

**CITY OF MINNEAPOLIS  
CPED PLANNING DIVISION  
HERITAGE PRESERVATION COMMISSION STAFF REPORT  
BZH-26770**

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FILE NAME: 309 Oak Street Southeast, Oak Street Cinema

DATE OF APPLICATION: February 4, 2011

APPLICANT: Doran Companies (Jim LaValle), 952-288-2006

PUBLICATION OF STAFF REPORT: February 22, 2011

DATE OF HEARING: March 1, 2011

APPEAL PERIOD EXPIRATION: March 11, 2011

CATEGORY: Historic Resource

CLASSIFICATION: Demolition of a Historic Resource

STAFF INVESTIGATION AND REPORT: John Smoley, Ph.D., 612-673-2830

DATE: February 22, 2011

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## **A. BACKGROUND**

The Applicant seeks to demolish the building at 309 Oak Street Southeast: the Oak Street Cinema, formerly known as the Campus Theater. The proposed demolition would clear the property for a six-story, mixed-use, student housing development called Oak Street Flats. Demolition of this historic resource was previously approved by the Heritage Preservation Commission in summer 2008, but the building was never demolished and the proposed student housing project never built. The current proposal includes the demolition of one additional building: 313 Oak Street Southeast. This restaurant building, currently known as the Golden Bowl, does not appear to meet the Heritage Preservation Regulations' definition of a historic resource. Demolition applications for these structures have not been submitted to the City of Minneapolis.

## **B. DESCRIPTION**

The Oak Street Cinema is a one-story theater. The façade is clad in blue brick while the sides of the building are covered in stucco. The low-pitch front gable roof is screened by a low, street-facing parapet. A series of two double and one single metal-frame doors lead into and out of the building. Sign cabinets advertising upcoming shows are inset in the front wall flanking the doors and two windows, one of which acts as a sidelight. An altered, illuminated, Streamline Moderne marquee dominates the façade.

## **C. PROPOSED CHANGES**

The applicant is proposing to demolish the building at 309 Oak Street Southeast to construct a six-story, mixed-use, student housing development called Oak Street Flats. The development would consist of five stories of residential units atop a retail level on the first floor. A two story (below grade and street level) parking ramp would be built onsite as well. The current proposal includes the demolition of one other building: 313 Oak Street Southeast. This

restaurant building, currently known as the Golden Bowl, does not appear to meet the Heritage Preservation Regulations' definition of a historic resource. The proposed development would also received review by CPED-Planning and the City Planning Commission for compliance with the zoning code, including Site Plan Review.

## **D. NECESSITY OF DEMOLITION**

The Minneapolis Code of Ordinances, Title 23, Heritage Preservation, Chapter 599 Heritage Preservation Regulations states that before approving the demolition of a property determined to be an historic resource, the commission shall make findings that the demolition is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the demolition. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for up to one hundred-eighty (180) days to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

### **D1. UNSAFE OR DANGEROUS CONDITION**

The Applicant does not contend that the demolition of the subject property is necessary to correct an unsafe or dangerous condition. The Applicant feels the demolition is justified to the extent of alterations to the building over time.

### **D2. REASONABLE ALTERNATIVES TO DEMOLITION**

Reasonable alternatives to demolition exist. The Zoning Code permits or conditionally permits all of the proposed uses (five-plus residential units, parking facilities, and retail uses) of the building. A wide variety of other uses are also permitted in the zoning district of the property: C3A. But adapting a theater building to these other uses would require extensive alterations.

#### **D2a. SIGNIFICANCE**

The subject property does not appear to meet any of the Heritage Preservation Regulations' significance criteria.

Criteria #1: The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.

The 1989 context study, *The Development of Neighborhood Movie Theaters in Minneapolis: 1910-1945*, identified six theaters that exemplified the range of twentieth-century economics and transportation patterns In Minneapolis. The Oak Street Cinema/Campus Theater was not one of the six theaters recommended for designation. Those theaters, all of which were designated, are:

1. Avalon Theater (Heart of the Beast Theater), 1500 Lake Street East
2. El Lago Theater, 3500-06 Lake Street East
3. Granada Theater (Suburban World Theater), 3022 Hennepin Avenue

4. Hollywood Theater, 2815 Johnson Street Northeast
5. Loring Theater (Music Box Theater) 1407 Nicollet Avenue South
6. Uptown Theater, 2900 Hennepin Avenue

Although initially designed as a theater, the subject property was used as a theater for only its first few years. In 1935 it was converted from a garage to the Campus Theater, after substantial alterations.

