

Friends of the Riverfront

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August 7, 2006

Phillip Koski, Chair
Heritage Preservation Commission
Room 210, City Hall
350 South Fifth Street
Minneapolis, MN 55415-1385

Re: Request to Deny DeLaSalle's Application for a Certificate of
Appropriateness

Dear Chair Koski:

Friends of the Riverfront ("FOR"), a group of concerned citizens and park users, is working to conserve, protect, and enhance the historic, cultural and natural resources of the Central Mississippi Riverfront Regional Park. The park is located along the Minneapolis downtown riverfront from the Plymouth Avenue bridge to just below the Stone Arch bridge and is part of the Mississippi National River and Recreation Area. Within its boundaries is the St. Anthony Falls National Historic District. More than 1000 citizens support our mission.

FOR respectfully requests that the Heritage Preservation Commission deny DeLaSalle High School's Application for a Certificate of Appropriateness. Construction of a stadium on the proposed site would materially impair the integrity of the St. Anthony Falls Historic District, and alternative sites have not been considered.

Destruction of an Historic Property Requires a Finding of No Alternatives

The Heritage Preservation Regulations governing this Commission set forth the required findings for certificate of appropriateness.¹ Reviewing an Application for a Certificate of Appropriateness is a two stage process, and each stage has two parts:

¹ *"In General.* Before approving a certificate of appropriateness, the commission shall make findings that the alteration will not materially impair the integrity of the landmark, historic district or nominated property under interim protection and is consistent with the applicable design guidelines

(b) *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

1. To approve destruction of an historic property, the Commission must find:
 - a. destruction is necessary to correct an unsafe or dangerous condition on the property, **or**
 - b. that there are no reasonable alternatives to the destruction.

2. If the Commission finds no reasonable alternative to destruction, the Commission must find that:
 - a. the alteration will not materially impair the integrity of the landmark, historic district or nominated property under interim protection; **and**
 - b. the alteration is consistent with the applicable design guidelines.

In the present case, the Applicant requests approval of plans for a football stadium that requires destruction of the eastern half of 140-year-old Grove Street and bulldozing the natural landscape features of the adjacent property. Far from being unsafe or dangerous (as one criteria for destruction of historic properties requires), Grove Street as it is today and has existed for 140 years is not dangerous; in fact, it provides an important link in the road circulation system that makes the island safer and less dangerous. Removing it would leave only a single route to the Nicollet Street bridge when a train is present, *creating* rather than correcting an unsafe condition. It would also bring crowds of young people in close proximity to railroad tracks.

The relevant question is whether there is a reasonable alternative to destruction. To date there has been no serious consideration of alternative sites for the stadium. The EAW did not require alternatives, and none were presented. Before voting against approval of the EAW on December 23, 2005, Councilmember Paul Zerby stated:

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.” (Minneapolis Ordinances §599.350)

The ordinance defines “property” as: “[a]ny land, building, structure or object, surface or subsurface area, natural or landscape feature.” Minneapolis Ordinances §599.110. Citing the *U.S. Department of Interior Guidelines for Counting Contributing and Noncontributing Resources for National Register Documentation*, the City identified Grove Street as an historic structure and concluded that the destruction of a significant stretch of historic Grove Street triggered a mandatory EAW under the category of “historical places.” (DeLaSalle EAW, Final Findings of Fact and Record of Decision Document, pp. 2-3)

"I don't think that this [the City's EAW] really fully evaluates either what we might call a no-build alternative or alternative sites, and more particularly the way that this might be approached from a historic preservation standpoint."

The day before the vote, Michael Orange told the City Council's Committee of the Whole that the city did not have to require an EIS because its agencies could gather more information and require alternatives.

The HPC has no basis for making the required determination that there are no reasonable alternatives to destruction of the historic property because there has not yet been a full and fair public discussion of alternative sites for the stadium.

The Citizens Advisory Committee Did Not Examine Alternatives

Alternative Locations

- ◆ **This CAC is not the appropriate body for considering alternative sites.**
- ◆ PB11-1: Citizens Advisory Committee "shall be balanced and representative of the interests impacted by the proposed park facility construction or redevelopment."
- ◆ The DeLaSalle Athletic Field Citizens Advisory Committee represents interests impacted by a field on Nicollet Island.
- ◆ CAC may determine that the proposal is not appropriate for Nicollet Island. It cannot determine if it is appropriate for another location.

