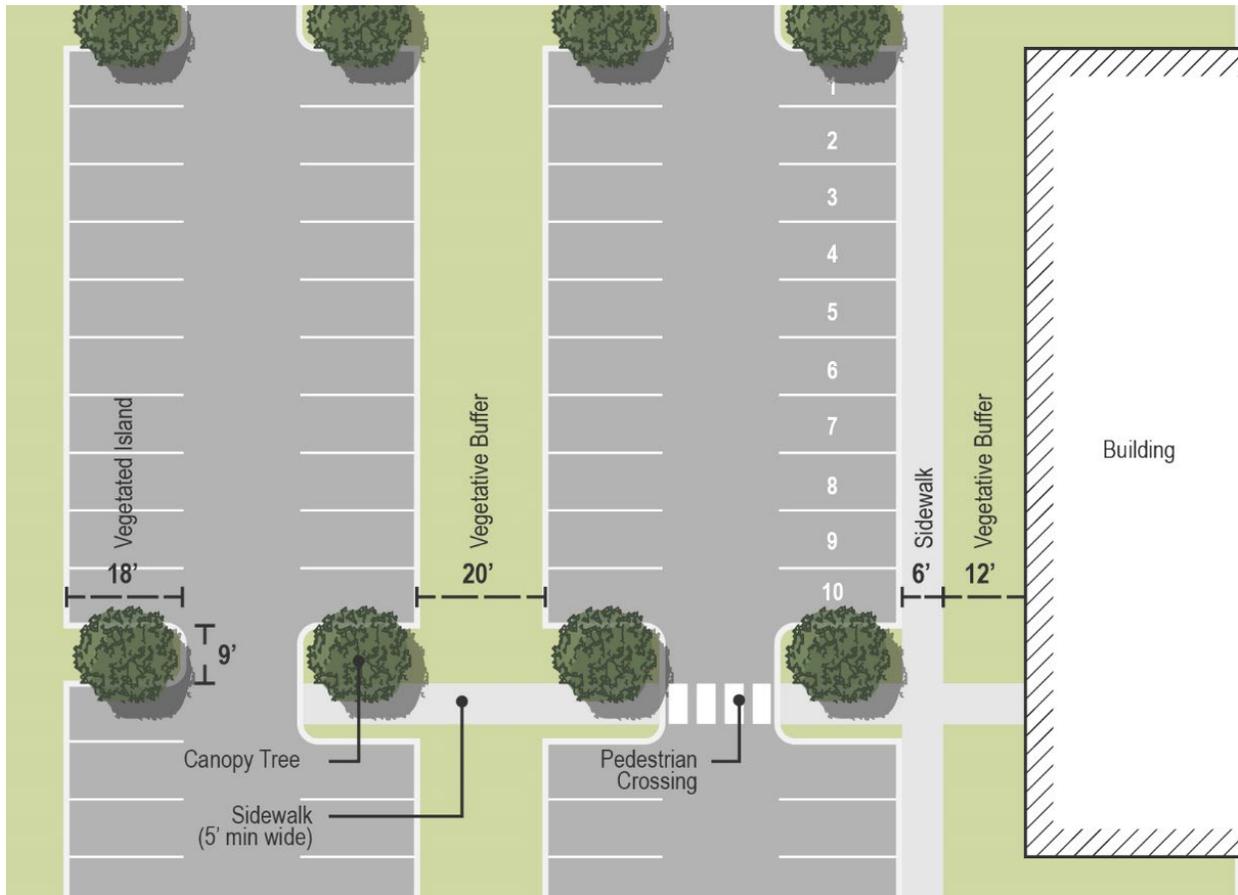


Figure 1. Vegetative Buffer

- 5.5.1 For every ten (10) parking spots, a nine-by-eighteen (9 x 18) foot vegetated island shall be included in the parking lot layout. The island shall be planted with a canopy tree.
- 5.5.2 Clearly marked pedestrian sidewalks and crossing shall be provided perpendicular to the orientation of the drive aisles. These sidewalks and crossings shall be a minimum five (5) feet wide and cannot be located with vegetated islands, but instead shall be located adjacent to them.
- 5.5.3 A minimum six (6) foot wide sidewalk shall run parallel to the parking row nearest the building.

- 5.5.4 A minimum twelve (12) foot wide vegetative buffer shall run parallel to the parking rows and sidewalk next to the building façade.

Loading areas shall be screened from rights-of-way and neighboring residential and commercial areas by extensions of the building or through the use of landscape screening. If landscape screening is used, plant materials shall be used to achieve a minimum of seventy percent (70%) year-round opacity for an area between finish grade and six (6) feet above finish grade, or greater if determined to be necessary by Declarant to adequately screen activities with the loading area. This provision for landscape screening shall be in addition to any other requirements for open space.

- 5.6 Building Design. Buildings within The Heights IT-zoned blocks shall conform to the Arts & Employment District strategies developed by Declarant. This framework treats all light industrial buildings as ‘background buildings’ that have a standardized materials palette, form, and structure as provided by Declarant. These simple buildings shall be ornamented with high-quality art murals on strategic locations along the façades in accordance with Declarant’s Public Art Framework (see Exhibit A).

Special attention should be made to all building façades to achieve a design that addresses the following: “four-sided” quality, pedestrian-scaled, and complementary of the surrounding neighborhood. Special attention should be made to the composition of the building masses and to the articulation of the elevations. To reduce the apparent building size, ornamental wall panels, an entry tower and art murals shall be used to articulate the façade. The architectural and site design shall incorporate the following concepts:

- 5.6.1 Ornamented Wall Panels: All walls shall be constructed of painted and highly textured pre-cast wall panels (see Exhibit A) (“Ornamented Wall Panels”). Decorative pre-finished metal panels meeting the requirements below may be substituted for the highly articulated textured finish to the precast panels in-part or in-full at each façade. The following walls shall be excepted from the requirements of this Section 5.6.1:

5.6.1.1 At wall areas designated/reserved for required art murals, walls may be simple, smooth form and prepped as required for the application of the mural.

5.6.1.2 For loading docks areas, wall panels may be simple, smooth-form, and painted. On the loading dock side of the building, a minimum of twenty-four (24) feet at each end of the wall shall conform to the Ornamented Wall Panels requirements stated above.

5.6.1.3 Declarant will consider mass timber as alternative compliance to the requirements detailed above. Inclusion of art murals shall be included in a mass timber design, but percent coverage may be reduced

In addition to the Ornamented Wall Panels, creative use of windows and window walls are encouraged to enhance the aesthetic appeal of the façades. In addition to the Ornamented Wall Panels, creative use of photovoltaic wall panels, solar collectors, and the like are encouraged to enhance the aesthetic appeal of the façades. Supporting structural panels behind these features may be smooth form and not highly articulated. Exterior building colors shall be restricted to a cohesive “jewel-tone” color palette (see Figure 2. Suggested Color Palette). from a limited selection of specific, approved colors which shall be kept by Declarant.



Figure 2. Suggested Color Palette

These colors shall be rich and dark in tone and add subtle design interest to the neighborhood. Each building shall be limited to one overall external color selection. By limiting the color palette, the buildings will provide a suitable background to showcase mural art. No two adjacent properties, regardless of whether they are separated by a public right-of-way, shall have the same exterior color. Window frames may be black, white or a matched jewel tone to the wall panels of the building. Each building shall be limited to one window frame color for the entire structure.

5.6.2 Art Murals. Publicly curated art murals shall cover building façades at the following percent coverage minimums, depending on the orientation of the façade:

1. Public-facing façade: thirty percent (30%) coverage
2. Trail-facing façade: fifteen percent (15%) coverage
3. South-facing and public-facing façade with significant solar paneling coverage: fifteen percent (15%) coverage.

Art murals may be installed on smooth-form panels. Murals shall be located at and wrap all corners of buildings a minimum of one pre-cast concrete panel width, creating visual interest around the building when viewed from oblique angles. Murals shall have pedestrian amenities associated with them, such as places to sit and view them and interpretive signage to learn more about the artwork/artist. Art murals will not be required at building corners with Primary Entrances.

Murals shall not be used, without limitation, for the advertisement or promotion of an Owner or tenant or their processes, products, or services. Murals shall relate to a community-selected theme and shall be strategically located to face the public realm. Mural content shall be reviewed and approved in writing by Declarant for compliance with the community-selected theme. Mural application shall be via paint, tile, applique, or alternative technique that remains in good repair in the climate in which the Property is located for a minimum of fifteen (15) years.

- 5.6.3 Entry Tower and Building Entrances. The primary entrance(s) to the buildings on the Property must utilize the prescribed tower concept developed by Declarant, as depicted in Exhibit B. The intent is to create an entry feature that establishes a unified architectural element and serves as a community amenity. They shall be located next to and facing the nearest right-of-way rather than the parking lot to the extent feasible. Alternative design proposals that fulfill the programmatic objectives of the Entry Tower may be considered for all-timber buildings and building forms other than office/warehouse industrial buildings. Additional secondary entrances shall be inset or provide entrance porches or architectural canopies. Where feasible, provide a direct pedestrian connection from Howard Street North, Montana Ave East, Arlington Avenue East, or McKnight Road North to the building entrance. Special attention shall be paid to the interior lighting of the light tower element at all primary entrances. The tower shall include programmable LED lighting, which is programmed by a lighting consultant or artist to implement dusk-to-dawn light show that evolves with seasons, celebrations, and notable events. All towers throughout The Heights shall be coordinated by the Declarant to work in concert with each other to implement a neighborhood-wide light show. This coordinated effort will reinforce that neighborhood's goals of being a destination, art-oriented neighborhood.
- 5.6.4 Doors and Windows. All buildings in Zone IT shall include architectural door and window awnings/canopies or other equivalent treatment wherever appropriate, such as at pedestrian entries, windows in locations where shading is desirable, or architectural or site features such as employee patios.
- 5.6.5 Entry Tower Lighting. Provide accent lighting that enhances architectural interest and nighttime façades. Accent lighting of the Entry Tower structure/façade is not permitted.
- 5.6.6 Dark-Sky Lighting. Lighting for parking areas shall be designed to achieve illumination meeting Illuminating Engineering Society of North America (IESNA) standards for parking areas, or standards defined by City ordinances, whichever is greater. Lamps shall be LED or other as approved in writing by Declarant. Poles shall be square tubular steel or aluminum, not greater than twenty-five (25) feet high, black in color, and coated with a high quality, fade-resistant, and durable paint. Luminaries shall be "shoebox" type fixtures, with flat lenses and full cut-off at property boundaries, or a fixture approved in writing by Declarant. A similar level and type of lighting shall be used to provide illumination of open space

between contiguous sites in a way that promotes continuity of illumination across and between sites. All light fixtures shall be Dark-Sky compliant.

- 5.6.7 Entrance Windows. At building entrances and other appropriate locations provide a connection between interior and exterior spaces through use of windows and non-tinted glass. High-performance glazing shall be used to balance daylighting, heat gain, and thermal loss.
- 5.6.8 Windows. Incorporate windows in straight wall runs to improve visibility, add visual interest, and provide daylighting of interior spaces. At all window locations, high-performance glazing shall be used to balance daylighting, heat gain, and thermal loss. The use of mirrored or heavily tinted glazing is discouraged. Monitors, clerestories, skylights, and other similar glazing techniques are encouraged for daylighting.
- 5.6.9 Berms and Topography. Use earth berming at building walls to reduce the apparent height and strengthen the relationship between the building and the site, where appropriate. Berming or other topographical features should be organized and contribute to the visual integration of the building and site.
- 5.6.10 Amenity Spaces. Create “people spaces” for employees. Amenity space should be included in yards directly abutting a right-of-way. This can include seating, patios, shade structures, and/or public art, encouraging employees to spend time in semi-private spaces adjacent to the right-of-way.
- 5.6.11 Provide variations in grade as appropriate to add visual interest to the Property. Grading should be sensitive to the character of the Property as well as to the surrounding sites.
- 5.7 Building Materials. Exterior building materials and finishes shall be designed to complement the Property and adjacent buildings with the surrounding community. No pre-engineered or prefabricated metal or metal-clad building will be permitted. The exterior finish of any structure shall be of fire-resistant material as required by City codes. All site development and architectural/engineering plans are subject to the approval of Declarant prior to construction.
- 5.8 Driveways. Driveway widths shall be meet City standards for industrial driveways on public streets. Generally, driveways shall be wide enough to allow a semi-truck to make a right turn into the site without having to enter the opposing traffic lane. Minimum sign distance clearance at driveway intersections with streets or at two intersecting streets shall be thirty (30) feet from the point of intersection of nearest curb lines of the intersecting streets or driveways. More restrictive requirements may be defined by Declarant for specific sites. To accommodate site topography, driveways shall be located to minimize elevation difference between parking lot and street. This will improve safety during snow and ice conditions. Driveways shared by adjacent sites are encouraged.

Where driveways must cross the district stormwater corridors along Howard, Montana, and Arlington, driveways shall be designed in accordance with details provided by the

Declarant (see Exhibit C). District stormwater flow must be appropriately rerouted during driveway construction and fully restored upon completion of driveway construction. The district stormwater corridor shall be protected from construction runoff and debris at all times and shall be fully restored to its original state.

- 5.9 Mechanical Rooftop Units. Mechanical equipment and rooftop units should be set back from the edge of the building at least thirty (30) feet, unless otherwise approved in writing by Declarant. Units shall be aligned with one another or otherwise organized in a systematic way. Care is to be given to select units of “clean” design and color complementary to the color of the roof ballast material. As an alternative, in cases where site or programmatic constraints limit location options, rooftop screening acceptable to Declarant may be used. Such screening shall be complementary to the building and of like material. Materials such as wood or vinyl are specifically prohibited. Service lines to equipment, including gas, electric, or communication lines, shall not be run on the exterior face of the building.
- 5.10 Roofs. Roofs with exposed aggregate ballast shall appear to be of one material throughout the Property, utilizing local, light-colored, washed aggregate, as required by Declarant. Other types of roof systems are encouraged to provide an aesthetically pleasing appearance, to manage stormwater and to increase greenspace throughout the Property. Roofing solutions utilizing metal roofing accents, roof gardens, photovoltaic panel arrays, and green roofs are encouraged, subject to the approval of Declarant.
- 5.11 Satellite Dishes and Cellular Phone Towers. All satellite dishes are subject to approval by Declarant and must conform to the City’s Satellite Code. Cellular phone towers will not be permitted.
- 5.12 Non-Automobile Transportation.
- 5.12.1 Trail Connections. All parcels shall provide pedestrian connections to the public trail network running through the Development.
- 5.12.2 Non-automobile Safety and Accessibility. Every parcel shall provide exceptional accessibility, either separately or in concert with the overall Development, for non-automobile modes of travel, providing reasonable and suitable ease of circulation and safety considerations. Every parcel shall support the ability of residents, employees, and/or visitors to pursue a car-free lifestyle.

5.13 Privately-Owned Public Space. In lieu of parkland dedication to the City at the time of building permit, the Declarant has already provided the necessary parkland contributions for the entire Development to the City. the Master Plan for the Development encourages privately-owned public space ("POPS"). Where strategic POPS locations have been designated (see Figure 3, right), the Owner is encouraged to provide publicly accessible amenities and a diverse range of programming. These POPS shall be owned, operated, and maintained by the Owner and meet public access and other requirements of the City.

