

**Excerpt from the
HERITAGE PRESERVATION COMMITTEE MEETING
Community Planning & Economic Development (CPED)
250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385**

The following actions were taken by the Heritage Preservation Committee on May 17, 2016. The Heritage Preservation Committee's decisions on items are final subject to a ten calendar day appeal period.

Commissioners: Mr. Paul Bengtson, Ms. Laura Faucher, Mr. Chris Hartnett, Ms. Susan Hunter Weir, Ms. Ginny Lackovic, Ms. Linda Mack, Mr. Dan Olson, Mr. Ian Stade and Ms. Constance Vork

Commissioners absent: Ms. Laura Faucher, Ms. Ginny Lackovic and Mr. Dan Olson

Committee Clerk: Fatimat Porter 612.673.3153

ITEM SUMMARY

Description:

Item #1

2118 Blaisdell Avenue, Ward 10

Staff report by [Brian Schaffer](#), BZH 29043

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission adopt the report and attachments as findings of fact and submit the same together to the Zoning & Planning Committee of the City Council for the local designation of the Snyder Mansion property located at 2118 Blaisdell Avenue:

A. Landmark Designation.

Action: The Heritage Preservation Commission **adopted** the report and attachments as findings of fact and submit the same together to the Zoning and Planning Committee of the City Council with a recommendation to **approve** the local designation of the property at 2118 Blaisdell Avenue with the following condition:

- I. The Secretary of the Interior's Standards for Treatment of Historic Properties will be used to evaluate alterations to the property.

Absent: Faucher, Lackovic, Olson

Motion passed

TRANSCRIPTION

Staff Brian Schaffer presented the report.

Vice Chair Bengtson: Thank you Mr. Schaffer. Let the record reflect that Commissioner Hartnett has arrived. Are there any questions from commissioners for staff? Commissioner Mack.

Commissioner Mack: Mr. Schaffer I'm wondering if you could talk kind of big picture about interior designations. Because I mean this is clearly a grand interior but there are grand

interiors in many homes in the City and probably many that are designated as landmarks. So how do we determine when that is a wise action?

Staff Schaffer: Chair Bengtson, Commissioner Mack, staff looked at this specifically as those interior features that would represent the work of the architect. So first we want to make sure those interior features relate and talk about, speak to the criteria of significance. I would suggest not all home interiors whether they are designated or not speak to the work of that master architect or the reasons why they're being designated. In this case we really do feel that, we strongly feel that the designation criterion around embodying the work of a master architect, the interior shows that skill. It meets some of the original; it meets the designs that were originally (??). That connection is first and paramount. That its connected to that. Second, it does raise a question. For most of our existence of the preservation group or most of the stuff you see before you is exterior. And a lot of the designations are exterior. However, if you look at a National Register nomination or others, there's no delineation of interior or exterior. And actually when you see a project come before you that's getting tax credits the interior is also reviewed. So that distinction is something that has been created through no specific policy, it's been created through the (??) it's been created through a process of trying to figure out how to treat and move forward with what the inventory of properties that the City has designated. So we actually have a flag on our City computer system when we look for permitting that flag the exterior or interior. And those flags were created by staff that predated me. And so that delineation is something that has been created more for process of review and providing clarity and understanding our own resources. But the greater policy question is noted and I don't have a strong response for you except for that we were asked to look at this specific property and place it within the context of what we have or what we know. Within that context the interior stood out as work that was exemplifying Ernest Kennedy as an architect.

Vice Chair Bengtson: Vork.

Commissioner Vork: Thank you. Have you come across in your research the existence of any other survivors of the Titanic who were residents of Minneapolis?

Staff Schaffer: Chair Bengtson, Commissioner Vork we didn't go further into depth in that level of research. No.

Commissioner Vork: Could you talk a little bit about the level of significance for an individual or individuals to qualify based on their accomplishments or activities and why these folks didn't rise to that level?

Staff Schaffer: Yea absolutely. I think I'm going to start just by reading the criteria and we can hang on to words or not. But the criterion two states the property is associated with the lives of a significant person or group. We have a fair amount of work that we've done in the past where we've kind of created that bar. It contributed specifically to the history of Minneapolis. I think we have examples of the old Pauline Fjelde House which doesn't exist but her work as creating the first state flag. We have the work of Lena Smith and others

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who did a lot around civil rights; its contribution that arise to kind of a larger level of significance. I think surviving the Titanic is a harrowing activity and I know there were not many survivors. However that activity alone is maybe something that made them famous and maybe did not ?? to them being significant to the history of Minneapolis and contributing to the events that were significant to the City of Minneapolis again thinking about that being kind of our threshold.

Commissioner Vork: Thank you.

Vice Chair Bengtson: Commissioner Hunter Weir.

Commissioner Hunter Weir: I got so excited about the Titanic I totally forgot my question. But the answer is there were three survivors. These are two of them. I'll have to rethink this. Thank you.

Vice Chair Bengtson: Commissioner Vork.

Commissioner Vork: The third survivor I read about did not reside in Minneapolis. I think it was Mahala Douglas.

Commissioner Hunter Weir: Oh because she was in Minnetonka. Is that what you're...Oh and yes poor Mr. Snyder had a miserable time of it for having survived because he was on the first boat and went through the rest of his life being thought of as a coward because women and children first. So it was a dubious, I mean he survived and I would have done thing probably. But yeah it was a mixed blessing for him. Although I do sort of, it was a comment I think made more than. I think the idea that he made his money, I mean clearly inherited wealth was a big part of it. But it just strikes me that at the time that this house was built and he was active in his career selling cars was rather different from the way we think of it today. You don't even support a house like that whether you got it as a gift or not. So, its kind of hard to judge that. And it may have been more significant than it seems on face of it.