Criteria #2: The property is associated with the lives of significant persons or groups.

The property does not appear to be associated with significant persons or groups with the exception of architects Jacob J. (Jack) Liebenberg and Seeman Kaplan. These architects, however, were not the architects of the building at construction, and their 1935 redesign has been largely lost to alteration, as documented in a report by Hess, Roise and Company.

Criteria #3: The property contains or is associated with distinctive elements of city or neighborhood identity.

The 1989 context study, *The Development of Neighborhood Movie Theaters in Minneapolis: 1910-1945*, identified six theaters that exemplified the range of neighborhood history and transportation patterns in Minneapolis from 1920-1939. The Oak Street Cinema/Campus Theater was not one of the six theaters recommended for designation.

Criteria #4: The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.

The 1989 context study, *The Development of Neighborhood Movie Theaters in Minneapolis: 1910-1945*, identified six theaters that exemplified the range of theater types and architectural styles in Minneapolis from 1920-1939. The Oak Street Cinema/Campus Theater was not one of the six theaters recommended for designation. The study does mention the Campus' Art Deco styling, installed in 1935, but very little of any Moderne detailing remains, as documented in an evaluation by Hess, Roise, and Company. Even the marquee, with its streamlined shape, has been altered extensively.

Criteria #5: The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.

No landscaping exists on the subject parcel.

Criteria #6: The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.

The 1989 context study, *The Development of Neighborhood Movie Theaters in Minneapolis: 1910-1945*, identified six theaters that exemplified the range of architectural styles, neighborhood history, twentieth-century economy, and transportation patterns in Minneapolis. Of the six theaters recommended for designation, three (Granada, Hollywood, and Uptown), were designed by Liebenberg and Kaplan, whose 1935 renovation of the Campus Theater has been mostly lost to extensive alteration. The authors of the context study went so far as to call the design of the Granada, Hollywood, and Uptown the most original and provocative of the

time. The Campus is mentioned extremely little in the study, and certainly not with such superlatives.

Criteria #7: The property has yielded, or may be likely to yield, information important in prehistory or history.

The subject property has not yielded information important in prehistory or history. Records available at the Minnesota State Historic Preservation Office indicate that no archaeological sites have been identified on the subject property nor have any archaeological surveys have been conducted on or near the property in question.

The subject property is not likely to yield information important in prehistory, defined as the time prior to written recordation of past events in a given area. The subject property is located over one thousand five hundred feet from the steep bluffs of the Mississippi River. Sites in close proximity (generally five hundred feet or less) to bodies of water have a higher than average potential to include archaeological evidence of precontact human habitation, since bodies of water generally serve as sources of water, food, and transportation.

The subject property may yield information important in history, but the destruction of the building in question would need to occur to investigate this possibility. Sanborn Fire Insurance Maps indicate that this was a developed block by the 1880s. Building permit indicate the gradual conversion of the street from residential to commercial uses around the time the subject building was built in 1916. City sewer records indicate a sewer main installed along this street segment in 1889, but do not identify a connection at the subject property until 1916. The lot in question likely contains physical evidence of one or more demolished buildings and privy vaults. Other archaeological sources of information such as sheet refuse (general surface trash scatters that accumulate over time), trash pits, and builder's trenches may still be present on the lot if they were not demolished during the construction of the theater. All of this evidence, however, would have to be located beneath the theater's foundation, as the building in question occupies the entire lot.

## **D2b. INTEGRITY**

309 Oak Street Southeast does not retain integrity.

*Location:* The building remains in its original location, indicating the building maintains integrity of location.

*Design:* The building retains neither its original design nor its design from the 1935 reconversion of the building to a theater, thus the building does not possess integrity of design.

*Setting:* The property's integrity of setting is no longer intact. The streetcar line that used to pass in front of the building has been eliminated and now a modern parking garage looms over the theater building. Tall, modern university buildings dominate the immediate vicinity.

*Materials:* Both the original building materials and those from its 1935 conversion are largely gone, especially on the building's most public façade. The front face is now clad

in blue bricks. Ornamental bands that once ran up this wall and projected above the roof are gone. The Moderne marquee has been extensively altered.

*Workmanship:* Integrity of workmanship remains evident in the marquee and interior features like light fixtures, but the vast majority of the items that exemplify the building's Streamline Moderne style have been removed.

*Feeling:* The building, though extensively altered, retains the look and feel of a small, neighborhood movie theater.