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The Citizens Advisory Committee (CAC) did not examine alternatives in a manner that can satisfy HPC review. The developer made it clear that the CAC was "not the appropriate body for considering alternative sites" in its presentation to the CAC. (See below.)

Throughout the process, the developer has refused to consider a site not connected to school

property: "The proposed athletic facility is an addition to DeLaSalle's existing campus on Nicollet Island in order to integrate the athletic and academic programs, and provide shared use by the Park Board of DeLaSalle land and facilities on Nicollet Island."

(emphasis in the original) (See attached slide) The HPC is charged with determining whether there are reasonable alternatives to the destruction of an historic property, not whether a particular location is preferred by the developer.

The developer's insistence upon a contiguous site in a national historic district is not reasonable. Other schools

Alternative Locations

- ◆ The proposed athletic facility is an addition to DeLaSalle's existing campus on Nicollet Island in order to integrate the athletic and academic programs, and provide shared use by the Park Board of DeLaSalle land and facilities on Nicollet Island.
- ◆ None of the alternative sites serve the fundamental requirement of being on or adjacent to the existing DeLaSalle campus.

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successfully operate with fields located away from the main site, including several in DeLaSalle's own conference (Blake, St. Agnes and Mounds Park Academy; Minnehaha Academy plays at its lower school campus). Integrating DeLaSalle's athletic and academic programs is not an MPRB goal. The Reciprocal Use Agreement between DeLaSalle and the MPRB provides only for use of the stadium for "athletic and recreational programs," not for integration of DeLaSalle's athletic and educational programs. (Reciprocal Use Agreement §8.1)

Notably absent from the record is evidence from the MPRB demonstrating the public's need to have a football stadium on Nicollet Island. The RUA contains general statements that the MPRB enters into joint use agreements "to maximize the use of scarce urban land to serve the recreational needs of Minneapolis residents." In practice, the MPRB shared use agreements apply to existing facilities, typically operated by public schools or nonprofit social service organizations. MPRB has not explained why the public needs a new stadium in the center of the state's oldest historic district.

On the other hand, it is the stated public policy of the State of Minnesota that:

"It is in the public interest to provide for the preservation of historic sites, buildings, structures, and antiquities of state and national significance for the inspiration, use, and benefit of the people of the state." (Minn. Stat. §138.51)

Balancing the public interest in preserving the integrity of the historic district against the public interest in limited use of a stadium available only for youth football and soccer (at times not needed by the developer) has never taken place.

Last week the MPRB publicly introduced plans for a new Parade Stadium with ample room for football and soccer fields. MPRB received CLIC money to fund artificial turf that will allow unlimited use of Parade fields. There is nothing in the record to suggest that the downtown area needs two such facilities. In fact, according to a study released last month by the Trust for Public Land, of all the high-density cities in America, Minneapolis has the most soccer fields per capita. Shoehorning a stadium into the historic district, requiring destruction of an historic street and adjacent property, does not serve the public interest in preservation of historic districts. To the contrary, the public interest demands exploring alternatives that are not adjacent to the school.

HPC reliance on the findings of the CAC is misplaced because the process used to select members and set parameters for debate ignored issues relating to historic preservation. Former HPC Commissioner Bob Glancy and the Sierra Club-North Star Chapter sought representation on the CAC but were denied. Instead, MPRB staff created CAC seats for two "youth sports" advocates, one of whom turned out to be a longtime member of the developer's board of trustees who had also served on the steering committee that in 1993 collected \$3 million for the developer. The MPRB staff granted a CAC appointment to the Ward 1 Minneapolis City Council Member (whose ward at that time was nearly a half-mile from the river at its nearest point; he selected his campaign treasurer, a current DeLaSalle parent), while the Ward 2 Minneapolis City Council

Member (whose ward at that time included the Stone Arch Bridge and parts of the St. Anthony Falls Historic District and came within a block of Nicollet Island) whose ward contained neighborhoods opposed to the project was not allowed a CAC appointment.

