



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: July 9, 2009

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Michael Norton, on behalf of the property owner 500 LLC, is appealing the decision made by the Heritage Preservation Commission (HPC) denying a Certificate of Appropriateness application that would allow for a rehabilitation and new addition project at 500 North 3rd Street (BZH 25787). The property at 500 North 3rd Street is under interim protection both as a local landmark and as a contributing structure to the National Register Warehouse District. Interim protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process.

Recommendation: The HPC at their June 2 meeting adopted the staff recommendation and denied the Certificate of Appropriateness application that would allow for the rehabilitation and new addition project at 500 3rd Street North (BZH 25787). The building at 500 3rd Street North is being considered as an individual historic landmark. It is also within the National Register Warehouse District which is under interim protection while a designation study is underway to merge the boundaries of the National and local Warehouse District boundaries. The vote was 10-0.

Previous Directives: N/A

Prepared or Submitted by: Aaron Hanauer, Senior Planner, 612-673-2494

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Aaron Hanauer, Senior Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 7

Neighborhood Notification: The North Loop Neighborhood Association was notified of this application by letter, mailed on June 29, 2009

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

Other: Not applicable.

Background/Supporting Information Attached:

Michael Norton, on behalf of the property owner 500 LLC, is appealing the decision made by the Heritage Preservation Commission at their June 2, 2009 meeting (HPC) denying a Certificate of Appropriateness application that would allow for a rehabilitation and new addition project at 500 3rd Street North. The property at 500 3rd Street North is under interim protection during the designation process for this property as a local historic landmark and as a contributing structure to the National Register Historic District. The applicant submitted their appeal application with reason for appeal on June 12, 2009 (see Appendix A: appeal application).

Supporting Material

Appendix A: Appeal Application

Appendix B: Heritage Preservation Commission Hearing Testimony and Actions

Appendix C: Staff Report and Staff Report Appendices A-D

Appendix D: Items Submitted After Staff Report Publication

**CITY OF MINNEAPOLIS
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

FILE NAME: 500 3rd Street North (BZH 25787)

CATEGORY/DISTRICT: Minneapolis Warehouse National Historic District (Interim Protection) and Individual Landmark Designation

CLASSIFICATION: Certificate of Appropriateness

APPLICANT: David J. Kelly and Phillip Koski on behalf of 500, LLC

COMPLETE APPLICATION: May 6, 2009

PUBLICATION DATE: May 26, 2009

DATE OF HEARING: June 2, 2009

APPEAL PERIOD EXPIRATION : June 12, 2009

STAFF INVESTIGATION AND REPORT: Aaron Hanauer (612) 673-2494

REQUEST: Certificate of Appropriateness for Rehabilitation and New Addition Project

A. SITE DESCRIPTION AND BACKGROUND:

District/Area Information	
Historic District	National Register Warehouse District: Interim Protection (Contributing Structure).
Period of Significance	Circa 1865-1930
Individual Landmark	Nominated for Consideration as a local landmark by the Heritage Preservation on December 2, 2008.
Neighborhood	North Loop
Historic Property Information	
Address	500 3 rd Street North
Construction Date	1908
Original Contractor	Jason Leck Company
Original Architect	Claude Allen Porter (C.A.P.) Turner
Historical Use	Grocery Warehouse
Historic Name	Green and DeLaittre Company Wholesale Grocery Warehouse Building
Current Use	Vacant
Proposed Use	Office on second through fourth floors and parking on the first floor and basement

Exterior: The Green & DeLaittre Company Wholesale Grocery Warehouse Building at 500 North 3rd Street is a four-story rectangular brick building. It was built in 1908 and designed by architect and engineer Claude Allen Porter (C.A.P.) Turner. Three elevations, the east, south, and west were finished in relatively the same manner. The building along these elevations has a corbelled cornice. The first story contains a loading dock and likely contains the original window and door openings. The upper stories' openings on the west and south elevation are paired in the corner bays and organized as single units in the middle bays. The east elevation varies slightly in that the corner bays are single window units. This building is a contributing structure to the National Register of Historic Places Warehouse District.

Interior: The building's brick façade does not reveal its revolutionary structural system. C.A. P. Turner designed this property with the mushroom capitals that support a slab with no dropped beams. Considering the modest size of the building, these largely closely-spaced columns suggest an experimental design (Source: (Source: National Register of Historic Places Designation Form).

- Concrete flat-slab construction is a reinforced concrete slab supported directly by concrete columns without the use of girders or intermediate beams spanning between the columns. The benefits of the concrete flat-slab design compared to concrete systems that contain girders and intermediate beams include the following:
- Improved fire protection by reducing the number of sprinkler heads required and allowing more latitude in their placement;
- Lowered floor-to-floor heights, and the cost savings associated with less cladding and column construction;
- Provided better illumination from windows and overhead lights; More advantageous placing of shafts and other floor openings than with traditional beam framing;
- Reduced unusable space; allowed for greater amount of usable space;
- Reduced floor framing depths
- Eliminated the expanse of formed beams on the underside of the floor.

C.A.P. Turner has received national recognition with his mushroom-slab design and contributions to concrete flat-slab construction. In 2002, Turner's Marshall Building (1907) in Milwaukee, WI was dedicated as a national historic civil engineering landmark for being the world's oldest extant example of a flat-slab concrete building (see Appendix B18).

The Green and DeLaittre Company Wholesale Grocery Warehouse Building is likely the earliest extant example in Minneapolis of a building built and designed by C.A.P. Turner with the flat slab reinforced concrete design (Source: National Register of Historic Places Designation Form and Appendix B19 and B20). Minneapolis is recognized as having the first building with the concrete reinforced concrete design, that being, the Johnson-Bovely Company Building located at 426 2nd Avenue South, however, this building was torn down in 1975.

Character-Defining Features of the Building: The character-defining facades of the building are the east, south, and west exterior elevations. Each elevation is finished in relatively the same manner and are clearly visible from the right-of-way. The character-defining features of this building on these elevations include the following:

- Masonry
- Entrances
- Windows
- Loading docks
- Fire escape
- Canopies
- Rooftop Features Chimney/Elevator Penthouse
- Building Site
- (and Interior)

C. APPLICATION BACKGROUND

Land Use: On September 22, 2008, the Applicant, 500 LLC, applied for two land use applications: a floor area ratio and site plan review application to allow for the construction of a three-story addition; the applicant later withdrew the application for the floor area ratio variance. At the November 17, 2008 City

Planning Commission meeting, the Planning Commission denied the site plan review application. The applicant appealed this decision and the City Council granted the appeal on January 9, 2009 and approve the site plan review application with the following conditions:

- 1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by January 9, 2010, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) The first floor original window openings have the filled-in block removed and replaced with display windows. The original window openings on the first floor shall not be enlarged or reduced from their original construction when the windows are installed.
- 4) The roof of the addition shall have a roof line with a cornice that is similar the existing roof line and cornice on the existing building as required by section 530.120(c).
- 5) The site plan includes a landscaped area at the rear of the building where a loading dock is proposed, but that will not be allowed by Public Works. The landscaping plan in this area shall provide a superior landscaping plan including an ornamental tree, a variety of plant types beyond the nine required that cover the entire landscaped area, and seasonal interest as an amenity in lieu of the two trees required by section 530.160.

Preservation: At the November 18, 2008 Heritage Preservation Commission (HPC) meeting, the commission adopted a motion to nominate 500 3rd Street North for consideration for designation as a local historic landmark and directed staff to notice and present this item before the Commission at the next regular meeting, December 2, 2008. At the December 2, 2008 HPC meeting, the Commission adopted staff findings and approved the nomination, established interim protection, nominated the property, and directed the Planning Director to commence a designation study of 500 3rd Street North.

C. REQUIRED FINDINGS FOR CERTIFICATE OF APPROPRIATENESS

Required findings for certificate of appropriateness. In general. Before approving a certificate of appropriateness, the commission shall make findings that the alteration will not materially impair the integrity of the landmark, historic district or nominated property under interim protection and is consistent with the applicable design guidelines adopted by the commission, or if design guidelines have not been adopted, is consistent with the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation, except as otherwise provided in this section.

D. PROPOSED WORK AND ANALYSIS

The applicant has submitted plans that propose to convert the existing warehouse building into offices with parking in the basement and first floor, and a roof-top addition (see Appendix A). The applicant is proposing a project with extensive work to the exterior and interior of the building. As part of this proposal, staff reviewed nine exterior alterations and two interior alterations.

Note: In the staff analysis of the proposed work when only a page number is provided the document referenced is the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995). You can access a copy of this document with the following web link:
http://www.nps.gov/hps/tps/standards/standards_complete.pdf.

1. Masonry

Background: The original 1908 building was constructed of a brown/red colored brick.

Proposed Work: The applicant states that the exterior reddish-brown brick and corbelled cornice will be repaired and tuckpointed as needed, maintaining all exterior materials and mortar strength and color.

Analysis: The applicant's proposal to limit masonry work to those areas that are in need of work will meet the Secretary of Interior Rehabilitation Standards and their proposal will not negatively impact the property under interim protection nor the district if it meets the following conditions:

- Rehabilitation work is carried out without the use of sandblasting or the use of acid;
- New mortar shall match the old mortar in strength, composition, color, and texture as confirmed by testing.
- New mortar joints shall match old mortar joints in width and in joint profile;
- New brick used shall match original in appearance and qualities confirmed through testing.

2a. Windows 1st Floor:

Background: The ground floor windows and openings have been in-filled with a variety of materials including glass block, concrete masonry, painted plywood, solid steel doors, and aluminum-framed windows (see Appendix A8-A10). However, it appears that all original window openings have been retained on the west and south elevations (see Appendix A22 and B9-B10). Staff believes that the following bays contained openings that were originally entrance openings: South Elevation: Bay 2, 4, 6, and 8; East Elevation: Bay 2 and 3

Proposed Work: The applicant is proposing to remove the materials within the existing window openings on the 3rd Street and 5th Avenue elevations and to install a clear anodized window within the existing opening with the exception of Bay 1 on the 3rd Street Elevation (see Appendix A22 and A23). This window opening is proposed to become an entrance. The anodized windows are proposed to be a series of three windows with three transom windows above (see Appendix A24_W2). The interior portion of the window is proposed to have a graphic display of historic images of the building and neighborhood to provide visual interest at the pedestrian. This was a Zoning and Planning Committee condition of approval (see Appendix A5).

The window openings on the east elevation (alley) are proposed to be brick infilled with salvaged and matching brick.

Analysis: The window proposal for the first floor does not meet the second standard of the Secretary of Interior Standards for Rehabilitation, “The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided (page 62).” Furthermore, the proposed 1st floor window proposal would adversely impact a potential historic landmark and/or contributing structure to the Minneapolis Warehouse National Historic District.

Similar to commercial storefront of a historic building, the first floor of a warehouse is one of the most important architectural features of the building because it plays a crucial role in telling the story of the building’s use and movement. The combination of the windows and door openings along with the loading docks and canopies convey where people and products entered and exited the building and where the original building offices were (Source: NPS Brief #11). Although, the historic material of the subject property’s windows and doors has been removed, the building’s original window openings have likely not been altered which substantially helps in retaining the building’s integrity.

The applicant’s proposal for windows on the first floor is not in compliance with the Secretary of Interior Standards in at least two specific ways.

1. **Design:** The applicant has proposed to increase the size of the West Elevation: Bay 1 in order to accommodate a new entrance. The Secretary of Interior Guidelines for the Rehabilitation for entrances does not recommend the altering of original window opening. When the original window material is missing the guidelines recommend that “The replacement windows be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the window openings and the historic character of the building (page 83). It is recommended that the applicant use physical documentation and pictorial evidence to guide restoration work (see Appendix B9 and B10).
2. **Materials:** The applicant has proposed to use a clear anodized aluminum material for the window frames of the first floor. The National Park Service does not recommend the use of anodized aluminum on storefronts. It states the following about anodized aluminum: “Avoid use of materials that were unavailable when the storefront was constructed; this includes vinyl and aluminum siding, anodized aluminum, mirrored or tinted glass, artificial stone, and brick veneer (source: Preservation Brief on the Rehabilitation of Storefronts #11).”

