

Department of Community Planning and Economic Development
Planning Division

Certificate of Appropriateness
BZH-26549

Date: August 24, 2010

Proposal: Certificate of Appropriateness for rooftop additions.

Applicant: RJ Marco Construction

Address of Property: 126 5th Street North

Project Name: Ahern's Irish Pub Rooftop Additions

Contact Person and Phone: Paul Nolan, RJ Marco Construction, 651-484-5635

Planning Staff and Phone: Chris Vrchota, 612-673-5467

Date Application Deemed Complete: August 4, 2010

Publication Date: August 10, 2010

Public Hearing: August 24, 2010

Appeal Period Expiration: September 3, 2010

Ward: Ward 7

Neighborhood Organization: Downtown Minneapolis Neighborhood Organization

Concurrent Review: N/A

Attachments: Attachment A: Materials submitted by CPED staff –

- 350' map (A-1)
- Actions from February 13, 2007 Heritage Preservation Commission Meeting (A-2 – A-3)

Attachment B: Materials submitted by Applicant –

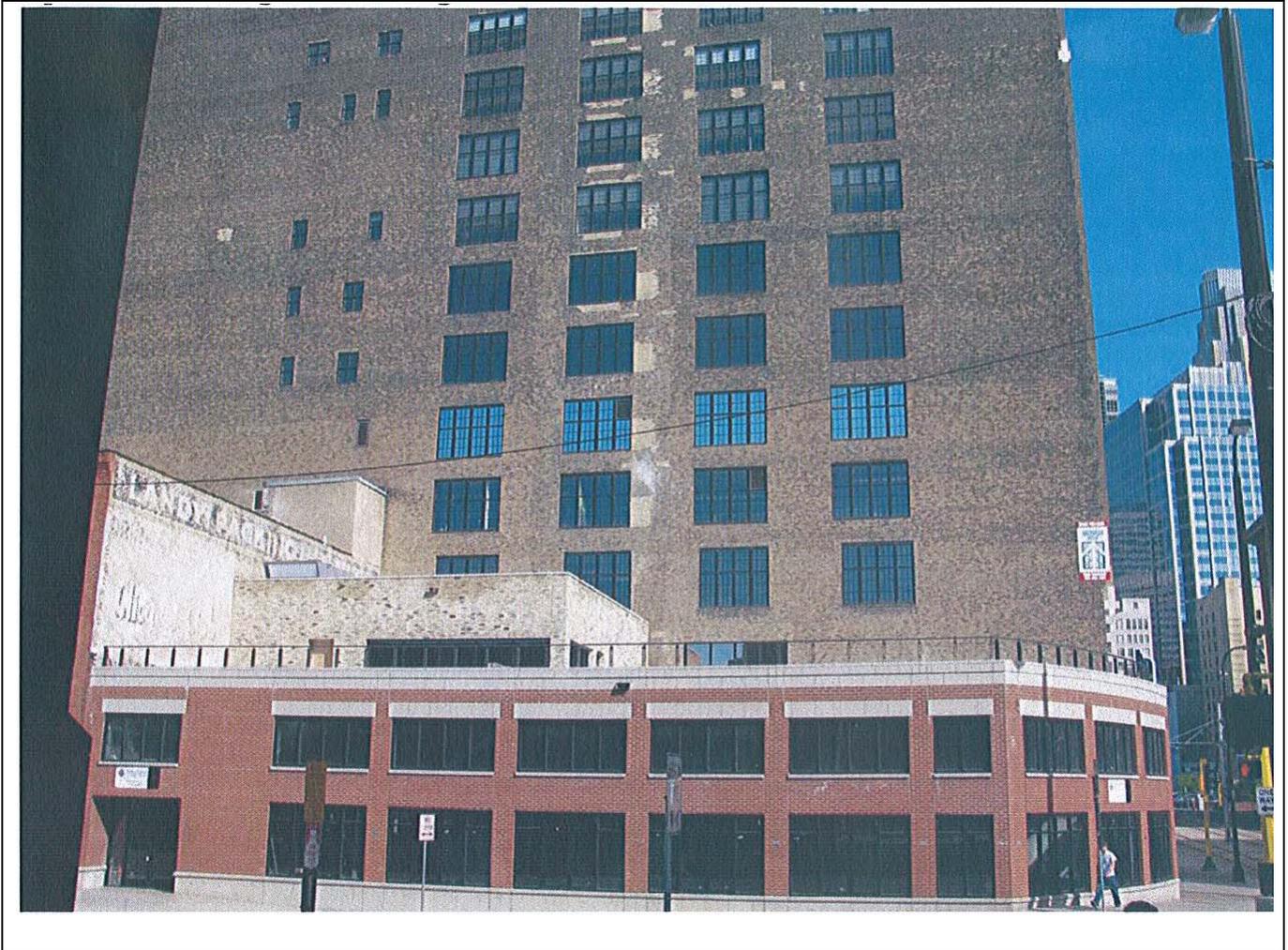
- Notification letters to Council Member and Neighborhood organization (B-1 – B-3)
- Application form submitted August 4, 2010 (B-4 – B-6)
- Site Plan and Drawings (B-7 – B-10)
- Statement addressing the findings (B-11 – B-14)
- Additional Photographs (B-15 – B-21)

