

**CITY OF SAINT PAUL  
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

---

FILE NAME: Public alley between 350 Sibley Street North and 240 Fifth Street East

DATE OF APPLICATION: July 2, 2013

APPLICANT: Ever-Green Energy, Steven L. Wachter

OWNER: City of Saint Paul – Public Works Right-of-Way

DATE OF PUBLIC HEARING: July 25, 2013

HPC SITE/DISTRICT: Lowertown Heritage Preservation District

CATEGORY: Contributing

CLASSIFICATION: After-the-Fact Right-of-Way Permit

STAFF INVESTIGATION AND REPORT: Christine Boulware

DATE: July 17, 2013

---

**A. SITE DESCRIPTION:**

The alley for the block bounded by Sibley, 5<sup>th</sup>, Wacouta and 4<sup>th</sup> Streets forms a T-shape. The north-south alley accessed from 5<sup>th</sup> Street and half of the east-west portions are public alleys, while the western half of the alley is private. The alley was originally set with stone pavers and they are believed to be gray/peach sandstone. The pavers have been referred to as Belgian stone pavers but staff has not verified the source/type of the pavers. Staff also believes these alleys to be the last remaining stone paver alleys in the Lowertown Historic District but final verification would be needed. The pavers are quite thick and are laid in a running bond pattern. Portions of the alleys remain in good condition with some asphalt patching. A concrete sidewalk and access pad were added behind the Lowertown Lofts Building for an ADA entrance.

The Straus Knitting Building at 350-364 Sibley is a five-story, cream-colored brick building, designed in the Italianate style and constructed in 1882. The design of the building has been attributed to J. Walter Stevens, however there is no original building permit for this structure which is probably the oldest building facing Mears Park. The Fairbanks-Morse Company at 220 Fifth Street East and Power's Dry Goods Company at 230-236 Fifth Street East were combined and now have the address 240 Fifth Street East commonly called the Lowertown Lofts. The Fairbanks-Morse is a five-story brick building, designed by J. Walter Stevens and constructed in 1895. Power's Dry Goods is a raised six-story, Romanesque Revival style building that is dominated by a series of large, rounded-arched windows. This entire block face is classified as pivotal to both the local and National Register Lowertown Historic District.

The National Register nomination form for the district states:

*Lowertown is not only architecturally significant, but significant in the history of landscape architecture and city planning due to dramatic street pattern and grade changes which were made in the 1870s, and due to the fact that a park encompassing an entire city block has been preserved since the 1880s in the midst of a large warehouse and industrial area with tightly clustered buildings.*

*Lowertown has a dense concentration of commercial buildings located on streets which form a grid-iron pattern centered around Mears Park. Although most of Lowertown was platted in 1849, the streets in the area were not graded or improved until the 1870s and most were not paved until the 1880s.*

*The most dramatic changes in the street patterns in Lowertown were made in 1876-78. During that brief period, Sibley, Wacouta, Fifth and Sixth Streets were cut through Baptist Hill. When these streets were graded, the block which is now Mears Park consisted of a hill with houses and some commercial buildings standing about fifty feet above street level.*

*Between 1883 and 1888 the block bounded by Sibley, Wacouta, Fifth and Sixth Streets which had been designated "public square" in the original plat of 1849 was finally graded and landscaped as a park.*

The Period of Significance for the Historic Lowertown Heritage Preservation District spans from 1867-1929. The street plans and consistency in the public streets, alleys and sidewalks help define and support the district. During the period of significance, most of the streets were brick, especially those that had streetcars, and many alleys were either brick, granite or sandstone cobbles or dirt.

While there are a variety of building styles represented and a variety of natural brick and stone materials, there is a cohesiveness in the built environment of Lowertown and a *consistency* in the public streets, alleys and sidewalks; further enforcing the significance of the warehouse district as the sum of its parts and not just individual buildings.

