

**CPED STAFF REPORT**

Prepared for the Heritage Preservation Commission  
HPC Agenda Item #2  
August 11, 2015  
BZH-28757

**HERITAGE PRESERVATION APPLICATION SUMMARY**

*Property Location:* 256 1<sup>st</sup> Avenue North/106 3<sup>rd</sup> Street North/  
*Project Name:* Rooftop access and private deck  
*Prepared By:* Aaron Hanauer, Senior City Planner, (612) 673-2494  
*Applicant:* Nicolas Thomley  
*Project Contact:* 612-730-3592  
*Ward:* 3  
*Neighborhood:* Downtown West  
*Request:* To allow for the construction of a rooftop deck and penthouse  
*Required Applications:*

<b>Certificate of Appropriateness</b>	To allow for the construction of a rooftop deck and penthouse
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**HISTORIC PROPERTY INFORMATION**

<b>Current Name</b>	256 1 <sup>st</sup> Avenue North/106 3 <sup>rd</sup> Street North
<b>Historic Name</b>	The Commercial Building
<b>Historic Address</b>	256 1 <sup>st</sup> Avenue North
<b>Original Construction Date</b>	1902
<b>Original Architect</b>	Charles Sedgwick
<b>Original Builder</b>	J. & W.A. Elliott
<b>Original Engineer</b>	Unknown
<b>Historic Use</b>	Retail/office
<b>Current Use</b>	Restaurant/bar, office, and residential
<b>Proposed Use</b>	Restaurant/bar, office, and residential

<b>Date Application Deemed Complete</b>	July 17, 2015	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	September 15, 2015	<b>End of 120-Day Decision Period</b>	N/A

**CLASSIFICATION**

<b>Local Historic District</b>	Minneapolis Warehouse Historic District
<b>Period of Significance</b>	1865-1930
<b>Criteria of Significance</b>	<p><i>Criteria 1:</i> The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.</p> <p><i>Criteria 4:</i> The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.</p> <p><i>Criteria 6:</i> The property exemplifies works of master builders, engineers, designers, artists, craftsmen or architects.</p>
<b>Date of Local Designation</b>	1978
<b>Date of National Register Listing</b>	1989
<b>Applicable Design Guidelines</b>	<i>Minneapolis Warehouse Historic District Design Guidelines (2010)</i>

**SUMMARY**

**BACKGROUND.**

The four-story brick Commercial Building is a contributing building to the Minneapolis Warehouse Historic District. It was constructed by a group of Minneapolis businessmen for rental office space in 1902. In 1958, the building suffered a fire and the fifth story was removed. The three-bay building has a 3,730 square foot footprint (40.3’x92.2’) and 14,920 square feet of floor area.

The building combines elements of the Art Nouveau Style as seen with the main entrance on 1<sup>st</sup> Avenue North with the Commercial Style as seen in the building’s straightforward design with large window openings. The first story is defined by corner piers with articulated brick quoins and cast iron columns. The entrance on 1<sup>st</sup> Avenue North is framed by two short octagonal columns with stylized Ionic capitals. A limestone lintel rests on the columns and the word “Commercial” is carved on the face in relief. The upper stories contain no ornamentation other than limestone sills which run unbroken across the facade to the projecting corner piers. These details were lost in the 1958 fire. The building now contains a two-foot high parapet.

Jackson’s Hole Restaurant and Bar is located on the first and second floors. The third floor is currently vacant and being marketed for lease as commercial office space. The four floor is a residential dwelling. The rooftop has a roof hatch and a variety of mechanical equipment at the rear of the building.

**APPLICANT’S PROPOSAL.**

The applicant is proposing the construction of a 1,314 square foot rooftop deck and stair penthouse. The decking platform would extend a foot above the existing roof and contain a 42-inch high wrought iron post and metal railing system (three rails) that would extend around the perimeter of the rooftop deck. The rooftop deck and railing would be set back 4.8 feet from the building wall to the east, 5.5 feet from the south elevation (1<sup>st</sup> Avenue North), 9.5 feet from the west elevation (3<sup>rd</sup> Street North ) and 31 feet from the north elevation. A new penthouse is also proposed to provide access to the rooftop deck from a new spiral staircase on the fourth floor. The penthouse would be located in the back half of the building and placed near the building center. It would be approximately 51 square feet in area and 8.5

feet in height; 9.5 feet above the existing roof. The penthouse would be located a minimum of 15 feet from the edge of all four building walls. The penthouse is proposed to be clad in a dark aluminum break metal and have a dark bronze aluminum window system. The deck and penthouse are only intended to be used by the fourth floor dwelling unit.

**RELATED APPROVALS.**

There are two administrative preservation approvals on file for reroofing the flat roof from 1998 and 2010. In 2015, the removal of the brick chimney at the rear of the building was administratively approved; it was not visible from the public right-of-way and was in poor condition.

Planning Case #	Application	Description	Action
Not applicable	CNC	Reroof	Approve, 1998
BZH-26688	CNC	Reroof	Approve, 2010
BZH-28543	CNC	Chimney removal	Approve, 2015

**PUBLIC COMMENTS.** No public comments were received prior to the publication of the staff report. Any correspondence received prior to the public meeting will be forwarded on to the Heritage Preservation Commission for consideration.