In addition to not being in compliance with the Secretary of Interior Standards and Guidelines, the design, in particular the proposed increasing in size of Bay 1 on the west elevation is not in compliance with the January 9, 2009 City Council conditions of approval #3 which states that, “The original window openings on the first floor shall not be enlarged or reduced from their original construction when the windows are installed.”

2b. Windows 2nd through 4th floors

Background: Most, if not all the windows on the second through fourth floors are original to the building (see Appendix B1, B2, B4, and B7). The fenestration pattern for the west and south elevation has two windows for the outer bays and one window for the interior bays. The fenestration of the east elevation is one window per bay (with the exception of Bay 4). There are no windows on the north elevation (see Appendix A11). The windows are of wood construction and appear to be double hung. The windows are two-over-two divided light windows. The windows along the alley (east elevation) contain a metal wire within the sash (A11.2). The windows appear to be in need of repair; however, the windows could likely be repaired and the applicant has not stated that the windows are beyond repair.

Proposed Work: For floors two through four, the applicant is proposing to replace the windows and increase the size of the window openings. The applicant proposes to increase the width but not the height of the existing windows to match the first floor masonry opening (see Appendix A5). The window material is proposed to be a clear anodized aluminum. The applicant states that due to the inability to have windows on the northern elevation due to a shared property line the increased window sizes on the other elevations are important (see Appendix A5).

Analysis: The window replacement proposal is not compliance with the second standard of the Secretary of Interior standards for rehabilitation, that is, “The historic character of a property will be retained and preserved and that removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided (page 62).” The replacement of windows or other character-defining features is the last preferred action in the hierarchy of actions for rehabilitation work set out by the Secretary of Interior (see Table 1):

Table 1: Hierarchy of rehabilitation work

1. identify, retain and preserve
2. protect and maintain
3. repair
4. replace (page 63)

As one of the few parts of a building serving as both an interior and exterior feature, windows are nearly always an important part of the historic character of a building. In most buildings, windows also comprise a considerable amount of the historic fabric of the wall plane and thus are deserving of special consideration in a rehabilitation project (page 7).

It is apparent that the windows on the second through fourth floors are in need of repair (see Appendix B7). However, the applicant has not provided information that the windows are beyond repair (see Appendix A). In addition, the windows in the case of the subject property are vitally important to retaining the interior and exterior integrity given it is one of the oldest examples of a particular type of construction.

The applicant’s proposal for windows on the second through fourth floors is not in compliance with the Secretary of Interior Standards in at least three specific ways.

1. **Treatment Type:** The applicant has not demonstrated that repair isn’t an option for the rehabilitation project. The proposed work does not meet the intent of the guideline that encourages the rehabilitation of the window frames and sash even if patching, splicing, consolidating or otherwise reinforcing is required (page 82).
2. **Design:** The applicant has proposed to increase the size of the window openings. The applicant has stated the need to increase the size of the windows is due to the new use and the inability to have windows along the north elevation. CPED recognizes the building code constraints in not allowing windows along the north elevation, however, staff believes based on a site visit that the existing window openings would provide adequate light for an office (see Appendix B8 for interior images). In addition, there are examples of historic warehouse/mill buildings being converted into office buildings that have similar size window openings, including the Crown Roller Mill Building (see Appendix B8).

If it is found that the window material is beyond repair it is recommended that the windows are replaced in kind (page 82).”

3. **Materials:** The applicant has proposed to use a clear anodized aluminum material for the window frames of the first floor. The National Park Service does not recommend the use of anodized aluminum on storefronts. It states the following about anodized aluminum: “Avoid use of materials

that were unavailable when the storefront was constructed; this includes vinyl and aluminum siding, anodized aluminum, mirrored or tinted glass, artificial stone, and brick veneer (source: Preservation Brief on the Rehabilitation of Storefronts #11).”

3. Fire Escape

Background: Currently, there is a fire escape on the east elevation. The applicant states that it is, “uncertain whether the fire escape was original or was added during the (currently undetermined) period of significance (see Appendix A4). In reviewing the 1912-1930 Sanborn Map and the building permits staff believes that the fire escape is likely original to the building (see Appendix B0.8 and B0.9).

Proposed Work: The applicant is proposing to remove the fire escape. The applicant states that the fire escape is in poor condition and poses a safety hazard. The applicant also states that the removal of the fire escape will improve building security by eliminating unsupervised exterior access to upper floor windows (see Appendix A4).

Analysis: The fire escape proposal is not compliance with the second standard of the Secretary of Interior standards for rehabilitation: The Secretary of the Interior considers metal fire escapes to be character-defining features of a building (see Appendix B10 and B11) and recommends that distinctive materials be retained (page 62). The fire escape on the subject property even though it is on a secondary elevation is clearly viewable along 5th Avenue North (see Appendix B6.1).

A possible alternative to removing the fire escape would be to rehabilitate the existing fire escape and convert it into a balcony as proposed by the National Park Service (see Appendix B15 and B16). If the existing landing and railing are too deteriorated to repair, they could be replaced in kind with new skeletal assemblies to match the historic feature (see Appendix B15).

4. Entrances

Background: From the pictorial information it appears that the south elevation originally contained four entrances: Bays 2, 4, 6, and 8 (see Appendix A22, B1, B2, and B5) and the east elevation originally contained 2 entrances (see Appendix B6.1). The original ground floor entrance openings on the south and east elevations have likely been retained, but they have now been in-filled with a variety of materials including glass block, concrete masonry, painted plywood, solid steel doors, and aluminum-framed windows (see Appendix A8-A10). The belief that the original openings exist is guided in particular by the horizontal stone element that runs the length of the south and west elevations which is positioned at the bottom of the first floor windows. It appears to have been unaltered. In addition, photos from 1991 show the same window and door openings as today (see Appendix B2, B4, B9, and B10).

Proposed Work: The applicant has proposed to install new entrance doors on the south elevation in Bay 6 and 8 that fit within the existing openings (see Appendix A23). The applicant also proposes to convert on the south elevation Bay 2 and 4 into windows (see Appendix A22 and A23). The material proposed for the doors is a clear anodized aluminum.

On the east elevation the applicant has proposed to brick infill the entrance openings and construct two new openings for parking entrance doors with a metal coiling door (see Appendix A23 and A33).

Analysis: The first floor entrance proposal does not meet the second standard of the Secretary of Interior Standards for Rehabilitation and would adversely impact the first floor of this important warehouse.

Similar to commercial storefront of a historic building, the first floor of a warehouse is one of the most important architectural features of the building because it plays a crucial role in telling the story of the building's use and movement. The combination of the entrance and window openings along with the loading docks and canopies convey where people and products entered and exited the building and where the original building offices were (Source: NPS Brief #11). Although, the historic material of the subject property's entrances and windows has been removed, the building's original entrance openings have likely not been altered which substantially helps in retaining the building's integrity.

The applicant's proposal for first floor entrances is not in compliance with the Secretary of Interior Standards and Guidelines in at least three specific ways.

1. **Design proposal for existing openings:** The elimination/alteration of four entrance opening on the first floor (South Elevation: Bay 2 and Bay 4 and East Elevation: Bay 2 and 3) is not in compliance with the second standard of the Secretary of Interior Standards which recommends that the retention of character distinctive materials and the avoidance of alteration to character distinctive features (see Appendix A22 and A23 and page 62). It is realized that the original entrances are missing, however, the pattern of entrance openings that exist are important features in illustrating the historic warehouse use of the building and can guide rehabilitation work. The recommended course of action set out by the Secretary of Interior guidelines for the rehabilitation of entrances when historic features are missing is to retain the original opening (see page 87)."
2. **Materials:** The proposed clear anodized aluminum is not in compliance with the National Park Service recommended treatments for storefronts. The National Park Service provides the following advice for window and entrance material selection, "Avoid use of materials that were unavailable when the storefront was constructed; this includes vinyl and aluminum siding, anodized aluminum, mirrored or tinted glass, artificial stone, and brick veneer (Source: Preservation Brief on the Rehabilitation of Storefronts #11)."
3. **Design proposal for new openings:** The proposal to install two new openings on the east elevation for parking entrance doors is not in compliance with the second standard of Secretary of Interior Standards because it would be an alteration that would substantially disturb the spatial relationship of the 1st floor. This proposal would also require the elimination of two likely original entrance openings and a historic loading dock. The Secretary of Interior Standards recommends the retention of character distinctive materials and the avoidance of alteration to character distinctive features (page 62). The National Park Service created an Interpreting the Standards Bulletin #17 on Adding Parking to the Interior of Historic Buildings which further explains how it is not recommend that new openings on significant facades, disturb the appearance of the existing fenestration. The applicant's proposal would create new openings on a significant façade and disturb the appearance of the east elevation (see Appendix A22 and A23).

5. *Building Addition*

Background: The building was built with a flat roof and detailed cornice. The existing building is approximately 53 feet in height and has 40,612 square feet of floor area (10,153 square feet per floor)

Proposed Work: The applicant is proposing to construct a two-story addition that will extend to three stories for approximately 10 percent of the floor area (see Appendix A23). The proposed addition would add 13,571 square feet of office area and 8,449 square feet of patio area. The addition would extend to a maximum height of 85 feet (60 percent increase in height at its highest point).

The addition's first floor is proposed to be setback on the south and west elevation approximately $\frac{3}{4}$ of a bay (see Appendix A19). On the east and north elevation the addition's first floor is proposed to be flush with the existing building wall. The second floor of the addition would be stepped back approximately ten feet on the east, south, and a portion of the west elevation from the first floor of the addition. Along the north elevation and a portion of the east elevation the addition is proposed to be flush with the existing building wall. The main material of the proposed addition is a painted, corrugated metal siding (see Appendix A7 and A30-A32).

Analysis: The applicant provides their analysis of how the proposal meets the National Park Service guidelines (see Appendix A7)

CPED believes that the proposed addition is not in compliance with the Secretary of Interior Standards for Rehabilitation in particular the ninth standard. The ninth standard states that "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment (see page 62). In addition, staff believes that the addition would adversely impact this potential historic landmark.

The design proposal of the applicant's building addition although differentiates the old from the new is not in compliance with the Secretary of Interior Standards in at least four specific ways.

- 1. Scale and Size:** The proposed addition would add 33 percent more floor area to the building and increase the height by 60 percent. The size of the addition is not in scale with the relationship with the historic building and would substantially detract from the original construction. The Secretary of Interior recommends limiting the size and scale in relationship to the historic building (page 112 and 113). In addition, the Secretary of the Interior has created a bulletin that explains how they can meet the Standards and Guidelines. This bulletin states that, "Rooftop additions are almost never appropriate for buildings that are less than four stories high. Generally, rooftop additions should not be more than one story in height, and are more compatible on buildings that are adjacent to taller buildings or dense urban environments. Rooftop additions that do not meet these principles generally will not meet the standards (see Appendix B14.3 and B14.4).
- 2. Visibility/Location :** The proposed addition would be clearly viewable from 3rd Street North and 5th Avenue. The proposed location of the addition will be clearly visible along the character defining facades which is not in compliance with the Secretary of Interior guideline for additions that recommend, "Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building (page 113)."
- 3. Required Demolition** The proposed addition would result in the demolition of the roof-top chimney and the elevator penthouse that provides access to the rooftop (see Appendix B6.1 and B0.6-B0.7). This is not in compliance with the Secretary of Interior Guidelines for Additions that recommend constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed (page 112).
- 4. Structural Feasibility and Requirements:** It is uncertain if the existing building can support this size addition. The applicant has not demonstrated that the existing building will be able to support the

proposed addition. CPED believes that the proposed addition, if it is structurally feasible to be built, may require substantial structural alterations to the interior portion of the building in order to support a two-story addition. The applicant has not provided documentation that the building's current design will be able to support the addition without negatively altering the interior.

6. Loading Docks

Background: The south elevation contains an approximately fourteen-foot wide loading dock that has a slight grade increase from the southeast to the northwest (see Appendix A13 and B5). The loading dock also contains stairs on the northern portion of the loading dock (see Appendix B1-B3). The building dock form and design is likely original to the building given how it relates to the building's first floor openings (see Appendix B1-B4).

