

To: Minneapolis Planning Director
Community Planning and Economic Development

From: Matt Janzen

Date: May 13, 2016

Re: Heritage Preservation Commission Appeal
721 First Street North Apartments

STATEMENT OF APPEAL

This statement is an expression to appeal the Heritage Preservation Commission's ("HPC") decision to approve a certificate of appropriateness for 721 First Street North Apartments ("721") on May 3rd, 2016. In order to approve a certificate of appropriateness, the HPC must meet all of the requirements defined in Title 23 Chapter 599.350 Section (a) of the Minneapolis Code of Ordinances:

(a) The Heritage Preservation Commission shall make each of the following findings before approving a certificate of appropriateness:

1. The alteration is compatible with the designation of the landmark or historic district, including the period and criteria of significance.
2. The alteration will ensure the continued integrity of the landmark or historic district.
3. The alteration is consistent with the applicable design guidelines adopted by the commission.
4. The alteration is consistent with the applicable recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.
5. The alteration is consistent with the spirit and intent of the preservation ordinance, the applicable policies of the comprehensive plan, and the applicable preservation policies in small area plans adopted by city council.

The HPC's approval of 721's certificate of appropriateness violates Minneapolis Code of Ordinance 599.350 (a) Subdivisions (1), (2), and (3) because 721's design does not meet *St Anthony Falls Historic District Design Guidelines* sections 9.21, 9.9, and 10.33.

Article II Section 599.120 of the Minneapolis Code of Ordinances defines the HPC's *Jurisdiction and Authority*, which includes "adopt[ing] design guidelines for landmarks, historic districts, and conservation districts, and to revise design guidelines as necessary." (Subdivision 10). The *St Anthony Falls Historic District Design Guidelines* were adopted by the HPC to be used as the standard to approve or reject proposed alterations to historic districts. Here, the HPC must rely on its adopted *St Anthony Falls Historic District Design Guidelines* to decide 721's design appropriateness. HPC's findings must be in accordance with its adopted guidelines to decide whether 721's certificate of appropriateness may be approved under 599.350. The HPC's approval of 721's certificate of appropriateness is inconsistent with the *St Anthony Falls Historic District Design Guidelines* and thus violates 599.350.

The following design guidelines are from the HPC-adopted *St Anthony Falls Historic District Design Guidelines*:

- 9.21 Contemporary materials that are similar in character to traditional ones will be considered.**
- a. Generally, one primary material should be used for a building with one or two accent materials. Accent materials should be used with restraint.**
 - b. A second material may be used on side or rear walls in a context in which such a tradition is demonstrated historically.**

721 does not use one primary material but a combination of metal, stone block, and brick. There are no accent materials; the the metal, stone block, and brick are used as

primary materials. The use of three primary materials does not comply with 9.21. Thus, subdivisions (1), (2), and (3) of 599.350 are not met.

9.9 The overall height of a new building shall be compatible with the character area. (a) A building height that exceeds the height range established in the context will be considered when...access to light and air of surrounding properties is respected.

The proposed height of 721 is seven stories, which constitutes a “mid-rise building.” The allowable height range for the character area is six stories. 721’s height will cause near-permanent shading of properties along 8th Avenue North and will negatively impact surrounding properties’ access to light and air. The HPC’s approval of a certificate of appropriateness for increased height does not meet this design guideline. Thus, subdivisions (1), (2), and (3) of 599.350 are not met.

10.33 New infill shall be within the range of heights seen historically in the area with a maximum height of six stories.

721’s proposed seven-story-height exceeds the allowable height range for the Warehouse District character area (six stories). The HPC’s approval of a certificate of appropriateness for increased height does not meet this design guideline. Thus, subdivisions (1), (2), and (3) of 599.350 are not met.

A proposed historic district alteration must satisfy all five requirements listed in 599.350 before the HPC can issue a certificate of appropriateness. Because 721’s design does not accord

with sections 9.21, 9.9, and 10.33 of *St Anthony Falls Historic District Design Guidelines*, the HPC cannot find under 599.350 that 721 (1) is compatible with the designation of the landmark or historic district, including the period and criteria of significance; (2) will ensure the continued integrity of the landmark or historic district; and (3) is consistent with the applicable design guidelines adopted by the commission. As a result, the HPC cannot approve a certificate of appropriateness for 721.

This statement of appeal is submitted to the Minneapolis Planning Director on this day, Friday,
May 13, 2016.

A handwritten signature in black ink, appearing to read 'Matt Janzen', written in a cursive style.

Matt Janzen