**ANALYSIS**

**CERTIFICATE OF APPROPRIATENESS**

The Department of Community Planning and Economic Development has analyzed the application to allow for the construction of a rooftop deck and penthouse based on the following findings:

- 1. The alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.*

The Minneapolis Warehouse Historic District is historically significant as an early example of commercial/industrial growth within the city’s warehouse and wholesaling district, which expanded during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries when Minneapolis became a major distribution and jobbing center for the northwest. The Minneapolis Warehouse Historic District is also significant for its architecture and engineering significance. The period of significance is identified as 1865–1930.

In the designation study, individual resources were evaluated for their ability to convey the significance of the district. The Commercial Building at 256 1<sup>st</sup> Avenue North was identified as a contributing resource in the historic district. It was constructed during the period of significance and is a quality example of an early commercial building in the city’s warehouse and wholesaling district. As conditioned, the proposed alterations will be compatible with and continue to support the criteria and period of significance for the historic district.

- 2. The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.*

The property is a contributing building to the Minneapolis Warehouse Historic District is designated for its social, architectural and engineering significance. As conditioned, the project would be compatible with the exterior designation in which the property was designated. The recommended conditions of approval will help limit the visibility of the contemporary rooftop deck and penthouse

on the historic resource which will be a benefit to the appearance of the building and the historic district.

3. *The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.*

The proposal will not significantly impact location, design, materials, workmanship, feeling or association of the building. As proposed, the rooftop deck would have an impact on the physical setting of the building and the historic district as it will be visible from most vantage points along 1<sup>st</sup> Avenue North and 3<sup>rd</sup> Street North. As conditioned, the visibility of the rooftop deck railing will be significantly reduced which will be beneficial to the original building design and other contributing buildings within the historic district.

4. *The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.*

The *Minneapolis Warehouse Historic District Design Guidelines* were adopted in 2010. The following design guidelines for existing buildings are applicable to the proposal:

### **General Guidance**

Preservation is the preferred treatment for improving existing buildings from the period of significance. No matter the proposed treatment, maintaining and preserving original materials is preferred over introducing new materials. The exception is when original materials are too deteriorated to provide a sound building envelope.

#### **Requirement**

2.1 Character defining features such as loading docks, water towers, fire escapes and chimneys shall be preserved.

2.2 Distinctive architectural features shall be preserved.

2.5. Building entrances shall not be reoriented so that freight entrances and loading docks are used as primary building entrances.

### **Staff Comment**

The applicant's proposed rooftop deck and penthouse will not adversely impact distinctive architectural features of the building. The roof currently has rooftop mechanical equipment and a roof hatch that is not historic. Any distinctive, historic elements that were located on the roof were either destroyed by the fire that took place in 1958 or removed at an earlier time (e.g. chimney at the back of the building).

### **Roofs and Parapets**

#### **Requirement**

2.62. The original building roofline including the cornice, parapet, and other elements shall be retained and not altered.

2.63: Rooftop decks and equipment including HVAC, wind or solar power equipment that projects above the roofline shall be set back from the primary building elevation(s) one structural bay. They shall not be visible from the street. More visible locations will be considered if evidence is provided of structural load needs.

2.64. The repair of roofs with modern roofing materials, such as rolled rubber or asphalt, is allowed and shall not be visible from the street.

### **Staff Comment**

The original building roofline and fifth story was destroyed by a fire in 1958. The applicant's proposal will not impact the existing building's cornice, parapet or other historic elements. However, as proposed, the rooftop deck and railing would be located less than one structural bay and the railing will be visible from the street from most vantage points. The rooftop deck's penthouse and railing will be visible for those viewing the building from 1<sup>st</sup> Avenue North or Washington Avenue North that are looking southwest (see renderings). When viewing the building from 1<sup>st</sup> Avenue North or 3<sup>rd</sup> Street North looking northeast (towards the river), the railing would be visible. The *Minneapolis Warehouse Historic District Design Guidelines* state the following in the Guidelines for Existing Buildings-Rooftop Addition section: "Rooftop additions on buildings that are less than four stories are not allowed due to their visibility. In cases where a rooftop addition is allowed the guidelines are intended to minimize visibility of the addition from the public street by limiting its footprint, scale, height and mass." It is realized that the subject building is narrower than other contributing buildings in the district; however, if the applicant complied with the historic district guideline in having the rooftop deck set back one structural bay, the visibility of the deck railing would not be visible from the 1<sup>st</sup> Avenue North/3<sup>rd</sup> Street North intersection. It should also be noted that if the project complies with the historic district guidelines in terms of having the rooftop deck set back one structural bay from the primary building elevations, the applicant would still be able to build a rooftop deck with 650 square feet of floor area (instead of the 1,314 square feet proposed). Therefore, CPED is recommending that the rooftop deck and railing be set back one structural bay from the primary building elevations (1<sup>st</sup> Street North and 3<sup>rd</sup> Avenue North).