Vice Chair Bengtson: Commissioner Olson.

Commissioner Olson: A couple of questions. The applicant in their letter dated today through their attorney stated that they, they sort of alluded to the fact, that they didn't know anything about this designation, either interior or exterior, especially interior. This is the third time it's been before the HPC and I haven't heard any objections from them. Is that correct? Is this the first objection that they've had?

Staff Schaffer: Chair Bengtson, Commissioner Olson, I wouldn't categorize it as a first objection. NuWay has been the property owner since this designation study was started. They had some concerns about the designation study at first and had a previous attorney working with them. I think it was Mr. Marty who had raised some concerns to staff when this was nominated. This is the public hearing to discuss the designation so you so those

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materials. Staff has worked with members of these, the owner of NuWay or the CEO of NuWay and their C of O which is Tom Meier over the last course of eight months as we moved forward with the designation work on the property. So they've been aware of the work that we've been doing. They've been involved. I've had several conversations with both their CEO and now also with their COO on sight talking about what interior, what it might, as we were starting to develop the conversation about interior features as we discuss this need for extending interim protection. So they have been involved. That doesn't discredit the fact that they have concerns that they can bring for you today. But they have been aware of this process moving forward for quite some time. They've received a copy of the designation study pretty much the same time that SHPO (State Historic Preservation Office) received a copy of the designation study. Give or take I think a couple of weeks if I remember right. I can't remember the exact date that it was dropped off to them. But we've been trying to make sure that their aware of what's be going on by answer as many questions and being as accessible as possible to have those conversations. Also they've moved forward and we've approved the certificate of no change. The certificate of no change is, as you probably are well aware, is an application for alterations to the property that we feel are minor. And those were to allow for or just recently approved that, to allow for changes to allow this to be used for office uses for NuWay. So we've been working with them and their architect as well.

Commissioner Olson: The email that we received today from Sean Ryan he brought up a few things that just about the building itself. Does that change at all what interior designations you would make?

Staff Schaffer: Based on his comments no. I think we've done a, we've connected what we can to the specific features. I think he raises some of the lime stone work as maybe not lime stone but it might be a terra cotta. The actual material, staff hasn't gone out and checked to make sure which material it is. But the ornate detail of that material is still there. I think if you read the material provided by the applicant they did talk about integrity of that material and as you can tell in some of the photographs there's been some, I would say, deferred maintenance might be a word, there's some work ?? bring some of those materials to restore those and repair those. But yeah, I'm not sure that the difference between terra cotta or lime stone is as significant as the design itself and what it embodies.

Commissioner Olson: One more question. You said there wasn't really established criteria, it's more of a practice as far as designated interiors. Do you think it's something that staff should look into as designating some criteria for when in the future for when these come before us that you can, something you can latch on to as far as why an interior is being designated and others are not.

Staff Schaffer: Chair Bengtson, Commissioner Olson I believe that there is probably more conversation that this project will kick up around that and I don't know where that will go. But it is a question. And it's a question put in front of you as a commission when you also believe that the interior should be included or not. You have the ability to make a different decision from staff and adopt findings to do that.

Vice Chair Bengtson: Commissioner Vork.

Commissioner Vork: Thank you. You mentioned the exclusion of the ballroom from the interior designation and I think you mentioned lack of integrity. Can you elaborate a little bit more on the condition of the ballroom? It's a bit hard to tell from the photos. I see a fireplace and what look like nice floors.

Staff Schaffer: Commissioner Vork. There's more, obviously there's a few more pictures included in your staff report. One of the things that we really glued on to is that there's a drop ceiling here. The drop ceiling previously had a, sounds like a fairly I don't know if ornate is the right word but a fairly extensive tiled ceiling in there that's been removed completely. There's no sign of that left. The ballroom may retain its volume of space but if we're talking the ballroom as it exemplifies Ernest Kennedy's work as a master architect, it doesn't have the same level of ornate detail as the rest of the space, public spaces. And that's that differentiation of point where we drew a dividing line at. And had to come back to representing Ernest Kennedy's work we see that the ornate detail in those first floor public spaces and in the wood work in the billiards room as exemplifying that work. The ballroom as you can see from the photographs, its current condition is a pretty simple plaster wall, a wood floor, some wood trim and a dropped ceiling. So it just doesn't have the same level of ornate detail.

Commissioner Vork: Thank you.

Vice Chair Bengtson: Commissioner Hunter Weir.

Commissioner Hunter Weir: It came back to me. Part of it you've answered. My question was basically was about design guidelines for the sake of the argument if we were to say that portions of the interior should be designated. Will the changes that are permissible and the areas in the house where those may be made be spelled out somewhere so that the owner will know basically what they can do. Because when you designate a particular thing it feels like here's your list of can't's but somewhere is there a list of what is possible?

Staff Schaffer: Chair Bengtson, Commissioner Hunter Weir. Yes this is an example where we would try to be very explicit about the spaces that are identified so that we'd have that basis. We'd try to set up that connection both, not just that these spaces exist and they should part of it but what parts of those. So the woodwork, the plaster work, the stone work. So we have set ourselves up for a conversation to talk a little bit more about the treatments of those spaces. I think some basic Secretary of Interior Standards about not painting unfinished wood work and things that apply to the exterior also apply to the interior for substantial rehabilitation. We want to see this property to continue to be used. We want this property to live we want to evolve just like we want all of historic properties to evolve. So making sure we can define design guidelines that allow for that but also hold on to some of these features and figure out a best way to retain those features that are

significant to the property. That is something we would probably do further in design guidelines.

