

**CITY OF MINNEAPOLIS
CPED PLANNING DIVISION
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

FILE NAME: Prospect Park Historic District

CATEGORY/DISTRICT: Historic District

CLASSIFICATION: Interim Protection during Consideration for Designation as a Local Historic District

APPLICANT: City of Minneapolis, Community Planning and Economic Development Department on behalf of the Minneapolis City Council

DATE OF NOMINATION: August 22, 2008

COMMENCEMENT OF INTERIM PROTECTION: September 13, 2008

PUBLICATION DATE: August 25, 2009

DATE OF HEARING: September 1, 2009

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BACKGROUND

The Prospect Park neighborhood is located in the southeast sector of Minneapolis along the city's eastern boundary with St. Paul. The northern portion of the neighborhood is primarily industrial in character and lies along the flat lands of the rail corridor that connects Minneapolis and St. Paul. The southern portion of the neighborhood is mostly residential in character and it is situated on and among the hills above the bluffs overlooking the Mississippi River. Interstate 94 bisects the residential portion of the neighborhood. University Avenue SE is a major commercial route that runs generally northeast-southwest through the center of the neighborhood. Franklin Avenue SE is primarily residential in character and crosses the southern portion of the neighborhood from east to west. The charter neighborhood group for this area of the city is the Prospect Park East River Road Improvement Association (PPERRIA).

In 2001, PPERRIA contracted with the local firm Hess, Roise and Company to conduct a survey of historic resources in the neighborhood. This consultant contract was paid using Neighborhood Revitalization Program (NRP) funds and administered by the Minneapolis Planning Department (now CPED). This work was completed and then served as a basis for further historic research by PPERRIA.

In 2006, PPERRIA again contracted with Hess, Roise and Company to company to continue historic research and analysis and to prepare a National Register nomination for the neighborhood. As with the earlier study, this contract was also funded using NRP funds and administered by CPED-Planning.

In 2008, Hess Roise submitted a national Register nomination of the Prospect Park neighborhood to the State Office of Historic Preservation (SHPO) at the Minnesota Historical Society. The nomination is currently under review by SHPO and may be considered by the

State Review Board as early as the Fall of 2008 for possible recommendation to the National Park Service. As part of their current contract with PPERRIA and Section 8 of the National Register nomination, Hess Roise and Company prepared a written statement of significance of Prospect Park and the proposed district. The statement of significance details early development, organizations and institutions, Tower Hill, the Water Tower, and 20th Century Development, and development after World War II. It also details the people of Prospect Park and the University of Minnesota, architects, architecture, and planning, and landscape in the neighborhood.

The National Register nomination specifies Prospect Park as qualifying for the register under the following:

- *National Register criteria A:* Property is associated with events that have made a significant contribution the broad patterns of our history
- *National Register criteria C:* Property embodies the distinctive characteristics of a type, period or method of construction or represents work of a master or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

At the regularly scheduled meeting of the Minneapolis City Council on August 22, 2008, Councilmember Gordon of the Second Ward nominated an area within the Prospect Park neighborhood for consideration for local historic designation and to establish interim historic protection. The full City Council adopted the motion and directed staff to bring the nomination forward to the Heritage Preservation commission no later than September 16, 2008. The area under consideration for nomination is a subset of the entire neighborhood; it includes the area shown on the attached map (See Attachment A). This area generally included everything bounded by University Avenue SE on the north, Emerald Avenue SE on the east, Interstate 94 on the south, and Williams Avenue SE on the west (see Attachment B). Note that several properties along University Avenue are exceptions and are not within the boundaries of the proposed district.

In keeping with the substantive recommendations of the National Register nomination, the Prospect Park district is worthy of nomination as a local historic district because of its significance in the following areas:

- *Local criteria 1:* The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.
- *Local criteria 3:* The property contains or is associated with distinctive elements of city identity.
- *Local criteria 4:* The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.
- *Local criteria 5:* The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.
- *Local criteria 6:* The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.

On September 13, 2009 the Minneapolis Heritage Preservation Commission took action to establish interim protection and directed the Planning Director to commence a designation study (see Attachment C). On behalf of the Prospect Park East River Road Improvement Association (PPERRIA), CPED-Planning holds a contract with Hess Roise and Company. The scope of services for that contract calls for completion of the National Register nomination and the local

designation study. Work has been submitted to CPED by Hess Roise, but a draft designation study has not yet been submitted and accepted.