### **Rooftop Additions**

Buildings from the period of significance had flat roofs with a parapet wall. Most roofs have small penthouses for stairs or elevators. The roofs of many of the buildings contain water towers, tanks, and chimneys, which should be retained. Rooftop additions are rarely appropriate on buildings. Rooftop additions on buildings that are less than four stories are not allowed due to their visibility. In cases where a rooftop addition is allowed the guidelines are intended to minimize visibility of the addition from the public street by limiting its footprint, scale, height and mass. This minimizes alterations to the historic character of the building, the surrounding historic district, streetscape or other adjacent structures.

#### **Requirement**

2.68. A new rooftop addition shall be set back a minimum of one structural bay or 15 feet, whichever is greater, from all sides of the building. This setback does not constitute a standard right, but a baseline, additional setbacks may be required to meet the intent of the guidelines.

2.69. The height of the rooftop addition shall be limited to one story and shall not exceed 14 feet in height measured from the structural roof deck of the existing building. The height includes stair and elevator penthouses and rooftop mechanical equipment proposed on top of the addition.

2.70. The design of rooftop additions shall be clearly differentiated from the historic building in a way that does not detract from the character of the historic building or the district.

### **Staff Comment**

The proposed penthouse will comply with all rooftop addition requirements. It will be set back a minimum of 15 feet from all sides of the building, it will be less than 14 feet in height (9.5 feet in height measured from the existing roof), and the design of the rooftop penthouse, with a dark aluminum break metal and dark bronze aluminum window system will help the penthouse be clearly differentiated from the historic building in a way that does not detract from the character of the historic building or the district.

5. *The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.*

With conditions, the applicant is proposing a sensitive rehabilitation of the Commercial Building at 256 1<sup>st</sup> Avenue North by not impacting the historic fabric of the building, limiting the visibility of new construction, and proposing a sensitive contemporary structure. Staff finds that the proposal, subject to the recommended conditions, meets *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. *The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan and applicable preservation policies in small area plans adopted by the city council.*

With the recommended conditions, the proposed alterations would conform to the preservation ordinance and applicable preservation policies, and would be consistent with the following policies of the comprehensive plan:

**Heritage Preservation Policy 8.1: Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.**

- 8.1.1 Protect historic resources from modifications that are not sensitive to their historic significance.

**Heritage Preservation Policy 8.10: Promote the benefits of preservation as an economic development tool and a method to achieve greater environmental sustainability and city vitality.**

- 8.10.5 Prioritize the reuse of the city's historic buildings as a strategy for sustainable development.

8.10.7 Use planning tools, such as transfer of development rights and historic variances, as well as economic incentives, such as tax increment financing and tax abatements, to retain historic structures while compensating for the loss of development potential.

7. *Destruction of any property. Before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. 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 a reasonable period of time to allow parties interested in preserving the property a reasonable opportunity to act to protect it.*

This proposal does not constitute the destruction of property.

Before approving a Certificate of Appropriateness, and based upon the evidence presented in each application submitted, the Commission shall make findings that alterations are proposed in a manner that demonstrates that the Applicant has made adequate consideration of the following documents and regulations:

8. *The description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.*

Evidence presented in the application submitted and the alterations proposed demonstrate that the applicant has made adequate consideration of the description and statement of significance of the nomination of the Warehouse Historic District.

9. *Where applicable, adequate consideration of Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review.*

The proposed project will not require site plan review.

10. *The typology of treatments delineated in the Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines for preserving, rehabilitating, reconstructing, and restoring historic buildings.*

The applicant has adequately considered the Secretary of the Interior's Standards for the Treatment of Historic Properties, though some of the recommended conditions of approval will help to ensure that the proposal meets those standards.

Before approving a Certificate of Appropriateness that involves alterations to a property within an historic district, the Commission shall make findings based upon, but not limited to, the following:

11. *The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.*

With the recommended conditions of approval, the alterations will be compatible with and will ensure continued significance and integrity of all the contributing properties in the historic district based on the period of significance of 1865 – 1930. See findings 1-4 for more detailed analysis.

12. *Granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.*

With the recommended conditions of approval, granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.

13. *The certificate of appropriateness will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.*

The significance and integrity of other resources in the district will not be negatively impacted by the certificate of appropriateness. These alterations will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission adopt staff findings for the application(s) by Nicolas Thomley for the property located at 256 1<sup>st</sup> Avenue North/106 3<sup>rd</sup> Street North in the Minneapolis Warehouse Historic District:

### A. Certificate of Appropriateness.

Recommended motion: **Approve** the certificate of appropriateness to allow for the construction of a rooftop deck and penthouse, subject to the following conditions:

1. The rooftop deck and railing shall be set back one structural bay from the primary building elevations (1<sup>st</sup> Street North and 3<sup>rd</sup> Avenue North).
2. By ordinance, approvals are valid for a period of two years from the date of the decision unless required permits are obtained and the action approved is substantially begun and proceeds in a continuous basis toward completion. 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 August 11, 2017.
3. By ordinance, all approvals granted in this certificate of appropriateness 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 Certificate of Appropriateness and may result in termination of the approval.