Vice Chair Bengtson: I have one question for you. The parking lot, was that originally a part of this or is that a part of this property? Was it originally yard? What was the condition during the period of significance?

Staff Schaffer: Chair Bengtson, commissioners, the parking lot was a former home. If you look at the cover of your designation study, if you have it in front of you, you can see in the far right screen that home as it existed when this photo was taken in the mid-1960s. In the staff report we try to make sure it's clear both these are one tax id which is typically how we designate properties under one tax id. I know as a commission you've been dealing with this, another situation that has some similarity. This property, that home existed until 1969 until it was demolished. So the period of significance for this property is 1913 to 1962. The Snyder Mansion as located on the southerly two lots, there are basically four platted lots here. That's a little bit of a generalization but there are four platted lots. The home sits on; the mansion sits on two of the four platted lots. The parking lot sits on the other two platted lot. We try to make that pretty clear about the period of significance when it was demolished outside of that and also the existing lot configuration under ?? platted lots. And the staff report helped provide some clarity as we talked about treatments in the future.

Vice Chair Bengtson: Alright, we'll open it up for the public hearing now. Is the property owner here and would they like to speak? Reminder if you do testify to state your name and address at the beginning of your statement.

Public hearing opened.

Tom Meier (2217 Nicollet Ave): Mr. Vice Chair, commissioners. If nothing else I have to commend the City and Mr. Schaffer on the thoroughness of his report. Had about four months to study the draft and appreciate the detail he's gone into. I also appreciate the transparency that he's demonstrated in dealing with us as we voice our objections to some of his findings. For the purposes of perspective I'd like to provide real brief synapses of NuWay's mission and ownership of 2118 Blaisdell. And its intent for putting the property back to full use which it has not been in for some time now. NuWay's in its 51st year, we've operated under the same mission continuously in South Minneapolis since 1966. NuWay's community non-profit, we serve adults who've completed addiction treatment and require continuing care. We match our outpatient services with privately operated sober living providers in the community. And we provide wrap around services for a significant number of citizens at risk for falling through the cracks of the social safety net. For those of you who are Hennepin County tax payers, last night we provided services to over 300 people which means that they weren't in Sheriff Stanek's facility across the street or Hennepin County Medical Center down the other way. We purchased 2118 Blaisdell in December of 2013. The building had been effectively vacant for several years and the previous owner had moved his door manufacturing business to the suburbs. The property sat on the market for quite a while. We watched it and we watched the price drop two times before we put in an

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offer on it. At the point the purchase price was about a million two it became affordable for us both from a purchase perspective and a utilization perspective. We originally planned to convert the entire property at 2118 Blaisdell into supportive housing. We went before the Zoning Administrator and asked for reasonable accommodation to do so. That was granted as was a spacing requirement for supportive housing because there's other supportive housing in the neighborhood. The plan for residential units called for leaving every aspect of the property intact, the original plan. The Snyder side was originally a residence and the nursing side was originally a nursing home. So it seemed like a good fit to NuWay. We thought we had a great idea going in there. The only aspect of the plan that would have changed was the ballroom that Mr. Schaffer referenced and the integrity of which was already deeply compromised. There was a dropped ceiling and a number of other late additions to it. Our original design document which was prepared by architect Terri Cermak dated May 2014 reflects all of this so that's in the record somewhere. It's worth noting that the non-contributing nursing home side in square footage terms is about twice as large as the Snyder Residence side. It doesn't look that way on pictures because of the grand hall. There's not a lot of square footage in the first and second floor of the Snyder side. So our original residential plan left all of the beautiful, attractive, interesting elements that the City is asserting is historic intact. The same year, our neighbor across the alley to west of 2118 Blaisdell objected to this intended use and suggested that we instead turn the property into a bed and breakfast or a consulate or an antique house. And we politely demurred because that's not the business that we're in. And we were pretty sure that having watch the property on the market for three years that there were no other interested buyers. And I don't personally claim to know too much about architecture but from my college urban planning courses, I did learn that highest and best use is a concept. And we were attempting to put highest and best use back into 2118 Blaisdell because it hadn't been occupied for years. The same neighbor who also happened to be a board member of a neighborhood group, Whittier Alliance, filed an appeal to our reasonable accommodation provided by the Zoning Administrator and the City Council. The appeal was denied so that allowed us to proceed with the residential plan to convert it to supportive housing. So the Snyder Residence and its non-contributing addition existed for over 50 years without attracting a whole lot of attention from anyone until we decided that we were going to use it for the purposes that our organization serves. And in 2015 in the midst of this zoning appeal process, suddenly it attracted a lot of attention and I'm, to this day I'm shocked at how much attention the property has gotten as a result of us deciding to use it as sober housing. At any rate because NuWay is an integral part of the neighborhood fabric. We are the second largest independent employer in the neighborhood. We're not interested at all in engaging in a divisive or controversial dispute over land use. So we have re-evaluated the plan to turn it into supportive housing and we are intending to make no further changes to the structure other than those that are necessary for life safety, code compliance. We're going to leave it as commercial B and we're going to use it as office space as our counsel will elaborate in just a moment here. NuWay does not believe the property merits designation. From a practical standpoint, NuWay does not have access to the resources necessary to reasonably maintain 2118 Blaisdell in the manner expected of a historic property. NuWay's clients are funded in large part by tax payer dollars. Because of this, NuWay's ability to reinvest those dollars in restoring what were originally very expensive features is quite