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**View of Subject Property from SW corner of North 5th Street and 2nd Avenue North
(Photo Submitted by Applicant)**

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**View of Subject Property from 2nd Avenue North
(Photo Submitted by Applicant)**

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CLASSIFICATION:	
Local Historic District	Warehouse Historic District
Period of Significance	1865-1930
Criteria of significance	Architecture, Commerce, Master Craftsmen
Date of local designation	1978
Applicable Design Guidelines	Secretary of Interior Standards for Treatment of Historic Properties, Warehouse District Design Guidelines.

PROPERTY INFORMATION	
Current name	Wyman Partridge Building
Historic Name	Wyman Partridge and Company
Current Address	126 5 th Street North
Historic Address	110 5 th Street North
Original Construction Date	1916 2007- Addition
Original Contractor	H.N. Leighton Co.
Original Architect	Kees & Colburn
Historic Use	Commercial
Current Use	Commercial
Proposed Use	Commercial

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BACKGROUND:

The subject property is a 2 story addition built onto the side of the Wyman Partridge Building. The Wyman Partridge building is a 12-story Renaissance style warehouse building designed by the noted architecture firm of Kees & Colburn. It originally served as a warehouse for the Wyman & Partridge Company, a regional manufacturer and wholesaler.

The addition was approved by the Heritage Preservation Commission in 2007. It is a 2-story brick building with a 1661 square foot penthouse on the roof.

The addition was not constructed entirely in keeping with the originally approved design. Changes include:

- Original plans called for a parapet wall around the roof of the building to provide screening for the rooftop enclosure and activities on the roof.
- A metal and cable railing system was installed instead of the original parapet wall.
- The original plans called for the construction of a stair tower on the roof to provide the secondary means of egress- this was not built.
- The secondary egress point was instead provided through the installation of a new door cut into the side wall of the Wyman Partridge Building.

SUMMARY OF APPLICANT'S PROPOSAL:

The Applicant is seeking a Certificate of Appropriateness to construct an additional 1,013 square foot enclosed rooftop bar expansion for the tenant, along with a walled, roofless smoking area for use by Epic Night Club, which is located in the original Wyman Partridge Building. There will be no access between the smoking area and any other part of the rooftop. The previously approved set of double doors from the original Wyman Partridge Building would provide access to the smoking area, while the single door would provide a secondary means of fire egress from the rooftop deck. (BZH-26433: 110 North 5th Street. Public hearing held on 07/27/10.) The proposal also includes a rooftop deck for outdoor seating for the bar, which extends to the edge of the rooftop, and a pergola structure extending from the edge of the proposed bar addition to the edge of the roof along 2nd Avenue.

The metal and cable railing system that was installed instead of the originally approved parapet wall- work done by the building owner, not the current Applicant- will also be considered in this report.

PUBLIC COMMENT:

No public comment had been received by the time of publication.

Findings as required by the Minneapolis Preservation Code:

The Planning Division of the Minneapolis Community Planning and Economic Development Department has analyzed the application based on the findings required by the Minneapolis Preservation Ordinance. Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings based upon, but not limited to, the following:

(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 Warehouse District is significant due to its collection of 19th and early 20th century commercial architecture and its representation of late 19th and early 20th century commerce. The subject site is a non-contributing addition to a contributing property within the district.

The Applicant is seeking a Certificate of Appropriateness to construct an additional enclosed rooftop bar for the main-floor tenant; construct an enclosed, roofless smoking area for use by Epic Night Club, which is located in the original Wyman Partridge Building; installation of outdoor seating for the bar, which extends to the edge of the rooftop; and construct a pergola structure extending from the edge of the proposed bar addition to the edge of the roof along 2nd Avenue.