## ATTACHMENTS

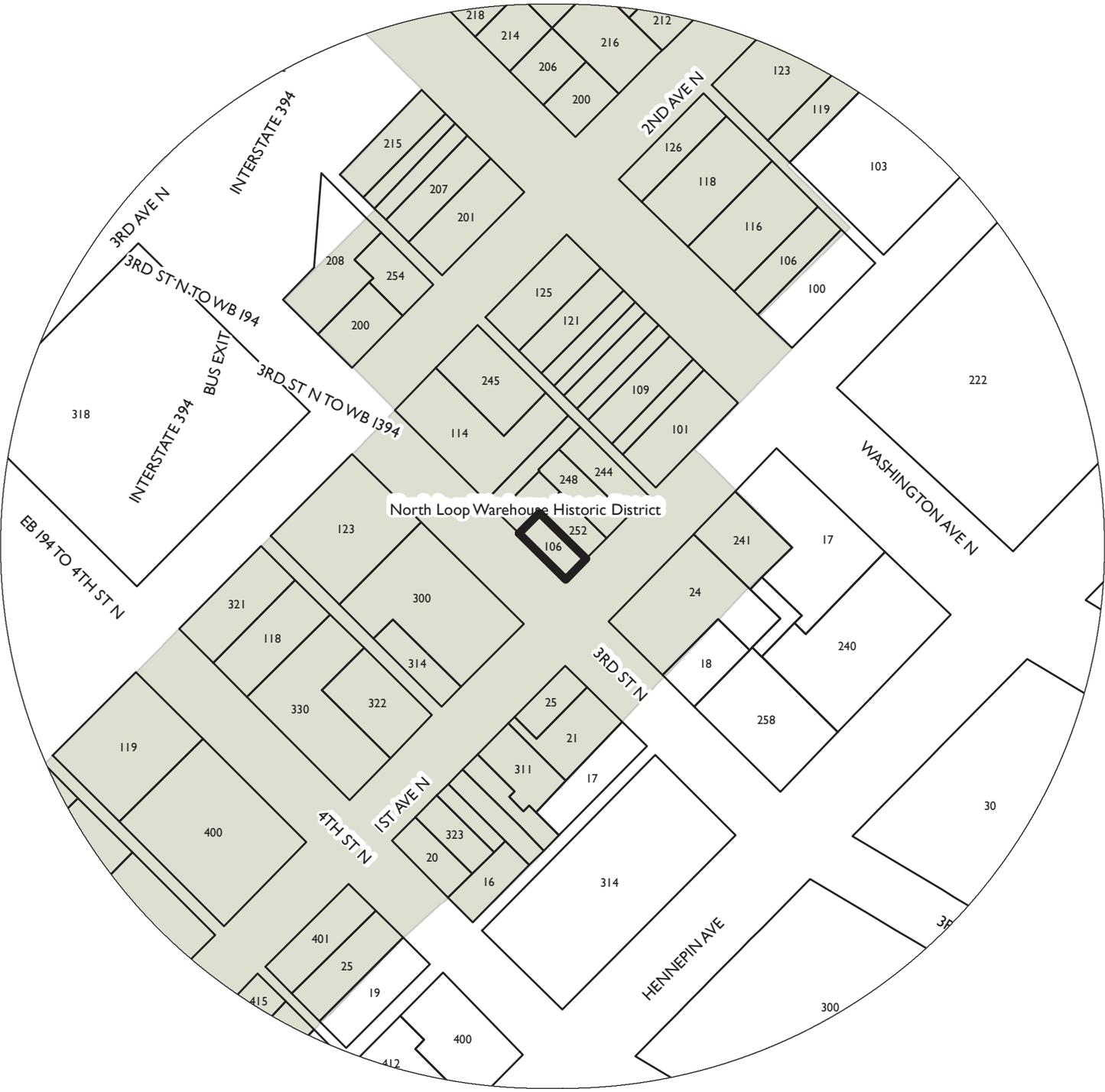
1. BZH Map
2. Written description and findings submitted by applicant
3. Project description, floor plans, elevation, and exterior elevations
4. Illustration showing CPED condition of approval
5. Images, aerials, and renderings
6. Building material information

**First Avenue Commercial Building, LLC/Nicolas Thomley**

**3rd**

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

**106 3rd Street North/256 1st Avenue North**

FILE NUMBER

**BZH-28757**

## Heritage Preservation Certificate of Appropriateness Request

### Statement by the applicant to address the required findings:

The Commercial Building located at 106 N. 3<sup>rd</sup> Street also known, as 256 N. 1<sup>st</sup> Avenue is located within the Warehouse Historic District. It is located on the corner of N. 1<sup>st</sup> Avenue and N. 3<sup>rd</sup> Street. The building was originally erected in 1902 as a five-story office building (*photo from early 1900's included as Attachment #1*). The 5<sup>th</sup> story was lost in a fire in the 1950's. The building has had many occupants during its history. The current tenants are Jackson's Hole, a bar and restaurant occupying the first and second floors. The third floor is currently vacant and being marketing for lease as commercial office space. The managing member of First Avenue Commercial Building, LLC, the owner of the property, occupies the fourth floor as a dwelling unit.

The proposed work for 106 N. 3<sup>rd</sup> Street involves the construction of a roof deck above the 1902 brick building located in the Warehouse Historic District. The roof deck is only intended for private use as an extension of the dwelling unit on the 4<sup>th</sup> floor. As part of the work, a new penthouse will be built to provide access to the roof deck. It should be noted that to currently access the roof, there are a steep set of stairs in the main stairwell with a narrow opening to a roof hatch. It is unknown if a penthouse existed when the building was originally erected, it would have been lost in the 1950's fire.