#### **B. CHANGES PROPOSED AND PARTIALLY COMPLETED:**

The applicant was hired to run piping for cooling underneath the alley between the Straus Building and Lowertown Lofts and up to the rear of 213 E. 4<sup>th</sup> Street. The cooling is for the new Bedlum Theater. According to the applicant, stone pavers (some concrete), a strip of concrete and some asphalt patching were removed. A new wider trench was cut and several solid pavers were cut instead of being removed by hand. The applicant is proposing to install the salvaged stone pavers near the north entrance of the alley and then fill the wider trench in with concrete. The drawings and photos show the amount of stone pavers present before the project and the proposed amount to be reinstalled.

#### **C. GUIDELINE CITATIONS:**

##### **ARTICLE VI. - HISTORIC LOWERTOWN HERITAGE PRESERVATION DISTRICT**

##### **Lowertown Historic District Design Review Guidelines**

##### **Sec. 74-112.II Restoration and Rehabilitation, General Principles:**

1. *All work should be of a character and quality that maintains the distinguishing features of the building and the environment. The removal of architectural features is not permitted.*
2. *Deteriorated architectural features should be repaired rather than replaced whenever possible. In the event of replacement, new materials should match the original in composition, design, color, texture and appearance. Duplication of original design based on physical or pictorial evidence is preferable to using conjectural or period designs or using part of other buildings.*
3. *Distinctive stylistic features or examples of skilled craftsmanship characteristic of structures of a period should be treated sensitively. Furthermore, if changes in use of a building are contemplated, they should be accomplished with minimum alteration to the structure and fabric.*
4. *In general, it is expected that buildings will be restored to their original appearance. However, alterations to buildings are sometimes significant because they reflect the history of the building and the district. This significance should be respected, and restoration to an 'original' appearance may not always be desirable. All buildings should be recognized as products of their own time and not be altered to resemble buildings from another era.*

##### **New Construction**

##### **Setback - Siting**

##### **Landscaping and Street Furniture**

*When lots are used for green space or parking, a visual hole in the street "wall" may result. Landscape treatment can eliminate this potential problem by providing a wall of enclosure for the street. Traditional street elements of the area, such as granite curbs, should be preserved. New street furniture should complement the scale and character of the area.*

***The Secretary of the Interior's Standards for Rehabilitation (1990)***

**\*\*EXCERPT\*\***

**District/Neighborhood**

**Recommended:**

- Identifying, retaining, and preserving buildings, and streetscape, and landscape features which are important in defining the overall historic character of the district or neighborhood. Such features can include streets, alleys, paving, walkways, street lights, signs, benches, parks and gardens, and trees.
- Retaining the historic relationship between buildings, and streetscape and landscape features such as a town square comprised of row houses and stores surrounding a communal park or open space.
- Protecting and maintaining the historic masonry, wood, and architectural metals which comprise building and streetscape features, through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems; and protecting and maintaining landscape features, including plant material.
- Protecting buildings, paving, iron fencing, etc. against arson and vandalism before rehabilitation work begins by erecting protective fencing and installing alarm systems that are keyed into local protection agencies.
- Evaluating the overall condition of building, streetscape and landscape materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.
- Repairing features of the building, streetscape, or landscape by reinforcing the historic materials. Repair will also generally include the replacement in kind - or with a compatible substitute material - of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balustrades, paving materials, or streetlight standards.
- Replacing in kind an entire feature of the building, streetscape, or landscape that is too deteriorated to repair - when the overall form and detailing are still evident - using the physical evidence to guide the new work. This could include a storefront, a walkway, or a garden. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

**Design for Missing Historic Features**

- Designing and constructing a new feature of the building streetscape, or landscape when the historic feature is completely missing, such as row house steps, a porch, streetlight, or terrace. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the district or neighborhood.

**Alterations/Additions for the New Use**

- Designing required new parking so that it is as unobtrusive as possible, i.e., on side streets or at the rear of buildings. Shared parking should also be planned so that several businesses' can utilize one parking area as opposed to introducing random, multiple lots.
- Designing and constructing new additions to historic buildings when required by the new use. New work should be compatible with the historic character of the district or neighborhood in terms of size, scale, design, material, color, and texture.
- Removing non-significant buildings, additions, or streetscape and landscape features which detract from the historic character of the district or the neighborhood.