limited. The community owners of NuWay, essentially tax payers, rightfully expect NuWay to use the operating funds with extreme efficiency to provide direct services to clients. NuWay has a fee for service provider; we do not pursue many grants simply because there is not a lot of grant money available for what we do. Our operating margins have always been and remain insufficient the types of capital outlays that preservation or restoration projects of any substantial scale involve. When we purchased the property after observing it languish for several years, none of the cost implications of doing a major preservation project were factored in. and these costs are significant as all of you are, I'm sure, aware. Commissioning architectural review, time delays of having certificates of no change approved. Appropriateness vetted by the City, the City Council, CPED and most importantly having access to some of the crafts person that did the original work, especially on the exterior. So we did and continue to plan on maintaining the structure beautifully and tastefully but we didn't plan on the historic designation. Because it's simply not in our wheelhouse, it's not a project that we would normally undertake. So finally because the integrity of the structure has been compromised by the addition and by the alterations by the previous owners, we are as well excluded categorically from receiving any grant money for historic preservation. And as I was reading the agenda, I saw under our item here that the Secretary of the Interior Standards for Treatment of Historic Properties will be used to evaluate alterations to the properties, which is common and standard. But because of the compromised integrity of the structure itself we don't have access to those funds. I mean we can't apply for that money. So we are respectfully objecting to the historic designation recommended by staff. Thank you. Any questions?

Vice Chair Bengtson: Commissioner Hunter Weir.

Commissioner Hunter Weir: I guess I'm a little puzzled by the source that because its integrity has been compromised, if that's the way you want to think about it. There are other designated properties notably the McKnight House and the Harrington House both of which have 1960s additions that are somewhat less than beautiful. So I'm not sure and in fact the Sumner McKnight was recommended or it was thought it would be eligible for the National Register even with that because it's removable. So I guess I'm curious why it's your understanding.

Tom Meier: Mr. Vice Chair and Commissioner Hunter Weir. Its our understanding that in order for it to be eligible for grant money or for National Registry designation, and this is coming from a preservation consultant, this isn't my field of expertise. The entire addition would have to be removed which would effectively require your permission if designation is granted. And it wouldn't be useful for us. We would not be able to use the property in that configuration; it doesn't provide enough square footage.

Commissioner Hunter Weir: I'm not an expert on that either but I'm...National Register is where the tax credits kick in. So I'm not aware of money for city properties like that other than particular kinds of grants you might go after. But I'm just curious, I don't know if anybody else knows about that. I'm curious about that.

Tom Meier: We'll certainly pursue it if that's the direction we have to go.

Vice Chair Bengtson: Commissioner Hartnett.

Commissioner Hartnett: I'm a little bit puzzled because you're saying that it has lost its integrity and what I hear from staff is that it has sufficient integrity to be able to be designated. So that feels like a disconnect to me. I'll just kind of throw that out to you and potentially for staff as well.

Tom Meier: Mr. Vice Chair and Commissioner Hartnett. Therein lays our difference in opinion with the City staff. It's our understanding that the designation criteria rise to the level of the local landmark status but do not rise to the level of the National Registry landmark status that Commissioner Hunter Weir referenced earlier. And then as far as the remaining integrity, a lot has been done to this property that is completely inconsistent with preservation. All sorts of changes have gone on and the nursing home addition is practically in, there's no way we can replace the existing components there without doing a gut rehab which again we're not set up to do and had we known this from the onset, we probably would have pursued a different property or at least prepared ourselves through a tax credit application to get the work done within a budget beyond our capability.

Vice Chair Bengtson: Any other questions?

Commissioner Mack: I just had a clarifying question which was, you plan to use the addition as office space? And also the Snyder house I just wasn't quite clear about that.

Tom Meier: Mr. Vice Chair and Commissioner Mack. Yes, the original plan was to obtain permission from zoning to change this to residential for supportive housing and that would have been rental style housing. And we're not going to do that anymore, we're going to leave it zoned as it. We're not going to try and get that changed. And the existing zoning is Commercial B and we're instead going to use it as office which we do now. Which includes professional style clinic visits and actually I had an inquiry from the new Whittier Alliance executive director about whether or not we would be leasing the office space any time soon which is a positive development in my opinion.

Commissioner Mack: Thank you.

Vice Chair Bengtson: Commissioner Hartnett.

Commissioner Hartnett: I have one more question. You describe as one of the justifications for your objection is the difference in cost between maintaining this building as just a normal building and maintaining it as a historic building. I'd like you to elaborate on that a little bit. Looking at the exterior, what would you do different in that maintenance, in both exterior and interior. How would, what would you do differently and I'm not sure you can estimate cost but try to describe why that would be such a burden.

Tom Meier: Mr. Vice Chair and Commissioner Hartnett. Sure. You can see from some of the photos that a number of alterations to the exterior had been made. For example, there's a non-original roof and it's a shingle roof and it's going to need replacement. If that were to need to be replaced with original materials, and I'm not a roofer but I've had roofs replaced before and I anticipate that to be a six figure amid six figure roof to replace completely. You'll also see on some of the photos, one of the previous owners replaced the drainage with this white aluminum drainage all around. And if we were to replace that with historic materials, we're probably looking at copper and another six figure expenditure there. And the last example I can give you is, in mechanicals, there's a roof top air conditioner unit that only covers the Snyder residence side. There are window units again shown in the pictures of the nursing home side. So if we wanted to air condition or centrally air condition the remainder of the structure we'd probably have to do some of those, I don't know what they're called but the compressors on the ground or on the roof and they send piping down the sides. And that's stuff that we just didn't factor in because we figured if we were going to do any sort of rehab it would be basic rehab rather than preservation style rehab.

Commissioner Hartnett: That's helpful, thank you.

Vice Chair Bengtson: Alright thank you.