#### **(1) The alteration is compatible with and continues to support the criteria of significance and the period of significance for which the landmark or historic district was designated.**

The Warehouse Historic District's period of significance is from 1865 – 1930. The building was erected in 1902 as one of the first office buildings in the Minneapolis Wholesale District. The proposed roof deck will have minimal impact on surrounding properties. We are proposing a minimalist railing system composed of wrought iron posts and aluminum railings that will enclose the entire deck and be as transparent as possible. The railing will be setback 37" from the SW wall of the building, and 37" from the SE wall of the building. The railing will be set back from the NE wall of the building, the most visible from the street, 9'6" of 36' of the deck and 17'6" of 24' of the deck. These setbacks minimize visibility from N. 1<sup>st</sup> Avenue and N. 3<sup>rd</sup> Street. The deck itself will consist of a Class A fire rated composite material, which will sit below the existing parapet.

**(2) The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.**

The proposed alterations to the contributing building are compatible with the Warehouse Historic District. The building is not individually designated for its interior or exterior. The proposed penthouse is minimal in size. It is setback 15' from the SW wall of the building and 17'7" from the NE building wall to minimize visibility from the street. The penthouse will consist of an aluminum frame and clear tempered glass. These materials are distinct enough to separate the penthouse from the building by not providing a false sense of history while maintaining consistency with other buildings in the district.

**(3) The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.**

The proposed roof deck will not materially impact the integrity of the historic district. The *location* of the property will not change. The overall *design* of the historic building will remain unchanged. The addition of the roof deck will be minimally visible and is reversible. The proposed roof deck will not change the *setting* for this property or others in the district. The proposed work will not result in the loss of any historic *materials* from the building. The proposed roof deck will not impact the historic parapet. New materials used will be distinct enough to not provide a false sense of history, yet be consistent with materials used in other new or recent construction within the district to match. The proposed work will not have any impact on the structure's integrity of *workmanship*. The *feeling* of the building will remain unchanged. With the setback from the building walls, visibility of the roof deck from the street will be minimized. The project will not impair the property's *association*. The building was originally constructed for commercial office space, but has been converted to mixed use over its history.

**(4) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.**

*Minneapolis Warehouse Historic District Design Guidelines:* The roof deck addition to 106 N. 3<sup>rd</sup> Street will not materially impair the significance and integrity of the historic district. The requested certificate of appropriateness is compatible with the preservation of the property.

*Roofs & Parapets (2.62 & 2.63):* There are no alterations proposed to the existing parapets complying with Requirement 2.62. The proposed penthouse is setback 15' from the SW wall of the property and 17'7" from the NE wall, minimizing visibility from pedestrian right of way and complying with Requirement 2.63.

Rooftop Additions (2.68 – 2.71): The building does not currently have a penthouse for rooftop access. It is unknown if there was one prior to the 1950's fire when the 5<sup>th</sup> story was lost. Our proposal to add a new roof access with a penthouse meets the Requirement 2.68 in the Design Guidelines with a setback of one structural bay or 15' on each side limiting visibility from the street. The proposed penthouse is only 9'7" in height, well under the 14' maximum allowable, which complies with Requirement 2.69. We believe that the design is clearly differentiated in a way that does not detract from the character of the building or district, complying with Requirement 2.70. We have designed the roof deck to be as minimally visible as possible from any public right-of-way, complying with Requirement 2.71.

We understand that the *Warehouse Historic District Design Guidelines* state the following: "Rooftop additions on buildings that are less than four stories are not allowed due to their visibility. In cases where a rooftop addition is allowed the guidelines are intended to minimize visibility of the addition from the public street by limiting its footprint, scale, height and mass. This minimizes alterations to the historic character of the building, the surrounding historic district, streetscape or other adjacent structures."

We are asking that a certificate of appropriateness be approved for a roof deck at 106 N. 3<sup>rd</sup> Street as it will be minimally visible from the street, and will not dramatically alter the appearance of the building or the district. A couple examples of other buildings within the Warehouse Historic District are noted below.

The Bookmen Lofts located at 525 N. 3<sup>rd</sup> Street, include a roof deck. One portion of the building is 5 stories with another section that is 2 stories, both of which have roof decks. There is very little setback of the roof deck railing from the parapet (*photo is included as Attachment #2*). This deck is far more visible from the street than the proposed roof deck at 106 N. 3<sup>rd</sup> Street.

The building located at 401 N. 1<sup>st</sup> Avenue, for many years known as Nate's Clothing, includes a penthouse on the rooftop clearly visible from the street (*photo included as Attachment #3*). The penthouse is large and runs the length of the building. While this building is 5 stories, the penthouse is larger and far more visible than the proposed roof deck plans at 106 N. 3<sup>rd</sup> Street. The Ackerberg Group owns 401 N. 1st Avenue. In their renderings for the use of the building, they are planning to, or have already proposed a railing with little setback from the parapet (*photo included as attachment #4*).

There are several additional properties contained within the Warehouse Historic District where roof decks or additions are more visible than the proposed roof deck at 106 N. 3<sup>rd</sup> Street.