Because the subject site is a non-contributing addition to a contributing resource in the district, concerns about the potential impacts of the proposed work are focused on how it would impact the adjacent buildings and the district as a whole, rather than how it impacts the subject site.

The Applicant has indicated that the proposed rooftop bar addition and smoking enclosure would be constructed of brick matching that found on the existing, original rooftop structure. The proposed bar addition is 13'-8" tall, matching the height of the existing rooftop structure. The proposed smoking enclosure would be 8' tall. Both are set back at least one structural bay from the edge of the rooftop. The existing railing system, which was installed instead of the originally approved parapet around the roof of the building, has a simple design that, while modern, does evoke the industrial and commercial feeling of the warehouse district. This proposed work does not alter the building's significance or reduce its status as a contributing resource in a historic district that is significant for being a collection of 19th and 20th century commercial architecture. 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 proposed pergola and portions of the permanent rooftop seating elements, both of which extend to the edge of the roofline, would be significantly more visible from the street and adjacent properties, and be out of character with development elsewhere in the

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district. This work could have an impact on understanding the character and period of significance for the Warehouse District.

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

The subject site is a non-contributing addition to a contributing building in the Warehouse District. As such, concerns about the rooftop additions are focused more on how the work will impact adjacent buildings and the district as a whole.

The proposed rooftop bar addition and enclosed smoking area would be set back a suitable distance from the sides of the building, and be built using brick to match the existing structure. The proposed design is in keeping with the design of the existing rooftop structure and the addition as a whole. The railing system, constructed of materials available during the district's period of significance, is compatible with the simple, modern design of the addition without detracting from the original building or the district. This work would be compatible with the exterior designation for the district in which the designated property is found.

The Applicant is also proposing to construct a pergola and install permanent seating elements (booths, tables) that extend to the edge of the roofline. These additions would be highly visible from the street along both 2nd Avenue and 5th Street. These alterations would not be compatible with or support the exterior designation for the district in which the designated property is found.

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

Both the City of Minneapolis' Heritage Preservation Regulations and the National Register of Historic Places identify integrity as the authenticity of historic properties and recognize seven aspects that define a property's integrity: location, design, setting, materials, workmanship, feeling and association. The site had been a surface parking lot prior to the construction of the addition, so there was no original building fabric on site. Because the subject site is a modern, non-contributing addition, the integrity of the subject site itself is less of a concern than how the alterations could affect the integrity of adjacent structures or the district as a whole.

Location: The Applicant is not proposing to change the location of the structure, thus the project will not impact the integrity of location.

Design: The proposed enclosed bar area and smoking enclosure are setback one structural bay from the rooftop and are similar in design to the original rooftop structure. They do not obscure any important architectural details on the original Wyman Partridge Building. The railing system, while a recognizably modern design, is relatively simple. It matches the style of the modern addition, and does not distract from the contributing structures in the district. These alterations would not have an

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impact on the integrity of design for the original Wyman Partridge building or the district.

The proposed pergola, which is approximately 11 feet tall, extends all the way to the edge of the rooftop, as do some of the proposed structured seating elements, such as booths and tables. These elements would be very visibly from the street, especially since the originally approved parapet wall was not constructed and a mostly transparent metal and cable style railing was installed instead. This proposed rooftop seating varies from the original approval for the site which required the deck area to be set back at least one structural bay. The pergola, while proposed to be constructed of wood, is not in keeping with the late 19th and early 20th century architectural styles found in the Warehouse District. The pergola and permanent seating elements would have an impact on the integrity of design.

Setting: The proposed bar and smoking area are setback from the roofline and would have limited visibility from the street or adjacent properties. They would not have an impact on the setting of the district.

The pergola and some of the proposed structured seating elements, such as booths and tables, are proposed to extend to the edge of the roof, bringing both massing and activity to the edge of the building. These alterations would have an impact on the integrity of setting.

Materials: The Applicant has stated that the proposed bar and smoking enclosure would be constructed of brick matching the existing rooftop structure. The metal and cable railing system uses materials that were readily available during the period of significance. The proposed work would not impair the contributing resource's integrity of materials.

Workmanship: The subject site is a non-contributing addition. The proposed work would not impact or obscure any significant details on the adjacent Wyman Partridge Building. The work would not impair the integrity workmanship.