Tom Meier: Thank you.

Carol Lansing (90 S 7th St): I'm an attorney at Faegre Baker and Daniels working with NuWay on this project. I want to address the designation study and the criteria for designation. It will follow the information in my letter in parts since I was just able to get it to you today. To Commissioners Olson question about NuWay's participation prior to today, the nomination itself does not require a notice or a public hearing. It was a walk on item on the agenda that day. And so they were not present to address some of their concerns at the outset. And so we have been following and given this opportunity now to talk to you about the designation proposal. First criteria number three that staff is recommending, as a basis for designation is that the building is a distinctive element of neighborhood identity. What does it mean to be a distinctive element of neighborhood identity? When that was added as a criteria to the ordinance in 2009 the staff report doesn't include any discussion about what it was intended to cover. I think that the Witch's Hat water tower in Prospect Park is a distinctive element of neighborhood identity. I don't think that one mansion among many in Whittier which has many mansions, is a distinctive element of that neighborhoods identity. And I think if you did a survey of people in the neighborhood, they wouldn't think so. Distinctive is defined as something uniquely characteristic. And this building is not uniquely characteristic of Whittier. The study is conflating the concepts of distinctive element of identity with being a contributing element to a historic district. It talks about being one in a pattern of development over a hundred years or over the first part of the twentieth century. I believe that interpretation and application of being, of this criteria is making it redundant with criteria number one. Which staff concluded this building does not meet board patterns of cultural, social history. And I think it makes it meaningless. So I urge the

commission to have a higher standard and a more specific standard for what you're going to consider to be a distractive element of neighborhood or city identity. I included pictures of lots and mansion that are within a couple of blocks of this one. I think, you know if you're going to say this one building is without any particular basis, it's not a famous building, it's not a famous interior, then there's really no distinguishing it from any of those other mansions. The second criteria that staff recommends is a basis for designation is that it exemplifies the work of Ernest Kennedy, a master architect. This is a subject determination when it comes to things like is there enough integrity left? It's the amount of integrity for this property that we as a commission say is something we should be designating. Keeping in mind that we have other Ernest Kennedy buildings designated in the City that have better integrity, that do not have additions almost as large as the property or larger attached to them. And so we do disagree, respectfully, with staff's conclusions on this point. We believe that the integrity is severely damaged, impaired by the large nursing home addition which resulted in the loss of the original garage, carriage house that would have been on the sight by the parking lot next to it. It wouldn't qualify for National Register because of these losses of integrity. I think that's one thing that is relevant. The City's criteria can be applied differently. Local criteria can be applied differently and perhaps more flexibly, more generously, or liberally than National Register criteria. But I do think that as a matter of what you're choosing to designate and what it says about the historic preservation function in the City that you shouldn't designate anything you can make a case for just because you can make some case. And again in this case because there are other Kennedy properties designated, we don't believe that this one rises to the level that also merits designation. With respect to interior designation, while some older designations that Brian referred to may have described interior elements that does not mean they are not being regulated unless it was specifically designated as an interior. And the examples that have been brought to you of private buildings. Not public spaces like theaters or the Shrine Temple which is used quite publicly. To our understanding any interior designations have been voluntary. So these private homes that have interior designations our understanding is that they were voluntary. Just as when you pursue tax credits, and the National Register has a listing, that is a voluntary act by the property owner. And it will include interior if you want to get tax credits but it again, there's a benefit to the property owner for doing that and it's their choice. I think this faces very significant policy questions for you as a commissioner and for the City Council about pursuing on a non-voluntary basis interior designation. I noted it is more intrusive of private property rights and is impractical to enforce. Honestly the City would need a search warrant if the owner doesn't let them in to check on the status of something or if they think they have a concern. That's not what NuWay wants to do but it is relevant to decisions about nominating interior spaces. There's also harder to justify at the designation stage because you don't have an inventory of interiors. There's lots of beautiful buildings and interiors and homes in the City but we don't have an inventory against which to compare these. It has nice wood floors, it has nice wood paneling but so do other beautiful houses in the City. So without a basis to judge the relative merits and the context, you always have context discussions in your designation studies. Without that basis for the interior, I believe your decision would be arbitrary and capricious. Finally as a practical matter I noted that this is not going to become a public

space. There's really no public purpose to be pursued in designating this interior. In conclusion I believe that is important, very important that the City apply its designations authority equitably and prudently. And while local standards can be applied with maybe less rigor than at the national level, the City impairs the integrity of its historic preservation decisions if the standards for integrity and for significance are too low or too generalized. And further this is not a case where designation or nomination was triggered by an actual risk of demolition of a historic resource. That situation often results in a reprioritization of the City's designation in some properties that may have lesser significance because it's designate or lose; you may err on the side of designation. That's not the case here. We know you acted on the information you had at the time of the nomination and we want to be clear we're not suggesting that there was anything untoward in the process pursued by the commission. But we don't think you had good information at the time it was nominated. NuWay was not, because of notice issues, here to be able to address it. We believe this is not a property that would have been nominated if you weren't concerned that something historic was going to be lost. So we respectfully urge that you do not recommend this property for designation.

Vice Chair Bengtson: Thank you. Any questions from commissioners? Commissioner Hartnett.