The east elevation also contains a loading dock area that extends less than a foot from the building wall. There were railroad tracks that ran east-west in the alley between 3rd Street North and Washington Avenue North until at least 1951 (see Appendix B0.8). This was likely the primary original loading and unloading area for the building to the railcars.

Proposed Work: For the south elevation the applicant is proposing to remove the nine feet of the loading dock closest to the street and leave the five feet of the loading dock nearest the building. Where the applicant proposes to remove the portions of the loading dock the applicant is proposing to construct an at-grade sidewalk along 5th Avenue North (see Appendix A13). The applicant states that the new concrete construction for the sidewalk will match the existing loading dock in color, materials, and details.

For the east elevation the applicant proposes to completely remove the loading dock to allow for the proposed parking entrance doors (see Appendix A22).

Analysis: The applicant provides their analysis in how it complies with the National Park Service guidelines (see Appendix A4).

CPED believes that the proposed removal of the loading docks is not in compliance with the Secretary of Interior Standards for Rehabilitation. Staff also believes that it would adversely impact this potential historic landmark and the warehouse district.

The Secretary of Interior has established a bulletin on new infill for historic loading door openings (see Appendix B13 and B14). Although this pertains to door openings it indirectly touches on loading docks (see below).

“During rehabilitation it is often necessary to make modifications to loading entrances and doors in order to accommodate new uses and tenants. When retaining the historic loading doors is not possible, or when the historic doors have been removed, special consideration should be given in the design of new replacements. Inappropriate alterations to these features may have a significant effect on the visual appearance of the building, one that may radically change the historic character of a property and cause a project to be denied certification. When evaluating proposed new treatments for historic loading entrances the question of whether or not the historic function of the opening can still be perceived should be asked. Does the new infill convey in its design the principal visual qualities of the historic door and openings, or does it read more as a window or storefront (see Appendix B13 and B14).

Loading docks are a vital element that depicts how the first floor of a warehouse was used. The combination of the loading docks, entrances, window openings and canopies convey where people and products entered and exited the building and where the original building offices were (Source: NPS Brief #11). In addition, the loading docks within the right-of-way are seen throughout the proposed national warehouse district and help unify the buildings within the district. Furthermore, the loading docks are a

vital element that distinguishes the Minneapolis North Loop Warehouse District from other warehouse districts in other cities and other portions of Minneapolis.

It is realized that loading docks built in the right-of-way add an element of complexity in creating a pedestrian-friendly streetscape; however, they do not necessarily detract from a pedestrian-friendly streetscape and steps can be taken to retain them while not interrupting a safe pedestrian path. In addition to not detracting from the pedestrian streetscape, the loading docks can create unique gathering places such as restaurant patios for those buildings being converted from their original use. CPED recognizes and appreciates the accessibility and safety concerns of loading docks.

Cities throughout the country that have historic districts and elements such as cobblestone streets and loading docks in the public right-of-way have been able to retain these important historic features. 13th Avenue Northwest within the Pearl District in Portland, Oregon is one example of a historic district having loading docks within the right-of-way. In 1996, the City of Portland adopted design guidelines for Northwest 13th Avenue that encourages retaining these loading docks (see Appendix B21 and B22). The guidelines state the following:

“Loading Docks, Overhead Doors, and Canopies - Many of the buildings along NW 13th Avenue have concrete or wood loading docks projecting into the street, with canopies above and roll-up doors adjacent to the loading space. These features are among the most distinctive features in the District, and should be retained even where loading operations have been discontinued. New docks are also encouraged, to a maximum projection of 11 feet (Source: NW 13th Avenue Historic District Guidelines).”

7. Canopies

Background: The south elevation contains an 85-foot wide metal canopy with a shed roof pitch that provides coverage over the 14-foot wide loading dock (see Appendix A22 and B1-B3). It is unlikely that this canopy is original to the building; however, it is likely that the building contained a similar sized canopy in width and depth. City records show that there were three canopies added to the warehouse in 1921 that measured 15 feet wide and 14 feet deep and that a fourth canopy was added in 1923 (see Appendix B15).

The east elevation contains an approximately 11-foot wide canopy over the entrance opening on Bay 2 (see Appendix B1).

Proposed Work: The applicant proposes to remove the south elevation canopy and construct a new canopy. The applicant states that, “The metal canopy is severely deteriorated and is structurally unsound.” The new design proposes to replace the canopy with a canopy that reduces the depth by five feet. The new construction proposes to use painted metal framing structural members and corrugated metal roofing to match the original. Diagonal steel suspension rods will be replaced in-kind (see Appendix A5). An additional difference between the existing and proposed canopy is the proposed new arched segment above the main entrance on Bay 6 (see Appendix A24).

For the east elevation the applicant is proposing to remove the existing canopy and construct a new metal canopy above the ramps to the parking floors using a similar design.

Analysis : The applicant provides their analysis in how it complies with the National Park Service guidelines (see Appendix A5).

CPED believes that the proposed replacement of the south and east canopies is not in compliance with the Secretary of Interior Standards. Staff also believes that it would adversely impact this potential historic landmark and the warehouse district. Metal canopies of this nature are a unifying characteristic of the district. The buildings throughout the Warehouse District, in particular the western portion of the district, contain similar canopies. The canopies are an important indicator of where the primary entrances that provided the movement of products from the building to the mode of transportation took place: be it horse, buggy, train, automobile, or truck. In addition, the relationship between the canopy, loading dock, windows and building's entrances that are important elements of retaining the integrity of a warehouse.

It is apparent from the images that the existing canopy is in need of repair and may need to be replaced (see Appendix B1-B3, and B5). However, the applicant's proposal is not a replacement in kind and it would substantially alter the character of the building.

8.. Roof-top Features: Elevator Penthouse and Chimney

Background: 500 3rd Street North contains a chimney and an elevator penthouse on the rooftop. These items are likely original to the building (see Appendix B0.8-B1).

Proposed Work: The applicant proposes to remove these items for the proposed building addition.

Analysis: The proposed demolition of the rooftop elevator penthouse and chimney is not in compliance with the Secretary of Interior Standards in particular the second standard, that states, "The historic character of a property will be retained and preserved and that removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided (page 62)."

The chimney which is clearly visible from 5th Avenue North is a character-defining feature of the building that was built at the time of original construction. The removal of the chimney would detract from the building by eliminating an important design element.

The removal of the elevator penthouse for the proposed addition is also not in compliance with the Secretary of Interior Standards due to the proposed addition not meeting the Secretary of Interior Standards nor Guidelines for additions.

9. Site Plan

Background: The subject property's building footprint appears to cover all but the 10 feet along the east elevation (see Appendix B0.5).

Proposed Work: The applicant proposes to install a landscaping area approximately 13 feet wide by 16 feet deep along the southern portion of the eastern elevation (see Appendix A13). The applicant also proposes to construct a trash enclosure along the northern portion of the eastern elevation (see Appendix A13).

Analysis: For the proposed landscaping and trash enclosure the applicant has not provided additional information beyond the location of the landscaped area and trash enclosure. The location of these items in

their proposed location would likely not detract from the building. Staff recommends that elevations and landscaping plan of the proposed items be submitted that show how the items meet the Secretary of Interior Standards for Rehabilitation and the Secretary of Interior Guidelines for Rehabilitation.

10. Interior Construction (Basement and 1st Floor)

Background: The interior of 500 3rd Street contains one of C.A.P. Turner's earliest extant examples of a building in Minneapolis and in the country of a flat slab reinforced concrete design with mushroom capital columns. Each floor contains 21 columns (see Appendix A15).

Proposed Work: The applicant proposes to have parking on the basement and first floors. This would require the removal an 18 foot by 18 foot area of the floor (see Appendix A17). The applicant is proposing to have 10 parking spaces on the basement level and 11 parking spaces on the first floor (see Appendix A16 and A17).

Analysis: The applicant's proposal to add parking to the basement and first floors is not in compliance with the Secretary of the Interior Standards (see Appendix B14.1). Staff also believes that it would adversely impact this potential historic landmark and contributing structure of the warehouse district by adding two new openings on a character-defining façade

11. Interior Construction (Second through Fourth Floors)

Background: The interior of 500 3rd Street contains one of C.A.P. Turner's earliest extant examples of a building in Minneapolis and in the country of a flat slab reinforced concrete design with mushroom capital columns. Each floor contains 21 columns (see Appendix A15).

Proposed Work: The applicant states that the proposed project requires minimal penetration of the existing floor slabs to make way for new stair, elevator, and mechanical shaft openings, but these will not impact the overall structural system's integrity, strength, or visual appearance (see Appendix A6 and A15-19)."

Analysis: The applicant's proposal to retain the mushroom capital columns and to make few alterations to the reinforced concrete floors on floors two through four will meet the intent for the Secretary of Interior Standards and Guidelines if it is shown that the building's current design is able to be completed without jeopardizing the building's structural integrity (see page 62).

Even though there are few alterations proposed to the columns on the second through fourth floors at this time, CPED has concerns that the proposed addition may require substantial structural alterations to the interior portion of the building in order to support a two-story addition. The applicant has not provided documentation that the building's current design will be able to support the addition without negatively altering the interior.

E. FINDINGS

Background

1. The Green & DeLaitre Company Wholesale Grocery Warehouse Building at 500 North 3rd Street is a four-story rectangular brick building that was built in 1908 and designed by architect and engineer Claude Allen Porter (C.A.P.) Turner.

2. The character-defining facades of the building are the east, south, and west exterior elevations. The character-defining features of this building on these elevations include the masonry, entrances, windows, loading docks, fire escape, canopies, rooftop features: chimney/elevator penthouse, building Site (and Interior).
3. Similar to commercial storefront of a historic building, the first floor of a warehouse is one of the most important architectural features of the building because it plays a crucial role in telling the story of the building's use and movement. The combination of the windows and door openings along with the loading docks and canopies help demonstrate this relationship.
4. The subject property is under interim protection. Interior and exterior alterations must meet the requirements of Chapter 599.

Building Significance

5. The subject property was nominated for consideration as a local landmark by the Heritage Preservation Commission on December 2, 2008.
6. The subject property is a contributing structure to the National Register Warehouse Historic District which is under interim protection. The District's period of significance is circa 1865-1930.
7. In addition, to being a contributing structure to the National Register Warehouse Historic District, the Green and DeLaitre Company Wholesale Grocery Warehouse Building is significant for it is likely the earliest extant example in Minneapolis of a building built and designed by C.A.P. Turner with the flat slab reinforced concrete design. Minneapolis likely had the first building with the concrete reinforced concrete design, that being, the Johnson-Bovely Company Building located at 426 2nd Avenue South; however, this building was torn down in 1975. In 2002, Turner's Marshall Building (1907) in Milwaukee, WI was dedicated as a national historic civil engineering landmark for being the world's oldest extant example of a flat-slab concrete building (see Appendix B18).

Proposed Work: Windows (1st Floor)

8. The window proposal for the first floor does not meet the Secretary of Interior Standards for Rehabilitation. In addition, this proposal is also not in compliance with the Secretary of Interior Guidelines for windows due to the proposed design (increase in window opening size and replacement of window opening with entrance opening) and materials (anodized aluminum). Furthermore, the proposed 1st floor window proposal would adversely impact a potential historic landmark and/or contributing structure to the Minneapolis Warehouse National Historic District.
9. Although, the historic material of the subject property's first floor entrances and windows have been removed, the building's original entrance openings have likely not been altered which substantially helps in retaining the building's integrity.
10. The window proposal for the first floor does not meet the January 9, 2009 City Council condition of approval #3 which states that, "The original window openings on the first floor shall not be enlarged or reduced from their original construction when the windows are installed."

Proposed Work: Windows (2nd-4th Floors)

11. The window replacement proposal for the second through fourth floors is not compliance with the Secretary of Interior standards and does not meet the Secretary of Interior Guidelines for windows in regards to the proposed treatment type (replacement), design (increased window size), and materials (clear anodized aluminum). In addition, the window proposal for the 2nd through fourth floors would adversely impact this potential historic landmark and contributing structure to the warehouse district.
12. Most, if not all the windows on the second through fourth floors are original to the building. The windows appear to be in need of repair; however, the windows could likely be repaired and the applicant has not established evidence that the windows are beyond repair.
13. The replacement of windows or other character-defining features is the last preferred action in the hierarchy of actions for rehabilitation work set out by the Secretary of Interior.