*Association:* The property remains a small theater: the most common use of the building during its nearly century-long existence. Its integrity of association remains intact.

## **D2c. ECONOMIC VALUE OR USEFULNESS OF THE EXISTING STRUCTURE**

The Applicant has not demonstrated that the building in question has no economic value or usefulness, but its conversion to residential uses would eliminate most of the few remaining historic features and spaces within the building.

## **E. MITIGATION**

The Applicant is willing to mitigate for the loss of the building as recommended by Hess, Roise, and Company in their evaluation of the building:

Although the Campus Theater does not qualify for local designation, there are areas and features worth documenting and salvaging before the building is demolished. The building shall be documented for the Minnesota Historic Property Record. A documentation set shall include 4" x 5" black-and-white negatives in archival sleeves, 4" x 5" black-and-white contact prints on archival mount cards, an index to photographs on archival paper, and a brief narrative, also on archival paper. The documentation shall be distributed as follows:

- 1 complete documentation set with negatives and a digital copy of the documentation to the Minnesota Historical Society;
- 1 documentation set without negatives to the Minneapolis Public Library;
- 1 bound photocopy of the index, photographs, and narrative to a community library;
- 1 bound photocopy of the index, photographs, and narrative to the Northwest Architectural Archives, Elmer L. Andersen Library, University of Minnesota, Minneapolis;
- 1 unbound photocopy of the index, photographs, and narrative to the Minneapolis Heritage Preservation Commission;
- 1 bound photocopy of the index, photographs, and narrative for on-site use to the developer, along with a digital copy.

The developer shall work with Minneapolis HPC staff on plans to salvage and reuse the marquee and the ten original light fixtures in the auditorium space. These items do not have to be reinstalled in the new development-although that possibility shall be explored-but they shall be offered to an appropriate user/repository. The developer shall bear the cost of removing them as carefully as possible from the theater, with transportation and installation costs borne by the recipient. A use that would keep the items visible to the public would be preferred.

The developer shall also be mindful that significant features (e.g., terrazzo lobby floor, fireplace) might be revealed during the demolition process; these shall be documented with digital photographs and copies of the photographs provided to the Minneapolis Heritage Preservation Commission. If time permits, these features shall be documented with large format black-and-white film and added to the Minnesota Historic Property Record documentation set.

The developer shall incorporate interpretation of the theater-e.g., some of the documentation photographs, historic photographs/plans, a brief interpretive plaque-into the new development.

## **F. PUBLIC COMMENT**

Staff has received no comment letters as of the date of publication of this staff report.

## **G. APPLICABLE ORDINANCES**

### ***Chapter 599. Heritage Preservation Regulations***

#### **ARTICLE V. DESIGNATION**

**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 or neighborhood 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.

**599.230. 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 prepare or cause to be prepared a designation study of the property. In cases where an application for demolition is initiated by the property owner, the planning director may determine that the property owner bears the full financial responsibility of conducting the designation study. In all cases, the planning director shall define the scope of services for a designation study, review qualifications of agent conducting study and make a determination of what constitutes a final submission upon completion.

**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. (2001-Or-029, § 1, 3-2-01)

## **ARTICLE VIII. HISTORIC RESOURCES**

**599.440. Purpose.** This article is established to protect historic resources from destruction by providing the planning director with authority to identify historic resources and to review and approve or deny all proposed demolitions of property.

**599.450. Identification of historic resources.** The planning director shall identify properties that are believed to meet at least one of the criteria for designation contained in section 599.210, but that have not been designated. In determining whether a property is an historic resource, the planning director may refer to building permits and other property information regularly maintained by the director of inspections, property inventories prepared by or directed to be prepared by the planning director, observations of the property by the planning director or any other source of information reasonably believed to be relevant to such determination.

**599.460. Review of demolitions.** The planning director shall review all building permit applications that meet the definition for demolition to determine whether the affected property is an historic resource. If the planning director determines that the property is not an historic resource, the building permit shall be approved. If the planning director determines that the property is an historic resource, the building permit shall not be issued without review and approval by the commission following a public hearing as provided in section 599.170.

**599.470. Application for demolition of historic resource.** An application for demolition of an historic resource shall be filed on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160.

**599.480. Commission decision.** (a) *In general.* If the commission determines that the property is not an historic resource, the commission shall approve the demolition permit. If the commission determines that the property is an historic resource, the commission shall deny the demolition permit and direct the planning director to prepare or cause to be prepared a designation study of the property, as provided in section 599.230, or shall approve the demolition permit as provided in this section.