**Not Recommended:**

- Removing or radically changing those features of the district or neighborhood which are important in defining the overall historic character so that, as a result, the character is diminished.*
- Destroying streetscape and landscape features by widening existing streets, changing paving material, or introducing inappropriately located new streets or parking lots.*
- Removing or relocating historic buildings, or features of the streetscape and landscape, thus destroying the historic relationship between buildings, features and open space.*
- Failing to provide adequate protection of materials on a cyclical basis so that deterioration of building, streetscape, and landscape feature results.*
- Stripping features from buildings or the streetscape such as wood siding, iron fencing, or terra cotta balusters; or removing or destroying landscape features, including plant material.*
- Failing to undertake adequate measures to assure the preservation of building, streetscape, and landscape features.*
- Replacing an entire feature of the building, streetscape, or landscape such as a porch, walkway, or streetlight, when repair of materials and limited replacement of deteriorated or missing parts are appropriate.*
- Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building, streetscape, or landscape feature or that is physically or chemically incompatible.*
- Removing a feature of the building, streetscape, or landscape that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.*

**Design for Missing Historic Features**

- Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial and physical documentation.*
- Introducing a new building, streetscape or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character, e.g., replacing picket fencing with chain link fencing.*

**Alterations/Additions for the New Use**

- Placing parking facilities directly adjacent to historic buildings which cause the removal of historic plantings, relocation of paths and walkways, or blocking of alleys.*
- Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the district or neighborhood.*
- Removing a historic building, building feature, or landscape or streetscape feature that is important in defining the overall historic character of the district or the neighborhood.*

**D. FINDINGS:**

1. On March 22, 1984, the Historic Lowertown Heritage Preservation District was established under Ordinance No. 17120, § 2. The Heritage Preservation Commission shall protect the architectural character of heritage preservation sites through review and approval or denial

of applications for city permits for exterior work within designated heritage preservation sites §73.04.(4).

2. **Classification of the streetscape and effected buildings.** The sidewalks, alleys and street grid contribute to and support the historic architecture and character of the Lowertown Heritage Preservation District. The stone pavers are a contributing feature within the District. All of the buildings along Fifth Street between Sibley and Wacouta Streets are pivotal to the character of the Historic Lowertown Heritage Preservation District. Two were designed by J. Walter Stevens and the third has been attributed to Stevens. Work in the alley commenced without Heritage Preservation review and approval.
3. **Demolition.** The Belgian Stone pavers in the alley, along with areas of patching, were removed for the installation of chilled water piping. The removal of the asphalt and concrete patching is appropriate, as these materials are not consistent with the existing historic pavers in the alley. The removal and destruction of historic pavers does not comply with the guidelines that do not recommend: *Destroying streetscape and landscape features by widening existing streets, changing paving material, or introducing inappropriately located new streets or parking lots.*
4. **Character of the historic streetscape.** The Period of Significance for the Historic Lowertown Heritage Preservation District is 1867-1929. It is during that timeframe that streetscape elements are considered significant. While there are numerous building styles represented and a variety of natural brick and stone materials, there is a cohesiveness in the built environment and a *consistency* in the public streets, alleys and sidewalks; further enforcing the significance of the warehouse district as the sum of its parts and not just individual buildings.
5. **Proposed materials and details:**  
**Stone Pavers.** The proposal to remove historic stone pavers and replace them partially with concrete does not meet General Principles 1, 2 and 3 of §74-112, which state that work should maintain the distinguishing features of the environment, that removal of architectural features is prohibited, that deteriorated architectural features should be repaired rather than replaced and if replacement is warranted the new should match the original and finally, that distinctive features should be treated sensitively.