At this time, CPED staff recommends extending the period of interim protection until the HPC has acted upon the local designation study or a period of six (6) months (to March 13, 2010), whichever comes first as allowed in Title 23, Minneapolis Code of Ordinances, Chapter 599, section 240.

In accordance with standard practice, all property owners within the proposed district as well as those properties within a 350 foot band around the perimeter of the proposed district were notified of this public hearing. Interested parties were invited to attend and be heard. All neighborhood representatives were invited and encouraged to attend.

Those that cannot attend the meeting were invited to submit comments in writing. Those written comments that were submitted to CPED-Planning prior to publication of this report are attached herein. Written comments that are submitted after publication of this report will be brought directly to the hearing for review by the Heritage Preservation Commission and for inclusion in the public record.

PROGRESS OF WORK:

The following is a progress report on work toward historic designation and protections status for the area of the proposed district:

National Register nomination:

The National Register nomination of the Prospect Park Historic District has been submitted to the Minnesota Historical Society, State Historic Preservation Office by Hess Roise and Company in 2008. The nomination is currently under review and consideration. SHPO has made detailed comments to Hess Roise and – earlier this month – Hess Roise sent new information to SHPO to address those comments. SHPO has not determined a date for which the nomination would be scheduled to be considered by the State Review Board. Successful completion of Nation Register designation is not a requirement for local designation.

Local Designation Study:

In discussions with PPERRIA board members and Ward 2 office, CPED-Planning has advised that local designation should not come forward to the HPC or City Council for a final vote until such time when (1) a thorough local designation study is complete, and (2) the neighborhood organization has demonstrates through a petition with signatures that at least a two-thirds majority of property owners favor local designation.

Work toward the local designation study has been submitted to CPED by Hess Roise, but a draft designation study has not yet been finalized. CPED understands that Hess Roise and PPERRIA will base the local designation study on the research and findings submitted for the National Register nomination. In order to professionally and soundly administer a locally designated district, it makes sense that detailed property information would be consistent between both the local and national designations. In summer 2008, SHPO provided detailed comments to Hess Roise concerning the NRHP submission. Earlier this month,

Hess Roise sent new information to SHPO to address those comments and updated their submission of records to CPED at that time.

The signatures requested by CPED are not a defined requirement in the Minneapolis Preservation Ordinance. The HPC and City Council have it within their authority to grant protections through local designation status regardless of whether or not there is specific consent from the property owner or owners. That said CPED considers such evidence from the neighborhood to be a prudent measure in this case given the very large number of properties under consideration and because the majority of these properties are not currently under immediate danger of irreparable harm.

Preparation of Draft Design Guidelines:

The Prospect Park East River Road Improvement Association (PPERRIA) has convened a neighborhood task force charged with drafting potential design guidelines for the neighborhood. The task force is being led by architect Bob Roscoe, who is a resident of Prospect Ward/East River Road, former chair of the HPC, and board member of Preserve Minneapolis. The Ward 2 office and CPED-Planning are both participating in this task force. In addition to the benefit of possible guidance toward future change in the neighborhood, the process of compiling and reviewing draft guidelines is intended by the PPERRIA board to provide a means for further conversation within the neighborhood about the benefits and realities of local historic designation. Thus, the effort will help inform residents at such time when they will be called upon to state their support (or lack of support) for local designation.

Section 106 Review:

MnDOT and the project office for the Central Corridor Light Rail Line are progressing toward completion of the Federal Section 106 Agreement. SHPO, PPERRIA, and CPED-Planning are actively engaged in that process. Completion of the 106 review is independent of progress toward final action on possible National Register Nomination and possible local designation.

INTERIM PROTECTION:

Per section 599.240 of the City's preservation ordinance, Interim Protection shall be in effect from the date of the commission's decision to commence a designation study of a nominated property or properties until the city council makes a decision regarding the designation of the property, or for twelve (12) months, whichever comes first. Interim protection may be extended for such additional periods as the commission may deem appropriate and necessary to protect the designation process, not exceeding a total additional period of eighteen (18) months. Accordingly, the commission shall hold a public hearing on a proposed extension of interim protection as provided in section 599.170.