- (5) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.**

The project will not materially impair the significance and integrity of the historic district as evidenced by the consistency of the proposed alterations. *The Secretary of the Interior's Standards for Treatment of Historic Properties* recommends the following under *Standards for Rehabilitation #9*: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will 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." The proposed alterations will not remove any historic building materials and the parapet will not be impacted by the roof deck or railing. The materials used will be compatible within the district but will be differentiated from the old materials.

- (6) The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan and applicable preservation policies in small area plans adopted by the city council.**

*The Minneapolis Plan for Sustainable Growth, Section 8 – Heritage Preservation*: This request specifically relates to Policy 8.1. The proposed roof deck does not dramatically alter the building's historic appearance or significance within the Warehouse Historic District. The proposed roof deck is sensitive to the building's character and allows for adaptive reuse while respecting its historic significance.

*The Minneapolis Downtown 2010 plan*: The proposed roof deck at 106 N. 3<sup>rd</sup> Street is inline with the policies outlined in the 2010 plan.

- Downtown's Physical Setting Policy #16: "Preserve, restore and reuse historic buildings and sites in Downtown." First Avenue Commercial Building, LLC has made significant investments in to the building in order to preserve its history, restore the building and reuse it.
- Downtown's Physical Setting Policy #17: "Support the retention of historic properties in publicly assisted redevelopment projects." First Avenue Commercial Building, LLC has not received any public funding, but rather members of the LLC have invested personal funds to preserve and retain the historic building.

*Downtown East / North Loop Master Plan*: According to the approved city plans listed on the City of Minneapolis website it does not appear that a master plan for Downtown West, the neighborhood the property is located in, currently exists. However, the building is included within the geographic boundaries of the *Downtown East / North Loop Master Plan of 2003*. The

building is located in *Development Precinct 9: West Hennepin*, which encourages mixed use while maintaining the historic character of the district. The roof deck does not alter the historic character of the district.

*The Minneapolis Code of Ordinance, Title 23, Chapter 599, Heritage Preservation Regulations:* This application complies with the application requirements set forth in the Minneapolis Code of Ordinance.

**(7) The destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but 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 a reasonable period of time to allow parties interested in preserving the property a reasonable opportunity to act to protect it.**

The project does not involve the destruction of the property. The historic parapet will not be impacted by the installation of the roof deck or railings.

**Findings addressing alterations are proposed in a manner that gives adequate consideration for applicable documents and regulations:**

**(8) The description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.**

The structure was originally constructed in 1902 as one of the first office buildings in Minneapolis Wholesale District. The building has been home to many businesses during its history and in recent years has been converted to mixed use. We have given consideration to the statement of significance in the original nomination upon which the historic district was based.

**(9) Where applicable, Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review.**

The scope of the work in this application does not require site plan review under Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530. The portion of the penthouse addition does not exceed 1,000 square feet.

- (10) The typology of treatments delineated in the Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines for preserving, rehabilitating, reconstruction, and restoring historic buildings.**

The proposed roof deck falls under the scope of rehabilitation. The alteration to the property allows for adaptive reuse of the historic building without impacting the integrity or character of the building. The application complies with the rehabilitation guidelines set forth in *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

**Findings addressing alterations to a property within a historic district:**

- (11) The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.**

The roof deck is compatible with and ensures continued significance and integrity of contributing properties in the historic district. The penthouse and roof deck will be contemporary in appearance, yet compatible with the historic brick buildings in the district. In addition, the roof deck and penthouse could be removed at a future date without harming the historic building or district.

- (12) Granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.**

The roof deck and penthouse maintain the existing historic building's presence and are compatible to other new or recent construction within the district. The Certificate of Appropriateness application is in compliance with Title 23, Chapter 599 – Heritage Preservation Regulations of the *Minneapolis Code of Ordinances*.

- (13) The certificate of appropriateness will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.**

Approval of this certificate will not be injurious to the significance and integrity of the other resources in the historic district. It will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance. The roof deck addition minimizes the visual impact on the building by utilizing setbacks.

## PROJECT DESCRIPTION

THIS IS AN EXISTING 4 LEVEL BUILDING. THIS BUILDING AT ONE TIME WAS A 5 STORY BLDG. THE TOP FLOOR HAD A FIRE IN 1956 AND THAT LEVEL WAS SUBSEQUENTLY REMOVED. THE CURRENT OWNER OF THE BUILDING ALSO RESIDES ON THE FORTH (NOW TOP) LEVEL OF THE BUILDING AND IS PROPOSING TO BUILD A PRIVATE ROOF TOP DECK THAT WILL ALSO INCLUDE A NEW SPIRAL STAIR FOR ACCESS AND A STAIR PENTHOUSE ON THE ROOF. THE STAIR PENTHOUSE IS WITHIN THE 15' SETBACK REQUIRED BY HPC. THE DECK IS PROPOSED TO BE A RAISED SYSTEM WITH FIRE RATED WOOD PANELS. THE GUARD RAIL THAT IS REQUIRED IS PROPOSED TO BE A WROUGHT IRON POST AND HORIZONTAL CABELING SYSTEM. THE RAILING IS PROPOSED TO BE SET BACK APPROX 4' FROM THE BLDG PAREPET AS TO DIMINISH ITS VIEW FROM STREET LEVEL AS SHOWN WITH ATTACHED RENDERINGS. THE STAIR PENTHOUSE IS PROPOSED TO BE BRONZE ALUMINUM AND GLASS FOR TYPICAL EXTERIOR MATERIALS.