The CAC process was rushed, with only four meetings within 21 days. The Chair set aside one hour for discussion of alternatives immediately before the final vote. The CAC Chair told CAC members that there was not enough time for anyone other than the developer to present expert opinions to the CAC.

Two landscape architects sitting on the CAC were the only members with the professional expertise to independently evaluate the developer's proposal. Both voted no. The late Jim Nestingen said at the final CAC meeting: "As much as I wish the field would fit next to DeLSalle, from my professional opinion it doesn't. The school would be shortchanged if they wanted to expand their building and build a track. I'm very troubled by this site, this challenge."

Unlike the consensus developed by the CAC convened by the MPRB in the 1990s, whose work resulted in the park board's 1996 Nicollet Island Master Plan, the vote on the stadium was sharply divided (10-8). The HPC cannot rely on either the EAW or CAC processes for evaluation of alternatives to destruction of Grove Street.

Closure of Grove Street Would Materially Impair the Historic District

When determining whether there are reasonable alternatives to destruction of historic properties, the HPC "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." (Minneapolis Ordinances §599.350)

Grove Street forms part of the original street grid and circulation pattern of a national historic district. What happens to Grove Street will affect the entire district. The National Register of Historic Places (NRHP) Bulletin No. 15 sets forth the standard of integrity for historic districts:

"For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance."

Destruction of Grove Street's eastern half would end an historic use that has continued for 140 years, disrupt relationships between components of the district and thus materially impair the integrity of the St. Anthony Falls Historic District.

According to NRHP Bulletin No. 15 and Minneapolis Ordinances § 599.110, there are seven criteria for evaluating the integrity of an historic resource: location,

design, setting, materials, workmanship, feeling, and association. FOR will focus on design, setting, feeling and association.

NRHP Bulletin No. 15 states:

“Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. . . . [Design] also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.”

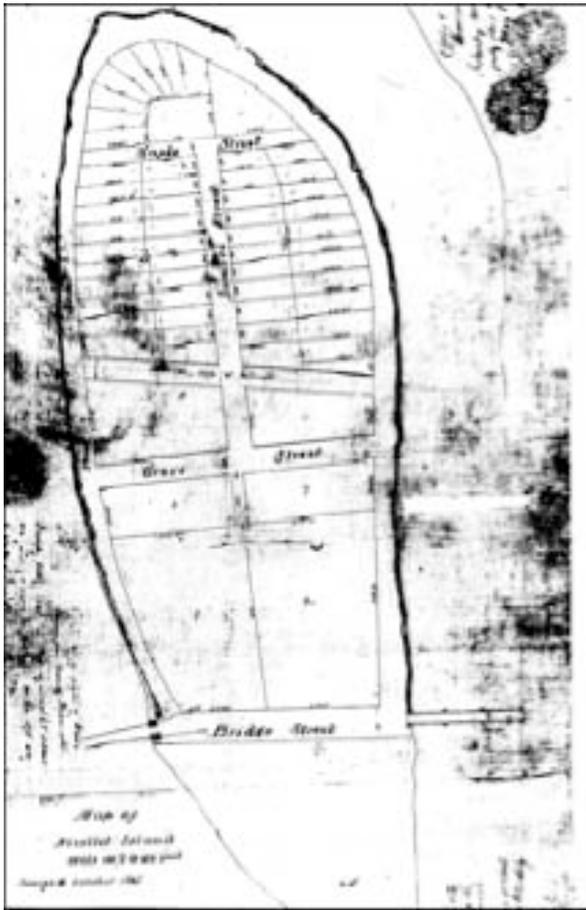
William W. Eastman and surveyor Franklin Cook laid out Grove Street as part of the original street grid planned for Nicollet Island in 1865 and platted in 1866.

Eastman and Cook platted the streets in a particular way promoting a certain type of circulation pattern. (See 1865 Plat Map) For example, instead of organizing the island around a smaller inner circle with lots on the river (similar to many lakeshore developments), the chosen design encourages people to travel around the perimeter of the island and between the riverbanks. Not only does Grove Street provide an east-west connection between the banks of the Mississippi, it is the dividing line between the north and south sections of the Island. Allowing a stadium to close the street and encroach into the north part of the island would disrupt the historic circulation pattern and materially impair the design of the historic district.