Effective date: The findings and staff recommendations proposed to the HPC for their meeting of September 16, 2008 were adopted and approved by the Heritage Preservation Commission. As such interim protection went into effect immediately.

Scope of restrictions: During the interim protection period, no alteration or minor alteration of a nominated property (including all buildings, structures, and landscape features) shall be allowed except where authorized by a certificate of appropriateness or a certificate of no

change, as provided in the city's preservation ordinance. Three types of preservation review are being conducted during interim protection:

- *Minor alterations:* Certificates of No Change (CNC) are used for minor alterations to all properties, buildings, structures, and landscape features within the proposed district under interim protection. CNCs provide the planning director with authority to review and approve or deny all proposed minor alterations. The Secretary of Interior Standards for Rehabilitation are used for review and analysis of all CNC applications. CNCs can be acted on administratively by CPED-Planning staff. All application procedures defined by the ordinance apply.

In the eleven month period between September 13, 2008 and August 21, 2009, twenty-six (26) applications for Certificates of No Change were submitted to CPED-Planning. Of the 26 submitted, 24 were granted approvals. None of the 24 approvals was appealed. Of the remaining two CNCs, one was withdrawn, and one is still under review (See Attachment D).

- *Major alterations:* Certificates of Appropriateness (COA) are used for major alterations to all properties, buildings, structures, and landscape features within the proposed district under interim protection. COAs provide the Heritage Preservation Commission with authority to review and approve or deny all proposed major alterations. The Secretary of Interior Standards for Rehabilitation are used for review and analysis of all COA applications. Certificates of Appropriateness require a public hearing before the HPC. All application fees and procedures apply.

In the eleven month period between September 13, 2008 and August 21, 2009, nine (9) applications for Certificates of Appropriateness were submitted to CPED-Planning. Of the nine submitted, six (6) were heard by the HPC and actions were taken. (None of these actions were subsequently appealed.) Of the remaining three, one application was returned to the applicant after remaining incomplete for longer than thirty days. Two COAs are still under review and will be scheduled for a hearing at the commission once each application is deemed complete. (See Attachment D).

- *Demolition Permits:* Accordingly, during interim protection, because all resources under consideration for further study are treated as those that have already achieved local designation, proposed demolitions will be treated through the Certificate of Appropriateness application. The Secretary of Interior Standards for Rehabilitation will be used for review and analysis of all COA applications. Certificates of Appropriateness require a public hearing before the HPC. All application fees and procedures apply.

In the eleven month period between September 13, 2008 and August 21, 2009, three (3) wrecking applications were submitted to MDR for review by CPED-Planning within the larger Prospect Park neighborhood, however all three of these properties were outside the area defined for interim protection. Because these properties were outside of the area covered under interim protection, and because upon review and evaluation they were not determined to be historic resources, they were approved administratively. None of the administrative review decisions was appealed.

APPLICABLE ORDINANCES:

Title 23, Minneapolis Code of Ordinances, Chapter 599. Heritage Preservation Regulations, Article V: Designation

599.200. Purpose. This article is established to promote the preservation of historic resources by providing the commission with authority to recommend the designation of landmarks and historic districts and to adopt design guidelines for designated properties.

599.210. Designation criteria. The following criteria shall be considered in determining whether a property is worthy of designation as a landmark or historic district because of its historical, cultural, architectural, archaeological or engineering significance:

- (1) The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.
- (2) The property is associated with the lives of significant persons or groups.
- (3) The property contains or is associated with distinctive elements of city identity.
- (4) The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.
- (5) The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.
- (6) The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.
- (7) The property has yielded, or may be likely to yield, information important in prehistory or history.

599.220. Nomination of property. Nomination of a property to be considered for designation as a landmark or historic district shall be submitted to the planning director on a nomination application form approved by the planning director and shall be accompanied by all required supporting information. A nomination may be made by any of the following:

- (1) A member of the heritage preservation commission.
- (2) A member of the city council.
- (3) The mayor.
- (4) The planning director.
- (5) Any person with a legal or equitable interest in the subject property.

599.230. Commission decision on nomination. The commission shall review all complete nomination applications. If the commission determines that a nominated property appears to meet at least one of the criteria for designation contained in section 599.210, the commission may direct the planning director to commence a designation study of the property.