The proposal to install a concrete band in the alley does not comply with the guidelines that recommend against *"Introducing a new building, streetscape or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character"* and *"Removing a feature of the building, streetscape, or landscape that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance"* and *"Removing a historic building, building feature, or landscape or streetscape feature that is important in defining the overall historic character of the district or the neighborhood."*

6. The application did not demonstrate that any efforts were explored to find other matching salvaged stone to replace the pavers that were damaged in the removal.
7. Staff photos of the alley from 2008 indicate very little asphalt patching and no concrete strip between the Straus and Lowertown Lofts buildings. During the historic tax credit approved project of the Lowertown Lofts, the owner was required to protect this alley during rehabilitation and its condition was documented at that time. According to the applicant, a concrete strip was put in sometime in the last few years by another organization. There is no record that staff or the HPC approved this work.
8. The greater amount of deterioration and asphalt patching was located in the center of the block about where the three alleys meet. Given the lack of paver supply, level of deterioration and location near the center of the block, it may be acceptable to install

concrete pavers or colored concrete only in this location.

9. Recent photos by staff show a small pile of stone being unprotected and accessible. This does not meet the Guidelines which recommend *"Protecting buildings, paving, iron fencing, etc. against arson and vandalism before rehabilitation work begins by erecting protective fencing and installing alarm systems that are keyed into local protection agencies."*
10. The proposal, as submitted, will adversely affect the program for the preservation and architectural control of the Historic Lowertown Heritage Preservation District (Leg. Code §73.06 (e)).

**E. STAFF RECOMMENDATION:**

Based on the findings, staff recommends denial of the application as submitted. Staff could administratively approve a proposal to put back salvaged and new stone in a similar size, color and pattern. Staff would also accept concrete pavers or colored concrete near the center of the block where the greatest amount of deterioration was present prior to the start of this project.

**F. ATTACHMENTS:**

1. Application with photos and plan



**EVER-GREEN ENERGY™**

Ever-Green Energy, LLC  
1350 Landmark Towers  
345 St. Peter Street  
Saint Paul, MN 55102

Tel: 651.290.2812  
Fax: 651.292.9709  
www.ever-greenenergy.com

July 2, 2013

Heritage Preservation Commission  
Department of Planning and Economic Development  
25 Fourth Street West, Suit 1400  
Saint Paul, MN 55102

Attn: Amy H. Spong, Historic Preservation Specialist

Dear Amy,

Attached is Ever-Green Energy's Design Review Application for the project work to extend our chilled water pipe through the alley off of 5<sup>th</sup> Street between the Straus Apartments and the Lowertown Lofts Apartments buildings.

I am hopeful that the process we have defined within our Contract Documents for final surface restoration is satisfactory to the HPC and I apologize for not completing this application prior to starting the work. I assure you that if we encounter similar conditions in the future, we will work with the HPC to determine the best method of historical preservation restoration.

Ever-Green Energy and HPC share similar interests in working with building owners with their facility upgrades while maintaining minimal impact or change to existing exterior structural components. I believe our plans for the alley resurfacing as defined in the Design Review Application should provide significant preservation of a surface that was in significant deterioration.

Let me know if there is any other information you require, or if you need me to address some portion of this application in greater detail.

Sincerely,

Ever-Green Energy

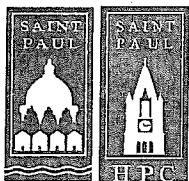
Steven L. Wachter, Distribution Manager

Attachments:

Heritage Preservation Commission Design Review Application  
Sheet C-1 of Project 2013-DC42-E4, Chilled Water Extension to 213 E. 4<sup>th</sup> Street (15 copies)







Saint Paul Heritage Preservation Commission  
Department of Planning and Economic Development  
25 Fourth Street West, Suite 1400  
Saint Paul, MN 55102  
Phone: (651) 266-9078

## HERITAGE PRESERVATION COMMISSION DESIGN REVIEW APPLICATION

This application must be completed in addition to the appropriate city permit application if the affected property is an individually designated landmark or located within an historic district. For applications that must be reviewed by the Heritage Preservation Commission refer to the HPC Meeting schedule for meeting dates and deadlines.