Streetscape is also important to the criteria of setting, feeling and association. Setting is defined as “the physical environment of the historic property . . . and its relationship to surrounding features and open space.” Roads and topographic features are elements of setting according to NRHP Bulletin No. 15. Loss of the street and bulldozing the topography will materially impair the setting of the historic district.

The historical report provided for the EAW by the developer concludes that “[t]he island’s original street plan (1865) is an important component of its historic spatial character, and the streets contribute to the overall feeling and character of the district.” She continues: “Street layout, alignment, width, and paving and elements such as lights and sidewalks contribute to qualities of feeling and association within an historic district.” (Zellie Report, p. 20)

Plat of Nicollet Island 1866



Grove Street has continued in its historic use since 1866 and is a legally protected historic property. Like any other street, Grove Street has been resurfaced over time, just as a building can occasionally require a new roof. Less than 10 years ago this Commission labored over the most appropriate historic pattern for a historic street surface material--brick--on Grove Street and other streets from the original Nicollet Island street grid. As part of the original street grid, Grove Street is an integral part of the plan that unifies the district. Precisely for this reason, Carol Zellie concludes in her *Historical Resources Survey* that “[c]losure of this portion of Grove Street will constitute an adverse impact on the historic district.” (p. 20)

Closure of Grove Street and leveling the landforms would damage the integrity of the cultural landscape on Nicollet Island and in the historic district.

The Secretary of the Interior has also issued *Guidelines for the Treatment of Cultural Landscapes* (1996) (“*Guidelines*”) Cultural Landscape is defined as “a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.” The *Guidelines* further define an historic vernacular landscape as “a landscape that evolved through use by the people whose activities or occupancy shaped it. Through social or cultural attitudes of an individual, a family, or a community, the landscape reflects the physical, biological, and cultural character of everyday lives. Function plays a significant role in vernacular landscapes.”

Nicollet Island and the St. Anthony Falls Historic District offer historic vernacular landscapes. There are many factors to consider when dealing with preservation of cultural landscapes, including geographical context and use. (*Guidelines*, p. 8) “The landscape context can include the overall pattern of the **circulation networks, views and**

vistas into and out of the landscape, land use, natural features, clusters of structures, and division of properties.” *Id.* (emphasis added) Circulation features include roads such as Grove Street.

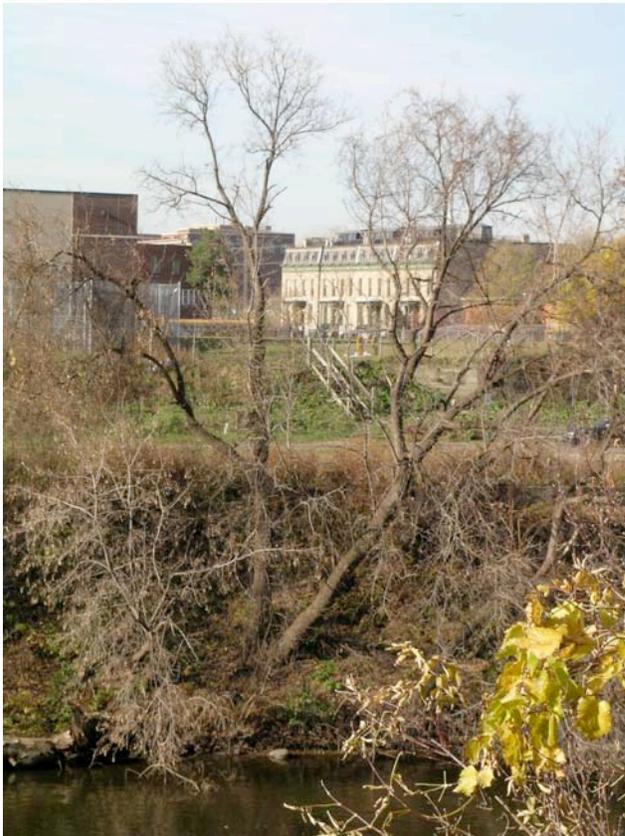
Historic, current and proposed use must be considered in preservation of a cultural landscape. Grove Street has been in continuous use as a street since 1866. The proposed stadium would permanently end that use. Once vacated, ownership of the former right of way is divided between the adjacent property owners, in this case the Diocese of St Paul and the MPRB.