1000 Twelve Oaks Center Dr.  
Suite 200  
Wayzata MN 55391

Tel 952.426.7400  
Fax 952.426.7440

SCALE:

N.T.S.

DATE:

Date

PROJECT NO.

14412.0 TDB

DRAWN BY:

B BAILEY

COMPUTER PATH:  
V:\000\.....

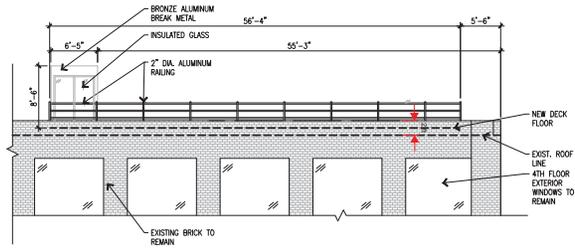
SHEET DESCRIPTION:

**106 ROOF DECK  
PROJECT DESCRIPTION  
106 N. 3RD STREET  
MPLS, MN**

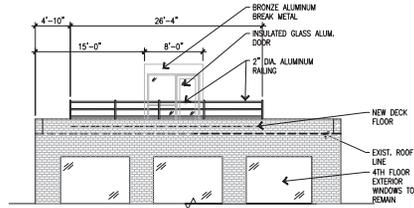
SHEET NUMBER:

**1  
A2.0**

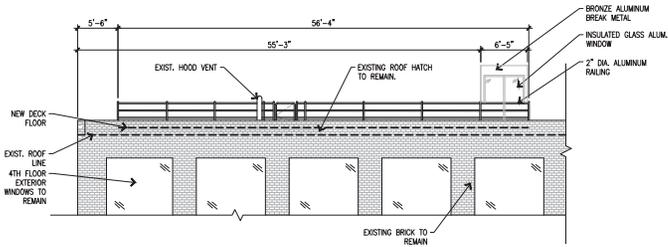




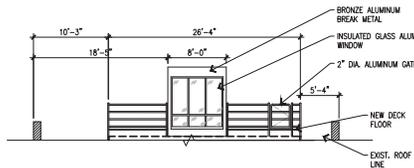
**1 EXTERIOR ELEVATION - SOUTH**  
A002 1/8" = 1'-0"



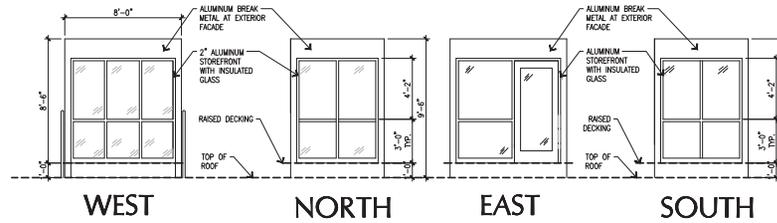
**2 EXTERIOR ELEVATION - EAST**  
A002 1/8" = 1'-0"



**3 EXTERIOR ELEVATION - NORTH**  
A002 1/8" = 1'-0"



**4 EXTERIOR ELEVATION - WEST**  
A002 1/8" = 1'-0"



**5 ENLARGED VIEW AT PENTHOUSE**  
A002 1/4" = 1'-0"

**ROOF DECK AND STAIR  
ROOF DECK ADDITION**

106 N. 3RD STREET  
106 N. 3RD STREET  
MINNEAPOLIS, MN

PROJECT NAME

**TDB** llc

**MH** ARCHITECT  
1000 Twelve Oaks Center Dr.  
Suite 200  
Wayzata MN 55391  
Tel 952.426.7400  
Fax 952.426.7440

ARCHITECT

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A duly LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

REGISTRATION

TOOCHNAGEN, AL, NCARB  
REGISTRATION NUMBER: 19074

THE ARCHITECT SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS OF THE ATTACHED DOCUMENTS.

NO. DESCRIPTION DATE

1. REVISIONS 7/14/2016

REVISION RECORD

PROJECT NUMBER: 1440000

DRAWN BY: B. BARRY

CHECKED BY: --

DATE:

COMPUTER DIRECTORY:

**EXTERIOR ELEVATIONS**

SCHEMATIC DESIGN

A002



K:\Jobs\Location Here\Bldg\Roof Deck\05.dwg (Roof Deck and Stair) - A002 - EXTERIOR ELEVATIONS.dwg





106 3rd Street North: circa 1910



106 3rd Street North: Contemporary images



Runyon's

Voyageurs National  
Park Association

M2 Eatery

106 N 3rd St

N 1st Ave

N 3rd St

IPR



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SCALE: N.T.S.  
DATE: Date  
PROJECT NO. 14412.0 TDB  
DRAWN BY: B. BAILEY  
COMPUTER PATH: Jobs\.....