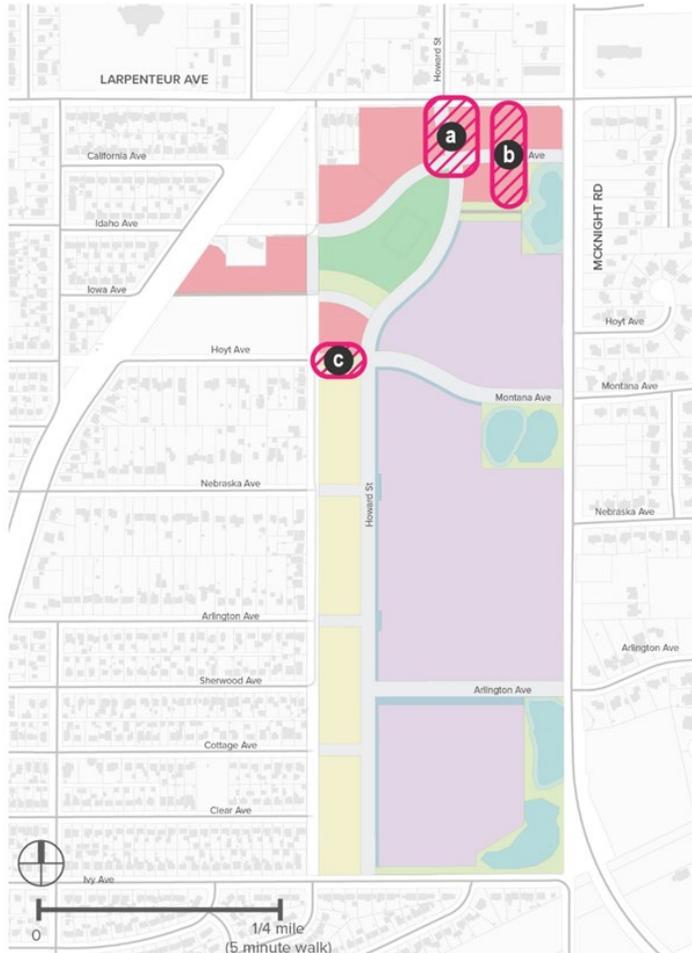


Figure 3. Privately-Owned Public Space

5.14 Site Drainage. Management and treatment of stormwater runoff for public and private locations shall comply with the rules, regulations, and requirements of Declarant and other governmental authorities having jurisdiction thereof. Declarant has developed

The Heights Development Stormwater Management Plan ("SWMP"). The SWMP describes a system of public and private stormwater treatment facilities that constitute a district stormwater management system. The SWMP meets or exceeds regulatory requirements for discharge from the entire development site. Within the system, individual lots and public rights-of-way have specific numeric benchmarks that the SWMP provides. The District nature of the system means the Development meets stormwater requirements if individual parcels achieve the numeric targets within the SWMP. Each Owner shall implement current Best Management Practices (BMPs) for handling stormwater on-site to meet or exceed SWMP requirements. There are alternate means for achieving each parcel's numeric targets. Each Owner shall utilize stormwater best management practices that provide aesthetic benefits, particularly those that utilize vegetation, promote abstraction and reuse, and those that disconnect and reduce imperviousness.

District stormwater provides trunk storm sewer connections to each parcel. These trunk connections lie in public right-of-way or occur within a public drainage and utility easement. Each parcel must manage stormwater according to the SWMP prior to discharge into the trunk system. This management means achieving specific numeric targets in these areas:

5.14.1 Rate Control.

- 5.14.1.1 One percent (1%) recurrence allowable rate.
- 5.14.1.2 Ten percent (10%) recurrence allowable rate.
- 5.14.1.3 Fifty percent (50%) recurrence allowable rate in certain locations.

5.14.2 Water Quality.

- 5.14.2.1 Infiltration requirement, measured as a depth over impervious surface.
- 5.14.2.2 Enhanced volume requirement for areas not suitable for infiltration.

Required operation and maintenance of the stormwater management system is detailed in the SWMP. Each Owner will be required to maintain their specific BMP according to the operation and maintenance plan and submit reports to the District Stormwater Administrator on an annual basis.

All BMPs must be designed and built-in accordance with the current State of Minnesota Stormwater Manual or as approved by the applicable governmental authorities. Innovations in stormwater BMPs are encouraged by Declarant, especially in cases where superior stormwater management can be achieved through the application of new technologies or approaches. Changes or alterations to site drainage and stormwater BMPs must be approved by the authorities granting original approval.

The use of roofs and tanks for management and treatment is encouraged. The collection and reuse of stormwater for irrigation is encouraged. The location and configuration of management and treatment systems should be designed for both function and aesthetics. Ponds, rainwater gardens, swales and, with Declarant's written approval, wetland areas may be used separately or in combination as appropriate.

- 5.15 Utility Connections. All utility connections shall be made at stub locations provided or otherwise approved by the City Public Works Department.
- 5.16 Retaining Walls. Retaining walls that are visible to the public shall use high-quality, visually appealing, vandal-resistant materials. Examples of acceptable wall types include gabion walls, living walls, vegetated concrete walls, walls with photovoltaic paneling, and walls with murals. Examples of unacceptable above grade wall types include standard concrete masonry unit (CMU) walls, standard big block walls, and unfinished poured-in-place concrete walls.

SECTION 6 T3 ZONING (HIGH DENSITY RESIDENTIAL) SITE AND BUILDING
DESIGN GUIDELINES

- 6.1 Purpose. The purpose of this section is to provide property owners the benefit of input and recommendations related to the Development from significant technical input from various units of government, community engagement efforts by the Declarant and ensure the desired land use programming of all stakeholders can be accomplished in the land area available. The below strategies focus on ensuring the quantity of housing units achieves the Declarant's minimum stated goal of 1,000 units, in a form and fashion desired by the City, community, and the Declarant.
- 6.2 General Requirements. Land use, site development, and building construction will be in accordance with this Declaration, the statutory requirements (Sections 469.048 to 469.068 of Minnesota Statutes) and the building codes and ordinances of the City, including Section 63.100 of the City zoning ordinance, 'Building Design Standards'. These requirements will apply to all new construction as well as reconstruction and remodeling. These requirements are in addition to any applicable laws and/or ordinances and shall govern in case of differences but shall not be construed to permit anything prohibited by a statute, ordinance, or regulation of a public body having appropriate jurisdiction. The Owner is encouraged to directly consult relevant City staff about zoning and building code requirements.
- 6.3 T3 Zoning. The following provisions shall apply to only the portions of the Development located in the City's T3 zoning district.
- 6.3.1 Dwelling Unit Variety. Each parcel shall provide a variety of bedroom configurations. Options include, but are not limited to: studio, 1-br, 2-br, 3-br, 4-br, 3-br with integrated multigenerational features, 2-br with live-work space, etc.
- 6.3.2 Mixed-Rate Housing. Mixed-rate housing developments shall have a single lobby for all unit shared building amenities for all residents, and distribute mixed-rate units throughout the building.
- 6.3.3 Building Orientation. Parcels adjacent to the City park located at Idaho Street and Howard Street shall have a strong orientation toward the park, including additional façade articulation, entries for both residential and commercial uses (if applicable), and site amenities such as patios and seating facing the park. Unless the parcel is also adjacent to Larpenteur Avenue East, a parcel adjacent to the park shall have its front yard facing the park. Parcels adjacent to Larpenteur Avenue East shall have their front yards facing Howard Street North or McKnight Road North.
- 6.3.4 Front Yard Characteristics. Amenity space shall be included in all front yards. This can include patios, decks, and/or enlarged stoops, encouraging residents to spend time in semi-private spaces adjacent to the right-of-way.
- 6.3.5 Mechanical Rooftop Units. Mechanical equipment and rooftop units should be set back from the edge of the building at least thirty (30) feet, unless otherwise approved in writing by Declarant. Units shall be aligned with one another or

otherwise organized in a systematic way. Care is to be given to select units of “clean” design and color complementary to the color of the roof ballast material. As an alternative, in cases where site or programmatic constraints limit location options, rooftop screening acceptable to Declarant may be used. Such screening shall be complementary to the building and of like material. Materials such as wood or vinyl are specifically prohibited. Service lines to equipment, including gas, electric, or communication lines, shall not be run on the exterior face of the building.

6.3.6 Roofs. Roofs with exposed aggregate ballast shall appear to be of one material throughout the Property, utilizing local, light-colored, washed aggregate, as required by Declarant. Other types of roof systems are encouraged to provide an aesthetically pleasing appearance, reduce energy use, manage stormwater and to increase greenspace throughout the Property. Roofing solutions utilizing metal roofing accents, roof gardens, photovoltaic panel arrays, and green roofs are encouraged, subject to the approval of Declarant.

6.3.7 Satellite Dishes and Cellular Phone Towers. All satellite dishes are subject to approval by Declarant, and must conform to the City’s Satellite Code. Cellular phone towers will not be permitted.

6.4 Non-Automobile Transportation.

6.4.1 Trail Connections. All parcels shall provide pedestrian connections to the public trail network running through the Development.

6.4.2 Non-automobile Safety and Accessibility. Every parcel shall provide exceptional accessibility, either separately or in concert with the overall Development, for non-automobile modes of travel, providing reasonable and suitable ease of circulation and safety considerations. Every parcel shall support the ability of residents, employees, and/or visitors to pursue a car-free lifestyle.

6.5 Privately-Owned Public Space. In lieu of parkland dedication to the City at the time of building permit for a specific lot, the Declarant has already provided the necessary parkland contributions for the entire Development to the City. the Master Plan for the Development encourages privately-owned public space ("POPS"). Where strategic POPS locations have been designated (see Figure 3, right), the Owner is encouraged to provide publicly accessible amenities and a diverse range of programming. These POPS shall be owned, operated, and maintained by the Owner and meet public access and other requirements of the City.

6.6 Site Drainage. Management and treatment of stormwater runoff for public and private locations shall comply with the rules, regulations and requirements of Declarant and other governmental authorities having jurisdiction thereof. Declarant has developed The Heights Stormwater Management Plan ("SWMP"). The SWMP describes a system of public and private stormwater treatment facilities that constitute a district stormwater management system. The SWMP meets or exceeds regulatory requirements for discharge from the entire development site. Within the system, individual lots and public rights-of-way have specific numeric benchmarks that the SWMP provides. The District nature of the system means the Development meets stormwater requirements if individual parcels achieve the numeric targets within the SWMP. Each Owner shall implement current Best Management Practices (BMPs) for handling stormwater on-site to meet or exceed SWMP requirements. There are alternate means for achieving each parcel's numeric targets. Each Owner shall utilize stormwater best management practices that provide aesthetic benefits, particularly those that utilize vegetation, promote abstraction and reuse, and those that disconnect and reduce imperviousness.

District stormwater provides trunk storm sewer connections to each parcel. These trunk connections lie in public right-of-way or occur within a public drainage and utility easement. Each parcel must manage stormwater according to the SWMP prior to discharge into the trunk system. This management means achieving specific numeric targets in these areas:

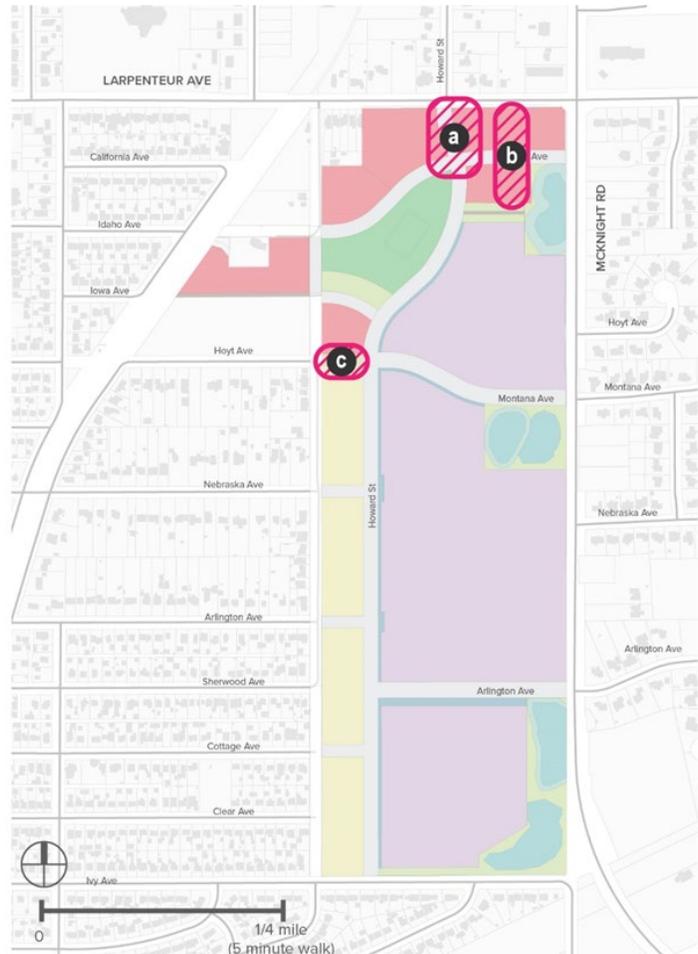


Figure 3. Privately-Owned Public Space

6.6.1 Rate Control.

6.6.1.1 One percent (1%) recurrence allowable rate.

6.6.1.2 Ten percent (10%) recurrence allowable rate.

6.6.1.3 Fifty percent (50%) recurrence allowable rate in certain locations.

6.6.2 Water Quality.

6.6.2.1 Infiltration requirement, measured as a depth over impervious surface.

6.6.2.2 Enhanced volume requirement for areas not suitable for infiltration.

Required operation and maintenance of the stormwater management system is detailed in the SWMP. Each Owner will be required to maintain their specific BMP according to the operation and maintenance plan and submit reports to the District Stormwater Administrator on an annual basis.

All BMPs must be designed and built-in accordance with the current State of Minnesota Stormwater Manual or as approved by the applicable governmental authorities. Innovations in stormwater BMPs are encouraged by Declarant, especially in cases where superior stormwater management can be achieved through the application of new technologies or approaches. Changes or alterations to site drainage and stormwater BMPs must be approved by the authorities granting original approval.

The use of roofs and tanks for management and treatment is encouraged. The collection and reuse of stormwater for irrigation is encouraged. The location and configuration of management and treatment systems should be designed for both function and aesthetics. Ponds, rainwater gardens, swales and, with approval, wetland areas may be used separately or in combination as appropriate.

6.7 Utility Connections. All utility connections shall be made at stub locations provided or otherwise approved by the City Public Works Department.

6.8 Vapor Barriers. Each Owner shall install passive venting and vapor barriers under each new building located on the Property, unless some other system is required by the Minnesota Pollution Control Agency. The system shall eliminate the intrusion of subsurface vapors into the entire building. The system design shall be approved by Declarant and the Minnesota Pollution Control Agency prior to installation. Each Owner shall also obtain and furnish to Declarant promptly upon completion of building construction an engineering opinion and plans that verify installation in compliance with such vapor control measures.

6.9 Retaining Walls. Retaining walls that are visible to the public shall use high-quality, visually appealing, vandal-resistant materials. Examples of acceptable wall types include gabion walls, living walls, vegetated concrete walls, walls with photovoltaic paneling, and walls with murals. Examples of unacceptable above grade wall types include standard

concrete masonry unit (CMU) walls, standard big block walls, and unfinished poured-in-place concrete walls.

- 6.10 Driveways. Driveways shared by adjacent sites are encouraged. Where driveways must cross the district stormwater corridors along Howard, Montana, and Arlington, driveways shall be designed in accordance with details provided by the Declarant (see Exhibit C). District stormwater flow must be appropriately rerouted during driveway construction and fully restored upon completion of driveway construction. The district stormwater corridor shall be protected from construction runoff and debris at all times and shall be fully restored to its original state.
- 6.11 Building Structure and Appearance. Except for single family residential buildings, roofs shall maximize available area for PV installations. All buildings shall follow the existing requirements in City T zoning for commercial and civic uses. Windows and doors or openings shall comprise at least fifty percent (50%) of the length and at least thirty percent (30%) of the area of the ground floor along arterial and collector street facades. All buildings shall follow the existing requirements in City T zoning requiring windows which shall be designed as punched or recessed, in order to create a strong rhythm of light and shadow. Buildings are encouraged to utilize a tightly edited palette of high-quality materials of not more than three (3) primary and two (2) secondary materials. Refer to City T district requirements for allowed material categories. If practicable, a ten (10) foot minimum step-back shall be used at the third story and above for all building façades facing Winthrop or abutting T1 or single-family zoned parcels, to help maintain consistent street wall and provide opportunities for active outdoor space above street level.

SECTION 7 T1 ZONING (LOW DENSITY RESIDENTIAL) SITE AND BUILDING DESIGN GUIDELINES

7.1 **T1 Zoning.** The following provisions shall apply to only the portions of the Development located in the City's T1 zoning district:

7.1.1 **Minimum Dwelling Unit Density.** Each block shall achieve a minimum average density of twelve (12) dwelling units per acre. The maximum lot size for single family homes shall range from thirty-six to forty (36-40) feet wide.

7.1.2 **Dwelling Unit Variety & Missing Middle Housing Types.** Each block shall provide at least four types of buildings/dwelling unit types. Of those, each block shall provide a minimum of two missing middle housing types, defined as types that exist between single-family detached houses and mid-rise apartment buildings in scale and density. Options include but are not limited to: (i) Single-family home with Accessory Dwelling Units (ADU); (ii) Duplex, side-by-side and stacked; (iii) Triplex; (iv) Fourplex; (v) Courtyard building; (vi) Townhouse; (vii) Rowhouse; and (viii) Medium-scale multiplex. There shall be no more than two similar/identical building types in a row. In the case of townhomes, there may be three similar building types in a row. Every building shall be a different color/material/façade treatment from its neighboring buildings. In the case of townhomes, there may be three similar color/material/façade treatments in a row.