14. The original windows of the subject property are vitally important to retaining the interior and exterior integrity given it is one of the oldest examples of a particular type of construction.

Proposed Work: Fire Escape

15. The fire escape is a character-defining feature of the building. The proposal to remove the fire escape is not compliance with the Secretary of Interior standards for rehabilitation.

16. A possible alternative to removing the fire escape would be to rehabilitate the existing fire escape and convert it into a balcony as proposed by the National Park Service.

Proposed Work: Entrances

17. The entrance proposal does not meet the Secretary of Interior Standards for Rehabilitation and does not meet the Secretary of Interior Guidelines for entrances in at least three areas: design of existing openings(elimination of original openings), materials (clear anodized aluminum), and proposed design for new openings (installation of two new large openings on a character defining feature). In addition, staff believes that the proposed work would adversely impact this potential historic landmark and/or contributing structure to the warehouse district.

Proposed Work: Addition

18. The proposed addition is not in compliance with the Secretary of Interior Standards for Rehabilitation. The proposed addition is also not in compliance with the guidelines fore additions in at least four areas: scale and size, visibility/location, required demolition, and structural feasibility/requirements. In addition, staff believes that the proposed work would adversely impact this potential historic landmark and contributing structure to the warehouse district.

Proposed Work: Loading Docks

19. The proposed removal of the loading docks is not in compliance with the Secretary of Interior Standards for Rehabilitation. In addition, staff believes that the proposed work would adversely impact this potential historic landmark and/or contributing structure to the warehouse district.

20. Loading docks throughout the warehouse district help unify the buildings within the district.

Proposed Work: Canopies

21. The proposed replacement of the south and east canopies is not in compliance with the Secretary of Interior Standards. In addition, staff believes that the proposed work would adversely impact this potential historic landmark and/or contributing structure to the warehouse district.

22. It is apparent from the images that the existing canopy is in need of repair and may need to be replaced. However, the applicant's proposal is not a replacement in kind and it would substantially alter the character of the building.

Proposed Work: Roof-Top Features

23. The proposed demolition of the rooftop elevator penthouse and chimney is not in compliance with the Secretary of Interior Standards. The chimney which is clearly visible from 5th Avenue North is a character-defining feature of the building that was built at the time of original construction. The removal of the chimney would detract from the building by eliminating an important design element. The removal of the elevator penthouse for the proposed addition is also not in compliance with the Secretary of Interior Standards due to the proposed addition not meeting the Secretary of Interior Standards nor Guidelines for additions. Furthermore, the proposed work would adversely impact this potential historic landmark and/or contributing structure to the warehouse district.

Proposed Work: Site Plan

24. For the proposed landscaping and trash enclosure the applicant has not provided additional information beyond the location of the landscaped area and trash enclosure. The location of these items in their proposed location would likely not detract from the building. Staff recommends that elevations and landscaping plan of the proposed items be submitted that show how the items meet the Secretary of Interior Standards for Rehabilitation and the Secretary of Interior Guidelines for Rehabilitation.

Proposed Work: Interior

25. The applicant's proposal to add parking to the basement and first floors is not in compliance with the Secretary of the Interior Standards. The proposal would require two new large openings on a character defining façade.
26. The applicant's proposal to retain the mushroom capital columns and to make few alterations to the reinforced concrete floors on floors two through four will meet the intent for the Secretary of Interior Standards and Guidelines if it is shown that the building current design is able to be completed without jeopardizing the building's structural integrity. CPED, however, has concerns that the proposed addition may require substantial structural alterations to the interior portion of the building in order to support a two-story addition. The applicant has not provided documentation that the building's current design will be able to support the addition without negatively altering the interior.

F. STAFF RECOMMENDATION

Staff recommends that the HPC adopt staff findings and **deny** a Certificate of Appropriateness for the 500 3rd Street rehabilitation and new addition project.

G. APPENDIX

Appendix A: Application

Appendix B: CPED Information

Minneapolis Heritage Preservation Commission

June 2, 2009, Room 317 City Hall

Staff: Aaron Hanauer

Planning Supervisor: Jack Byers

Date of Appeal: July 9, 2009

ITEM SUMMARY

(BZH 25783)

Address: 500 3rd Street North, Green & DeLaittre Company Wholesale Warehouse Building – National Register Warehouse District (Interim Protection), Ward 7

Description: Certificate of Appropriateness for rehabilitation and new addition.

Action: Staff findings were adopted and a Certificate of Appropriateness for the 500 3rd Street North rehabilitation and new addition project was denied.

TRANSCRIPTION

Chair Larsen: Alright, then we will move on to our second item for presentation this evening which is 500 3rd Street North, Green & DeLaittre Company Wholesale Grocery Warehouse Building, National Register Warehouse District which is also under interim protection, in Ward 7. And I remind our commissioners that this is under interim protection for individual landmark as well as falling within the Warehouse District.

Staff Hanauer: Good afternoon, commissioners. For the presentation, as I was thinking of how I was going to go through it I just want to point out two items in your addendum packet. One being information submitted by the applicant. This information was new to staff at this time, I hadn't seen it prior to the public hearing. And then second is the memo from CPED staff which the applicant, this memo addresses the parking that's proposed in the first floor of the structure and to be fair the applicant has not seen this memo. It states that the parking proposed in that first floor will not be signed off by staff, CPED staff, and this is due to when they went forward for land use approvals for the proposals. For my presentation, my thought was just to go over a few points in the significance and then if you would like I could highlight points of the eight items of the proposed work. Keeping it brief is my goal.

Chair Larsen: Let me ask you a question. So, the applicant is just receiving this notice regarding the CPED review of the fact that it falls under a different guideline for land use?

Staff Hanauer: For land use, that is correct, and so it is my understanding for our review, we could look and analyze this proposal based on the Secretary of Interior Standards.

Chair Larsen: Ok, I think that might impact their project just a little.

Staff Byers: Mr. Chair, the memo is about the planning commission and city council decision relative to the zoning code. As you know the Preservation Commission makes its decisions based on the Preservation ordinance and so this is a point of information for you.

Chair Larsen: Great, thanks.

Staff Hanauer: You've highlighted the interim protection of the property for the district and individually and as highlighted in the report it is likely the oldest property in Minneapolis with a reinforced concrete design which is a significant achievement in the engineering world. As far as the integrity of the building, staff in the report stated that it retains its integrity. We realize the first floor changes to the openings, the material in these openings, but those openings are likely the original openings of the building. The location within the National District, this is an image of what is existing and what is proposed. These are in the packet. For the first floor windows, as mentioned, non-original material, original openings, which proposed is to have a clear anodized aluminum, I have an example here. One of the items that the applicant is proposed is to have a graphic display in the window, that was a condition of approval by the City Council. Take into consideration that's the land use, it's up to the commission if you'd like to see that go forward.

Chair Larsen: Could you repeat what you just said there?

Staff Hanauer: Oh, pardon me. For the graphic display, that was a condition of approval by the City Council. For the applications, the previous land use application for the parking variance, one of the conditions of approval was that graphic display be ...

Chair Larsen: In the windows, yes, ok.

Staff Hanauer: Yes. There's one window, the anodized aluminum is what's proposed. Another item I want to point out is on the Third Street elevation this window opening in the first bay is proposed to be increased to allow for an entrance, and that's shown in the bottom elevation plan. Staff felt that for two reasons, that it didn't meet the Secretary of Interior Standards. First being that increased size of the window opening, that was also a condition of approval by the City Council. Its in the staff report that no alterations to windows be part of the project.

Chair Larsen: Aaron, I'm sorry to interrupt again, just looking at this material here, are we looking at the clear anodized aluminum?

Staff Hanauer: Chair Larsen, that's correct.

Chair Larsen: And then just a question, in the application it talks about ground floor windows being a painted aluminum storefront to match the color of the upper floor window frames, on page 85. Am I misreading something?

Staff Hanauer: In the narrative, is that what you are pointing to?

Chair Larsen: Yes, in the applicant's narrative.

Staff Hanauer: In the discussions with, there's been two architects working on this proposal, Mr. Koski and Mr. Kelley, and in the conversations with Mr. Kelley it was stated that it was the clear anodized. In addition, on the plans shown on sheet A-24, this is in the staff report, that it is not clearly identified the material that is there.

Chair Larsen: Ok.

Staff Hanauer: So for the two reasons, the material and second the increased window opening on the Third Street elevation. For the windows on the second through fourth floors, these are the original window openings. You have on the outer bays two windows and on the inner bays the single window. There's no doubt that the windows, these are images taken on a site visit, that these windows do need repair work. However, in looking at the hierarchy of treatment work, this item, this repair work was not, staff did not feel that was entertained enough and that should be the first applied treatment when looking at a rehabilitation project. The proposed increase in window size, it would be for the width, the two windows on the outer bays and the single windows on the inner bays would all be increased to have a uniform fenestration for the Fifth Avenue and in the Third Street elevations. Staff felt that with the design, that increase in the window opening, and the materials, once again the anodized aluminum, that it did not meet the Secretary of Interior Standards. There was, these photos were also in the staff packet, maybe not in color, but the amount of light that comes through this building is one of the arguments for having additional window size. This was a good experience to see the amount of light that does come through.

Moving on to the entrances. Highlighted in the lime green is what staff believes are the original entrances for Fifth Avenue and the alleyway. Bays 2, 4, and 6 original as well as bays 2 and 3 for the alley. What's proposed is for, on the Fifth Avenue elevation to have Bay 2 and Bay 4 converted into windows and for the alleyway elevation to have those original openings which can be seen that are now in filled, to have those be part of the interior parking. Fire escape, that being on the alleyway, have it going from the fourth floor to the second floor. The applicant is proposing to remove that and you can see the increased window openings along this alley elevation. Staff, once again, did not see this meeting the Secretary of the Interior Standards highlighted in the report, an example of how this could possibly be retained, and this being a mill building, showing where that fire escape went, having it converted into these decks, but to eliminate the stairs leading from each floor to show where it was originally.

Chair Larsen: In that application, I'm assuming there's a door that leads to that, versus a window, or, well I mean, here these are windows and those look to be a larger, maybe I'm wrong I'm just curious if you know if that application was more of a door function than a window function.

Staff Hanauer: True, Chair Larsen, good point. With the double hung windows that are here, it could provide just proof and guide and tell the story of the building if it was retained.

Chair Larsen: Ok.

Staff Hanauer: The applicant stated in the report that you can see in their submittal that this was a safety issue that they wanted to address, by removing this, so that people weren't getting into the building and onto the roof. For the addition, a four-story building, currently flat roof, approximately 54 feet in height with the addition. At its peak height, you're looking at it to be approximately 85 feet in height. It's primarily a two-story addition but there is a portion that would be considered a third story. This would add 33% floor area and 60% in height at its highest point. The applicant is planning to set it back along Fifth Avenue and along Third Street. This is the Fifth floor floorplan and then it would be set back a little bit further on the Sixth floor.

Chair Larsen: Can you go back again, please? OK, and then forward again. Great, thank you.

Staff Hanauer: Staff felt that the addition, the proposed addition, is out of character with the building due to its size, its scale, the visibility from the right of way, the required demolition, in particular the chimney, and staff was concerned about the structural feasibility and what impact that would have on the interior of the building, that is important, as called out in the report. Loading docks, we've dealt with this in the previous application, but currently 14 feet wide, stretches out to Fifth Avenue, and the applicant is proposing to reduce that by six feet, bring it in, there would be a sidewalk at grade that is proposed. But with this proposal, staff once again felt that this would go against the Secretary of Interior Standards, that the loading docks are an important defining feature and this report provided additional information from the other report showing how other cities have dealt with this, in particular Portland and how they've been able to retain their loading docks and embrace them and have them function as an outdoor gathering space for restaurants. I do have a PowerPoint that I'd be happy to show you at this time, if you'd like, going along the Avenues within the Warehouse District. It would be kind of a time lapse through Third Avenue, Fifth Avenue, Seventh Avenue, that shows the loading docks. If you'd like to see it, it's here.