The Proposed Stadium Would Materially Impair the Historic District

The stadium proposed by the developer is simply too big for the site. According to NRHP Bulletin No. 15:

“When evaluating the impact of intrusions upon the district’s integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.”

East Bank Views of Grove Street Flats



The planned four 70-foot light towers, two loudspeakers on 50-foot towers, press box, scoreboard, high retaining walls and bleachers would be completely out of scale and out of place on Nicollet Island. In addition to destroying the traditional street grid and adjacent natural landscape, the high walls of the stadium will mar or eliminate views to and from the Island, in particular views of the Grove Street Flats, which was identified individually in the 1971 nomination of the district. Inappropriate size and scale of the new construction would cause loss of viewshed and materially impair the integrity of the historic district.

The design in the developer's application includes low fences, natural grass and no roof structure for the stadium. However, the HPC can expect

higher fences and AstroTurf, along with possible seasonal installation of a temporary, inflatable dome over the football field for winter use. The developer's contract with the park board leaves open the choice of playing field material. The developer's landscape architect replaced low fences with high fences at a similar development in Edina, due to security problems. And because it is not a permanent structure, a temporary dome (as used at Augsburg College and at one time proposed for Benilde-St. Margaret high school's stadium, a facility the developer sometimes uses) may not come before the HPC for approval, once the developer's proposed project is built.

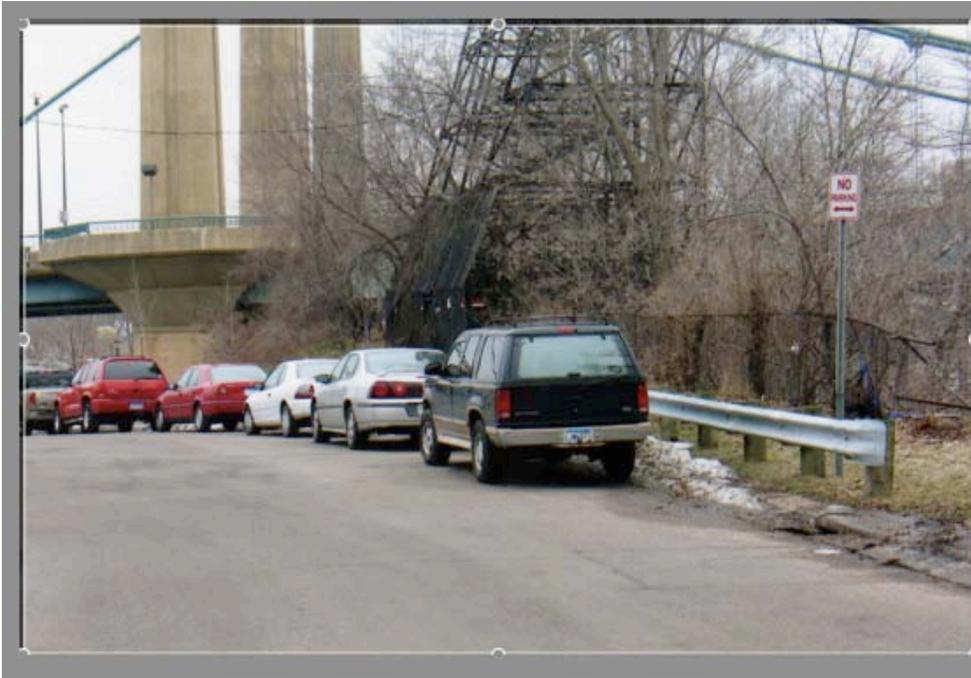
Meanwhile, great care has been taken in assuring that the details of improvements to the area of Nicollet Island from Grove Street north conform to historic district guidelines, including the burying of utility lines (a project the current developer chose not to participate in), the installation of ornamental street lighting, and the pattern and appearance of street bricks as mentioned above.