7.1.3 **Building Orientation.** The parcels adjacent to Ivy Avenue East, Cottage Avenue East, Arlington Avenue East, and Nebraska Avenue East shall have their front yards oriented toward those east-west streets, so buildings on the short end of the blocks are oriented the same way as those in the existing neighborhood on the west side of North Winthrop Street (see Figure 3, right).

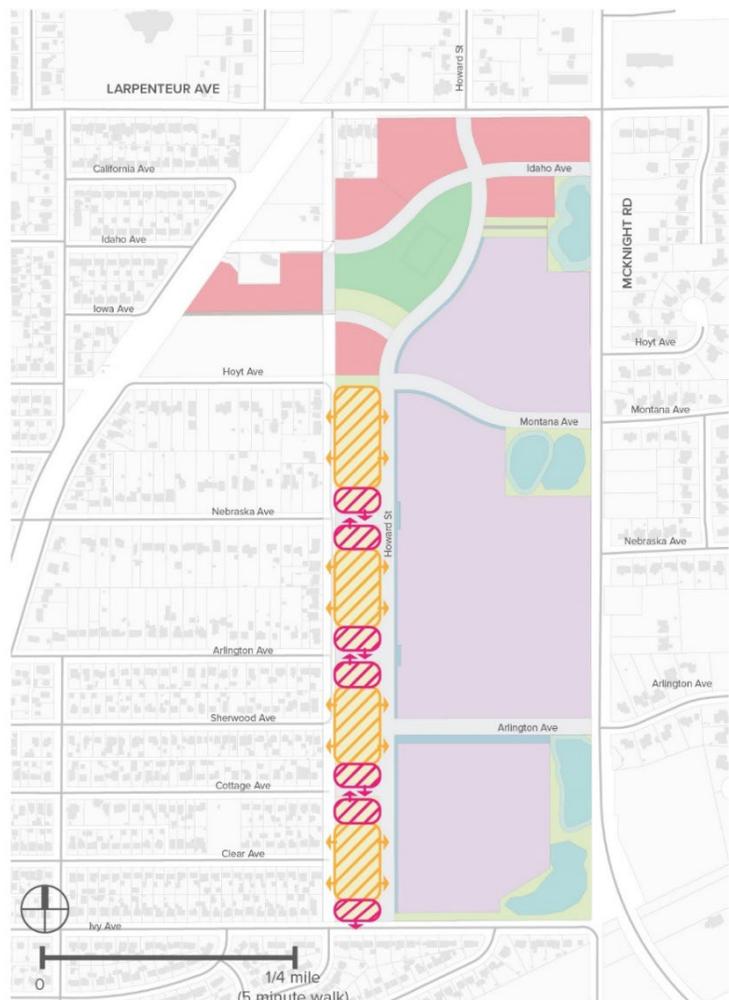


Figure 3. Building Orientation

The corner side yard setback for these parcels shall be twenty-four (24) feet. Parcels adjacent to only either North Winthrop Street or Howard Street North shall have their front yards oriented toward those north-south streets, so buildings on the long sides of the blocks are facing North Winthrop Street or Howard Street North (see Figure3, above).

- 7.1.4 Front Yard Setback. To accommodate a thriving, public-facing, biodiverse tree canopy, all front yards shall have an approximate twenty-four (24) foot setback and be planted with two and one-half (2.5) inch minimum caliper shade trees at thirty (30) foot maximum spacing.
- 7.1.5 Front Yard Characteristics. Amenity space shall be included in all front yards. This can include patios, decks, enlarged stoops, and/or raised garden beds, encouraging residents to spend time in semi-private spaces adjacent to the right-of-way.
- 7.1.6 Building Structure and Appearance. Roofs on townhouses and buildings with three (3) or more units shall maximize available area for PV installations. Flat roofs on one-unit and two-unit buildings are strongly preferred. Buildings shall utilize a tightly edited palette of high-quality materials of not more than three (3) primary and two (2) secondary materials. Refer to City T district requirements for allowed material categories.
- 7.1.7 Alleys and Driveways. Each block shall be served by a north-south private alley that runs down the middle of the block. All driveway and garage access shall be off the rear alley. Garage doors and parking spaces shall not be visible from front yards and shall be screened from the side yards while respecting CPTED guidelines. Driveway curb cuts shall not be allowed within the front yards.

SECTION 8 SIGNAGE GUIDELINES

- 8.1 General Requirements. All designs for temporary or permanent signs must be submitted to and approved in writing by Declarant prior to construction. All signs must conform to the City building code and zoning ordinance. Guidelines for the size and placement of signs and their features shall align with the sign codes provided by the City. Additional requirements affecting signs may be determined on a site-by-site basis. Should a discrepancy arise between what is specified in this Declaration and within City sign codes, the more restrictive interpretation shall apply. All signage shall exclusively use high-quality, long-lasting, vandal-resistant materials. Materials such as clear plastic that yellow and scratch over time shall not be accepted. All signage shall conform to graphic standards established by Declarant as set forth on Exhibit D.
- 8.2 Sign Purposes. Signs erected by a tenant or Owner shall be only for the purpose of advertising its name or business, or in the case of residential dwellings, for political speech or incidental advertisement of garage sales or yard sales.
- 8.3 Prohibited Signage. Pylon signs are prohibited. No “SALE,” “SPECIAL ANNOUNCEMENTS,” or other advertisement of any kind is permitted on the exterior of any building, except as otherwise specifically set forth in this Article, or as approved by the Declarant in writing. Painted, flashing, animated, audible, revolving, other such signs that create the illusion of animation are not permitted. Exposed bulb signs are not permitted. No exposed junction boxes, lamps, tubing, conduit, raceways, or neon crossovers of any type are permitted. Except for T3- zoned parcels, any signs located on the Property shall not include reference to the product(s) manufactured or sold by any Owner or tenant of any portion of the Property except as part of the Owner’s or tenant’s actual name or insignia. No labels are permitted on a sign’s exposed surfaces except those required by City code or ordinance. Luminous vacuum-formed type plastic letters and panels are not permitted. All cabinets, ballast boxes, supports, transformers, and other equipment shall be concealed. No floodlighting of any sign is permitted. No advertising placards, pennants, or banners shall be affixed or maintained upon the glass panes or supports of windows or doors except for the thirty (30) day period before and thirty (30) day period after the opening of Owner’s space. None of the foregoing shall prohibit signs for political speech or incidental advertisement of garage sales or yard sales in the case of residential dwellings.
- 8.4 Design Review. All signage proposals shall be submitted for review and approval to Declarant in accordance with the recorded Covenants. The signage proposals should be integrated into the design of the individual development and Declarant shall have the right to reject any sign that does not comply with this Article. All sign approval requests submitted to Declarant shall include elevation drawings, indicating by dotted line the placement and size of any proposed sign, together with a detailed drawing of the proposed sign.
- 8.5 Physical Requirements. Signs attached to a building shall not exceed above the average parapet line of the building. The cost of the fabrication, permitting, and installation shall

be the responsibility of Owner. All materials, finishes, and installation methods shall be current with the highest standards of the industry.

8.6 Types of Signage Permitted. Three primary types of signage are permitted on the Property: (i) Primary Wall Signs, (ii) Primary Monument Signs, and (iii) Directional & Regulatory Signs. Exhibit D, attached hereto, provides detailed drawings and examples of these permitted signs.

8.6.1 Primary Wall Signs. Each building on the Property shall have one primary wall sign. The primary wall sign shall be located on the Owner's building in a prominent position justified by site line visibility, building architecture and as approved in writing by Declarant. Foremost attention should be given to placing the primary wall sign on the wall next to the main pedestrian entrance. Only single Owners (or alternatively, a primary tenant) shall be identified on the primary wall sign. Primary wall signs may be either (a) individual internally illuminated letters and graphics or (b) individual flat cut letters and graphics.

8.6.1.1 Individual Internally Illuminated Letters & Graphic. Construction shall be individual letters and logo-mark graphics. Letter/graphic returns shall be fabricated from aluminum with aluminum letter backs. Retainers shall match the returns. Letters will be of proper letter, stroke, and thickness to be readable. All sign graphics are to contrast in color from the building. If letters are illuminated, use of modern, high-efficiency light sources such as LEDs is required. The depth of the letters shall be five inches (5"). Returns shall be painted with a matte finish. Flat illuminated sign cabinets with one face will not be acceptable.

8.6.1.2 Individual Flat Cut Letters & Graphics. Construction shall be digitally flat cut quarter inch (1/4") thick aluminum letters and logo-mark graphics. Letters shall be stud mounted flush to the wall surface with non-corrosive anchors and weather-resistant adhesive materials. All letters and logo-marks shall be sealed and painted with matte finished. No anchors, mounting clips, or bolts shall be visible except those elements which are part of the overall design theme. Letters and graphics will be of proper letter, stroke, and thickness to be readable. All sign graphics are to contrast in color from the building. Flat panel or box signs with one face are not acceptable.

8.6.2 Primary Monument Signs. Primary monument signs shall utilize The Heights Standard Monument Sign design as set forth on Exhibit D and the sign material specified by Declarant. One primary monument sign shall be located on the Owner's property in a prominent position justified by sight line visibility. The primary monument sign shall be placed perpendicular to the roadway, with identical signage applied to both sides of the sign. Only the Owner (or, alternatively, primary tenants) shall be shown on the primary monument sign. The primary monument sign shall also include the street address of the building.

Architectural site plan drawings shall indicate by solid line the placement and position of each sign and the elevation detail of each proposed monument sign.

8.6.2.1 Internally Illuminated Sign Cabinet. The primary monument sign will incorporate a base of full skirt (from sign cabinet to grade) made of aluminum or brick and concrete. Masonry shall match the Owner's building color and finish or on-site public-facing retaining walls. Painted aluminum finish shall be matte finish. Finish color is to be limited in choice to dark bronze, black, or an inherent architectural finish color found on the Owner's building. Text and graphics will be either routed through metal face material and backed with translucent acrylic or affixed to an acrylic face material with background painted opaque. A metal retainer of at least two inches (2") wide shall be used for the faces. Exposed lamps, neon tubes, or flood lamps are not acceptable.

8.6.3 Directional and Regulatory Signs. Directional and regulatory signs shall be required as provided in Exhibit D. The Property shall make use of ground-mounted directional signs for the purpose of directing traffic flow of employees, visitors, and delivery vehicles. Directional signs shall be non-illuminated, square post and panel design, made of metal, painted with a matte finish. Color finishes are limited to dark bronze, black, or matching the primary monument sign. Text and graphics will be executed using reflective vinyl. The directional signs' size, quantity, and position will be determined by Declarant based on land use and development.

SECTION 9 DOCUMENTATION OF LEED AND SUSTAINABILITY GUIDELINES

- 9.1 Documentation of the Sustainability Requirements in Section 2
- a. Proof of registration with LEED.
 - b. Checklist of the planned LEED credits to be achieved.
 - c. Within one year of building occupancy, provide documentation reporting the LEED certification level and credits achieved.
- 9.2 Energy efficient design and operations
- a. All buildings and tenant improvements (except detached single family residential): energy model report showing achievement of 50% better efficiency than the latest DOE-approved ASHRAE 90.1 standard.
 - b. Detached single family residential: documentation for compliance with LEED v4.1 Residential Single Family Homes EA Prerequisite: Minimum Energy Performance.
- 9.3 Electrification
- a. Mechanical plans documenting that buildings are all-electric.
 - b. If granted an exception to use gas service, documentation showing offset of an equivalent amount of carbon emissions from offsite sources.
- 9.4 Renewable energy
- a. Roof plan showing that PV system maximizes coverage of the roof area.
 - b. PV system specifications showing that panels are rated in the top five percent (5%) of commercially available efficiency ratings.
 - c. PV system sizing documentation indicating that system will generate enough electricity to meet requirements of Section 2.3.3.
- 9.5 District energy
- a. Mechanical plans documenting that buildings will be connected to a District Energy System for heating and cooling, if provided by Declarant, its affiliates, or other unrelated third parties.
- 9.6 Embodied carbon
- a. All buildings (except tenant improvements and detached single family residential) shall provide documentation for LEED MR Credit: Building Life-Cycle Impact Reduction indicating evaluation of achieving up to 3 points and achievement of at least 1 point.

9.7 Electric vehicle infrastructure

- a. For each parking area, provide a site plan indicating the total number of parking spaces and number achieving the EV infrastructure requirements of Section 2.4.

9.8 Construction waste management

- a. Provide the construction waste management plan indicating planned approach to achieving requirements of Section 2.5.
- b. Upon completion of construction, provide documentation that requirements of Section 2.5 were achieved.

9.9 Building operations waste management

- a. Provide architectural plan indicating storage areas for segregated waste collection services for recycling, organics, and solid waste.

9.10 Reporting

- a. Upon building occupancy, set up Energy Star Portfolio Manager to enable sharing with the Declarant.
- b. Annually, report monthly whole-building energy consumption, on-site energy generation, electrical demand, and water use to Energy Star Portfolio Manager.

EXHIBIT A
PUBLIC ART FRAMEWORK



PUBLIC ART GOALS FOR LIGHT INDUSTRIAL PARCELS

The St. Paul Port Authority’s (SPPA) plan for The Heights is built on a foundation that values Financial Viability, Livability, and Environmental Stewardship. Public art is an important strategy that will be used to achieve those goals. The following is an outline of the requirements and recommendations related to public art:

- **Murals are required on all light industrial buildings.**

The master planning and design team understood that this building type is very internally-oriented on production processes. They also wanted to provide new businesses with the opportunity to use cost- and energy-efficient materials that will make their buildings high-performers. Therefore, rather than pressing owners to use elevated façade treatments and articulation, the buildings are conceived to be simple “background buildings” that are affordable and practical for business owners and act as canvasses to let the murals shine. The SPPA pre-negotiated with the City to use murals as a form of Alternative Compliance for building façade articulation requirements within City Zoning Code. The mural coverage requirements are as follows:

- Coverage will be **30% of all public street-facing walls** (Figure 1a).
- Coverage will be **15% of all public trail-facing walls** (Figure 1b).

- Coverage will be **15% on all south- and public-facing walls that utilize significant solar paneling coverage**. Photovoltaic (PV) panels can provide façade articulation that mimic the cadence of windows, and also produce renewable energy (Figure 1c).
- All building corners are meant to have **art murals that wrap the corner**, to make oblique views of the building more dynamic and to continue to invite people to walk further around the site, to see what’s on the other side.
- The Port Authority has partnered with local community arts organizations to define a **community selected theme** and recruit local artists to prepare digital imagery. Businesses have multiple mural options to select from.
- Murals are part of a layered approach:
 - Layers of landscaping will provide greenspace and reduce the scale of the building further.
 - Large-scaled sculptural artworks are required at strategic locations throughout the neighborhood, creating a living, breathing sculpture park and outdoor gallery of sorts where people live, work, and play. **Large-scaled sculptural artworks located near public streets and trails can be included in the project’s 2% landscaping cost requirement.**



Figure 1a. Public-facing façade with 30% mural coverage.



Figure 1b. Trail-facing façade with 15% mural coverage.

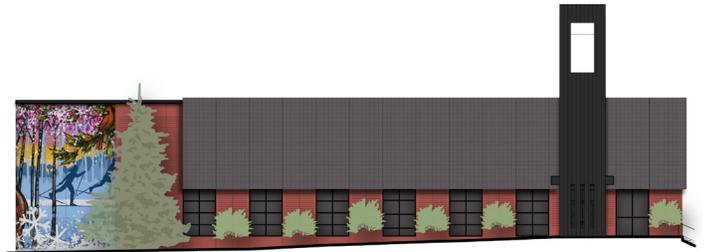


Figure 1c. South-facing and public-facing façade with 15% mural coverage in conjunction with significant solar paneling coverage.

EXHIBIT A – PUBLIC ART FRAMEWORK

190781 | The Heights (formerly Hillcrest) Redevelopment

St. Paul Port Authority Technical Team



PUBLIC ART GOALS FOR LIGHT INDUSTRIAL PARCELS

Figure 2. In the theoretical development plan on the right, light industrial building façades that would be considered public-facing are highlighted in orange (see Figure 1a) and façades that would be considered trail-facing, based on current plans for the public trail network are highlighted in yellow (see Figure 1b).