I'm almost done. Canopies. The first photo, circa 1990, and the bottom photo is recent. The canopy that you see today is not original, likely not original. Looking at the building index cards, the canopy was placed on in 1921. The proposed period of significance is likely 1930, so that would fall within the period of significance even though this canopy might not be that original one, that one built in 1921. Given the dimensions of that canopy, in 1921, staff believes that this likely followed, used that as a guide, for this current canopy. And you can see the relation with the canopy width along with loading dock width, both stretch out to approximately 14 feet. So staff, this canopy is in rough condition, there's no doubt about that, but if a new canopy, staff is recommending that if this canopy is beyond repair that a new canopy be guided by what is there now. This is the proposal of having the canopy be approximately 8 feet in width and you'd have that eye brow over the main entrance. Pointing out as part of the rooftop features, the chimney, that would be eliminated as part of the rooftop addition proposal.

And the last part I was going to talk about was the interior remodel portion. The basement and first floor is proposed to be parking with two primary entrances along the alley. I have a product sample of the doors for the alley and I also have a product sample of what the, not a product

sample but just the color of the rooftop addition proposed material. This is the basement floor that would have the access to the parking as well as the first floor. And as the applicant highlights in their proposal, and it would have shown on the plans, there is little alterations that would be done to the mushroom cap columns on the second through fourth floors. That concludes the staff report and as highlighted, except for one point, what was highlighted in the report was along that first floor the importance of the window openings, the door openings, the canopy and the loading dock, those items help tell the story of how this building was used, how products and people moved in and out of the building, are important and staff would like to see that retained to retain the integrity of the property. I'd be happy to answer questions that you may have.

Chair Larsen: Alright, I'm curious about the little slide show. Let's run through that and then we'll come back to questions.

Staff Hanauer: For each beginning, we're on Third Avenue North right now, and you'll be coming up to Washington Avenue and then you'll be going to Third Street. We have the loading dock on the right ...

Staff Hanauer: And then, where Bev's Wine Bar was ...

Chair Larsen: That is soon-to-be replaced?

Staff Hanauer: I don't know the details of that, I'm not working on that, but, Fifth Avenue at the loading dock on your left and we'll be coming up on the subject property. We also have the one on the left. And then Sixth Avenue. And Seventh Avenue, this is the last street. For this and these, and why the design guidelines are being created, staff really feels like these could be retained in working with Public Works and others and to retain the feel of the district by having these loading docks stay. So I hope that was helpful, I'll be happy to answer questions that you may have.

Chair Larsen: Ok, we have at least one ... Commissioner Kelley.

Commissioner Kelley: How long has the property been vacant, do you know?

Staff Hanauer: Commissioner Kelley, I do not know the answer to that question.

Chair Larsen: Commissioner Crippen?

Commissioner Crippen: For some past applications when we've considered additions, we've had studies from the sidewalk looking up to show if and when the addition would be visible to pedestrians or cars driving by. I haven't seen this so I'm guessing it hasn't been done, but do you have any sense of that?

Staff Hanauer: Chair Larsen, Commissioner Crippen, the question of being a sense of how visible it will be?

Commissioner Crippen: Yes, I'm trying to get a sense of how unobtrusive it really will be and for many venues, depending on how far away from the building you are when walking the streets, is there a sense that much of the addition will actually be shrouded by the building itself.

Staff Hanauer: Commissioner Crippen, I haven't seen those rendering and those studies. My guess with the addition being built to the existing outside wall along the alley and also on the western portion of Third Street, that's the highest part of the proposed addition and it stretches to 85 feet which is ...

Chair Larsen: The overall building height to 85 feet?

Staff Hanauer: At its highest point, with the addition. And currently being 53 feet, it will be a prominent feature, staff believes.

Chair Larsen: What Commissioner Crippen was referring to is I think Nate's Clothing building. We had application for a two-story addition and they had provided images to model what it would look like.

Staff Hanauer: Highlighted in the interpreting of the Standards was a section from that report showing that when interpreting the Secretary of Interior Standards for a building of less than four stories, one story or any addition is likely not going to meet the Secretary of Interior Standards in that in general, instead of paraphrasing, I'll just

Chair Larsen: The applicant has provided a rendering to that effect, A-11.4. It looks to be close to the street corner, the opposite street.

Staff Hanauer: One story is often the maximum that is allowed to meet the Secretary of Interior Standards, what was stated as interpreting the Standard's brief.

Chair Larsen: Ok, Commissioner Elliott, you had a question?

Commissioner Elliott: In the past we've seen a couple, well we've seen many applications for Certificates of Appropriateness and the staff strategy has been to approve the Certificate of Appropriateness with many conditions attached, especially when there's problems or when there's discrepancy between the design guidelines and the Secretary of Interior Standards and the proposal. In this case, rather than approve with conditions, even a long list of conditions, you've chosen to deny it and I'm wondering what the procedural difference is. For example if it's denied, can they come back with a revised plan or is there a difference between approving with conditions versus flat out denial.

Staff Hanauer: Commissioner Elliott, to answer that comparison question, in looking at this to previous applications the one that comes to mind, 900 Third, their addition was put in a place that was felt to be less obtrusive and second the windows is something that, those were beyond

repair more than likely, so the differences in the report, the difference in the property is something that staff felt ...

Chair Larsen: You're referring to the Gurley Candy?

Staff Hanauer: Correct, that's the one I guess I know the most and there was not one item in this report, outside the masonry work, that staff felt was close to being supportable. Also giving more weight to this property being in interim protection for individual designation, staff felt that it was important to analyze this and did not see there being some meeting in the middle with conditions.

Commissioner Elliott: To follow up on that question, if they were, for example, to change their proposal to address some of the conditions that say, if we denied it tonight and they changed their proposal, or can they come back with a revision if it's been denied?

Staff Hanauer: Commissioner Elliott, if the proposal is substantially different than what we're seeing tonight then it is my understanding that it could come back to you for review.

Chair Larsen: Are there any other questions for staff at this time? Commissioner Lackovic?

Commissioner Lackovic: Aaron, for the memo that we got that, the one paragraph 549 – the general district regulations that talk about the requirement to have some kind of intermediate space between parking and the public way, has the applicant had a chance to respond to that since that was brought up because looking at their plan this requirement looks like it's going to be very difficult for this building to accommodate parking of any kind on that first floor, with that as a given.

Staff Hanauer: Commissioner Lackovic, this memo was created today but the proposal from what was submitted, it is my understanding, for the land use approvals, it hasn't differed for that first floor for use.

Staff Byers: I think we should probably clarify too that the proposal that you have before you tonight is different from the proposal that was approved by the planning commission, albeit in error, but different from the proposal that was approved at least in some respects. So it's likely, if approved, this proposal would need to go back to the planning commission.

Chair Larsen: Ok, are there any other questions for staff at this time? No, seeing none then we'll open up the public hearing. Is there anybody that wishes to speak either for or against this application, please step forward.

Phillip Koski: Good evening, Commissioner, Chair Larsen, thank you for this opportunity to speak to you this evening about this project. The staff report included 26 findings and I wanted to be very methodical and just go through them point by point. I think you'll see in the handout that I provided, it's about ...

Chair Larsen: Please state your name and your association for the record.

Phillip Koski: This has been provided to the clerk, I think. Jack, you don't have a copy of this.

Chair Larsen: Mr. Koski, could you state your name and affiliation for the record?

Phillip Koski: Oh, my name is Phillip Koski. I am an architect for the firm Leo A. Daly and I am here to represent 500 LLC, the developer of this project. Also for the record, as it has been pointed out previously, there is another architect that is working on this project. The primary architect that was brought in as a consultant to help with this process. Unfortunately, Dave Kelly is out of the country. I think he is enjoying some part of Europe, so I will do my best in trying to answer any questions you have about technical aspects, but I think I can address almost all of the historic preservation aspects.

Referring back to the point by point document, regarding finding number one ...

Chair Larsen: You are going to be taking us through sort of essentially a rebuttal of the findings?

Phillip Koski: A response, I wouldn't necessarily say a rebuttal.

Chair Larsen: Alright, I just want to make sure for the Commissioners, we have your piece, your response ...

Phillip Koski: Right, if you take those documents out and put them side by side ...

Chair Larsen: On page 14, the findings on page 14, I just wanted to make sure.

Phillip Koski: So the first finding, there is only one thing that I wanted to clarify with that which is that C.A.P. Turner was not necessarily known as an architect but as a consulting engineer. All of his own personal marketing literature refers to himself as a marketing engineer. I don't think back then they had necessarily certifications for architects and/or engineers, so there might have been some laxness in how those terms were applied.

This is the original building permit and you can see on top it is John Delaittre. You probably can't see this, it's very fuzzy, but under the line architect it does say C.A.P. Turner, however there is no line for engineer. I think there's probably just a little confusion about how to fill out the form more than C.A.P. Turner changing his profession.

Item 2: We agree that the west and south facing facades are character defining. When I was serving on this commission, we referred to them as primary elevations as opposed to secondary elevations. We would claim that the alley elevation is a secondary or a servile elevation to the building. If they are all primary elevations, where would you put the dumpster, would be my response. We think that the alley is the appropriate location for services into the building.

Responding to number 3, the first floor window, bay 1, west elevation. There was some concern by staff that we were going to create a new entrance. What we're actually doing is creating a code required exit from the building. I wish this was a little closer ... you can see in the center of the building, this entire bay currently houses the freight elevator. What we're proposing is to install a smaller elevator and an exit stair. It's probably the best way to reuse the existing building without modifying the structure, however we do need a second means of egress. As the architects on the panel here probably understand, to have a second means of egress it needs to be more than half the diagonal of the space of any floor distance, so we're limited in where we can locate that stair. Primarily, and I'll just point to the five openings that I've measured off that it could fit in, the existing one where we currently show the exit. Bay number 2, bay number 3, bay number 4, or the first bay on the south elevation. As you move toward the corner I would say that you are getting more and more prominent. The appropriate bay would be the one that's farthest and most removed away from the front corner, that our argument.

I should say that since I am going through 26 findings, if you have any questions that you have as we go along, please feel free to interrupt. I'm happy to answer your questions at any time.

Commissioner Morse Kahn: I would like to interrupt. Do not assume that those of us who do not hold an architectural degree do not understand the mechanics and engineering of building construction. Assume that we understand, there was a moment where you were addressing only the architects. There is a full panel of professionals here. We understand a great deal about buildings. Thank you for your understanding.

Phillip Koski: I apologize. I'll be more careful. Regarding findings number 4, 5, and 6, we have no complaint with those. Those are statements of fact. Regarding finding number 7, if I can just go back and look at what that finding is. This relates to the significance of the Green and DeLaittre warehouse building. In the research that I've done at the Northwest Architectural Archives and as well online and looking at the research that staff has turned up, there were a number of buildings that were created using C.A.P. Turner's (gap in tape) called the Marshall Building, which is now a nationally designated landmark. C.A.P. Turner was particularly proud of how much work he had done using the flat slab system and in Engineering News, February 18, 1909, claimed that he had been associated in the direction of over 40 acres of floor built without ribs or beams." So February 18, 1909, the building permit for the Green and DeLaittre warehouse building was signed October 1908. So just a few months afterwards. So here's claiming here that he's done a considerable amount of work around the country and the globe. So yes I think it is important that we have a C.A.P. Turner building in our midst. The developer is doing everything in their power to maintain the aspects that relate to his work, primarily the flat slab system and the mushroom columns, however we think that staff occasionally overstates the significance of the building.

In support of that we have a list of projects that also use the flat slab system. These were projects where he actually did testing ...

Chair Larsen: Sorry to interrupt, would you be kind enough to adjust the contrast down a little bit? There you go.

Phillip Koski: It's also in your packets. I've provided the information that was in an article or paper prepared by Structural Engineer and includes a list of buildings that have been tested. The building in question is not on the list, however we do have a number of other buildings in the Twin Cities area including the Johnson Bovey which was demolished, Linda Key Warner in St. Paul, the Hamm Brewery, the State Prison Factory in Stillwater, Minnesota. Also I think on the next page you'll see a list of projects, I think this came from one of his marketing materials, a small pamphlet, he published at least three of them, with this as the cover and in each of these editions he published 100 projects that he had done, again across the country and across the globe, and this project was never included amongst that list. So, number 8 ...

Commissioner Elliott: Actually I have a quick question. But you're not arguing this isn't a C.A.P. Turner building?