### 1. CATEGORY

Please check the category that best describes the proposed work

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Repair/Rehabilitation | <input type="checkbox"/> Sign/Awning          | <input checked="" type="checkbox"/> New Construction/Addition/<br>Alteration |
| <input type="checkbox"/> Moving                | <input type="checkbox"/> Fence/Retaining Wall | <input type="checkbox"/> Pre-Application Review Only                         |
| <input type="checkbox"/> Demolition            | <input type="checkbox"/> Other _____          |  |

### 2. PROJECT ADDRESS

Street and number: Public alley between Straus Apartments Building (350 North Sibley St.) and Lowertown Lofts Apartments (240 East 5<sup>th</sup> St.), St. Paul, MN Zip Code: 55101

### 3. APPLICANT INFORMATION

Name of contact person: Steven L. Wachter

Company: EVER-GREEN ENERGY

Street and number: 345 St. Peter Street

City: St. Paul State: Minnesota Zip Code: 55124

Phone number: (651) 297-8955 e-mail: steve.wachter@districtenergy.com

### 4. PROPERTY OWNER(S) INFORMATION (If different from applicant)

Name: City of St. Paul

Street and number: 25 West 4<sup>th</sup> St., 1500 City Hall Annex

City: St. Paul State: MN Zip Code: 55102

Phone number: (651) 266-9700 e-mail: \_\_\_\_\_

**5. PROJECT ARCHITECT (If applicable)**

Contact person: Project design and engineering completed by District Energy St. Paul

Company: \_\_\_\_\_

Street and number: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone number: (\_\_\_\_) \_\_\_\_\_ e-mail: \_\_\_\_\_

**6. PROJECT DESCRIPTION**

**Completely describe ALL exterior changes being proposed for the property. Include changes to architectural details such as windows, doors, siding, railings, steps, trim, roof, foundation or porches. Attach specifications for doors, windows, lighting and other features, if applicable, including color and material samples.**

The Project will provide District Cooling services to the 213 E. 4<sup>th</sup> Street building by connecting buried chilled water piping from existing pipe within the south sidewalk on 5<sup>th</sup> Street to the rear of the Customer building through the public alley located between the Straus Apts. building and the Lowertown Apts. building. District Cooling chilled water service eliminates unsightly and noisy cooling towers and window cooling units from Lowertown buildings, preserving the historic exterior building appearance.

Ever-Green Energy pipe will extend beneath the surface of the alley noted above. The alley surface has substantially deteriorated and is in a state of significant disrepair. It appears that much of the alley surface at one time consisted of Belgian Stone pavers, but over the years much of this surface, at least within the center of the alley has been replaced with a combination of concrete pavers, asphalt and concrete patches, including a alley long "patch" of concrete placed over a previous installation of a plastic Xcel gas service line, most likely installed within the past 10 years. Further, with the roof water run-off from the Straus building being direct on to the surface of the Belgian stone pavers, much of the underlying supporting fill has been washed away adjacent to these drain pipes, resulting in significant settlement in large areas.

*Additional project description attached on page 4*

**7. ATTACHMENTS**

Refer to the *Design Review Process sheet* for required information or attachments.

**\*\*INCOMPLETE APPLICATIONS WILL BE RETURNED\*\***

**ARE THE NECESSARY ATTACHMENTS AND INFORMATION INCLUDED?**

☒ **YES**

Will any federal money be used in this project?	YES	_____	NO	<u>X</u>
Are you applying for the Investment Tax Credits?	YES	_____	NO	<u>X</u>

I, the undersigned, understand that the Design Review Application is limited to the aforementioned work to the affected property. I further understand that any additional exterior work to be done under my ownership must be submitted by application to the St. Paul Heritage Preservation Commission. Any unauthorized work will be required to be removed.