599.240. Interim protection. (a) Purpose. Interim protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process.

- (b) Effective date. Interim protection shall be in effect from the date of the commission's decision to commence a designation study of a nominated property until the city council makes a decision regarding the designation of the property, or for twelve (12) months, whichever comes first. Interim protection may be extended for such additional periods as the commission may deem appropriate

and necessary to protect the designation process, not exceeding a total additional period of eighteen (18) months. The commission shall hold a public hearing on a proposed extension of interim protection as provided in section 599.170.

- (c) Scope of restrictions. During the interim protection period, no alteration or minor alteration of a nominated property shall be allowed except where authorized by a certificate of appropriateness or a certificate of no change, as provided in this chapter.

599.250. State historic preservation office review. The planning director shall submit all proposed designations to the state historic preservation officer for review and comment within sixty (60) days.

599.260. City planning commission review. The planning director shall submit all proposed designations to the city planning commission for review and comment on the proposal within thirty (30) days. In its review, the city planning commission shall consider but not be limited to the following factors:

- (1) The relationship of the proposed designation to the city's comprehensive plan.
- (2) The effect of the proposed designation on the surrounding area.
- (3) The consistency of the proposed designation with applicable development plans or development objectives adopted by the city council.

599.270. Designation hearing. Following completion of the designation study the commission shall hold a public hearing to consider the proposed designation, as provided in section 599.170. Any person having a legal or equitable interest in a nominated property shall be allowed reasonable opportunity to give testimony or present evidence concerning the proposed designation.

599.280. Commission recommendation. Following the public hearing, the commission shall make findings with respect to the proposed designation and shall submit the same together with its recommendation to the zoning and planning committee of the city council. In making its findings and recommendation, the commission shall consider the designation criteria contained in section 599.210, the information contained in the designation study, the state historic preservation officer's comments, the city planning commission's comments, the planning director's report and all testimony and evidence received at the public hearing relating to the designation.

FINDINGS:

1. A sub-area of the Prospect Park neighborhood of Minneapolis is determined to be eligible for the National Register of Historic Places under criteria A and C. The sub-area is known as the Prospect Park Historic District.
2. On behalf of the Prospect Park East River Road Improvement Association (PPERRIA), Hess, Roise and Company submitted a National Register nomination of the Prospect Park Historic District to the Minnesota Historical Society, State Historic Preservation Office. The nomination is currently under review and consideration.
3. On August 22, 2008 the Minneapolis City Council nominated the Prospect Park Historic District for local historic designation.
4. On September 13, 2009 the Minneapolis Heritage Preservation Commission took action to establish interim protection and directed the Planning Director to commence a designation study.
5. On behalf of the Prospect Park East River Road Improvement Association (PPERRIA), CPED-Planning holds a contract with Hess Roise and Company. The scope of services for that contract calls for completion of the National Register nomination and the local designation study. Work has been submitted to CPED by Hess Roise, but a draft designation study has not yet been approved.
6. The Prospect Park Historic District is significant as a local historic district because it is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history; because the properties and resources within contain or are associated with distinctive elements of city identity; because the properties and resources within embody the distinctive characteristics of an architectural or engineering type or style, or method of construction; because the properties and resources within exemplify a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail, and because the properties and resources within exemplify works of master builders, engineers, designers, artists, craftsmen or architects.
7. Interim protection has been in effect since September 13, 2008. Unless further action is taken by the Heritage Preservation Commission, interim protection will expire on September 13, 2009.
8. During the interim protection period, no alteration or minor alteration of a nominated property (including all buildings, structures, and landscape features) have been or shall be allowed except where authorized by a certificate of appropriateness or a certificate of no change, as provided in the city's preservation ordinance.

STAFF RECOMMENDATION:

Staff recommends that the Heritage Preservation Commission **adopt** staff findings and **approve** the extension of interim protection for a period of six (6) months, extending to March 16, 2010 or until a decision on designation is made by City Council, whichever comes first.

ATTACHMENTS:

- A. Minneapolis City Council Actions, August 22, 2008
- B. Map of area for proposed Prospect Park Historic District, prepared by Hess Roise and Company for the Prospect Park East River Road Improvement Association (PPERRIA).
- C. Minneapolis Heritage Preservation Commission Actions, September 13, 2008
- D. Table showing applications submitted and reviewed during interim protection for the area for proposed Prospect Park Historic District.