(b) *Destruction of historic resource.* Before approving the demolition of a property determined to be an historic resource, the commission shall make findings that the demolition is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the demolition. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for up to one hundred-eighty (180) days to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

(c) *Mitigation plan.* The commission may require a mitigation plan as a condition of any approval for demolition of an historic resource. Such plan may include the documentation of the property by measured drawings, photographic recording, historical research or other means appropriate to the significance of the property. Such plan also may include the salvage and preservation of specified building materials, architectural details, ornaments, fixtures and similar items for use in restoration elsewhere.

(d) *Demolition Delay.* The commission may stay the release of the building, wrecking or demolition permit for up to one hundred-eighty (180) days as a condition of approval for a demolition of an historic resource if the resource has been found to contribute to a potential historic district to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it. The release of the permit may be allowed for emergency exception as required in section 599.50(b).

## **H. FINDINGS**

1. The Applicant does not contend that the demolition of the subject property is necessary to correct an unsafe or dangerous condition.
2. Reasonable alternatives to demolition exist, but adapting a theater building to these other uses would require extensive alterations.

3. The subject property does not appear to meet any of the Heritage Preservation Regulations' significance criteria.
4. The building does not retain integrity.
5. The Applicant has not demonstrated that the building in question has no economic value or usefulness, but its conversion to residential uses would eliminate most of the few remaining historic features and spaces within the building.
6. The Applicant is willing to follow the mitigation plan recommended by Hess, Roise, and Company, which evaluated the property's eligibility for designation.
7. The commission may delay a final decision for up to 180 days to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

## I. STAFF RECOMMENDATION

CPED recommends that the Heritage Preservation Commission **adopt** staff findings and **approve** the demolition application of the property at 309 Oak Street Southeast subject to the following conditions:

1. Mitigate for the loss of the building as recommended by Hess, Roise, and Company in their evaluation of the building:
  - a. The building shall be documented for the Minnesota Historic Property Record. A documentation set shall include 4" x 5" black-and-white negatives in archival sleeves, 4" x 5" black-and-white contact prints on archival mount cards, an index to photographs on archival paper, and a brief narrative, also on archival paper. The documentation shall be distributed as follows:
    - i. 1 complete documentation set with negatives and a digital copy of the documentation to the Minnesota Historical Society;
    - ii. 1 documentation set without negatives to the Minneapolis Public Library;
    - iii. 1 bound photocopy of the index, photographs, and narrative to a community library;
    - iv. 1 bound photocopy of the index, photographs, and narrative to the Northwest Architectural Archives, Elmer L. Andersen Library, University of Minnesota, Minneapolis;
    - v. 1 unbound photocopy of the index, photographs, and narrative to the Minneapolis Heritage Preservation Commission;
    - vi. 1 bound photocopy of the index, photographs, and narrative for on-site use to the developer, along with a digital copy.
  - b. The developer shall work with Minneapolis HPC staff on plans to salvage and reuse the marquee and the ten original light fixtures in the auditorium space. If these items are not reinstalled in the new development, they shall be offered to an appropriate user/repository. The developer shall bear the cost of removing them as carefully as possible from the theater, with transportation and installation costs

- borne by the recipient. A use that would keep the items visible to the public is preferred.
- c. The developer shall also be mindful that significant features (e.g., terrazzo lobby floor, fireplace) might be revealed during the demolition process; these shall be documented with digital photographs and copies of the photographs provided to the Minneapolis Heritage Preservation Commission staff. If time permits, these features shall be documented with large format black-and-white film and added to the Minnesota Historic Property Record documentation set.
  - d. The developer shall incorporate interpretation of the theater-e.g., some of the documentation photographs, historic photographs/plans, a brief interpretive plaque-into the new development.
2. By ordinance, approvals are valid for a period of one year from the date of the decisions. Upon written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than March 1, 2012.
  3. By ordinance, all approvals granted in this Demolition of a Historic Resource shall remain in effect as long as all of the conditions and guarantees of such approvals are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Demolition of a Historic Resource and may result in termination of the approval.

## **ATTACHMENTS**

- A. Staff Report – A1-A10
- B. Materials Submitted by CPED – B1-B2
  - 350' Zoning map – B1
  - 350' Land use map – B2
- C. Materials Submitted by Applicant – C1-C36
  - Letter to councilmember and neighborhood group – C1-C4
  - Application – C5-C12
  - Hess, Roise and Company analysis – C13-C25
  - Project plans – C26-C36
- D. Materials Submitted by Other Parties – N/A