Signature of applicant: \_\_\_\_\_ Date: July 2, 2013

Signature of owner: \_\_\_\_\_ Date: July 2, 2013

**FOR HPC OFFICE USE ONLY**

Date received: 7.2.13 FILE NO. \_\_\_\_\_

District: LT /Individual Site: \_\_\_\_\_

Contributing/Non-contributing/Pivotal/Supportive/:

Type of work: Minor/Moderate/Major

\_\_\_\_ Requires staff review

X Requires Commission review

Supporting data: YES NO  
Complete application: YES NO

The following condition(s) must be met in order for application to conform to preservation program:

It has been determined that the work to be performed pursuant to the application does not adversely affect the program for preservation and architectural control of the heritage preservation district or site (Ch.73.06).

\_\_\_\_\_  
HPC staff approval

Date \_\_\_\_\_

Submitted:

- ☐ 3 Sets of Plans
- ☒ 15 Sets of Plans reduced to 8 1/2" by 11" or 11" by 17"
- ☒ Photographs
- ☐ City Permit Application *PW underway*
- ☒ Complete HPC Design Review application

Hearing Date set for: 7.25.13

City Permit # \_\_\_\_\_ - \_\_\_\_\_

To match the restored surfacing in the adjacent east-west alley that connects to the alley that includes the chilled water pipe (an alley with similar Belgian Stone pavers), Ever-Green Energy determined in its contract document preparation to match this surface preservation effort by installing its pipe adjacent to the existing previous gas installation, thereby removing the poorly placed and deteriorating concrete patch surfacing over the Xcel gas line. With the removal of this concrete and the asphalt patches, the actual Belgian Stone removal was anticipated to approximately one-third of the actual surface removal and a portion of these pavers were concrete replacement blocks. The Contract Documents maintain the Belgian Stone paver would remain in the alley surfaces adjacent to the two buildings.

Maintaining the Belgian Stone in this alley to the extent possible was a goal of Ever-Green Energy. To preserve this surfacing, we determined that we would retain the sides of the alley and place a clean straight edge to each block with new concrete replacing the asphalt and concrete patches. This should provide sufficient removed Belgian Stone to restore 15 to 20' of alley adjacent to the 5<sup>th</sup> Street sidewalk, from building face to building face. Replacement concrete blocks would not be used, just original Belgian Stone.

Photos attached to this document show the extent of the concrete and asphalt patches prior to any construction activity.

*End of Project Description*

#### **Pre-Construction Photographs of Alley**



**Picture 1.** Typical Asphalt Patch adjacent to concrete trench cover from natural gas pipeline.



**Picture 2.** South end of alley (looking north with sewer castings, asphalt and concrete surfaces, and showing gas pipeline extension to Straus (left) and Lowertown Apts. (right) Surface restoration with asphalt.