SHEET DESCRIPTION:  
**106 ROOF DECK**  
**300' CIRCUMFERENCE**  
**106 N. 3RD STREET**  
**MPLS, MN**

SHEET NUMBER:  
**1**  
**A20**

Roof Images



Rendering provided by applicant

RAILING AND PENTHOUSE ARE NOT VISIBLE FROM STREET LEVEL



RAILING AND PENTHOUSE ARE NOT VISIBLE FROM STREET LEVEL



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SCALE: N.T.S.  
DATE: Date  
PROJECT NO. 14412.0 TDB  
DRAWN BY: B. BAILEY  
COMPUTER PATH: Jobs\...

SHEET DESCRIPTION:  
106 ROOF DECK  
RENDERING  
106 N. 3RD STREET  
MPLS, MN

SHEET NUMBER:

1  
A2.0

Rendering provided by CPED









CLASS A FIRE RATED IPE WOOD PANELS ON RAISED DECK



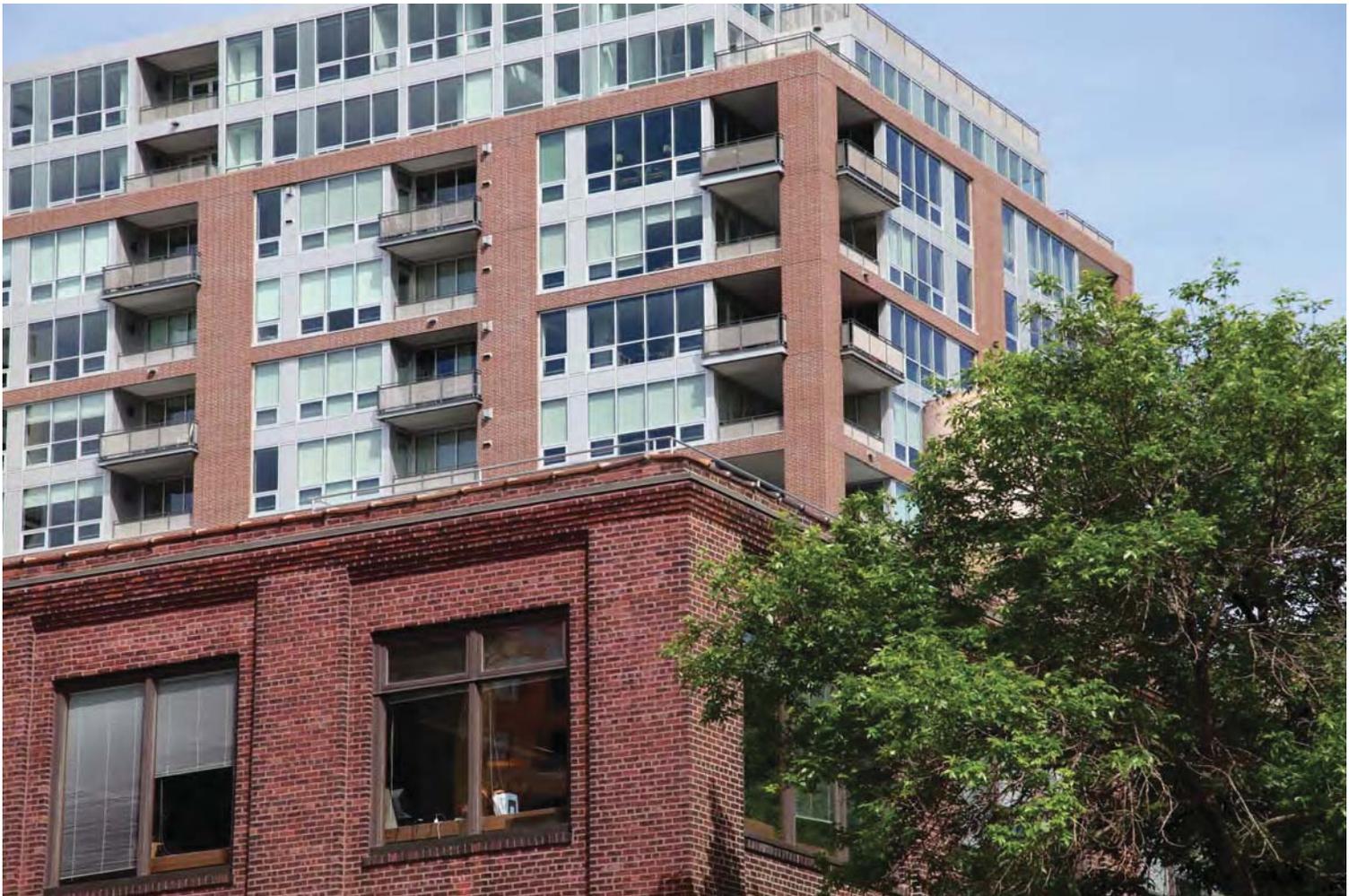
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Fax 952.426.7440

SCALE:	N.T.S.
DATE:	Date
PROJECT NO.	14412.0 TBD
DRAWN BY:	B. BAILEY
COMPUTER FILE:	Job

SHEET DESCRIPTION:  
**106 ROOF DECK  
PROPOSED MATERIALS  
106 N. 3RD STREET  
MPLS, MN**

SHEET NUMBER:  
**1  
A20**

Proposed Metal Railing



Proposed aluminum window system



Proposed break metal