Commissioner Hartnett: Appreciate your report and your comments. You know we are the Heritage Preservation Commission and so we are tasked to work and do what we can to preserve the heritage within Minneapolis. And I think there is a heritage in this neighborhood with these large mansions and the lifestyle that was lived at that time so that we don't lose that. You are focusing on the word distinctive, example, and I think, it's a little bit of a legal parsing of terms for me. In my opinion I think this is an example of the heritage. Both the architect as well as the people who lived there and the lifestyle they led. Not just that they survived the Titanic but also the lifestyle that they, entertained and the circles that they walked in. So I would disagree with you that I think it is an example of heritage within Minneapolis, at least in this neighborhood. That deserves consideration whether we use the word distinctive or not. And then I would also, you mentioned that there wouldn't be access to enforce the interior portions of the designation. And I guess that for me we have a presumption that a permit would be pulled when changes, significant changes are made to these buildings just like every other building in the City. And I don't suppose that you are suggesting that your client violate the ordinance by not pulling a permit. Then if you're not, in fact I think by having this designation and the requirement to pull a permit that as soon as that happens, that CPED will note that this is a designated property and so I disagree with you that there is no method to enforce the designation of the interior. So I would disagree with that. And then again, public purpose of the interior I think it's the integrity of the building and importance of the building to the neighborhood. And its contribution to the heritage that these lives that were led and the architecture that was built and created for this area. While not commenting on everything you say here I think there's some, and I'm not a lawyer, but some pretty significant holes in your argument to support your client's case.

Carol Lansing: If I may respond. With respect to the enforcement issue, I raised that in the public policy level of discussion not what my client would do if it was designated. But when you have your discussion about interior designations and when you're doing them over the objection of property owners not everything that you do needs a permit. And so there may not be an opportunity for staff to notice and see. So I am not suggesting that this is what NuWay will do. But when you think about, its true with any ordinance, how do we enforce it? Is it enforceable? And you have to consider those things when you regulate. So I only raise it in the bigger picture discussion. The use of the word distinctive, well that is part of criteria three so when I talk about distinctive element of neighborhood identity that's what I'm questioning is, how, what is intended to be encompassed by distinctive element of neighborhood identity. And I'm suggesting that this one building would not be recognized as such by the common person on the street if you were to ask what's a distinctive element of their neighborhood? The mansions and the lifestyle and the development of that in the Whittier neighborhood in the early twentieth century, it is important. And that is why we have the Washburn Fair-Oaks Historic District. It includes many mansions. It is something that has been recognized and preserved through that district and through some other individual landmark designations. Question back to you is does that mean you're going to designate every mansion that was built in the early twentieth century in the Whittier neighborhood? Do you have to go that far to indicate the important preservation concern of recognizing the history?

Commissioner Hartnett: Well I think....

Vice Chair Bengtson: If I may just quickly before you ask, let's make sure these are questions of the person who is making the statement and not deliberation so that we keep control of how we proceed.

Commissioner Hartnett: I appreciate your comments. Being a question, your judgement that it's not distinctive what is that based on? You said the common person walking down the street would not consider it distinctive. I think that City staff, CPED staff, would disagree with that so I'm trying to understand based upon what you're saying, it not distinctive, what kind of expertise backs that up?

Carol Lansing: Well I would put it back on City staff, what is the distinctive element of identity in general or conceptual way because that was never part of the staff report that added distinctive element of neighborhood identity as factor of significance. And so I think we're all stumbling around trying to apply that criteria. I believe the way staff has applied is the same way you apply criteria number one in terms of is it an element that contributes to a pattern is the rational they came up. I think it's supposed to mean something different.

Commissioner Hartnett: Thank you.

Vice Chair Bengtson: Any other questions from commissioners? Ok, thank you. Is there anyone else wishing to speak for or against this application please step forward, state your name and address for the record.

Ted Irgens (2115 Pillsbury): I live just across the alley from this property. I'm a member of the board of the Whittier Alliance and I'm the chair of the historic preservation task force of the board. And I mainly came to speak on behalf of the board to let you know the board's position and the neighborhoods position but also after listening to all the discussion would like to clear up a few misconceptions. So to give you the context of how this came about, I guess it was about two years ago the neighborhood learned that NuWay had bought the property and in fact asked me to go and speak to Mr. Meier and executive director to find out their intentions for the property because this is one that we had been very concerned about for a number of years. And have actively worked to find good buyers. For buyers who would restore and preserve this property which everyone considers a great asset in the neighborhood. On the first meeting I was told by their executive director that if I wanted to buy any of the chandeliers that I could because that was the first thing they intended to do was take them out. They also explained that they intended to cut up the ballroom into about six or eight studio apartment rooms and do the same, similar effect to the second floor. So the neighborhood was very concerned at the outset. And I went and spoke with Council Member Bender to explain our concerns and see what could be done if anything. And she was in fact the one who recommended that we apply to have the property designated historic. She said that she was surprised that it hadn't been designated already, assumed it was a shoe in and put me in touch with Ms. Vork to work through this. At the time there was also a petition that was circulated giving the concerns of the building and the desire to preserve it and protect it which had over two hundred signatures. This has perhaps fallen off our radar because we had no idea that NuWay objected to this designation. In fact we learned through the process with getting the zoning appeal that they did intend to restore it and they got the support of Snyder's granddaughters by telling them that that was part of their intent. So I don't know what has changed on that regard but I'm surprised that they would now be objecting. I was also surprised to hear Mr. Meier say that they don't believe they have the money to preserve and protect this building. In the past five years NuWay has purchased now over about four million dollars' worth of property in about a two block radius. They have now, three historic properties in our neighborhood and I believe also attempted to buy an apartment building nearby. So the neighborhood was initially concerned that they were creating in effect an enclave of support services that people felt would have detrimental effect on the neighborhood. But in looking at this building they said regardless who owns this property it needs to be protected. It is significant. It's a stunning example of Ernest Kennedy's work. I actually own another Ernest Kennedy home. There are few in the neighborhood, not many left. And when I purchased mine, it had been ransacked. It had been vacant for two years. There wasn't a light fixture, a sink or toilet in it. The suggestion that this house is not at risk is just not accurate. We know that NuWay's first intention was to cut it up and to sell off certain historic pieces. And I should have started by commending Mr. Schaffer for the excellent work he did on the study. I wish you all could have gone out to see the property. The pictures are good but they