Phillip Koski: No, it is a C.A.P. Turner building and it's one of hundreds of C.A.P. Turner buildings. Probably one of dozens locally that we don't even know about, which use the same system.

Commissioner Elliott: Right, so then my next question is do we know which other C.A.P. Turner buildings we have in Minneapolis, not St. Paul but in Minneapolis?

Phillip Koski: I don't think we have a complete catalogue of all the C.A.P. Turner buildings in town.

Commissioner Elliott: I guess my question is do we know, do you have another, if you are arguing that this one is not significant because there are so many others, but we don't actually know which others there are?

Phillip Koski: The argument that I'm actually trying to make is not that it's not significant, it is significant. But it's not significant because it's the only C.A.P. Turner building in the warehouse district and it's certainly not the first that he had done. It's an experimental design, yes, but it's one of a larger population of buildings that he had completed.

Commissioner Elliott: Ok, but you don't know what the population is?

Phillip Koski: No, except for some of the statements here that he has made in his marketing literature. Responding to finding number 8, design of the first floor windows and entrances can be changed to fit the historic openings on the south elevation and bays 2, 3, and 4 of the west elevation. We're happy to make this concession. We think it's a fairly small detail. I have an elevation here. I actually didn't even notice this until this last week, that this was in the drawings, but by increasing the window openings, what we're actually doing or what the application proposes we're doing, is reducing the sill. And you can see those, can you see the yellow highlighted areas, for those three areas?

Chair Larsen: Yes, and that would also then be for where the doorway is now?

Phillip Koski: The door would continue all the way down to the bottom, so that would actually not change.

Chair Larsen: So that is an original overhead door entry?

Phillip Koski: Yes, it's an AV AV pattern, so it's window, loading dock, window, loading dock, and so on. The one that we can't really change is the one that's on the side.

Chair Larsen: Just a quick follow up question on the, so where you've highlighted you've shown sort of removal of the sill but it looks as though there's some additional

Phillip Koski: No, actually the windows are currently ... they're cut down and this was proposing to actually build the sill back up again to make windows consistent across the water table and we're more than happy to abide by staff's conclusion is maintain the existing window opening.

Chair Larsen: If I recall correctly, staff is also concerned with the representation of the type of opening. So in this example you are suggesting that it was a window and whereas there was an overhead door or a loading entrance, so in keeping the windows down to the ground level are you suggesting that you would just extend the window opening down or to more further represent ...

Phillip Koski: We would send the window opening down and we would treat it as a storefront system.

Chair Larsen: Rather than a representation of a more, an overhead door or loading dock area.

Phillip Koski: Lacking any information about what the original design or installation in that opening would have been, I'd probably have fairly good similar examples of how that's been adapted to how they looked historically, and there's a broad range from solid wood to glazed bi-fold doors, overhead doors, coiling doors, etc. So maybe we can tackle that again when I get through the rest of my presentation.

Chair Larsen: Absolutely.

Phillip Koski: So the bay number 1 on the west elevation, that's the current situation. What we'll need to do is to cut down through the stone banding down to the sidewalk level to provide emergency exiting from the interior stair. If you want to we can go back to the existing, or the floorplan. That is in this location. One thing that makes this a little bit tricky is that also by the zoning ordinance we are not allowed to have doors swinging into the public right of way, so the doors will have to be recessed. The developer is not necessarily happy with this, as it provides a place for vagrants to hang out, it becomes a security issue. The only other solution, and you'll see examples of this also, is to project out into the public right of way with a staircase that's in the sidewalk. So that also could be an option, but this was approved by the planning commission.

Again, for finding number 9, design of the first floor windows and entrances can be changed to fit the historical openings on the south elevation, and then also we're happy to concede, we're not necessarily definitive on the clear anodized finish. What we'd like to do is change that to a painted aluminum storefront system or a Kynar product which has been used on several projects, adaptive reuse projects, in the warehouse district.

Relating to finding number 10 ... let's move on to finding number 11, the existing wood windows are severely deteriorated and lack proper thermal performance criteria for contemporary office space. I have here a number of photographs that I took just this morning of existing windows. This is the one that was provided in the packet. It doesn't look very good, but then if you go around the building it looks more and more like a lost cause. If these are original, which we believe they are, these windows are a hundred years old. Almost every pane of glass, of course, would have to be removed. For an office space you would want to replace them with insulated glass which would mean severely reinforcing the existing sash and muntins. Here you can see, I think I've got a better close up of that, some of the severe graining and rotting. These all start to look the same after awhile. This has a one by two holding up a two by four in lieu of sash. In one location here you can barely see it, but you can see the counterweight fully exposed to the open air. Who knows how long this has been like this. I imagine that if you did repair and replace these windows much more than 50% of the original material would have to be replaced, but I'll leave that up to your judgment.

This was an approved Certificate of No Change for the Northwestern Building in 2004. This is on the Pacific Block for those of you who have been serving on the commission for some time, we reviewed that in 2006 and 2007. Here's the application, you can see on the bottom, I've rewritten it here, present windows, this is by the applicant, present windows are as much as 100 years old and leak wind and water. CNC approved December 16, 2004. The only condition of approval was that only the windows on the north face be replaced. This is the Hoffman/Marshall building in Milwaukee by C.A.P. Turner. The architect is Faeri and Glass. Very often he worked with whatever local architects were on hand. This design which would precede the Greene and DeLaittre warehouse has tripartite window scheme. The windows align from the top all the way down to the first floor, so if we're looking for some kind of reference point for the current design where we're widening the windows, this would be our inspiration. We've already seen an image of this, some may say there's plenty of light coming in, I say there's plenty of glare. This is a PowerPoint lecture presentation by Ian Christopherson, PhD, with the Danish Research Institute, which goes by SBI, which in Danish who knows what that really means, but he studies delighting in office interiors as a standard. I asked the illuminating engineering society, they recommend that for window area you need between 20 and 40%, meaning you have 20-40 % of your window wall area is opening area or window. CIBSE which is the English equivalent, says 20-35%. There are a number of independent researchers which sometimes call for much more, up to 60-75% for adequate delighting for interior spaces. SBI, which is his organization, says between 25-30%. The current amount of open area on the 2nd, 3rd, and 4th floors is 11.4%. We believe with the expansion of the windows as we're providing them in the current design, will be roughly above 20%. Here's a building that Commissioner Anderson will be familiar with. Northstar Blanket Building from 1925. There are a couple of issues I want to draw your attention

to with this particular one. The window organization and then also the fact that there was a building next to it and this was considered an alley elevation. The building was removed in 1957. A service door was added and then here we are in 2009 and I've tried to dot in literally by pixilated bricks where the original sill would have been and those windows were all dropped across the entire facade. Again, there's a close-up. Whitney Lofts, again a lot of Commissioners will be familiar with this process, this project was approved by the HPC and then ...

Chair Larsen: Denied by the HPC.

Phillip Koski: This project was approved by the HPC, we approved that every other window could be enlarged and then it was appealed to the Z&P and they said every window. So, not a perfect example but again here we have significant alteration of the original historic window openings. They're much larger. I should point out that in all window enlarging examples that I've looked at, they also consistently have balconies which we are not considering here. That's what I have for the existing window argument.

For finding number 13, we have no comment regarding that.

Finding number 14, again, we feel that the staff report overstates the significance of this particular building.

Finding number 15, we find maintaining the landings, repairing them, and removing the stairs to be an acceptable solution. We're happy to accommodate staff with that recommendation.

Finding number 16 just repeats that.

Finding 17, just repeating again that we believe that the alley elevation should be treated somewhat differently from the 5th and 3rd street elevations.

And this goes to the issue of a new parking entry. This is the Cream of Wheat Lofts, which was approved I believe in 2006. Here we have a loading dock, elevation, all of the loading dock windows have been in-filled top to bottom with aluminum frame system. Here's looking down one of those entries. Here's looking down one of the other entries. You can also see other existing openings had been in-filled. Whether they were historic or not we aren't sure. They might have been through wall air conditioners, but they were somewhat random in which they filled in and which they left open. The Northstar Lofts also has a garage door for its parking and it's also closed, every single window on the 1st and 2nd floor at street level. To accommodate the exiting, they built a concrete stair with a railing in the public right of way. This is a close up of the existing garage door. Again, if you look historically, that was facing an alley. I'm not saying this is necessarily good or bad but this is what's been approved. These are the aspects of that garage door that are not historic: infilling the existing window, the balcony above, exposed conduit, a concrete wall with ivy, a ballard, a french drain, we've got a card reader, we've got another concrete wall, we've got some non-historic planting.

Chair Larsen: What's your point? (laughter)

Phillip Koski: Excuse me?

Chair Larsen: I said what's your point ... just kidding.

Phillip Koski: Here also is the broader elevation showing all the window and door openings that had been filled in with another new exit required by code. I think a lot of these examples are shown just to point out that sometimes buildings need to be modified and adapted when we're looking at a rehabilitation that considers a completely different use. The building was constructed to primarily house cabbages and carrots. If we were to continue to do that we wouldn't have to deal with a lot of these issues, but since we're converting it to parking and office space I think we need a certain kind of latitude to make the project, the building, viable again and viable for future generations.

Now the two story addition. We disagree with the finding that the two story addition will compromise the existing structure. You have, I think, been given all a copy of the letter from Bernie Stroh and he testifies that the structure will not be compromised.

Commissioner Kelley: Mr. Koski, can I interrupt here? You may not be able to answer it but if you can, is this existential to the project, in other words, this addition would be necessary for the project to go forward? The reason I'm asking is, you know I don't want all of us to waste all of our time arguing about the fire escape if this is a no-go, so I'd like to understand the key elements that just have to happen.

Phillip Koski: Renovating, preserving existing buildings is very expensive. The additional floors of office space will help to subsidize the additional costs of restoring the existing structure. A very similar argument was made when the HPC approved the Pillsbury A Mill complex, that we allowed certain increases in height to allow new development in order that we could save the Pillsbury A. Mill. The same kind of argument would apply here.

So just to take you back to the existing view and then the view with the two story addition. Again, I'm going to show you a number of examples. Some of these have smaller additions, some have larger. Some are good examples, some are bad examples, I'll just let you be the judge. I'm just putting them out there. This is the Northstar Blanket building using a very similar material as we are proposing. Obviously one story in some areas, two stories in others, coming very close to the exterior wall. This is new construction, so it doesn't completely have the same amount of significance or relevance but the brick elevation of the Humbolt Lofts was designed to time out with other mill buildings, especially the Washburn Crosby mill, now the Mill City Museum, and it was intentional that the massing was set back behind. And there is a two story addition with a third story stair access. Also on Washburn Lofts there was a 1950s addition which filled in a small little sliver of space between the Mill City Museum and the Washburn Utility building and then you can also see setback, not quite a full structural bay, another 1-2 story brick addition windowless, I'm just going to go on a limb and say this is not a good example of a rooftop addition but it's on an award-winning project. It was not done by the same people who restored the building who won the award. Cream of Wheat Lofts. It looks like a one-

story addition as it gets close to the exterior but it really steps up to two, almost 2 ½ stories by the time you reach the peak with what I would call a lot of garbage on the roof.

Commissioner Morse Kahn: Mr. Koski, on this particular example that you are showing us, one of the things that strikes me is that the materials used are not unsympathetic with the building itself. It is recessed, it's very dark, it does not immediately draw the eye as something dramatically different than the building on which it sits atop. My only concern about your adding anything to the top of the building under discussion is how radically different it looks than the building on which it's going to be placed. So you're showing us some fun examples, but none of them quite have that dramatic "this is totally quality" that your building has. You chose a very, very light color, the materials are wholly different from the building in which you want to build a top. Do you have examples that show us, new examples, of where we have approved stepbacks, additional stories, that are quite different in construction and appearance?

Phillip Koski: I wouldn't want to, I mean I think that some of the examples that I've shown, in my opinion, do that.

Commissioner Morse Kahn: No question about that, right. But we can agree that a lot of those were in place before the buildings considered historic were then undertaken for renovation. Now we have a building which will be undertaken for renovation to which you will add two stories and in the example that you showed us the materials to be selected, the appearance of the two stories are wholly modern. So I'm looking for examples that show where that has been approved in the past.