- Public-facing façade
- Trail-facing façade



EXHIBIT A – PUBLIC ART FRAMEWORK

190781 | The Heights (formerly Hillcrest) Redevelopment

St. Paul Port Authority Technical Team



CITY OF ST. PAUL GUIDANCE ON PUBLIC ART

Additional information about Public Art goals is available in City documents, including the City of Saint Paul’s 2040 Comprehensive Plan, the 2009 Public Art Ordinance and the Hillcrest Master Plan (approved June 1, 2022). Highlights from those documents are provided here:

- The City’s 2009 Public Art Ordinance states, “the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project’s functional and economic values. Public art strengthens public places and promotes Saint Paul’s identity as a livable and creative city and a desirable place to live, work and visit.” Planning for public projects like the Hillcrest Master Plan should involve artists from the earliest stages of conceptual design through implementation. An artist served on the planning team for the Hillcrest Master Plan.
- Eligible City-funded capital projects to be operated by the City dedicate one percent (1%) of the project costs for art. Additionally, one-half percent (1/2%) of the City’s total Capital Improvement is appropriated for maintenance and restoration of art. No eligible projects are identified at this time, but may be in the future.
- The ordinance goes on to define public art to include “publicly accessible original art that enriches the City and evokes meaning. It may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of unique architectural features, ornamentation or details. It may also include artist-designed infrastructure and structures themselves. Public art should consider the site, its context and audience. Public art may possess functional as well as aesthetic qualities; it may be integrated into the site or a discrete work.”
- The Guiding Principles for the Hillcrest Master Plan build upon the aesthetic cultural, historical, and social values expressed by residents throughout the engagement process, during community forums, pop-up meetings and online surveys, and in priorities identified by the Community Advisory Committee. The Guiding Principles will inform any art that is considered.
- The map in Figure 4 suggests locations for different approaches to art and potential locations.

Guiding Principles from the Hillcrest Master Plan:

- Art signifies, unifies and connects public spaces and adds to the overall character of Hillcrest.
- Art is present throughout, not just in one location.
- Artful places enable the community to gather and get to know each other; a range of scales of places are provided to accommodate multi-generational gatherings, smaller groups, and individuals.
- Artful places are inviting to diverse users, functional and useful.
- Public and private spaces are defined and demarcated by the landscape (wetlands, green space, trails) and art.
- Art at the entrance to trails and along trails, on retaining walls, and in the streetscape, provides orientation and safely guides movement.
- Landform art and plantings connect people to nature; peacefulness and quiet are maintained through buffer zones and unique topography.
- Community is engaged and involved in aesthetic decision-making leading to investment in the outcome, pride-in-place, and ongoing support, maintenance and care of art and public places.
- Employment for artists, musicians, artisans and performers is part of the jobs program, recognizing local skills and talent.



Figure 3. Rendering of public-facing murals on a light industrial building façade, with layered landscape design throughout the site and sculpture art visible from the right-of-way.

EXHIBIT A – PUBLIC ART FRAMEWORK

190781 | The Heights (formerly Hillcrest) Redevelopment

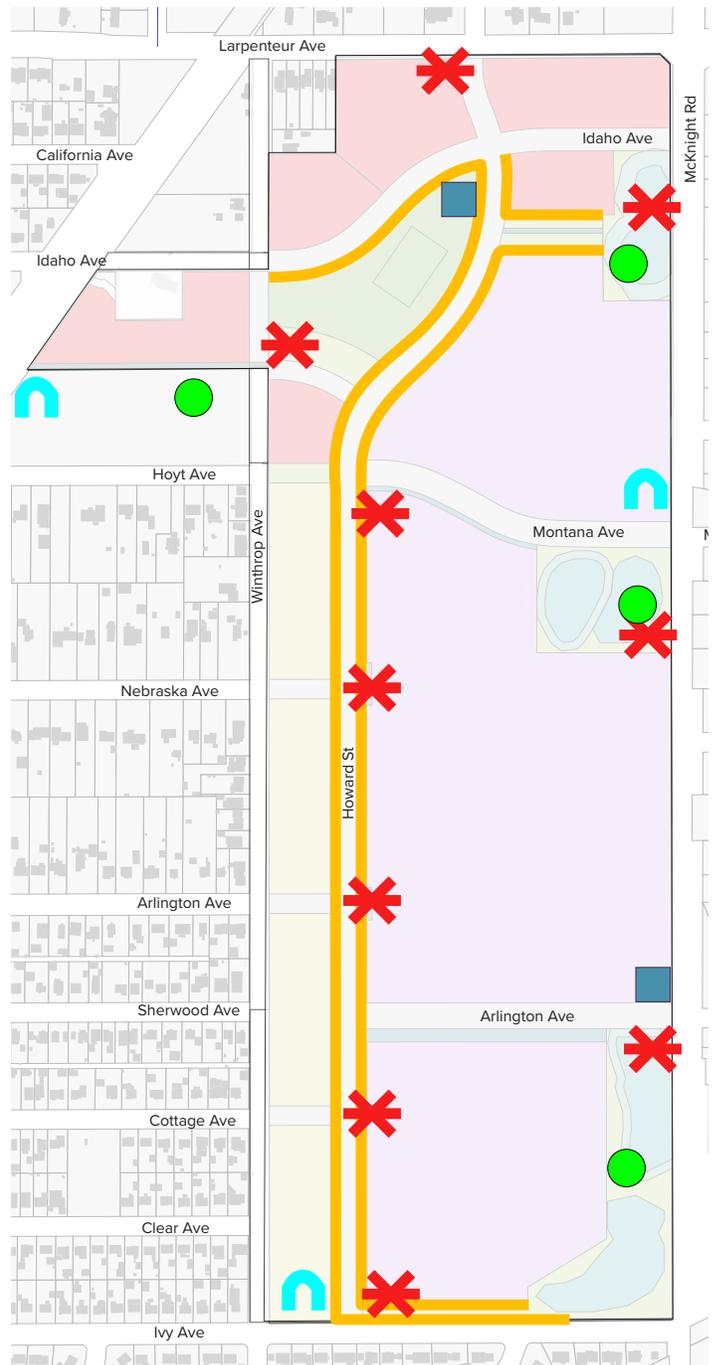
St. Paul Port Authority Technical Team



CITY OF ST. PAUL GUIDANCE ON PUBLIC ART AND PRECEDENTS

Figure 4 (right). Art and Placemaking Opportunities, as illustrated in the Hillcrest Master Plan, approved June 1st, 2022, page 25. Image credit: Cuningham.

Figure 5 (below). Precedent images of public art murals on light industrial building façades.



- Landmark
- Place
- ∩ Gateway
- Edge
- ✘ Orientation/Interpretation

CONCEPTUAL RENDERINGS



Figure 6. Rendering of murals on light industrial building façades facing publicly-accessible greenspace.



Figure 7. Rendering of murals on light industrial building façade facing McKnight Road and a publicly-accessible trail (far right).



Figure 8. Rendering of murals on light industrial building façades facing Howard Street.

EXHIBIT A – PUBLIC ART FRAMEWORK

190781 | The Heights (formerly Hillcrest) Redevelopment

St. Paul Port Authority Technical Team



EXHIBIT B

ENTRANCE TOWER CONCEPT DESIGN



KEYED SHEET NOTES

- 1 METAL PANEL CLADDING, SINGLE COLOR PER APPROVED PALETTE
- 2 NEUTRAL WHITE EIFS CLADDING TO REFLECT PROGRAMMABLE LED LIGHTING
- 3 TOWER STRUCTURE TO BE A WELDED STEEL TUBE FRAME, CENTER TOWER ON PRECAST PANEL JOINT
- 4 OPENING IN TOWER FACE. SEE DETAIL 4A/TOWER FOR ALTERNATE DESIGN OPTION
- 5 LOCATION OF PROGRAMMABLE LED LIGHTING FIXTURES. LIGHTS TO WASH INTERIOR FACES OF TOWER.
- 6 OPENING IN TOWER FACE. OPENING TO BE CHAMFERED ON THE BACK SIDE
- 7 INTERIOR VESTIBULE
- 8 OPTION OF INTEGRATED TOWER AND EXTERIOR VESTIBULE
- 9 ENTRY CANOPY
- 10 OPTION TO EXTEND ENTRY CANOPY
- 11 IF PURSUED, BRANDING AREA TO BE BOX RIB HORIZONTAL METAL PANEL (REFER TO PAC-CLAD BOX RIB 1 FOR TYPE). REFER TO DRAWINGS FOR MINIMUM AND MAXIMUM EXTENTS
- 12 SIGNAGE AREA
- 13 HIGHLY TEXTURED PRECAST WALL PANEL

DESCRIPTION OF STRUCTURAL DESIGN INTENT:

ENTRY TOWER FEATURES WILL BE FRAMED USING STEEL HOLLOW STRUCTURAL SECTIONS (STEEL TUBES). STEEL TUBE COLUMNS WILL BE LOCATED AT THE FOUR TOWER CORNERS AND STEEL TUBE BEAMS WILL BE LOCATED AT THE TOWER ROOF AND AT THE ENTRY ROOF ELEVATION. THE TWO STEEL TUBE COLUMNS AT THE BUILDING WILL PENETRATE THE ROOF AND CONTINUE TO GRADE WITHIN THE BUILDING.

LATERAL WIND FORCES PERPENDICULAR TO THE BUILDING WILL BE RESISTED BY A COMBINATION OF MOMENT FRAME RIGIDITY AND CONNECTION TO THE MAIN BUILDING STRUCTURE. LATERAL WIND FORCES PARALLEL TO THE BUILDING WILL BE RESISTED BY DIAGONAL BRACING IN THE PLANE OF THE TOWER WALL.

STEEL TUBE SIZES ARE ANTICIPATED TO BE 12-INCHES SQUARE. THIS STEEL TUBE FRAME WILL ALLOW THE TOWER FEATURE TO BE LOCATED WHERE DESIRED ON THE BUILDING PERIMETER WITH MINIMAL IMPACT ON THE DESIGN OF THE PRECAST CONCRETE WALLS AND STEEL ROOF FRAMING.

DESCRIPTION OF ELECTRICAL DESIGN INTENT:

THE EXTERIOR BUILDING LIGHTING DESIGN APPROACH WILL BE TO UTILIZE LINEAR RGBW FIXTURES WITH INDIVIDUALLY ADDRESSABLE LED DRIVERS, WITH ALL COMPONENTS BEING ENERGY EFFICIENT AND IN COMPLIANCE WITH LOCAL ENERGY CODES AND DARK SKY REQUIREMENTS.

MINIMUM LIGHTING LEVELS IN ALL AREAS WILL CONFORM TO IES STANDARDS (INDUSTRY STANDARD, SUPPLEMENTED BY ANY OWNER OR PROJECT SPECIFIC MODIFICATIONS), WITH FIXTURES DESIGNED TO ACCOMMODATE WALL WASHING SELECT EXTERIOR WALLS UP TO 40 FEET FROM MOUNTING POINT OF FIXTURE .

THE LIGHTING CONTROLS SHALL BE A NETWORK BASED SYSTEM, ALLOWING REMOTE PROGRAMMING OF THE LIGHTING FIXTURES FOR THE ABILITY TO DIM AND TO HAVE PRESET COLOR SHOWS AS ACCOMMODATED IN THE LEASE HOLDER AGREEMENTS. THE LIGHTING CONTROLS SHALL BE A CLOUD BASED SETUP THAT ALSO PROVIDES MOBILE APPLICATION FUNCTIONALITY AND SECURITY PROTOCOLS.



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THE HEIGHTS

FILE:

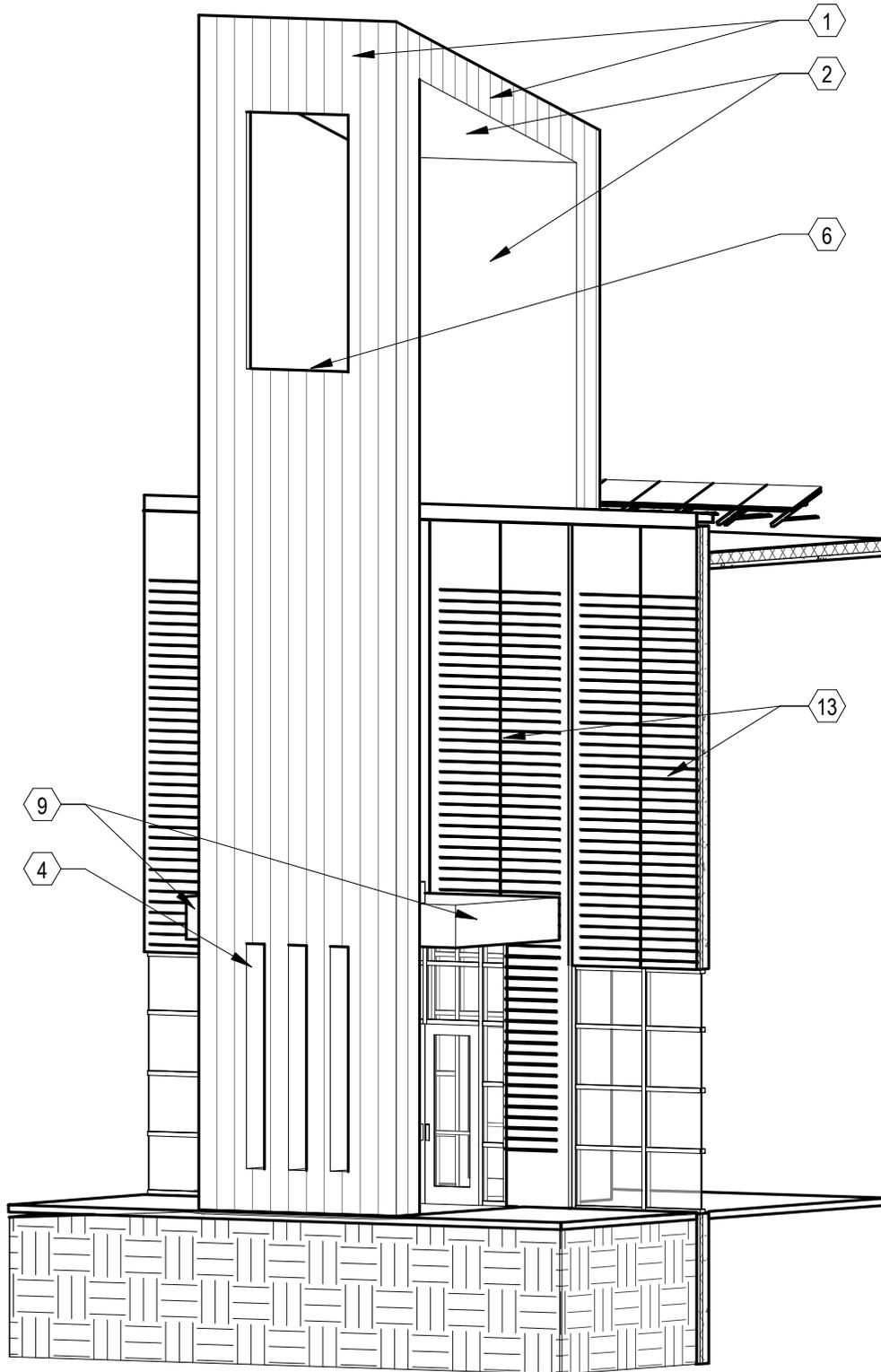
DWG. TITLE: TOWER GUIDELINES

PROJECT NAME: EXHIBIT B

PROJ. NO: 190781 DRAWING NO:

TOWER-1

NOTE: SEE TOWER-1 SHEET FOR ADDITIONAL NOTES AND INFORMATION



1 TOWER AXON



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THE HEIGHTS

FILE:

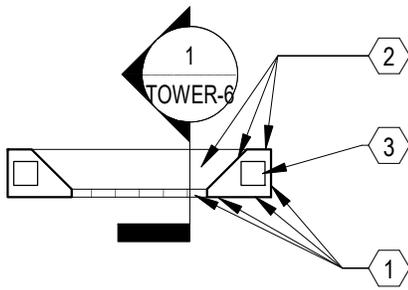
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PROJECT NAME: EXHIBIT B