In addition to the outsized scale of the stadium itself, the noise, lights, and traffic associated with the stadium will damage the integrity of the historic district. Studies of traffic, noise and lighting submitted by the developer for the EAW raise issues that have never been addressed. (See Public Comments to the EAW)

For example, the TDM study commissioned by the developer for the EAW contains fails to address where visitors will drive or park when there are simultaneous events at the stadium, Nicollet Island Inn and Pavilion. Recent experience shows that there will be illegal parking when events hosted by the high school occur at the same time as other island events, raising issues of public safety.

A driver goes off road and nearly onto the tracks to find a parking spot during a DeLaSalle athletic event, April 12, 2006.

Illegal parking and traffic congestion during an event held at DeLaSalle
January 22, 2006



Vehicles parked along the curb turn East Island Ave into a one lane street.



The EAW traffic study treated island streets like any other residential streets. In fact, Nicollet Island attracts hundreds of thousands of regional park visitors, and Island streets are shared by motor vehicles, horse-drawn carriages, pedestrians, bicyclists, Segway riders and persons in wheelchairs.

Frequent intrusion of loudspeaker noise will damage the historic district's character and feeling. According to the noise analysis prepared by the developer for the EAW, noise heard outside the stadium will be loudest across the river from Nicollet Island because sound carries clearly over water.

The chart attached to the staff report indicates there will be 88-99 events using loudspeakers between June and November each year, the great majority of those (68-79)

taking place during a 15-week period from mid-August to November. That works out to an average of just over 5 events using loudspeakers per week.

Currently, DeLaSalle High School does not have a band and uses recorded music during games. We can expect sound to travel throughout the historic district, providing an auditory experience similar to a concert. Any comparison between the “white noise” of trains and the “voice noise” of stadium events is not appropriate. While it’s true that many trains pass through the district everyday, as they have been for close to 150 years, the sound is regular, repetitive in nature and of short duration. It becomes part of the background. This cannot be said of the voice noise that would come from stadium events, which will demand attention throughout the district.

Light from the illuminated field will appear as a flashlight to the night sky that will be seen throughout the historic district. Even state of the art lighting designs have significant light pollution and can be expected to double light levels in the neighboring parkland. The proposed stadium will require at least as 6 times more light than the entirety of the Hennepin Avenue Bridge.

The large scale of the proposed stadium and associated increases in noise, traffic and lights will damage the integrity of setting and feeling in the historic district.

The Proposed Stadium Would Decrease Public Access to Historic Resources

According to the Metropolitan Council, the Central Riverfront Regional Park drew an estimated 1,056,400 visitors in 2005. Walking and hiking, with 30 percent, were by far the favorite activities of people visiting regional parks.² Many of those visitors come to Nicollet Island to see the river and the old houses. They also visit the Island for fireworks, festivals, footraces, historic tours, rides on Segways and horse drawn carriages, a hotel, an event center and a busy high school.

The street closure required by the proposed stadium site will greatly restrict circulation and detract from the experience of visiting Nicollet Island. Reducing access to the river and historic resources flies in the face of every plan for the historic district and Nicollet Island. For example, Section 9.13 of the Minneapolis Comprehensive Plan calls for preserving the traditional street grid:

“The residential street grid laid onto the city from its earliest days has provided yet another powerful organizing force for our neighborhoods. Since the first residents claimed title to land along the Mississippi in the 1850s, the street grid has exerted a great deal of influence over land subdivision. The grid is a primary organizing element, easily understood and navigable by all whether a neighborhood is familiar or foreign to the traveler Being able to find one’s way through unfamiliar territory brings

² Annual Use Estimate of the Metropolitan Regional Parks System for 2005 (June 2006) Available online at www.metrocouncil.org/resources/resources.htm.

tremendous benefit to the urban landscape. Whenever possible, new development should correspond to the historical street grid pattern.”