Phillip Koski: Well I can go back through some of the earlier examples and point out how I think those are modern. I think the Humbolt Lofts addition is modern, (?) steel and curtain wall is about as modern as you get. Obviously it's also on new construction. To my eye, I don't think that the windows on the Cream of Wheat Lofts building are necessarily historic. They're not punched windows, they're large expanses of glass. And actually I have a sample of the metal finish color which we can hand around when we get to the end here. You can take a look at that exact color and maybe that will make you happier about it or not. I don't want to lead you too far astray on the way that I think.

Here we are looking at a detail of the corner. The primary mass of that rooftop addition is not quite setback, half bay. This did not fall under HPC review, but this is nearby. The (Zippor?) building, a one story addition in (efface?). Here's the largest addition that I found, the Northwestern Building on the Pacific Block approved in 2007. A four-story building with a five-story addition. Here's the original Northwestern Building, here's the five story addition. Also stepping out on the side and sprawling across the top.

Chair Larsen: The front elevation of that is on the left of that drawing?

Phillip Koski: This is the front elevation.

Chair Larsen: That would be the Second Street elevation or is that the Third, well, the east/west street.

Phillip Koski: I don't want to get it wrong, so I'm going to look here. It says north elevation, it's this elevation.

Chair Larsen: So Second Street.

Phillip Koski: Monte Carlo is here, and the Pacific Building.

Chair Larsen: So it's stepped back significantly from what would be the primary façade.

Phillip Koski: Right, it steps back this way. At least the taller version of it and then the one story addition here steps back a little less than one bay. And then here's the side elevation, I know it wasn't a huge tragedy to see that potentially being covered up, but I would call this not a primary elevation also. Regarding finding number 19, removal of the loading dock on the eastern alley side of the building is necessary to accommodate the parking use ...

Chair Larsen: Mr. Koski, sorry but Commissioner Crippen had a question.

Commissioner Crippen: Question on the addition. Would that also be office use, the two floors of the addition?

Phillip Koski: Oh, for our project? Yes, it's all office.

Commissioner Crippen: And maybe you could walk us through an elevation because my readings of it show very few windows on those upper two stories and I was wondering if I was missing ...

Phillip Koski: Well, the reason you're not reading a lot of windows is that the Planning Commission required, instead of having open railings, having solid railings because there are terraces on each of those floors and the railings would have to go up at least 42 inches. We would prefer that they be open to reduce the visual impact, but again it was a Planning Commission approval.

Commissioner Crippen: Oh, so the windows are there, they're just behind the closed railings, is what you are saying.

Phillip Koski: Right, you can see here and here. Unfortunately the mullions seem to time out with the joint patterning so it's difficult to read in this elevation. But there are windows that are fairly expansive. It's not a metal bunker plopped on top. Just in that one view.

Commissioner Mack: Can I also ask what the highest part of that addition is and where it is?

Phillip Koski: The highest part would be the top of the exit stair, and Glen you wouldn't happen to know off the top of your head, do you

Commissioner Mack: That is toward the back of the building on the side opposite the alley?

Phillip Koski: It's on the adjoining property line. I've got a section here. This is saying to this elevation 84 feet 8 inches, you want to know what that height is?

Commissioner Mack: No I just want to understand its use and

Phillip Koski: Yes, these taller parts are part of the emergency egress system for the roof.

Commissioner Mack: And so that is actually higher than 84 feet.

Phillip Koski: The top of that is higher than 84. The top of the deck, the roof deck, is at 74 feet 11 inches.

Commissioner Lemmon: And, Phil, what is the height of the existing building?

Phillip Koski: Height of the existing building is, what is 81.8 minus 13.3?

Chair Larsen: 64, something like that.

Commissioner Mack: And the floor to ceiling heights on the addition are the same or more than ...

Phillip Koski: Well, I can tell you what the floor to floor heights are. The floor to floor heights in the existing building are 10 feet 7 and then the floor to floor heights in the new building are 13 feet 3 inches. I believe the additional height is needed because we are not using a C.A.P. Turner flat slab system, so we have dropped girders and beams which means that we need more headroom for mechanical systems, electrical, lay in ceilings, etc.

Commissioner Mack: Ok, thank you.

Phillip Koski: Any other questions? Where am I ...

Chair Larsen: Number 19, loading docks.

Phillip Koski: Number 19, removal of the loading dock on the eastern alley side of the building is necessary to accommodate the new parking use. Again, this is a rehabilitation project, not a restoration project. It is questionable whether the parking dock on the eastern side was original and by that I mean that there's been a lot of patchwork done with the loading dock. You can see the elegant stair. I'm assuming the railings are not original. This is looking along the eastern wall towards the end of that narrow loading dock that faces the alley. This is, if you were standing right about there, you would be looking down and you can see that there were probably a couple

of different locations to where the edge would have been. There was also a collapsed wall in the basement adjacent to this loading dock which was repaired at some point. This is more of the loading dock area along the south elevation. Whether or not you would want to restore part of this, I think it's a public nuisance currently. We've got asphalt, we've got different grades of concrete from different eras. I'm not sure what exactly is precious about this loading dock currently. I think our intention is to satisfy a couple of things. One is the historic character of the warehouse district by providing the loading dock but also providing for federal law. The Americans with Disabilities Act which requires public access and public rights of way. If the city does come up with some other solution that allows us to perhaps re-build this loading dock in-kind, we're more than happy to entertain those kinds of solutions.

Regarding finding number 21, this has to do with the canopies. I had not heard before that there was evidence that the canopies were installed in the 1920s. So that's new information for me. I guess I would just cut to the chase and say that we would not be, we would be happy to recreate the canopies in-kind with the existing canopies. They certainly cannot be retained the way that they are now. Again, we have the memorandum from Bernie Stroh that addresses both the structural capacity of the existing concrete system and the canopies. So you have that in front of you. And then here are some detail photos of the existing canopy. That's on the south wall. A lot of corrosion, I believe there's, what is it called when the limes leach out of the brick, efflorescence, caused by improper flashing against the brick wall. Here you can see straight on, the girder is bent. This is another one that's not a good sign. Here's a lot of corrosion where the steel meets the building. Who knows what the condition is of the steel inside the building. Moving to the east canopy, this is facing the alley side. Quite a considerable amount of corrosion going on there. This is from the outside, and then here we have a little bit of evidence that even though the canopy may have been there since the 1920s, was there even more of it, we have additional support points mounted in the wall, there are a couple of others up and down, so there's even speculation that the original canopy might have even gone the entire length of that end wall and maybe even wrapped the corner. But again it's all speculation. And then here is the elevation showing the new canopy elevation using the existing anchor points, using very similar if not the same suspension members, and you can see that the brick that needs to be infilled and then the new openings.

Relating to finding number 3, the chimney and the elevator penthouse are secondary but not defining features of the original building. The original elevator penthouse would obviously need to be removed to accommodate the new elevator and exit stair and it's a mute point if you are going to allow the one or two story addition. The removal or enclosure by the rooftop additions will have a negligible impact over the overall integrity of the Turner design, meaning his flat slab, mushroom column system.

Regarding finding number 24, the landscaping on the east side of the building has been dictated by city council approvals. We are happy to entertain any ideas that you might have in that area.

Regarding finding number 25, the Secretary of Interior Standards do not explicitly restrict parking as a new use. Again this is an adaptive reuse project. We've gone over what needs to happen to historic buildings to allow parking to happen inside them.

And then regarding the last item number 26, the planning staff concerns regarding necessary alterations to the interior structure are speculative and un-informed. This is not meant as a slight or a slam to staff, it's just that we've had a structural engineer on site investigating this specific issue and the letter in front of you should hopefully make you feel comfortable that the truly historic part of this building is not going to be compromised.

So I've gone through everything that I've come with here. Do you guys have any questions for me?

Chair Larsen: Questions, Commissioner Mack, did you have a question? Alright.

Phillip Koski: If I could just add – let me grab my notes – we obviously would ask for the approval of the Certificate of Appropriateness, the reversal of a number of findings, modifications of them, and we're happy with some of the following conditions: to use painted aluminum windows on the first floor; second, third, and fourth floor we are planning on using a Marvin window product.

Chair Larsen: A clad product?

Phillip Koski: It's an aluminum clad product with a painted finish. It's double hung, comes in many colors, and it was used throughout the Rock Island Lofts which is also in the Warehouse Historic District. First floor would use aluminum storefront similar to many of the other projects I've shown as examples and then if I can pass this around I'm going to circle the color that we're proposing for the addition which is zinc gray.

Commissioner Kelley: Mr. Koski, I had asked a question before that didn't get an answer, but do you know how long this property has stood vacant?

Phillip Koski: Five years?

Commissioner Kelley: Five years. What was its prior use, do you know?

Phillip Koski: I think it was container storage, wasn't it?

Commissioner Kelley: Western Container? Ok, thank you.

Chair Larsen: Questions of the applicant? Commissioner Harrison.

Commissioner Harrison: I have a question about the removal of the fire escape. You say that you are willing to clean the landings and could remove the intervening stairs and to me this is one of the character defining features in the warehouse district. Converting a feature like this to balconies just doesn't do it and I understand that keeping the whole structure might be a maintenance issue but I really honestly don't see why this is a safety issue. Looking at picture A-

11 I can't see how anyone could scale that very easily and use the fire escape for illegal purposes.

Phillip Koski: I'm just trying to find a photograph here that might help us, or not. So your concern is that by removing the stairs, we'll lose too much of the impact of the original staircase?

Commissioner Harrison: It changes the character of the whole structure and I think that is one of the important characteristics of the warehouse district and I just don't see the need for it other than the fact that it could be a maintenance issue.

Phillip Koski: I suppose we could discuss exactly what parts need to be removed. I think especially the vertical ladder part that connects between the ground and the second floor may be something that we definitely want to remove.

Commissioner Harrison: Yes, I didn't even see that, and I quite agree. But I'm talking about the steps.

Phillip Koski: Right, so that's the steps. I will point out that very often if people want to get into a building using a fire escape they ascend on the top of a truck or a vehicle and easily get access to the second floor. And once on the second floor they can get to every other point.

Chair Larsen: They could theoretically break in ...

Phillip Koski: Theoretically break in ... however, what we were trying to do is to satisfy the request that staff or the recommendation that staff had made and which had been approved by the Secretary of Interior, in that particular project that was shown as an example.

Chair Larsen: Ok, other questions at the moment? I don't think so at this time.

Phillip Koski: Ok, thank you.

Chair Larsen: I'm sure we will be calling you back up. Alright, Mr. Hanauer, you have something more to add?

Staff Hanauer: Just for the height discussion/question, on appendix A-12, it's hard to read, but it does give details of existing structure and in the lefthand column stating the height is 52 feet 9 inches.

Chair Larsen: And then 85 feet and then also 85 feet for the new height?

Staff Hanauer: That is correct.

Chair Larsen: Ok, is there anyone else that wishes to speak either for or against this application, please step forward. State your name for the record.

David Motzenbecker: Good afternoon, Commissioners, my name is David Motzenbecker. I am a North Loop resident at 718 Washington Avenue North and also the Chair of the Planning Commission. While I understand, I'm here to speak against the application and support the staff recommendation of denial. The staff has made 26 findings as Mr. Koski has just eloquently refuted, and I know that the CPC issues are not stuff that you consider usually, while you focus on preservation ordinances. I understand that there is a back and forth. We've seen things and it comes back and forth to you, and so I would appeal to your sense of stewards of the public realm. You are stewarding the heritage pieces of the city. We are stewarding land use pieces. Sometimes they overlap. But I'm thinking that what has happened at the planning commission, I would like to clarify some of those things for you and offer some ideas about why they work with some of the planning commission, I mean the heritage preservation findings as well. Creating vital, safe, and engaging, comfortable pedestrian realm and adhering to the multiple city plans, these are all in the public interest. As stewards of the public realm these are things that we should keep in mind when we're approving them as they relate to heritage as well. Some of the items that we looked at when reviewing the site plan review, which we did deny, it was overturned by the city council ...

