

December 15, 2015

**VIA EMAIL**

Minneapolis Heritage Preservation  
Commission  
c/o Fatimat Porter, Committee Clerk  
Public Service Center  
250 S. 4<sup>th</sup> Street, Room 300  
Minneapolis, MN 55415

Re: Proposed Local Historic Designation of 404 / 410 West Broadway  
File No. BZH-28284

Dear Commissioners:

Fredrikson & Byron, P.A. represents Kemps LLC (“Kemps”), which is the owner of the properties located at 404 and 410 West Broadway, Minneapolis, Minnesota (together, the “Broadway Properties”). We are submitting this letter in connection with the Minneapolis Heritage Preservation Commission’s (“HPC”) consideration of the potential designation of the Broadway Properties as local landmarks. Please let this letter serve as Kemps’ formal objection to the designation of these properties as local landmarks.

Kemps purchased these dilapidated properties approximately two years ago. After investigating the condition of these properties, Kemps made the decision to move forward with demolition of the unsafe and unsightly structures located on the Broadway Properties. While Kemps did not have any immediate plans for the use of these properties, Kemps anticipated using such parcels in the short-term for parking and staging of its equipment and materials in connection with the operation of its adjacent facility located on West Broadway. Kemps also anticipated that, over the long-term, these properties would provide space for Kemps to expand its existing facility if and when the need for such expansion arose. Kemps has been a meaningful employer and a valued member of the business community in this neighborhood for many years, and Kemps believed that the acquisition of these properties was a proactive step that would assist it with remaining in this location for many years to come.

After applying for a demolition permit, Kemps was surprised to learn that there was opposition to Kemps’ plan to clean up the look of this block of West Broadway by removing these structures. Simply stated, these buildings are eyesores and detract from the appearance of the

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block as a whole. Moreover, a quick inspection of the exteriors and interiors of these buildings reveals plainly that little attention has been given to the upkeep of these buildings for many years and that they appear to have been awaiting demolition for some time. Notably, Kemps also retained a Professional Engineer, James D. Roed, to review the condition of these buildings and to provide his professional opinion regarding the condition of the same. Mr. Roed issued written reports regarding each of these buildings on July 22, 2014, copies of which are included in your packets, in which Mr. Roed highlighted the substantial deficiencies with both of these buildings. Based on this information, as well as Kemps' general assessment of the utility of these structures, Kemps saw no other reasonable approach than to promptly seek to demolish these buildings in an effort to eliminate the potential safety risks and aesthetic concerns presented by the same.

Kemps understands that the question of whether the HPC should recommend the designation of a property as a landmark is separate and distinct from the question of whether a property should be demolished. Kemps also understands that it may still seek a Certificate of Appropriateness for the demolition of the buildings located on the Broadway Properties if such properties are designated as landmarks, which certificate Kemps will almost certainly seek if designation is approved. However, Kemps does not believe that it should be required to seek a Certificate of Appropriateness for the demolition of these buildings, as Kemps believes that these building do not satisfy the criteria to be designated as landmarks.

With respect to the building located at 404 West Broadway (former I.O.O.F. hall), Kemps understands that this building was once one of many storefront-style buildings in the City of Minneapolis and, more specifically, along the West Broadway corridor. However, as noted in the Staff Report, the West Broadway corridor has changed dramatically since this building was constructed in 1897. Moreover, while the building located at 404 West Broadway is generally representative of the storefront style, nothing before the HPC identifies anything independently significant about the architectural features of this property. To the contrary, the analysis of the historical significance of this building appears to turn largely on a desire to prevent the further degradation of the corridor along West Broadway that was formerly dominated by buildings like the one located at 404 West Broadway, although a quick review of this area reveals plainly that the character of this portion of the corridor has already been forever changed and the preservation of this single dilapidated building will not change that outcome. There are other areas west of this property along West Broadway, such as the 900 block, which continue to contain multiple storefront-style buildings. To the extent the HPC values the preservation of such storefront-style buildings, its focus should be on preserving such buildings in other areas where these buildings appear in greater numbers and not on the 400 block of West Broadway where the character of such area changed long ago. Accordingly, the HPC should not designate 404 West Broadway as a landmark.

With respect to the building located at 410 West Broadway (former White Castle restaurant), the analysis of the historical significance of this building focuses largely on its early use as a White

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Castle restaurant. City Staff's report indicates that this building, constructed in 1927, was operated as a White Castle restaurant for a little more than sixteen years. For the last 70-plus years, though, this building has been used for a number of other purposes, none of which are associated with the White Castle restaurant chain. Moreover, during such 70-plus years, the exterior elevations of the building have been modified so dramatically that it is nearly impossible to discern that this building was once constructed as a White Castle restaurant. Indeed, the Designation Study for this building notes that many of the architectural features that identified the building as a White Castle restaurant were removed decades ago after it was sold in 1944. The Staff Report for this file acknowledges that these longstanding changes have impacted the architectural significance of this building by noting that **"the building's integrity has been altered in such a way that it may no longer be able to convey its architectural significance."** In short, this building no longer "embodies the distinctive characteristics of an architectural or engineering type or style" that would potentially make this building significant, and, as such, designation of this building as a landmark is not warranted.

Based on the foregoing, Kemps respectfully requests that the HPC vote to deny the recommendation to designate both of the Broadway Properties as local landmarks.

We request that a copy of this letter be included in the official record for the proceedings relating to both of the Broadway Properties.

Thank you for your consideration of this matter.

Regards,

A handwritten signature in black ink, appearing to read "Brian S. McCool". The signature is fluid and cursive, with a long horizontal line extending to the left.

Brian S. McCool

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BSM;DJK

cc: Jim G. Voll, Principal City Planner (via email only)  
Kemps, LLC