in no way communicate the real significance of the structure. From the outside its kind of non-descript. You don't notice it. And in fact it's been hidden from public view for probably 30 years when it was used as a private office building. But when you come in that entry way and turn in this grand foyer that staircase is unlike any I've seen in Minneapolis. Any I've seen in any other Ernest Kennedy house. And reportedly contains marble that was mined from the same Italian quarry that supplied the marble for the Vatican which the Snyder's visited on their European honeymoon and brought back with them afterwards. So the architecture stands for itself. It should. And if you could see it you would appreciate that immediately. It absolutely is distinct and deserves protection. I actually the building also deserved protection for the historic connection. The Snyder's were significant people certainly. And their happenstance of their being on the Titanic made them even more famous at the time. When you talk about the historic nature of the neighborhood certainly no one turned down their invitations to the balls that they held in the basement when they returned from that harrowing experience. To put Commissioner Weir at rest a little bit I understand, from my studying of it that the honeymooners, there were six honeymoon couples on the Titanic were immediately put in the first boat before they were saying woman and children first, they thought it was unfair to separate them. But the point is this did speak to a time in the neighborhood when the people that founded this city, the Pillsbury's, the Dayton's, and the Crosby's all built their beautiful homes in this neighborhood. And all entertained and interacted and helped build the city we have today. I personally thought that the ballroom should have been designated. I appreciate that it doesn't have the same architectural integrity but it certainly has the original stage for the band. And even another raised area where the Snyder's stood to receive their guest as they went through. This is without a doubt a historic property. And one that deserves protection and needs to be protected now. I will say the other house that recently was getting an interior designation, the Houston house at 2008 Pillsbury that's Bradstreet designed house. And I think part of the reason there was that house was being stripped at the same time and the neighborhood stepped in and said you've got to stop this and were able to, that house was in foreclosure at the time, were able to do something about it. Somethings were taken out but we were thankful to still have it. In this instance I appreciate now after listening to them, the owners might have some reservations or concerns about what it will mean to have a historic designation. But I don't think that's completely fair. Because if you look at this property, if you look at the marketing that was done to sell it, if you look at the photos and the description, it was very clear from day one that this was a historic property. They market the stunning marble from the Vatican and all these other details. So for anyway to now say we never anticipated having to maintain and or take care of it strikes me as being a little disingenuous or at least not forward thinking. So I certainly hope you will take into consideration the neighborhoods approach on this and feeling. One other thing that should be clarified is, unfortunately at the time when NuWay purchased the property there were about three other buyers who were ready to buy it and restore it. Who talked about using it for weddings and conferences and venues. There was an antiques dealer who still would like to purchase the property. And there are number of others who were interested. So I don't know why NuWay wasn't able to follow up with them but I know they reached out to them and they approached them about it. So this isn't a property that

doesn't have an interest, doesn't have a buyer, and doesn't have people caring about it. The people are there. And should NuWay own for the next fifty years I think they should have the responsibility to take care of it. If they shouldn't then the next owner should have it. This neighborhood has, at one time was built upon these beautiful stunning homes. Mine now is between two apartment buildings. In the 60s they were torn down and that's what happened. This is the only remaining mansion on that block and I think for a couple three along there and certainly the only one of this quality and with this integrity. So I hope you will strongly consider that. I do believe we still have the support of Council Member Bender who started this initially and said that we should pursue it. So I think it's not just the neighborhood who is interested in this property. I'm happy to answer any questions.

Vice Chair Bengtson: Thank you. Is there anyone else interested in speaking on this item? Seeing no one I will close the public hearing and open it up for commissioners to deliberate.

Public hearing closed.

Vice Chair Bengtson: Commissioner Hunter Weir.

Commissioner Hunter Weir: I apologize this is going to be disorganized because I've been scribbling in margins and around. A lot of this strikes me as coming down to definitions. For example what is integrity? What's a public space versus a private space and all of those kinds of things? There're very clear parallels with this property with the Sumner McKnight Mansion. The integrity may or may not be compromised by that addition but that addition can be reversed. It can be taken off. And I think that's why SHPO said that McKnight was still eligible for the National Register or could be if the owners chose to pursue that. I kind of smile about the notion, a distinctive neighborhood identity; what I can tell you is you wouldn't find that house on my block or anywhere remotely around my house. So I do think it speaks to a particular style. And I was kind of struck actually by I thought the staff's recommendation and criteria was quite conservative. I'd have gone baroque on this one and said that there is a pattern here of private homes being converted to either commercial or other uses. People cannot afford, individual families can rarely afford to maintain these properties. And since the 1960s this is what's happened to them. If you look at virtually every property on Park Avenue with the exception of the American Swedish Institute which has its own following, they've all been part of this conversion. And one of the problems if we use a really old fashion way of thinking about it we've talked about should Park Avenue be a historic district. And one of the problems is that the mansions are not contiguous. So we've had the same kind of infill 1960s whatever, you know, pick a decade, any decade kind of thing that interrupts these beautiful rows of houses. But that too is part of the history now. 1960 all of a sudden we've hit National Register territory for making it historic. The public space issue is really an interesting one because I don't know how we define that. To me is if I can walk in off the street whether you want me there or not. Basically the door is open then it functions more or less as a public space. We don't tell, typically tell private home owners like Tilsenbilt folks that we're going to be telling what color appliances they have to have in their kitchen. We don't do that. But there are public spaces. Even social