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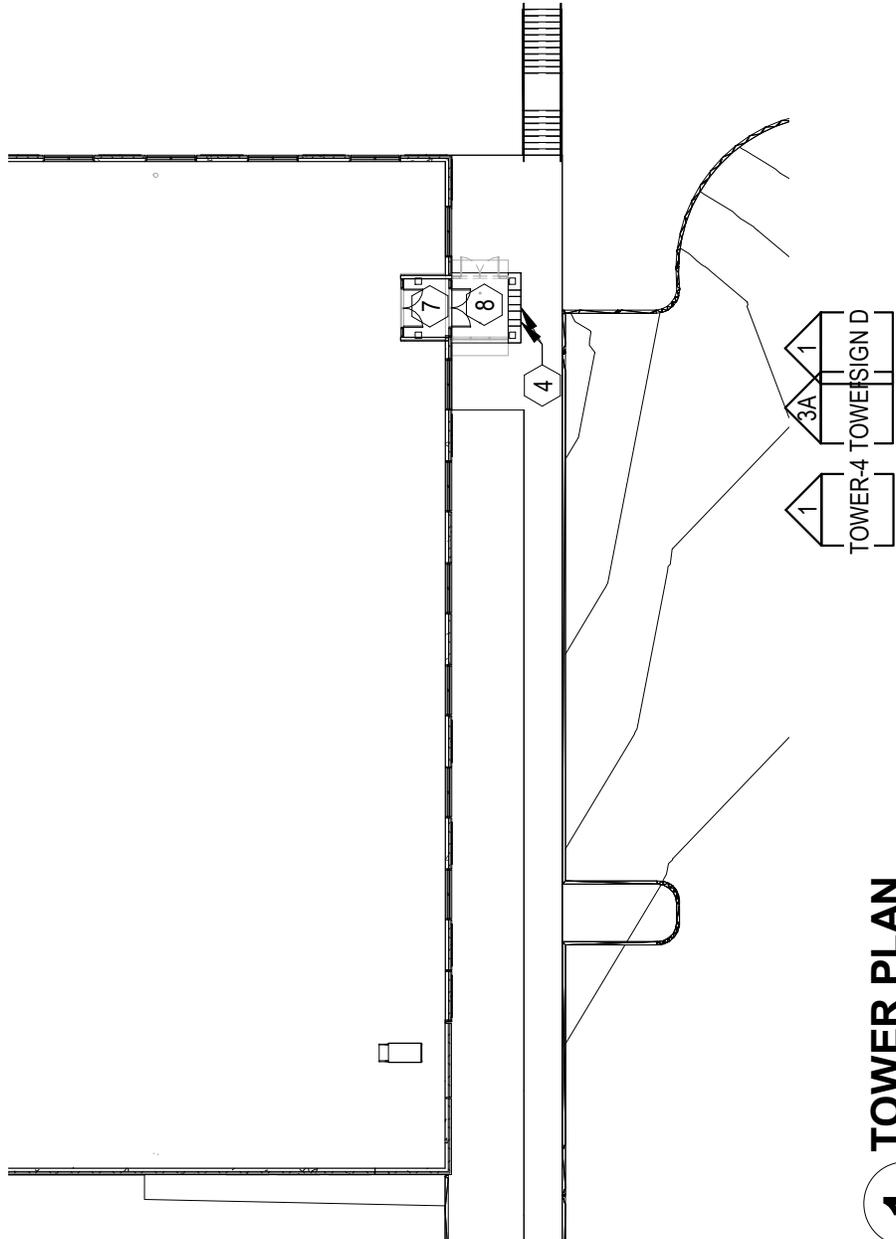
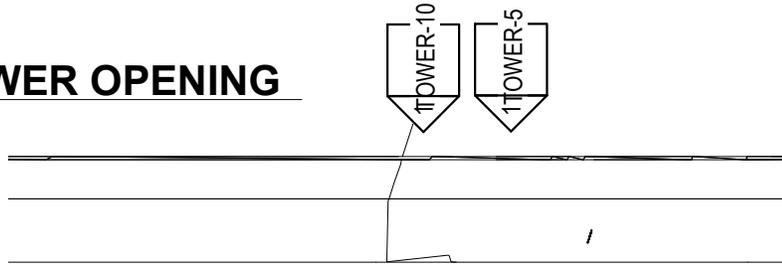
TOWER-2

NOTE: SEE TOWER-1 SHEET FOR ADDITIONAL NOTES AND INFORMATION



2 PLAN DETAIL AT TOWER OPENING

1/8" = 1'-0"



1 TOWER PLAN

1" = 30'-0"



THE HEIGHTS

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FILE:

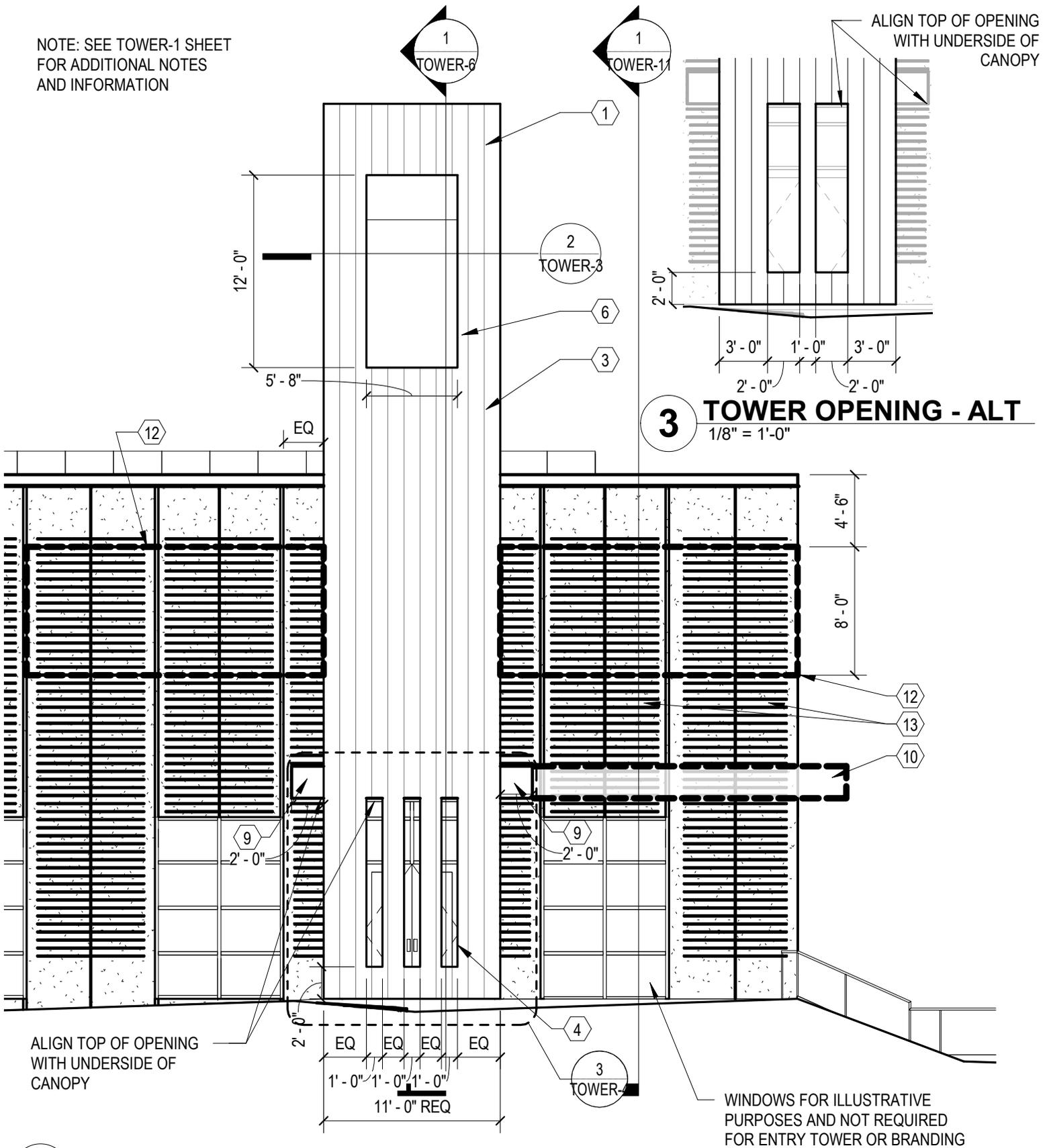
DWG. TITLE: PLANS

PROJECT NAME: EXHIBIT B

PROJ. NO: 190781 DRAWING NO:

TOWER-3

NOTE: SEE TOWER-1 SHEET FOR ADDITIONAL NOTES AND INFORMATION



1 TOWER ELEVATION
1/8" = 1'-0"



THE HEIGHTS

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FILE:

DWG. TITLE: ELEVATIONS

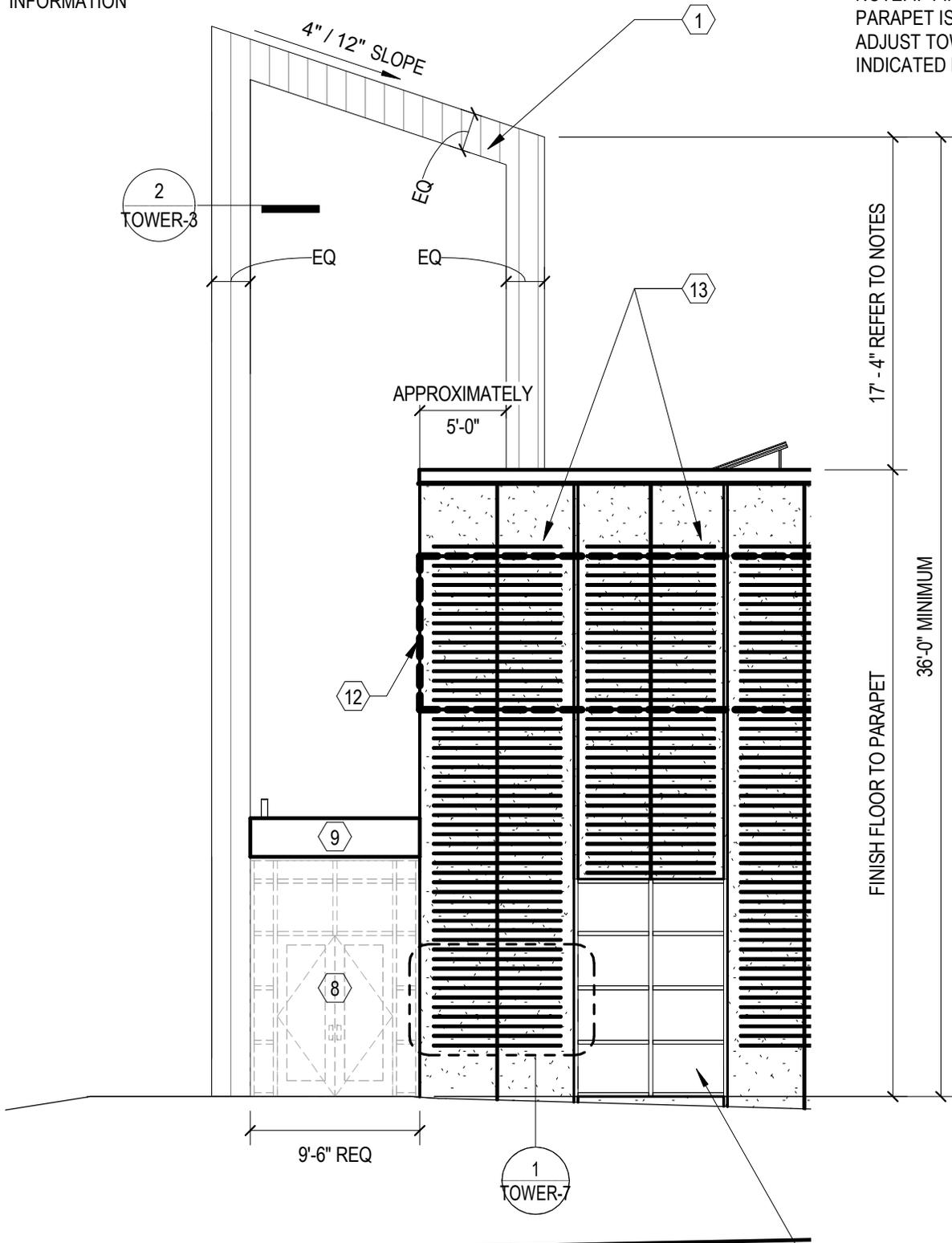
PROJECT NAME: EXHIBIT B

PROJ. NO: 190781 DRAWING NO:

TOWER-4

NOTE: SEE TOWER-1 SHEET FOR ADDITIONAL NOTES AND INFORMATION

NOTE: IF FINISH FLOOR TO PARAPET IS LESS THAN 18'-0", ADJUST TOWER TO MAINTAIN INDICATED MINIMUM



WINDOWS FOR ILLUSTRATIVE PURPOSES AND NOT REQUIRED FOR ENTRY TOWER OR BRANDING

1 TOWER ELEVATION
1/8" = 1'-0"



THE HEIGHTS

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FILE:

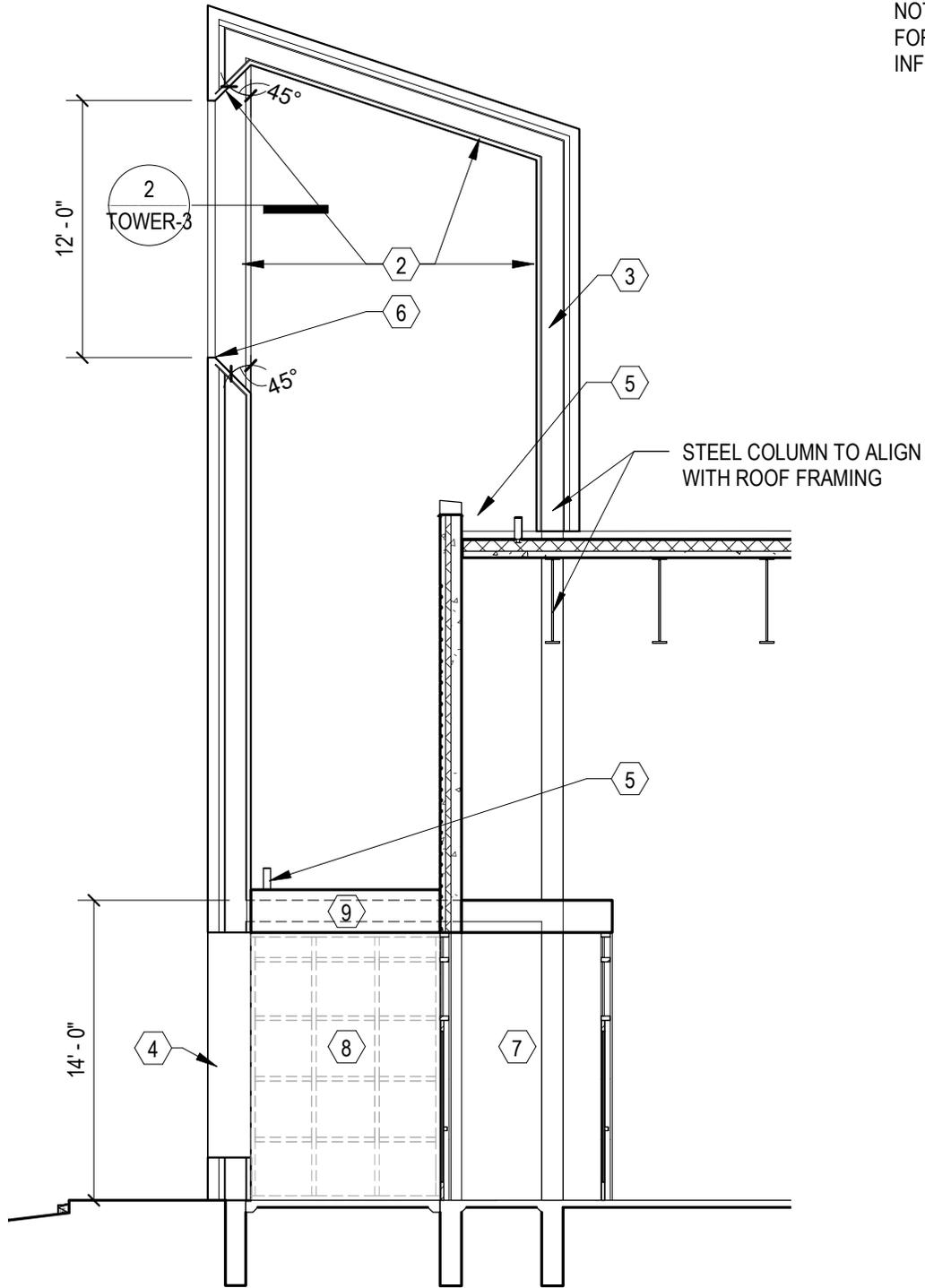
DWG. TITLE: ELEVATION

PROJECT NAME: EXHIBIT B

PROJ. NO: 190781 DRAWING NO:

TOWER-5

NOTE: SEE TOWER-1 SHEET
FOR ADDITIONAL NOTES AND
INFORMATION



1 TOWER SECTION
1/8" = 1'-0"



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THE HEIGHTS

FILE:

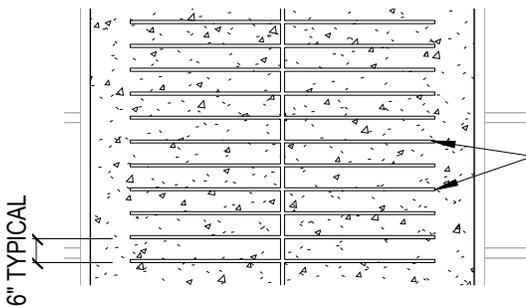
DWG. TITLE: SECTION

PROJECT NAME: EXHIBIT B

PROJ. NO: 190781 DRAWING NO:

TOWER-6

NOTE: SEE TOWER-1 SHEET FOR
ADDITIONAL NOTES AND
INFORMATION



HIGHLY-TEXTURED PRE-CAST WALL PANELS (DEFINITION): VERY COST EFFECTIVE PRE-CAST CONCRETE PANELS THAT PROVIDE A UNIQUE 'HIGHLY TEXTURED' PATTERN AND SURFACE SUITABLE FOR PAINTING. LARGE 'UN-TEXTURED' PORTIONS OF PANELS ARE NOT ACCEPTABLE.