Feeling: The proposed enclosed bar and smoking area are setback from the roofline and would have limited visibility from the street or adjacent properties. They would not have an impact on the integrity feeling of the district.

The proposed pergola is not in keeping with the architectural styles found in the district. The proposed permanent seating elements would bring active uses right to the edge of the rooftop. Both of these alterations would have an impact on the integrity of feeling for the district.

Association: The subject site and the original Wyman Partridge Building were both constructed for commercial uses. The project will not impair the property's integrity of association.

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- (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 Warehouse Historic District Design Guidelines are the appropriate local design guidelines for the subject property.

Regarding rooftop additions, the Warehouse Historic District Design Guidelines state:

“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.”

The proposed bar addition is setback approximately one structural bay from each side of the building, and the enclosed smoking area is setback further. These alterations would be in compliance with this guideline.

The pergola and permanent seating elements are both proposed to extend to the edge of the roof. These alterations are not in keeping with the guideline requiring rooftop additions to be setback 15 feet or one structural bay from the sides of the building.

Section 2.69 states: “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.” The proposed bar addition would be 13'-8" tall, matching the existing rooftop enclosure. The proposed pergola is approximately 11 feet tall, though it is proposed to extend to the edge of the roofline. The proposed smoking enclosure is 8 feet tall. All of the proposed additions would be within the 14 foot height limitation.

Section 2.70 states: “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.”

The proposed enclosed bar addition and smoking enclosure would be built of brick, matching the brick used for the construction of the original rooftop structure. The bar has windows that are similar, though somewhat larger to those found on the 1st and 2nd levels of the structure below. The railing system is of a simple, modern design, using materials that were available during the district's period of significance. These additions are compatible with but distinguishable from the historic buildings in the district.

The proposed pergola would be differentiated and distinguishable from the historic structures in the district, but could detract from the character of the district. The pergola is not in keeping with the collection of late 19th and early 20th century commercial structures

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for which the Warehouse District is significant, and it would be highly visible if it were built to the edge of the rooftop.

- (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 Guidelines for windows in the Secretary of the Interior's Standards for Rehabilitation are most applicable to the proposed project.

In regard to rooftop additions, The Secretary of the Interior's Standards for Rehabilitation recommend the following: "Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features."

The subject site is a non-contributing addition to a contributing building in the Warehouse District. As such, concerns about the rooftop additions are focused more on how the work will impact adjacent buildings and the district as a whole. None of the proposed work would require further alterations to the original, contributing Wyman Partridge Building.

The proposed bar and smoking enclosure are setback at least one structural bay from each side of the building, limiting their visual impact. In these regards, the proposed work is in keeping with the Secretary of the Interior's Standards.

The railing system is more conspicuous from the public right-of-way than the parapet wall would have been, and provides less screening than the wall would have. However, the simple design is unobtrusive, and does not obscure any character defining features on the adjacent buildings.

However, the pergola and some of the permanent seating elements are proposed to be extended all the way to the edge of the roof, making them highly visible from the street. These alterations would not be in keeping with the Secretary of the Interior's Standards.

- (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 proposed alterations are considered a major alteration and require a Certificate of Appropriateness application.

As proposed, the project would *not* conform to policy 8.1.1 of The Minneapolis Plan, which states: "Protect historic resources from modifications that are not sensitive to their

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historic significance.” This policy would not be met by the current design due to the proposed pergola, which is not compatible with the architecture of the district, and the proposed rooftop deck. Both the pergola and the deck would extend to the sides of the roof, bringing both massing and activity to the edge of the roof that would be highly visible from the right-of-way.

The proposed alterations also would *not* be in compliance with policy 8.1.2, which states: “Require new construction in historic districts to be compatible with the historic fabric.” The proposed pergola would not be in keeping with the historic fabric of the Warehouse Historic District.

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:

- (7) ***Adequate consideration of the description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.***

The Applicant identified the proposal to use brick construction matching the Wyman-Partridge Building, and the fact that the proposed construction would not obscure or alter any contributing buildings in the district as indications that consideration for the significance of the architecture of the Warehouse District was made.

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

The proposed work does not require site plan review.

- (9) ***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 submitted statements addressing the 12 required findings for a Certificate of Appropriateness (see Appendix B-10 – B-13). The Applicant stated that the work is in keeping with the Secretary of the Interior’s Standards because it does not destroy character defining features or materials; because the brick used for the proposed bar and smoking enclosure would match that found on the Wyman Partridge Building; because the work would be distinguishable from the historic structures in the district; and because the work could be reversed through the removal of the addition.