service agencies are businesses that use these properties. And I think it's important to sort of keep that in mind. And because of my interest in history I sort of take the long view. That this is the purpose it serves today and particularly with respect to the interior designation, it won't always be NuWay. Maybe 100 years from now it will be something else and with any luck will still be standing. So I think that's an important thing to consider. I also think, I mean, I'm concerned about issues like roofs. They're very very expensive but I don't think we're so draconian that we would let the roof cave in rather than allow some kind of a reasonable alternative if an owner could not afford to do that. My argument in favor of interior designation is not comparing it to other mansions or other houses but to this particular architect. And this appears to be unique for him. If there is no other staircase like that in any of his other properties that's preserved then I think this one is kind of calling out for us to take that step, so. I'm sure I'll think of other things but at the moment that's my list.

Vice Chair Bengtson: Commissioner Stade.

Commissioner Stade: All the examples that the owner brought up of expensive things to do around the exterior so I'm wondering if we can be a little more permissive with the standards that we would have. We could, I think have guidelines that are less strict for the house. And then we could also just designate the interior and not designate the exterior.

Vice Chair Bengtson: Commissioner Vork.

Commissioner Vork: I would not support an exclusion of the exterior. Personally I think even with the addition the exterior is very important and communicates great significance to the public when walking or riding by. And I would argue that condition and upkeep of the building is something that is assumed and that the owners should probably have expected when they bought it. And I would hope and expect that even if the property weren't a landmark that they would maintain and keep up the property in a way that was not offensive to its original design. I wanted to add to there's another interior designation that we saw somewhat recently and that was 3116 3rd Ave. That's the Bennet McBride house on the Healy Block. And that's a private residence.

Vice Chair Bengtson: Commissioner Hartnett.

Commissioner Hartnett: In my opinion I think that the staff report was through and I agree with their findings and I think that this property rises to the level of deserving local designation. And I while I'm sympathetic to NuWay's concerns about the cost, I tend to feel it would be unfortunate to have funds taken away from your commendable and very important work that you do within the City, what you do is incredible. But I do think that as a property owner that going into it you should, I agree with Commissioner Vork, that you should be expected to maintain it. And I do hope also that there will be some fair accommodation to allow you to maintain in a way that if it doesn't absolutely follow the historic character of the house that its reversible and can be replaced in the future as

needed. And finally I agree also with Commissioner Vork that I would not support excluding the exterior. I mean for me it rises to the standard for local designation so I would support that.

Vice Chair Bengtson: Commissioner Vork.

Commissioner Vork: I'd like to know too what other commissioners think about the ballroom. I understand that it has a drop ceiling and I've seen a lot of dropped ceilings removed and my inclination is that it's a public space, as we speak of public spaces in a house. And wondering if any other commissioners have thoughts on whether that should be included?

Vice Chair Bengtson: Commissioner Hunter Weir.

Commissioner Hunter Weir: This is a question for Mr. Schaffer; do we know what's under that carpeting? Isn't that the room with the carpeting? Am I wrong?

Staff Schaffer: Chair Bengtson, Commissioner Hunter Weir. It's the room on the left with the hardwood floors.

Commissioner Hunter Weir: So the floor basically is intact?

Staff Schaffer: It's a hardwood floor I think.

Commissioner Hunter Weir: So it's the ceiling that's really at issue and some of the carving perhaps on the walls, the decorative elements that are missing.

Staff Schaffer: Staff drew a distinction between the features that were exemplary of the architect which talk about ornate details and ballroom just did not have that integrity built into or existing. Under the drop ceiling, the floor up above, the decorative work has been removed.

Commissioner Hunter Weir: I guess in, sort of an answer to your question, I'm reluctant to say the ballroom isn't significant because I take the staff point on this one. But I'm not sure about altering that even more. Whether that doesn't harm the building itself, whether it was or not. I find it troublesome to leave it out of the places we would be interested in preserving.

Vice Chair Bengtson: Commissioner Mack.

Commissioner Mack: I guess I'd like to make a motion, which would be to adopt the report and attachments as findings of fact and submit the same to the Zoning and Planning Committee of the City Council with the recommendation to approve the local designation of the property at 2118 Blaisdell Avenue with designation outlined by the staff.

Vice Chair Bengtson: Ok we have a motion. Do we have a second?

Commissioner Hunter Weir: I'll second.

Vice Chair Bengtson: Second by Hunter Weir.

Commissioner Hartnett: Can I ask a question on that? You didn't include the following condition.

Commissioner Mack: Yes the condition as written would be included as usual.

Vice Chair Bengtson: Can we get confirmation from the seconder that they....

Commissioner Hunter Weir: That's the way I understand it.

Vice Chair Bengtson: Any further comments? Commissioner Vork.

Commissioner Vork: Would the motioner be open to a friendly amendment? Adding the ballroom probably after findings of fact?

Commissioner Mack: I am afraid I am not.

Vice Chair Bengtson: I do personally have concerns about the integrity of the property based on the size of the addition that is on the site. I do support the idea of having it designated particularly the interior. But I want to make sure that when we move forward with it, should we move forward with it that the design standards are written in a sensitive manner to reflect the property owner's intent to use it. And reflect that to make sure that's not too owner arduous that there is an ability for them to reuse it which is referenced in the staff report that would be working on the design standards and how the interior would be able to be used. But also I want to make sure that's extended to the exterior. That consideration is given to interim improvements that could be done that would probably not outlive the large addition that will probably be there for a great long time. Any further comments? Would the clerk call the roll?