Adopted by the HPC in 1980, the St. Anthony Falls Historic District Guidelines articulate the purpose behind the HPC’s stewardship of the district:

- 1) preserve the memory of past events
- 2) encourage sympathetic new development
- 3) encourage and enable access to the river
- 4) foster along the riverfront and adjacent areas a viable community geared to the pedestrian

More specifically, the Master Plan for Nicollet Island adopted by the MPRB in 1996 states that design of new development should “[r]ecognize the historical pattern of land use” on Nicollet Island (p. 11). In keeping with this guiding principle, the Master Plan calls for “[p]reserv[ing] the integrity of the original (1866) street plan of the island.” (p. 11) The Master Plan also envisions minimal disturbance of the upper island and provides that grades should be protected and unbuilt lots left open. (p.11) Public improvement should be at a “scale appropriate to the structures and spaces of the island.” (p. 11).

The Applicant Cannot Mitigate Damage to 1866 Street Grid and Loss of Use of Grove Street

Once vacated, the city’s loss of this half Grove Street is not reversible. The applicant offers to replace Grove Street with a 4-foot wide pedestrian path along the railroad tracks. The proposed path is not on the current Grove Street right of way or anywhere near the historic alignment of Grove Street. This path will most likely lie between two fences, one facing the tracks and the other the field.³ The kind of fencing required to separate the path from the football field and the railroad tracks was avoided in the historic neighborhood from Grove Street north, where bicycles travel on the historic Island Avenue roadway instead of on new paths that would have required fencing along the riverbank.

³ Despite initial concept plans suggesting that fencing will be in all but a small area, the intent to keep the facility “secure” was reflected in this exchange at the February 1, 2006, MPRB study session on the DeLaSalle stadium about the general practice at similar facilities:

MPRB Counsel BRIAN RICE: And they tend to keep them locked down. That was one of the issues here ...

Commissioner BOB FINE: Yeah, they lock them down.

BRIAN RICE: ... about fencing or not. I think the staff would probably say if you make this investment, you lock it down. Now that obviously wouldn’t work with the character of the island and residents’ concerns and things like that. But people tend to, if you look at high school facilities ... pretty secure.

General Manager DON SIGGELKOW: Yeah.

The narrow trail width of four feet does not meet standards typically applied by the Park Board and would not safely support a combined bike and pedestrian path. For example, recent plans available on the MPRB website show 12-foot wide shared-use trails in Victory Park.

Site plans submitted by the developer do not show how the path connection to East Island Avenue would meet accessibility requirements. Steps cannot meet accessibility requirements, so there must be some type of sloped path or ramp. According to Minnesota Rules §1341.0422 subp.7 (ADAAG 4.3.7), if path slope exceeds 1:20, it becomes a ramp, and “[t]he maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 inches.” Minn. Rules §1341.043 subp.2 (ADAAG 4.3.7). The site plan does not show whether space available at the proposed site would allow a ramp in compliance with these requirements.

Closure of Grove Street will permanently discourage access to the river and make the district less viable for pedestrians. Instead of being able to traverse the 1866 street grid, visitors to the Island will face the tall walls and light towers of the stadium. Circulation on an island is critical; the proposed street closure will reduce access to the scenic, historical, cultural, natural, and scientific resources within the historic district.

Conclusion

Following the destruction of the historic Minneapolis downtown, Nicollet Island's residential neighborhood had stronger ties to the residential neighborhoods on the east bank of the river. Four riverfront neighborhoods on the east bank have considered the issue (St. Anthony West, Nicollet Island-East Bank, Marcy-Holmes, and Prospect Park, representing many thousands of Minneapolis citizens). All have taken positions opposing this use of parkland and opposing the closing of a City street. In addition, more than 1,000 historic district visitors have signed a petition opposing this proposal.

Closing a 140-year-old street and destroying the adjacent cultural and natural landscape to build a stadium in an historic district contradicts the regulations and guidelines put in place to preserve historic resources. Alternative sites have not been explored, and the proposed stadium would materially impair the St. Anthony Falls Historic District. FOR urges the Commission to find that there are reasonable alternatives to destruction of the historic property and deny the Application.

Sincerely,

Edna C. Brazatis

Lisa C. Hondros

Resources:

National Register of Historic Places (NRHP) Bulletin No. 15
Guidelines for the Treatment of Cultural Landscapes (1996)