Staff finds this analysis to be correct, though incomplete because it does not address the conflict between the Secretary of the Interior’s Standards recommendation that rooftop additions be inconspicuous and the Applicant’s proposal to include permanent seating

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elements and a pergola that extend to the edge of the roofline, which would make them highly visible and conspicuous.

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:

- (10) 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 Warehouse District is significant due to its collection of 19th and early 20th century commercial architecture and its representation of late 19th and early 20th century commerce. The proposed bar and smoking area on the roof would be compatible with the significance and integrity of the adjacent historic building and with the district as a whole. The proposed pergola and rooftop seating, both of which would extend to the edge of the roof, would not be compatible with the significance or integrity of the Warehouse District. The pergola is not in keeping with the architectural styles of the Warehouse District. The proposal to have the pergola and rooftop seating extend to the edge of the building is not in keeping with the Warehouse Historic District Design Guidelines.

- (11) 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 spirit and intent of the City of Minneapolis' Heritage Preservation Regulations is to preserve historically significant buildings, structures, sites, objects, districts, and cultural landscapes of the community while permitting appropriate changes to be made to these properties. The enclosed rooftop bar addition and smoking enclosure would be constructed in a manner that is compatible with the existing structure and the district, and have limited visibility from the public right-of-way. The existing railing system is compatible with the existing construction on the site, as well as the district as a whole. This is in keeping with both the Warehouse District Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation, and would be in keeping with the spirit and intent of the ordinance.

The proposed pergola and permanent seating fixtures and tables that extend to the edge of the building are not in keeping with the Warehouse Historic District Design Guidelines or the Secretary of the Interior's Standards for Rehabilitation, and would not be in keeping with the spirit or intent of the ordinance.

The Warehouse District features a diverse collection of 19th and early 20th century warehouses and other commercial buildings. The area immediately surrounding the subject property features a number of large warehouse buildings which haven been divided into several smaller commercial and office uses. The rooftop bar and smoking

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area would not negatively alter the essential character of the historic district, nor would the existing railing system. The proposed pergola and fixed seating elements, which would extend massing and activity to the edge of the roofline, would alter the essential character of the Warehouse District.

- (12) *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 proposed bar and smoking enclosure, which meet the applicable design guidelines, would not be injurious to the significance and integrity of other resources in the district and would not impede the normal and orderly preservation of surrounding resources. The proposed structures are designed in a way that is compatible with other development in the Warehouse Historic District, and does not directly impact any contributing resource in a significant way.

The proposed pergola and rooftop seating area could be injurious to the significance and integrity of other resources in the district, and could impede the normal and orderly preservation of surrounding resources. Allowing development to the edge of the roof, which is not in keeping with the Warehouse Historic District Design Guidelines or Secretary of the Interior's Standards for Rehabilitation, would set a precedent that could lead to similar proposals in the future.

STAFF RECOMMENDATION

CPED-Planning staff recommends that the Heritage Preservation Commission **adopt** staff findings and **approve** the Certificate of Appropriateness for the construction of rooftop additions on the subject site, with the following conditions:

1. CPED-Planning reviews and approves final site plan, floor plans, and elevations.
2. The proposed pergola is not approved.
3. All permanent rooftop seating elements shall be setback 15 feet or 1 structural bay- whichever is greater- from the sides of the building adjacent to 2nd Avenue South and 5th Street North.
4. Brick used for the construction of the bar and smoking enclosure shall match the existing bricks in size and color.
5. Lighting plans must be submitted for review and approval by CPED staff.
6. Signage plans must be submitted for review and approval by CPED staff.
7. The existing railing system shall be permitted in lieu of the originally approved parapet wall.
8. All workmanship must be completed in conformance with the Secretary of Interior Standards, see: <http://www.nps.gov/history/hps/tps/standguide/>
9. The Applicant shall obtain all other necessary City approvals prior to the commencement of work.
10. No future work on this site shall take place prior to receiving the necessary City approvals, including those related to the property's local designation status.
11. The Certificate of Appropriateness approval shall expire if it is not acted upon within one year of approval, unless extended by the Planning Director in writing prior to one-year anniversary date of approvals.

Appendix A: Submitted by CPED staff

Appendix B: Materials submitted by Applicant

Appendix C: Materials submitted by other parties