**Picture 3.** South end of public alley.



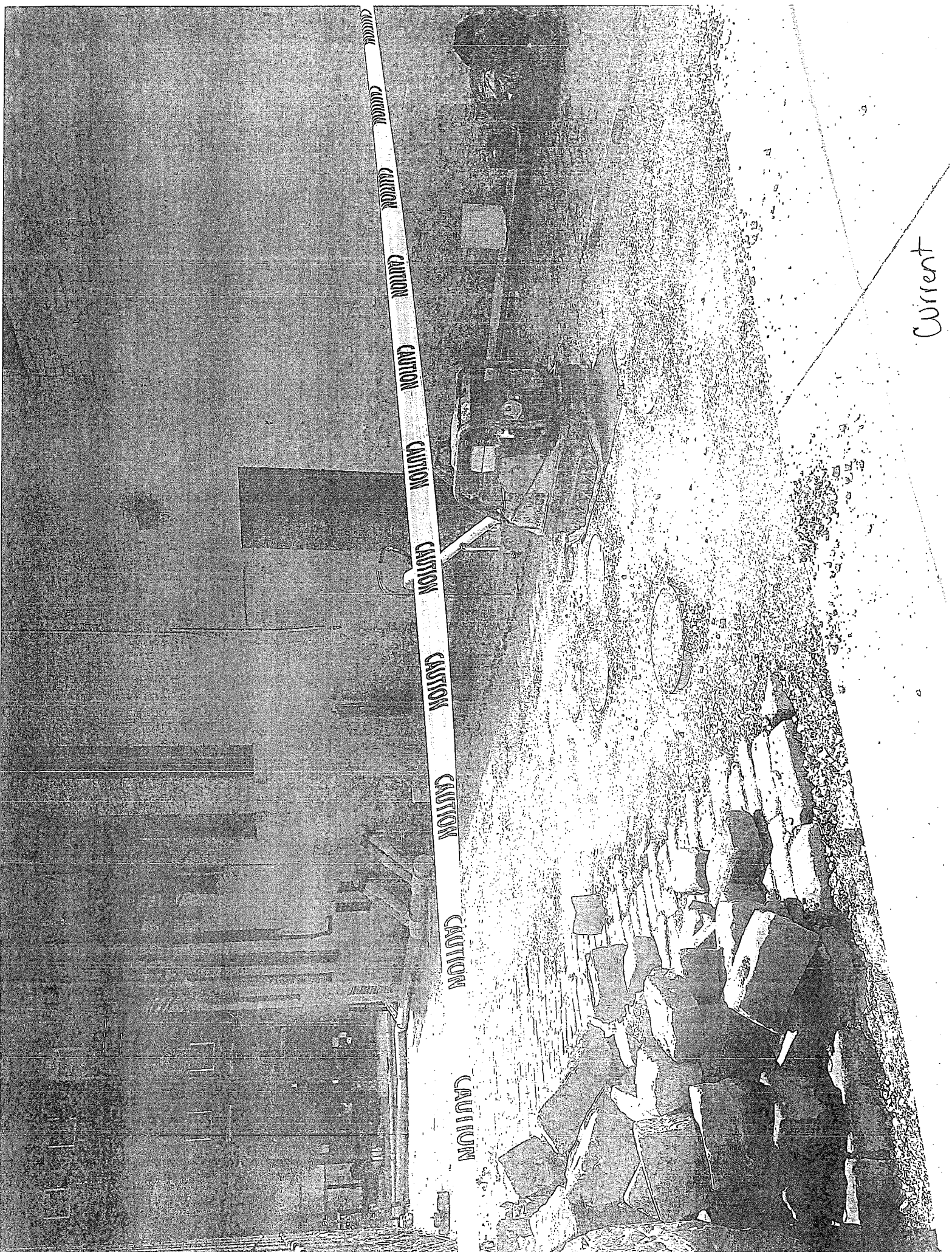
**Picture 4.** North end of public alley looking south, showing removal of concrete surface over gas pipeline trench.