BASIS OF DESIGN: PAINTED PRE-CAST CONCRETE "STAMPED BAR PANELS" WITH FINE AGGREGATE FINISH FOR EVEN TEXTURE.

DESIGN ALTERNATE: PAINTED PRE-CAST CONCRETE 'STEEL FORM PANELS WITH CAST IN REVEALS'

1

HIGHLY-TEXTURED PRE-CAST WALL PANEL - TEXTURE EXAMPLE ONLY

1/4" = 1'-0"



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THE HEIGHTS

FILE:

DWG. TITLE: ENLARGED ELEVATION

PROJECT NAME: EXHIBIT B

PROJ. NO: 190781 DRAWING NO:

TOWER-7

DESCRIPTION OF MINIMUM AND MAXIMUM EXTENTS OF BRANDING AREA

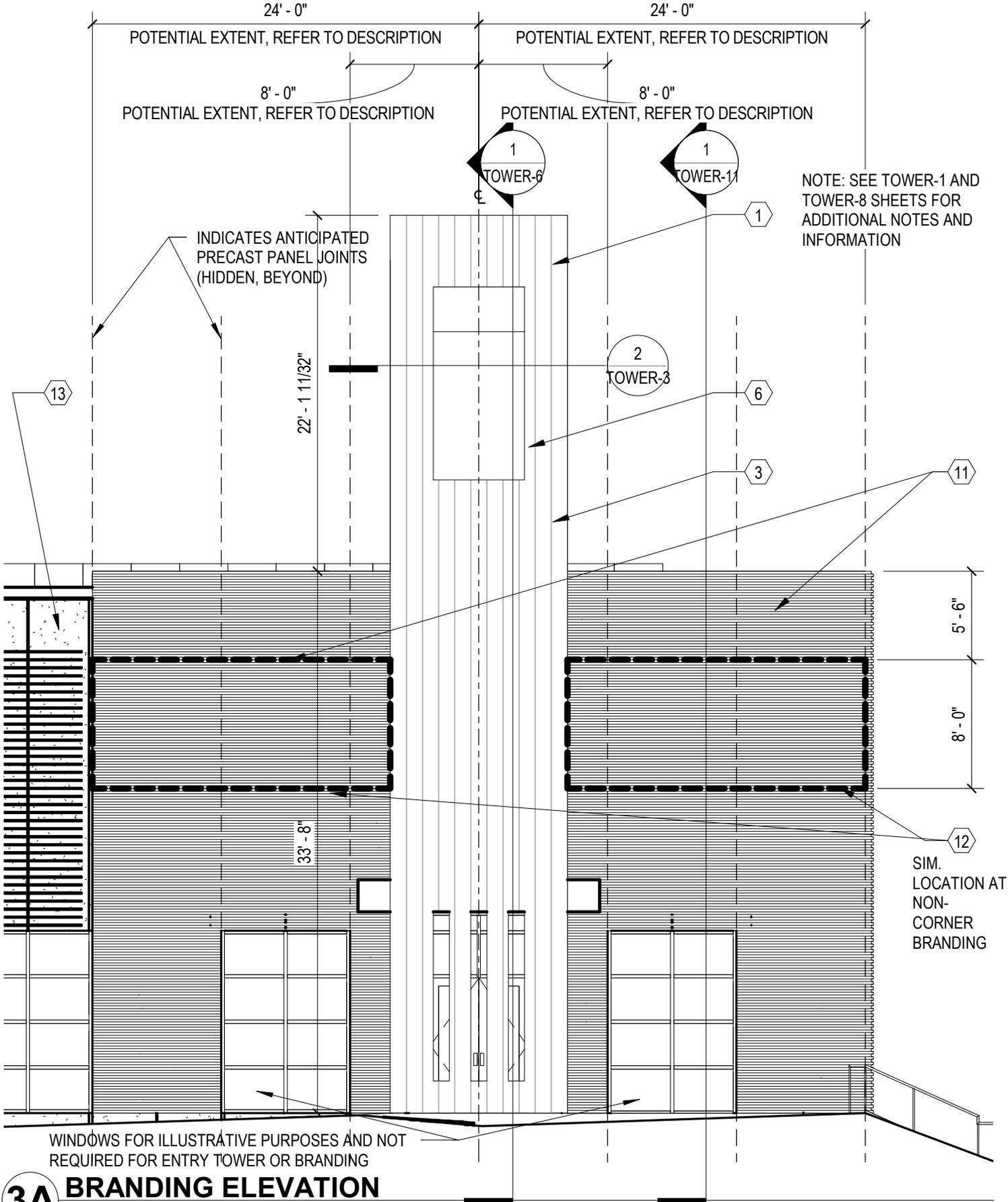
IF PURSUED, BRANDING AREA TO BE FULL-HEIGHT OF PRECAST PLUS 1'-0" AT PARAPET.

MINIMUM EXTENTS TO BE 24'-0" FROM CENTER OF TOWER, EXTENDING IN ONE DIRECTION AND 8'-0" FROM CENTER OF TOWER IN OPPOSITE DIRECTION. IF AREA MEETS A CORNER, THE BRANDING AREA SHALL WRAP THE CORNER AND EXTEND A MINIMUM OF 8'-0".

MAXIMUM EXTENTS TO BE 24'-0" FROM CENTER OF TOWER IN BOTH DIRECTIONS. IF AREA MEETS A CORNER THE BRANDING AREA SHALL WRAP THE CORNER AND EXTEND A MINIMUM OF 8'-0" AND A MAXIMUM OF 24'0"

NOTE: REFER TO TOWER COVENANT GUIDE FOR VIEWS REFERECING "TOWER"

 <small>701 Washington Ave. N, Ste 200 Minneapolis, MN 55401 612.338.2029</small>	THE HEIGHTS	DWG. TITLE: BRANDING COVENANT GUIDE
		PROJECT NAME: EXHIBIT B
		PROJ. NO: 190781 DRAWING NO: TOWER-8



3A BRANDING ELEVATION
 1/8" = 1'-0"



THE HEIGHTS

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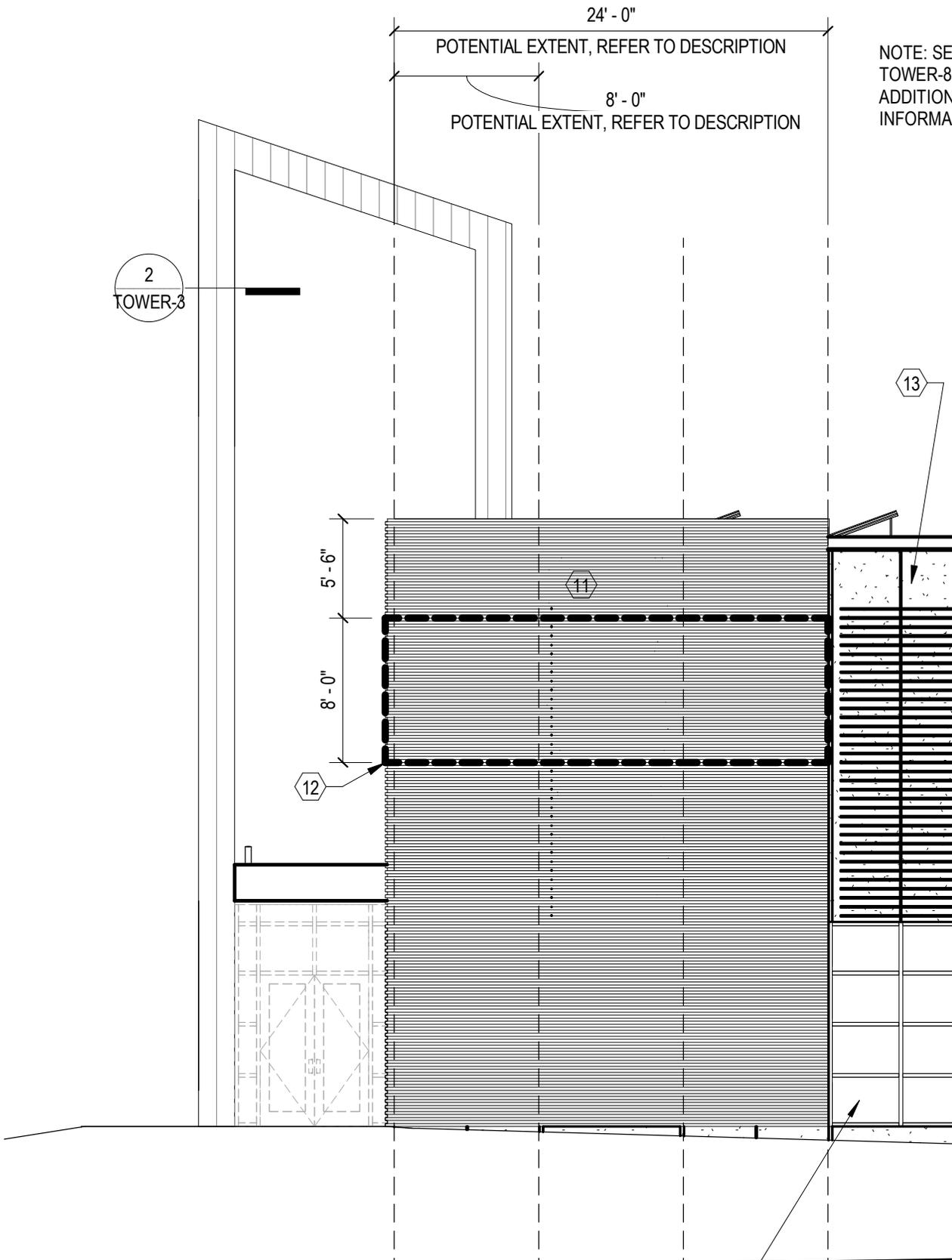
FILE:

DWG. TITLE: BRANDING ELEVATION

PROJECT NAME: EXHIBIT B

PROJ. NO: 190781 DRAWING NO:

TOWER-9



NOTE: SEE TOWER-1 AND TOWER-8 SHEETS FOR ADDITIONAL NOTES AND INFORMATION

2
TOWER-3

13

11

12

WINDOWS FOR ILLUSTRATIVE PURPOSES AND NOT REQUIRED FOR ENTRY TOWER OR BRANDING

1 BRANDING ELEVATION
1/8" = 1'-0"



THE HEIGHTS

DWG. TITLE: **BRANDING ELEVATION**

PROJECT NAME: **EXHIBIT B**

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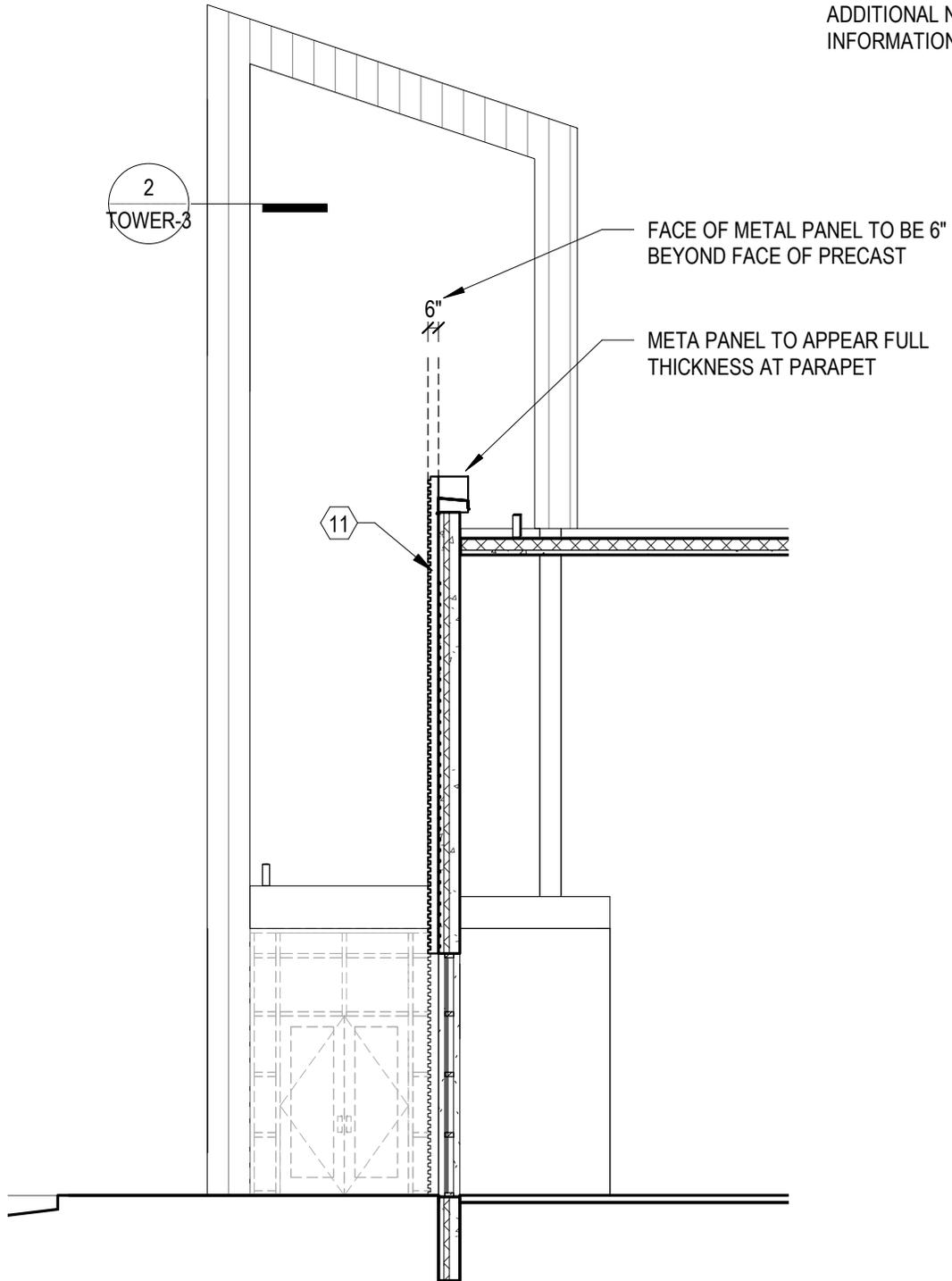
FILE:

PROJ. NO: 190781

DRAWING NO:

TOWER-10

NOTE: SEE TOWER-1 AND TOWER-8 SHEETS FOR ADDITIONAL NOTES AND INFORMATION



1 TOWER SECTION 1
1/8" = 1'-0"



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THE HEIGHTS

FILE:

DWG. TITLE: **BRANDING SECTION**

PROJECT NAME: **EXHIBIT B**

PROJ. NO: 190781

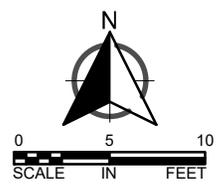
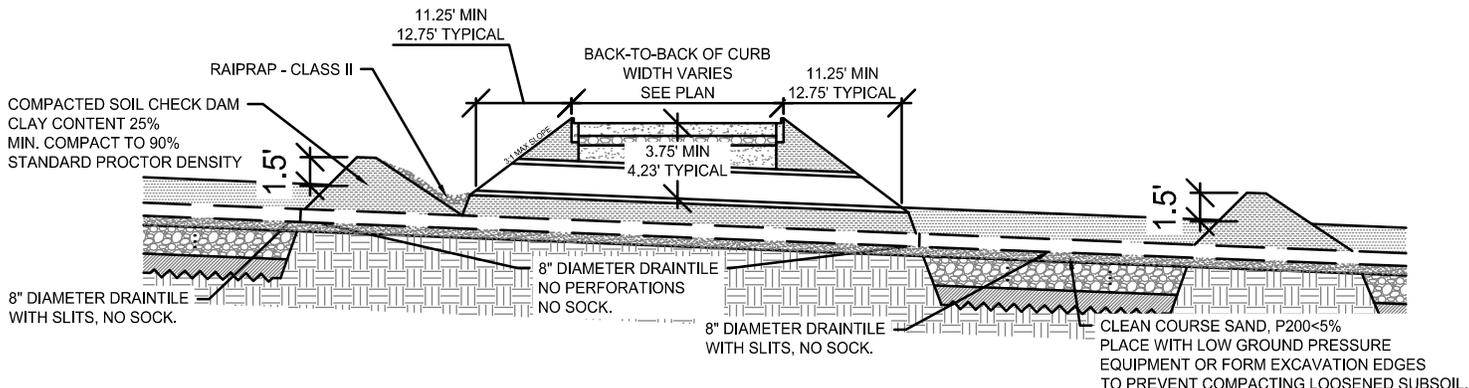
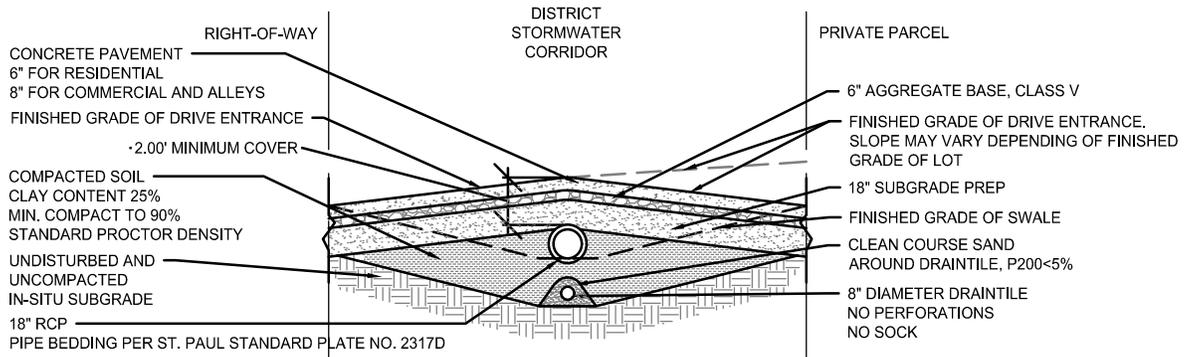
DRAWING NO:

TOWER-11

EXHIBIT C

DRIVEWAYS CROSSING STORMWATER SYSTEM

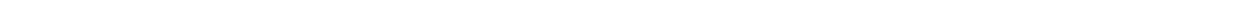




K:\013987-000\Cad\Working\WR\013987-000 STORMWATER DETAILS - WORKING.dwg 5/16/2023 1:20:53 PM

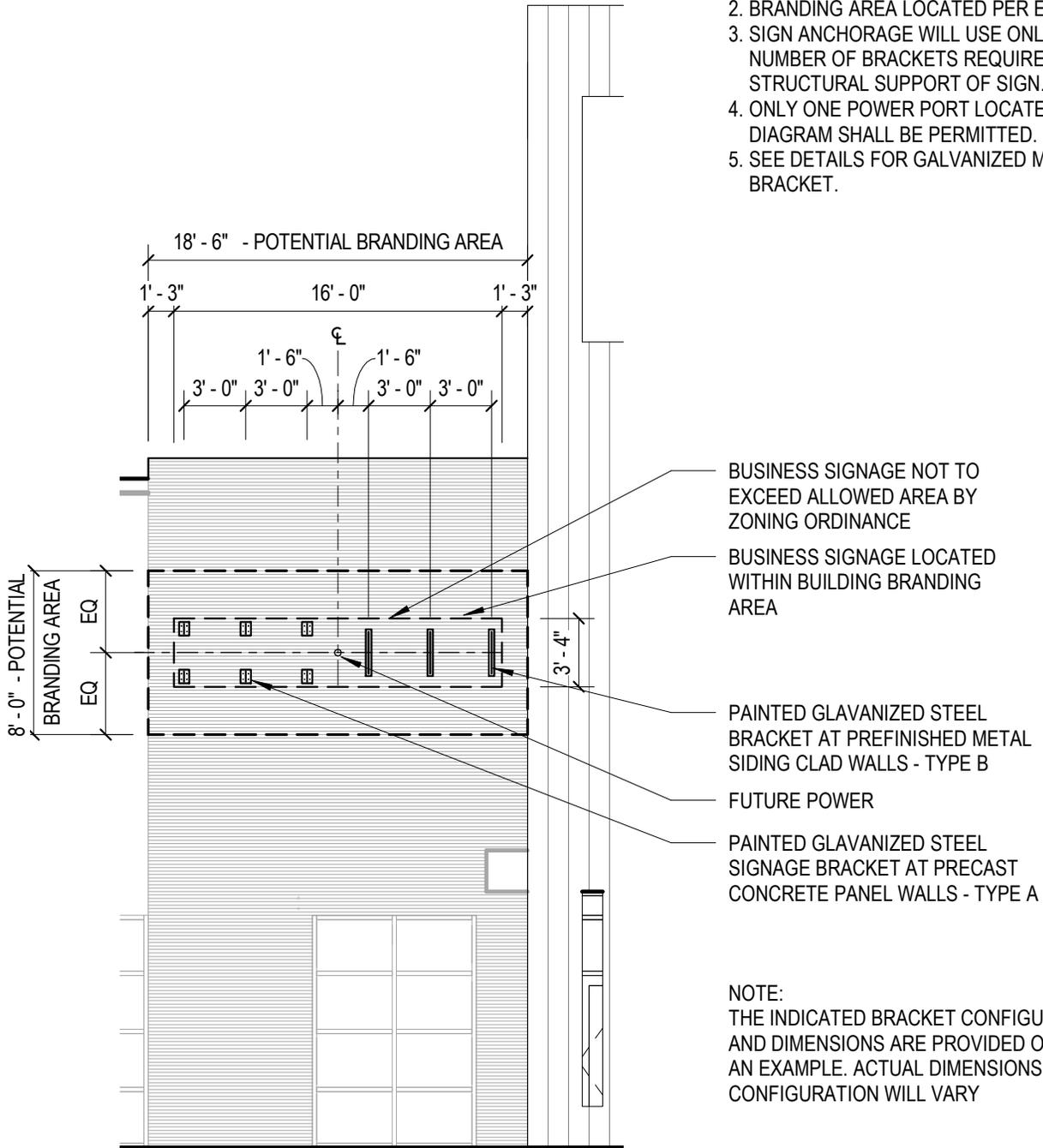
7/3/23

EXHIBIT D
SIGN DESIGN PACKAGE



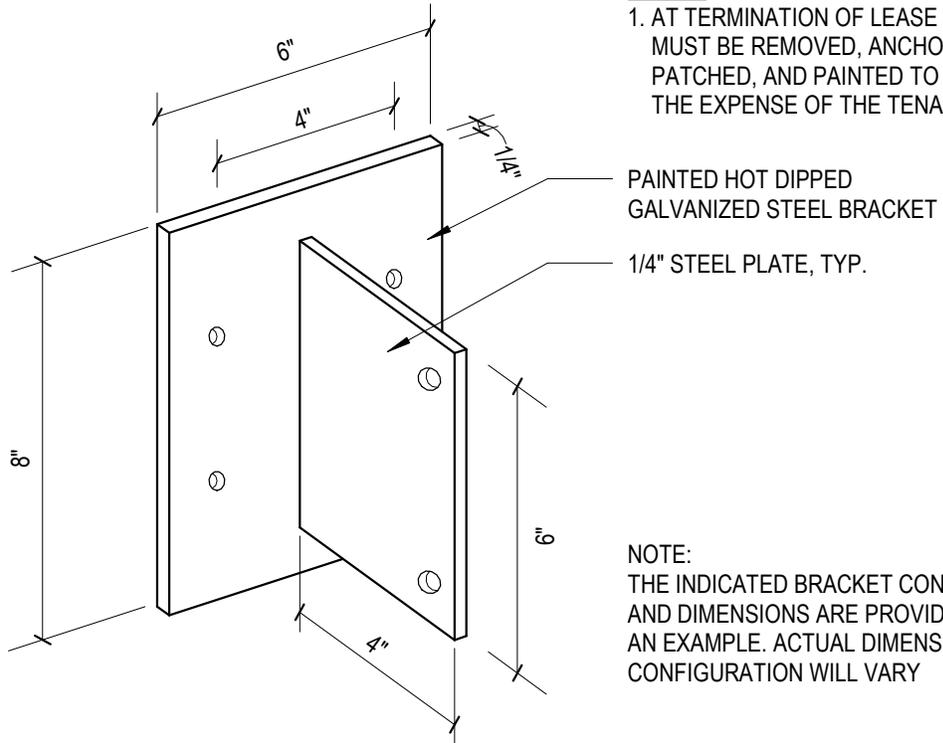
NOTES:

1. SIGNAGE TO BE CENTERED BOTH HORIZONTALLY AND VERTICALLY WITHIN BRANDING AREA.
2. BRANDING AREA LOCATED PER EXHIBIT D.
3. SIGN ANCHORAGE WILL USE ONLY THE MINIMUM NUMBER OF BRACKETS REQUIRED FOR STRUCTURAL SUPPORT OF SIGN.
4. ONLY ONE POWER PORT LOCATED PER DIAGRAM SHALL BE PERMITTED.
5. SEE DETAILS FOR GALVANIZED METAL BRACKET.



1 TYPICAL SIGN TYPE A AND B
1/8" = 1'-0"

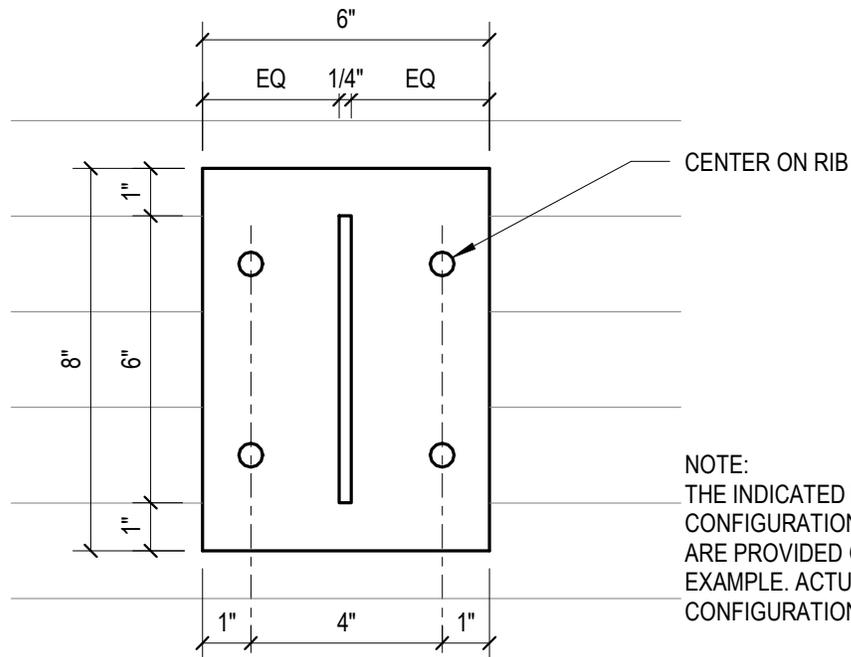
EXHIBIT D - SIGN TYPE A AND B



NOTES:
 1. AT TERMINATION OF LEASE ALL BRACKETS MUST BE REMOVED, ANCHORAGE HOLES PATCHED, AND PAINTED TO MATCH WALL AT THE EXPENSE OF THE TENANT.

NOTE:
 THE INDICATED BRACKET CONFIGURATION AND DIMENSIONS ARE PROVIDED ONLY AS AN EXAMPLE. ACTUAL DIMENSIONS AND CONFIGURATION WILL VARY

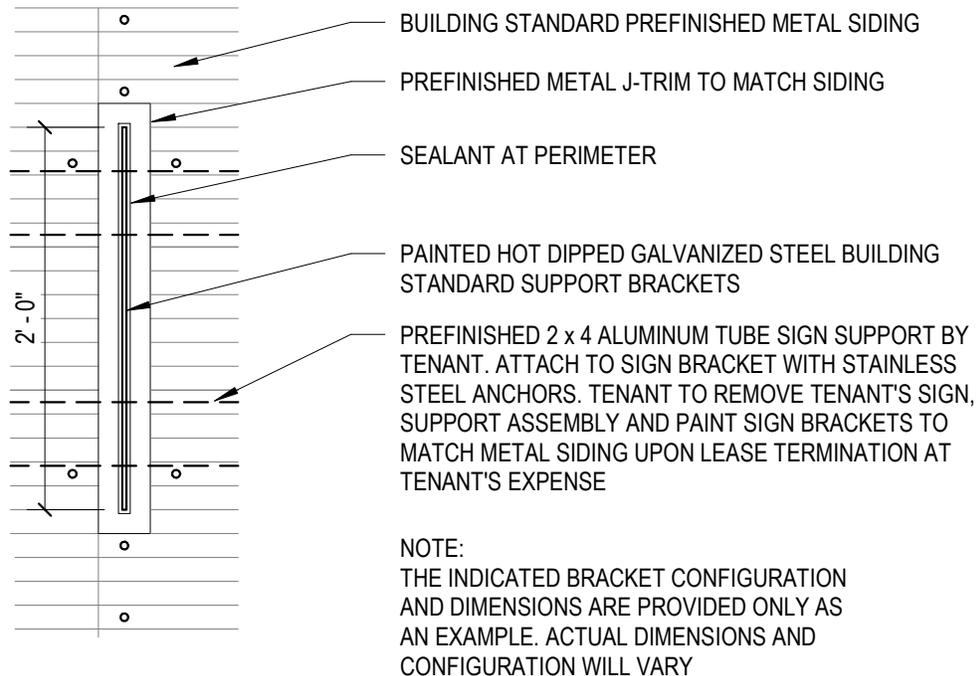
1 SIGN TYPE A BRACKET @ PRECAST
 3" = 1'-0"



NOTE:
 THE INDICATED BRACKET CONFIGURATION AND DIMENSIONS ARE PROVIDED ONLY AS AN EXAMPLE. ACTUAL DIMENSIONS AND CONFIGURATION WILL VARY

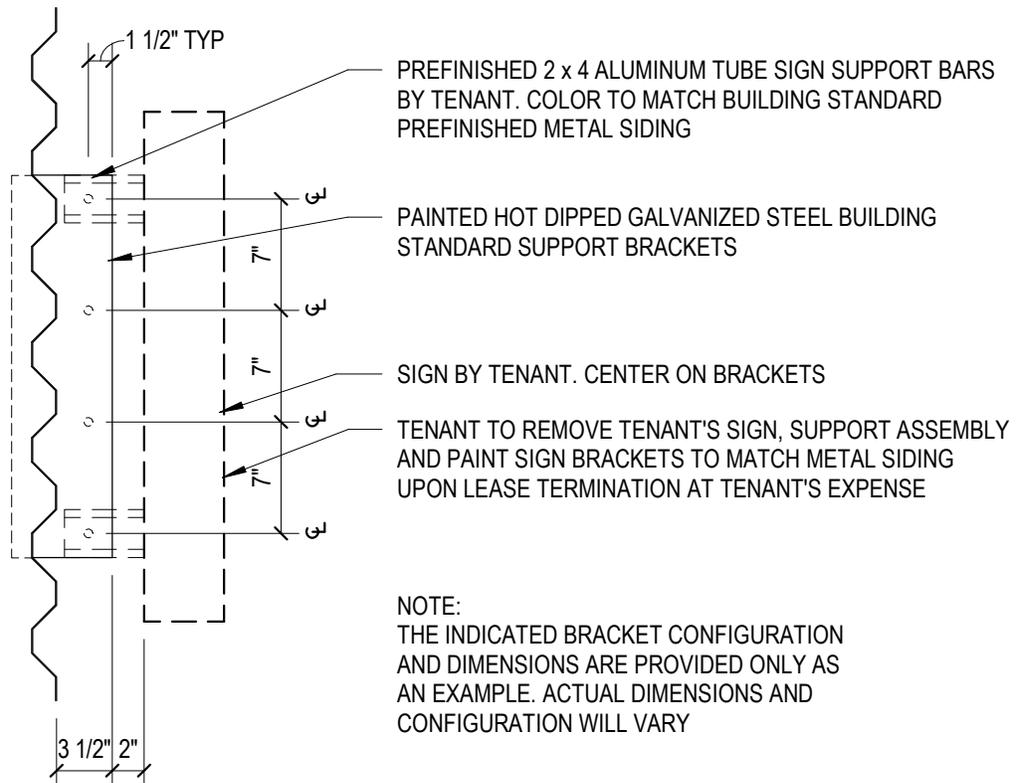
2 BRACKET TYPE A @ PRECAST - ELEVATION
 3" = 1'-0"