(tape gap from turning)

... downtown east north loop master plan, one of the key pieces it states is along 5th Avenue North, that street level retail should be encouraged to stretch along 5th creating the connection between Washington and the commercial mode at or near the new ball park. Sep Ted Standards, crime prevention through environmental design, always discourages, they have standards that discourage facades without windows, which the applicant is proposing all along the first floor with the parking bays, despite the city council's request. Policy 9.6 states also in the downtown east plan, or in the comprehensive plan, I'm sorry, is that new developments must be functional and add value and attractive to the physical environment. Parking on the first floor, while it adds some function for the owner, does not add value to the surrounding environment and I would lead you to items number 19 and number 18 with this, if as staff has stated this parking on the first floor is allowed to happen and all these pieces are approved, that story that was discussed is going to be lost. They're not going to have that ability to have cafes up there, to do things that enhance the public realm, which is what we are shooting for. You can't tell that story of how the goods went in and out, people went in and out. That's all lost with false fronts. I just want to focus also on building adaptation. Looking at some of the conditions or the findings for number 18. Speaking of adaptation, buildings can be adapted, I think historic buildings can be adapted, they can be adapted appropriately, and in the scheme of the larger vision of both city growth and for heritage preservation. I think as pointed out by Commissioner Morse Kahn, materiality and quality do play a big part in that. If the proposed addition to this building looked for instance like the Humboldt Lofts, it might be a different story, but the materiality is completely different and does not speak to that. And then as Commissioner Crippen pointed out, obtrusive of the addition. Some of the other buildings in the area that have had pop tops put on them are, as the Northstar Lofts originally was, very close in next to other buildings. This building was very highly exposed. There is a parking lot in front of it and it is also lower than the rest of Fifth Avenue as you come up over the hill and start to come down towards Washington. So from both views, you

are getting a highly exposed view of that addition on top which I think would detract from the historic district as well. Again, the Harvester, Nate's that you mentioned, those are very tight in, you can't really see the additions on top.

And then one last point just to outline was with the piece that was brought forth about the additional code requirements for parking garages, we did not see that either as it has just come up, but some of the issues that were present, and that Commissioner Lackovic mentioned, we as a planning commission discussed those many times with the applicant. We had asked them to address active uses on the first floor. They had a chance to respond to these requests multiple times. We had asked them twice to come back and they refused both times to address these issues and at one point the applicant actually had a plan that had uses on the first floor and chose not to pursue those. So I just wanted to let that be known for the record and to say as a witness and as a North Loop resident I would really like to see this applicant denied as recommended by staff. Thank you for your time, I appreciate it.

Chair Larsen: Thank you, is there anybody else that wishes to speak either for or against this application, please step forward. State your name for the record, and your address.

Gerald Young: Hi, my name is Gerald Young, I own the property next door at 514 North Third. Just one comment on the addition. To select this material on top of an historic building is like, huh, what are you doing? And then further, the color, against the red brick should never happen. And then I just wanted to ask Mr. Koski about how you are going to handle the parking, if you could speak to that, ingress and egress?

Chair Larsen: That's not germane at this point. Ok, is there anybody else that wishes to speak either for or against this application, please step forward. Seeing none, I'm going to close the public hearing. Commissioners, what's your pleasure? Commissioner Lemmon.

Commissioner Lemmon: This is interesting in a number of things that are coming before us and the number of changes that are happening in the city and we, of course, always applaud a reuse of one of these buildings. There is a reason that we own these buildings and we want to inhabit these buildings. They are beautiful buildings but they also have a history and each building has a number of stories to tell. They include their use, they include how they have evolved, the role they've played in kind of the overall context of making up our city, the stories they may also tell may have to do with who their engineers were or not, but of course right now with the warehouse district and the reason you are before us is because of the interim protection of that warehouse district. As stewards of such, I'm going to accept the staff recommendation and make a motion that we deny the Certificate of Appropriateness. I'm concerned for a number of reasons and what I would ask is that you come back and look at a number of things that you've brought forward to us tonight. And provide for staff drawings that represent a lot of your responses and proposed conditions and in particular how you are going to treat the character defining elements of this building. Two things in particular that I am concerned about and I mirror the concerns of course of CPED and some of the planning aspects that have to do with outside of the building not necessarily just the envelope of the building. But when it comes to the envelope of the building, I am particularly concerned with the changes on the primary facades

and defining those primary facades and looking at adding additional, changes in the actual openings to a building. In particular these buildings, it's a lot about their mass, it's a lot about their scale, and when we start looking at particularly in the primary facades of adding much larger openings, we really begin to change the context of that building. And whether the designer did something different on a different building, that was that building. This is this building, so I think we need to look at and respect those primary facades. I would also like to address the addition and my concerns with that. I think as we look at examples throughout the city we've done single stories, we've done double-story additions, but again it has to come back again to that particular building and the scale and massing of that building. When you talk about a two-story addition on a building that's perhaps 8-stories tall it probably doesn't have the same impact. When we talk about a 2+ story addition on a building, it's almost over 40% of that building, or whatever the numbers were, but it becomes a kind of, it begins to be in contrast with that building. So those are my concerns and that is why I am making the motion.

Chair Larsen: Ok, we have a motion on the floor. Is there a second to that motion?

Commissioner Lackovic: I'll second.

Chair Larsen: Ok, Commissioner Lackovic. Is there discussion on the motion? Commissioner Crippen.

Commissioner Crippen: Question for Commissioner Lemmon regarding primary facades. Are you agreeing with staff that there are three primary facades or are you leaving that open to question. I was a little unclear what you are asking the applicant to come back with.

Commissioner Lemmon: You know, I would have to say that I think it's an interesting, and I apologize if this is maybe out of line, but I think we're actually facing something interesting here where the design architect is not actually here this evening and another architect is speaking on behalf of the drawings. I think in some ways it may be a re-evaluation of what the primary facades are of this. Again, with the interim protection we've begun to look at those discussions. Is an alley a secondary façade, and I think the Secretary of Interior Standards would stand up to that, that an alley would be considered a secondary façade. I would say, and I'm going to have the streets wrong, that I would say for sure that I would consider Third and Fifth primary facades of this building and I think there are further arguments that can be made, but I guess if I had to answer right now that would be my thought.

Commissioner Crippen: So you are suggesting that if the applicant came back with another different application, they might make a full argument about what is primary and what's secondary and how they responded to that as opposed to being somewhat silent in the original application on that?

Commissioner Lemmon: Correct.

Chair Larsen: South and East. Fifth is East.

Commissioner Lemmon: I guess in some ways I do feel and I think also as we look at this there's some, it comes back to the applicant to prove to us that they are meeting the standards. I guess that said, I would state that if they came back with an argument that stated well that street isn't considered primary, that might be one issue. But I guess, my feeling in some ways, it's up to that applicant to come forward and explain to us how they feel what they feel they are proposing meets our criteria.

Chair Larsen: Commissioner Morse Kahn.

Commissioner Morse Kahn: Thank you, I support Commissioner Lemmon's motion. I would like to add a friendly amendment that concerning recommendation number 11 the existing windows, I found Mr. Koski's argument compelling and reasonable that we allow some latitude for the management of windows which are clearly not going to be serviceable.

Chair Larsen: Just a point of order, we have an opportunity to deny or approve or approve with conditions, so in this case one of the points that Commissioner Lemmon is trying to point out and as you just did is to give some indication as to the feeling of the members of the Commission, but at the same time it is a straight denial.

Commissioner Morse Kahn: In that case then I also have a comment not having to do with windows which is that we are now proposing to essentially double protect this district. We are going to overlap local designation with National Register District and that rather than see these buildings as available for adaptation to modern need I would want them to be seen as buildings to be protected as close as possible to their original confirmation in which we might also place services, residences, and so forth. And so I support Commissioner Lemmon's motion that we deny.

Chair Larsen: Ok, Commissioner Kelley.

Commissioner Kelley: I really would like to see something happen to this building. It's been vacant for years and suitable right now for only a limited number of uses. I actually agreed with a number of the arguments that the applicant made but there are too many other things wrong. Primarily in my view the size and color and material of the roof addition and the use of the first floor for parking in this district where the planning commission would like to promote more pedestrian uses, so I will also support the motion, thanks.

Chair Larsen: Alright, other commissioner comments? Commissioner Mack.

Commissioner Mack: I guess I would second that. I felt that the applicant was making progress headed in the right direction but the stumbling block, I would agree here, is the size and design of at least what we see in the drawings right now of the addition, and the first floor use. I would probably give more latitude on the windows and openings than perhaps some of the other commissioners.

Chair Larsen: Anybody else? Ok, I have just a couple quick comments. I think that I would agree that the massing and scale of the addition we've tended to see more one story additions on buildings in the warehouse district, similar to what we approved for the Nate's Clothing in the warehouse district and I think especially given the size of this and number of stories of this building, a 40% addition is just too overwhelming. I think the importance and the precedent that that would set throughout the district, I mean we understand that there are development pressures but at the same time we don't want to lose that character and if every building looked like two buildings in one it would be overwhelming. I would agree that I think that the Third and the Fifth Streets are primary facades and that the alleyways really are alleyways. You can look in residential districts and commercial districts and they read that way. I'm concerned about the fire escape. I am sympathetic to Commissioner Harrison's desire to retain the fire escape and a better essence for its use, although I am swayed by some of the supporting documentation that was provided by staff regarding the Secretary of Interior Standards and some bulletins that indicated that certainly on some safety issues I'd hate to think that they were heading down a fire escape only to get to the second floor and find that they couldn't get to the first. So the removal of stairs can be a safety hazard. I think the treatment of the loading areas, the loading dock, the eyebrow over the entry, the proposed eyebrow of the replacement, I don't find it in keeping with the character and I'm interested in the treatment of what were once the loading bay door areas. Not so much in the treatment of the materials of what those doors would have been but more in the representation of the uses of those versus just a classic store front, window, it seems to have that look like windows is in keeping with what we are trying to do which is to create a representation or a remembrance of how those operated. The additional fenestration I struggle with and I think there is a need for that but I'm not sure if the extent is there and I would agree with Commissioner Lemmon in terms of the additional C.A.P. Turner building that was identified clearly had more of a basis for that design. It was encapsulated and set back from the brick front. So to strictly reference that, I didn't find a compelling argument. So, with that I'll support the motion. Commissioner Harrison?

Commissioner Harrison: I agree with what several commissioners have said about the recommendations by Mr. Koski, I think most of them are good, but I still have some concerns about, a lot to be concerned about, the addition and that is you provided a number of examples of other additions. I think they're all quite different from this one. This one is very monolithic and the pictures that you provided showed, were more true to the fact that they already had a number of very random additions to the tops, to the roofs, of these buildings in the district, and is there anyway that you can provide the amount of space that you need or closely to the amount of space you need and still break it up, the design, a little bit to make it more, it looks too much like one of the big boxes that we see in the suburbs and I would like to see a more imaginative design. That's all, thanks.

Chair Larsen: Alright, thanks. Any further discussion on the motion? Commissioner Crippen.

Commissioner Crippen: Very quickly because it's more of a pointed personal privilege. I'm not usually one of the more fanatic about windows on this commission I don't think but it just occurred to me, I recently moved from an office with 40+ percent window openings, which was

quite glorious and nice, to probably 2% and it's do-able, it's workable, so I think for future discussion and thought 20% may be a nice necessary standard but it's not a necessary standard.

Chair Larsen: Adequate lighting, from incandescent bulbs. Or I should say compact fluorescents.

Commissioner Crippen: It's workable, it's adequate.

Chair Larsen: Alright. Seeing no further discussion, we'll call the roll please.

Clerk: The motion is to adopt staff findings and deny a Certificate of Appropriateness. Commissioner Morse Kahn?

Commissioner Morse Kahn: Aye.

Clerk: Elliott?

Commissioner Elliott: Aye.

Clerk: Lackovic?

Commissioner Lackovic: Aye.

Clerk: Anderson?

Commissioner Anderson: Aye.

Clerk: Crippen?

Commissioner Crippen: Aye.

Clerk: Larsen?

Chair Larsen: Aye.

Clerk: Lemmon?

Commissioner Lemmon: Aye.

Clerk: Harrison?

Commissioner Harrison: Aye.

Clerk: Mack?

Commissioner Mack: Aye.

Clerk: Kelley?

Commissioner Kelley: Aye.

Chair Larsen: That motion carries. We look forward to seeing you back.