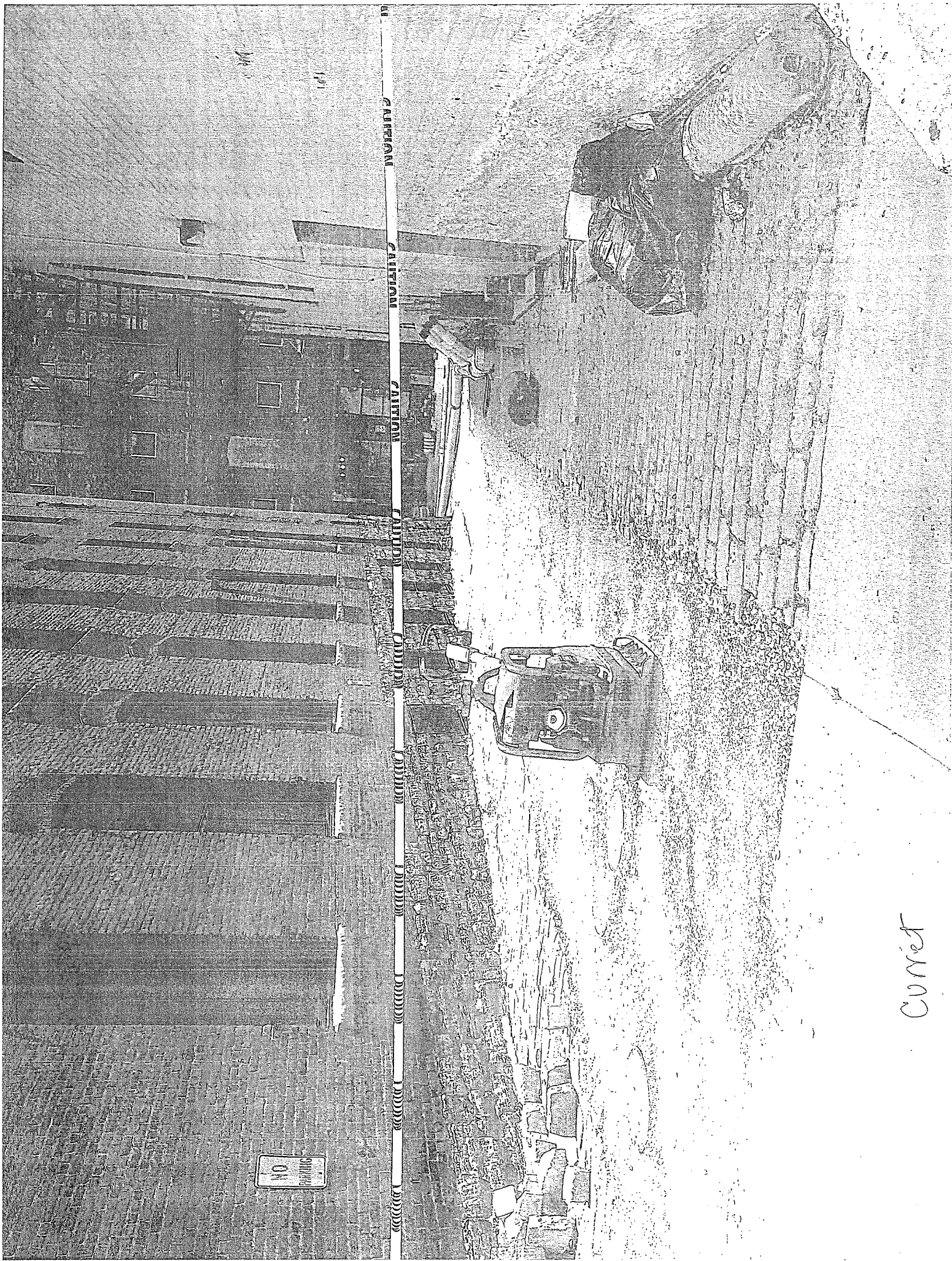
**Picture 5.** Xcel Energy mark for gas pipeline from Locate Request. Marking showing pipeline directly below concrete patched surface restoration. This trench extended the full length of the alley.



Current







Correct



LT  
Lofts



Straw  
Bldg.  
From 2008  
730-36 5th St. E. - 510 HPL-LT



5TH ST E

20.00'

15.00'




6.00'

6.00'

8.00'

STRAUS APTS

LOWERTOWN APTS

-  -BRICK Stone Apts.
-  CONCRETE
-  BITUMINOUS

CITY RIGHT OF WAY

CONCRETE

213 E 4TH ST



DISTRICT ENERGY DISTRICT COOLING  
ST. PAUL™



ST. PAUL™

IV


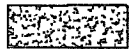
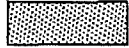
AFTER  
RESTORATION

Sheet No. R-2

5TH ST E

STRAUS APTS

LOWERTOWN APTS

-  BRICK Stone
-  CONCRETE
-  BITUMINOUS

CITY RIGHT OF WAY

CONCRETE WALL

213 E 4TH ST



DISTRICT ENERGY DISTRICT COOLING  
ST. PAUL™



ST. PAUL™

11

BEFORE  
EXCAVATION

Sheet No. R-1