EXHIBIT D - SIGN TYPE A BRACKET DETAIL



1 SIGN TYPE B BRACKET @ METAL PANEL - ELEVATION

1" = 1'-0"

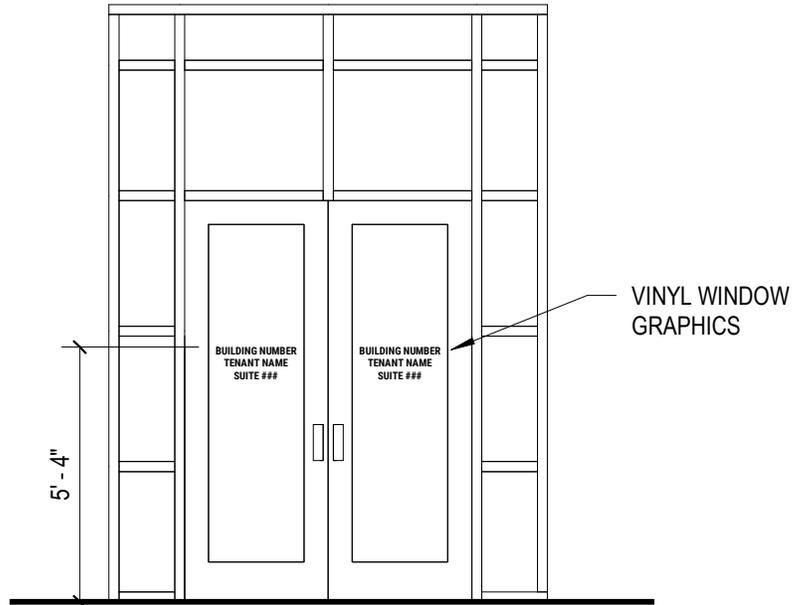


2 SIGN TYPE B BRACKET @ METAL PANEL - SECTION

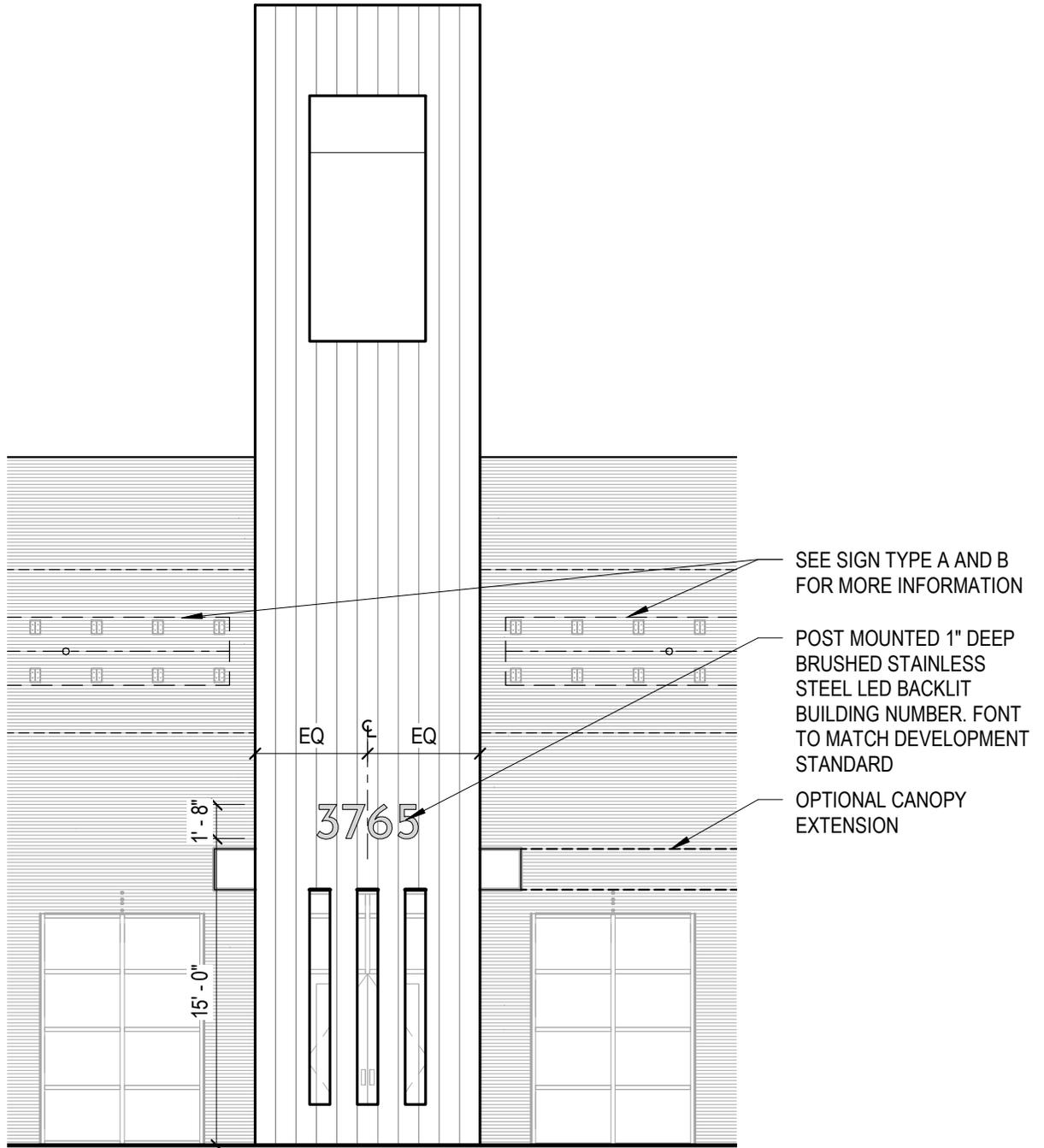
1" = 1'-0"

EXHIBIT D - SIGN TYPE B BRACKET @ METAL PANEL

- NOTES:**
1. REFER TO DEVELOPMENT BRANDING DOCUMENT FOR FONTS.



1 SIGN TYPE C - DOOR SIGNAGE
1/4" = 1'-0"

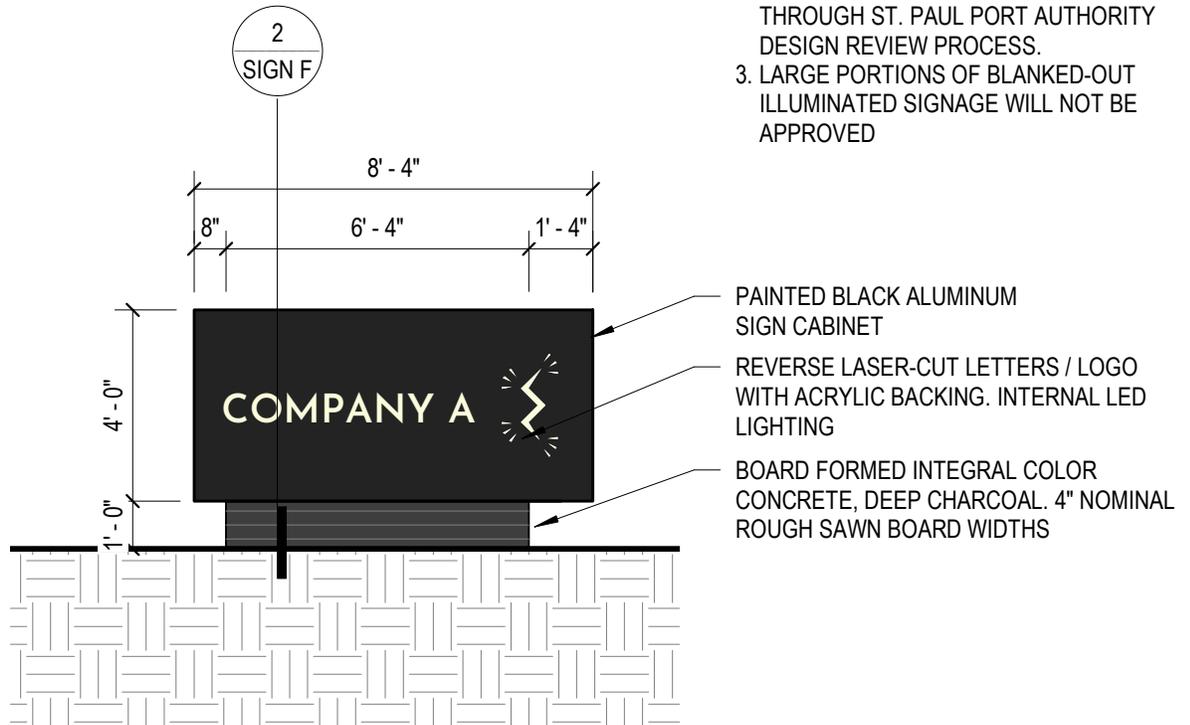


1 BUILDING ADDRESS - SIGN TYPE D
 1/8" = 1'-0"

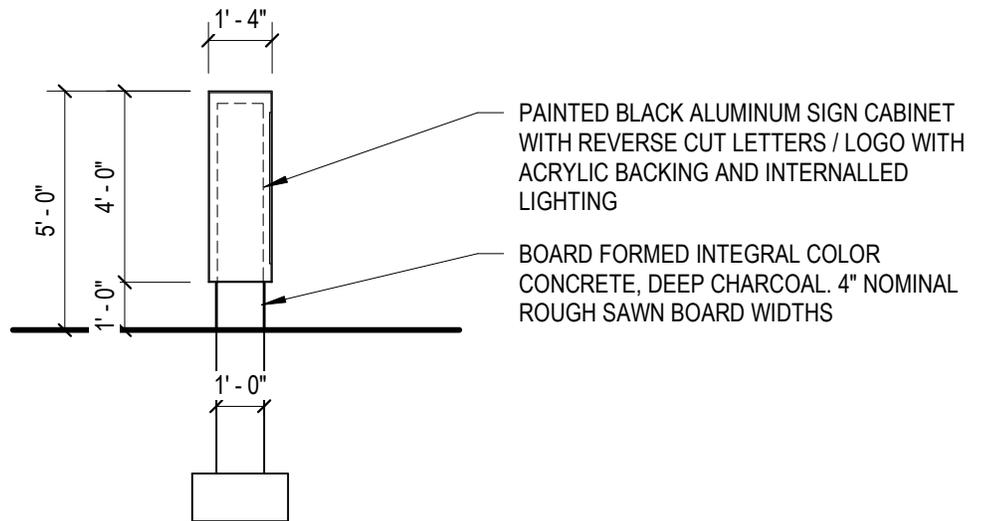
EXHIBIT D - SIGN TYPE D

NOTES:

1. REFER TO DEVELOPMENT BRANDING DOCUMENT FOR STANDARD FONTS.
2. FINAL SIGNAGE TO BE APPROVED THROUGH ST. PAUL PORT AUTHORITY DESIGN REVIEW PROCESS.
3. LARGE PORTIONS OF BLANKED-OUT ILLUMINATED SIGNAGE WILL NOT BE APPROVED



1 SIGN TYPE F
1/4" = 1'-0"

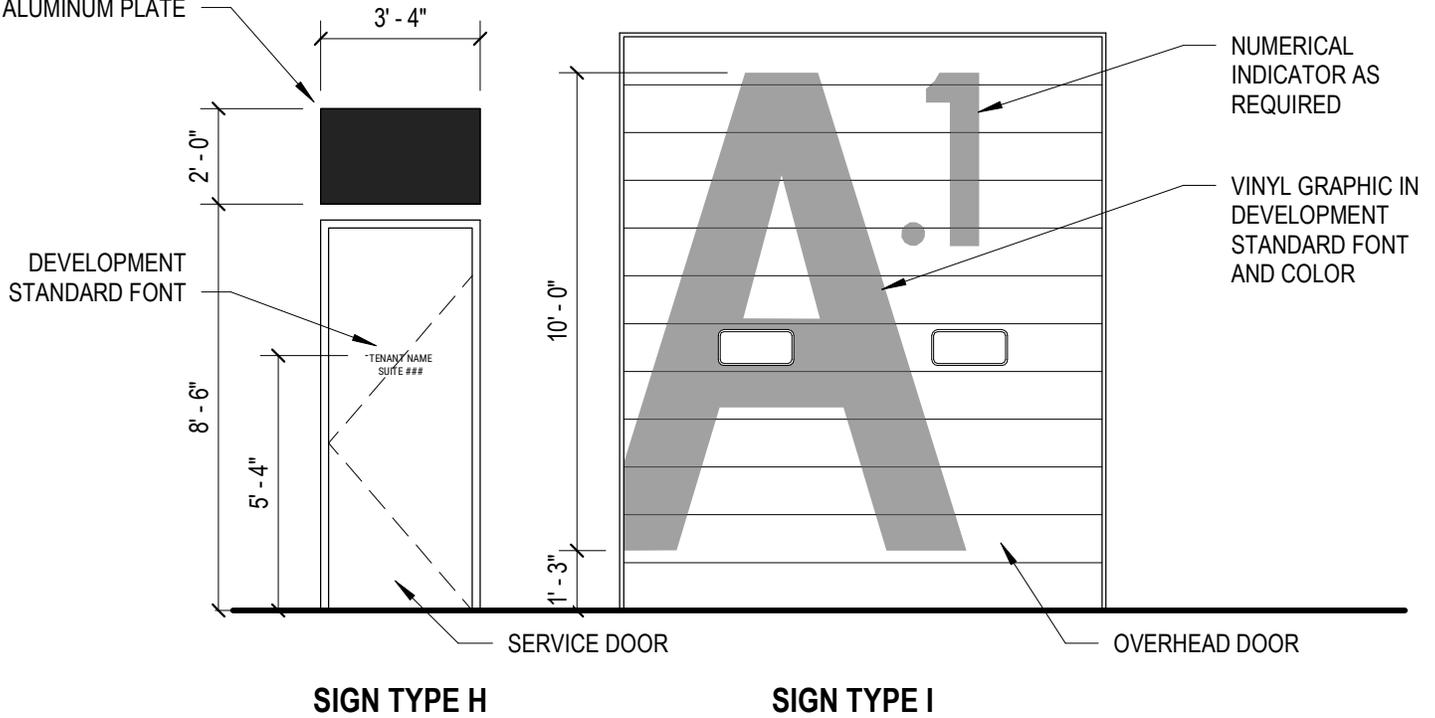


2 SIGN TYPE F - SECTION
1/4" = 1'-0"

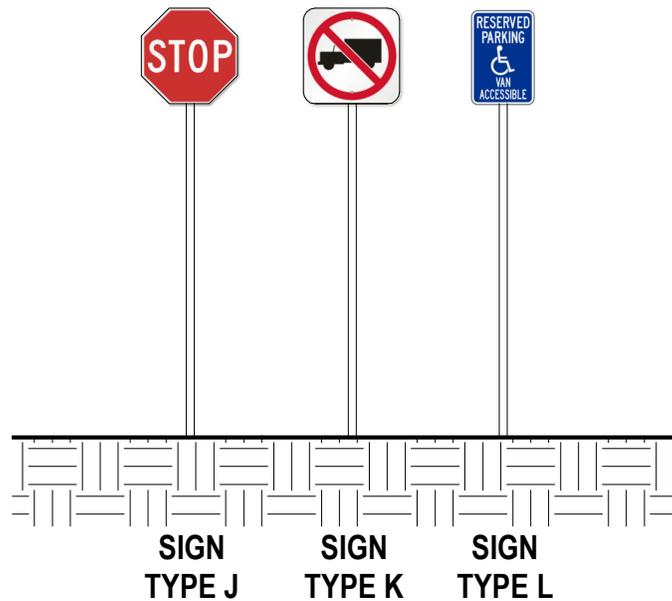
EXHIBIT D - SIGN TYPE F

TENANT BRANDING.
VINYL LETTER S ON
POST MOUNTED BLACK
ALUMINUM PLATE

NOTES:
1. REFER TO DEVELOPMENT BRANDING
DOCUMENT FOR FONTS.



1 SIGN TYPE H & I
1/4" = 1'-0"



NOTES:
1. MNDOT APPROVED SIGN FACE
WITH REFLECTIVE GRAPHICS.
2. 2 1/2" x 2 1/2" ALUMINUM
SQUARE TUBE, PAINTED

2 SIGN TYPE J, K, L
1/4" = 1'-0"

EXHIBIT D - SIGN TYPE H-L