

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

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FILE NAME: 260 East 7th Street  
DATE OF APPLICATION: October 3, 2014  
APPLICANT: GJK Brooks Construction  
OWNER: Upper Corner Venture, LLC  
DATE OF HEARING: November 6, 2014  
HPC SITE/DISTRICT: Lowertown Heritage Preservation District  
CATEGORY: contributing  
CLASSIFICATION: building permit  
STAFF INVESTIGATION AND REPORT: Amy Spong  
DATE: October 29, 2014

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**A. SITE DESCRIPTION:**

The private driveway is part of the parcel for 260 E. 7<sup>th</sup> Street which contains the O'Connor Building. Designed by Saint Paul architect Emil Ulrici and built in 1887, the four-story, six bay brick building features an unusual combination of Queen Anne and Italian Renaissance Revival style elements. The facade has cut stone pilasters and lintels, Queen Anne window sashes and a bracketed galvanized metal cornice with modillion blocks and the words "O'Connor" pressed into the frieze. The building is classified as Pivotal within both the local and National Register Lowertown Historic District and the driveway was an original feature that is indicated on the early Sanborn Insurance Maps. One of the early uses of the building was a liquor store and saloon and the drive may have been used for deliveries, etc. In early 2000, the owner installed the first floor storefront system and possibly replaced upper window sashes without a permit or HPC review. The building department issued a stop work order but there was no resolution.

The proposed wall is attached to or abuts the neighboring building at 252-256 E. 7<sup>th</sup> Street which is actually two separate buildings that have been linked. The 252 portion of the building actually predates building permits in the City and the present facade likely predates most of the commercial building which are extant in Lowertown today. The structure is also categorized as Pivotal and dates to ca. 1870 to ca. 1885. The 256 portion of the buildings is commonly referred to as B & M Furniture. It was constructed ca. 1885 and is classified as Pivotal as well.

**B. PROPOSED CHANGES:**

The applicant is proposing to:

- 1) Re-grade the driveway to provide a more level surface (while not being proposed now the plan is to use this driveway as a patio). The current driveway slopes/drains from East 7<sup>th</sup> Street to the alley;
- 2) To compensate for the re-grading and leveling, a retaining wall is needed. The applicant constructed a concrete block wall that retains earth for about 3 ½ feet and then continues up for about 5 ½ feet as a wall. The wall appears to have been painted or a skim coat;
- 3) A concrete pad at the south of the wall is proposed and concrete paving for the remainder of the driveway;
- 4) There is a roof drain that is planned to be removed and completed by others.
- 5) The wall was completed, fill brought in but not all the asphalt has been removed or the roof drain redirected.

**C. BACKGROUND:**

Friday, October 17<sup>th</sup> there was a complaint sent to PED and then to DSI stating that an alley was being "bricked up." On October 20<sup>th</sup>, HPC staff reached out to zoning staff to first determine whether the alley was public or private. The driveway was determined to be private and there were no permits on file. Staff contacted the Building Official and the downtown Building Inspector to investigate and issue a stop work order. The Building Official talked with the contractor and instructed him to file the necessary applications to initiate the review process. The contractor dropped off plans and an HPC application on October 22<sup>nd</sup> and talked with staff about the project. Staff then informed the contractor that this work would need to be reviewed by the HPC during a public hearing.

**D. GUIDELINE CITATIONS:**

**The Secretary of the Interior's Standards for Rehabilitation (1995):**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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

**Sec. 74-112. - Preservation program.**

The preservation program for this heritage preservation district is stated as follows:

H. *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 avoiding 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  
U.S. Department of the Interior National Park Service (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.

**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.

- 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.

- Permitting buildings to remain unprotected so that windows are broken; and interior features are damaged.

- 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.

- 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:**

- 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.

**E. 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. The properties that the wall abuts at 260 E. 7<sup>th</sup> and 252-256 E. 7<sup>th</sup> Street are all categorized as pivotal to the character of the Lowertown Heritage Preservation District.
3. There did not appear to have been any historic brick or granite pavers that were removed so no historic fabric appears to have been lost.
4. The Secretary of the Interior's Standards for Rehabilitation for historic districts recommend "*Retaining the historic relationship between buildings, and streetscape and landscape features.*" This opening/driveway between the two historic buildings is a character defining feature and therefore should remain open. Constructing a solid wall does not maintain the visual openness and negatively impacts the historic relationship between the two buildings. Changing the grade, if done appropriately, may not have a negative effect.
5. The wall will not negatively impact the visual openness of the public alley which is perpendicular to this driveway. It will however, alter the circulation and access. Historically this driveway was used as a driveway to access the public alley and the construction of this wall removes this access for both vehicles and pedestrians. This area has been used for parking more recently.
6. The concrete wall is *differentiated from the old* but its material and design is not *compatible with the architectural features* of the abutting buildings (SOI Standard 9).
7. The change in grade has exposed some of the foundation of the historic buildings and there is concern that there isn't adequate drainage. The Secretary of the Interior's Standards recommend "*Protecting and maintaining the historic masonry, wood and architectural metals which comprise building and streetscape features, through appropriate surface treatments.*" With the exposed foundations the proposal does not comply.
8. The applicant indicates they plan to come back to the HPC for a more complete proposal for a patio. Given that it is almost November when most concrete work cannot be completed, staff is concerned about the project staying in the current condition with the winter season approaching and lack of appropriate drainage caused by doing the work without the required reviews and processes.
9. **Violation:** The property at 260 E. 7<sup>th</sup> Street is located in the Lowertown Heritage Preservation District and is subject to St. Paul Legislative Code Chapter 73 and the Lowertown Heritage Preservation District Design Review Guidelines. As such, a permit must be obtained prior to any exterior work, construction, or demolition. The open driveway/parking lane was altered and work was performed in violation of St. Paul Legislative Code Chapter 73.
10. **Violation:** St. Paul Legislative Code section 73.07 states that persons who violate Legislative Code Chapter 73, or assist in the commission of violation of Chapter 73, are guilty of a misdemeanor. Section 73.07 further states that a historic preservation site on which there exists any remodeling, repairing or construction in violation of chapter 73 constitutes a nuisance.
11. 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)).

**F. STAFF RECOMMENDATION:**

Based on the findings, staff recommends denial of the building permit application as proposed,

but would recommend approval of an alternative and temporary proposal until the applicant can come back to the HPC for a complete proposal for the new patio:

1. The concrete wall is allowed to remain for only the portion that retains earth and the portion that extends above the upper grade shall be removed. The wall removal shall be completed within 30 days of the date of building permit issuance.
2. A visually open and appropriately designed metal fence/railing may be installed in place of the concrete block wall and plans shall be submitted to staff for final review and approval.
3. Given the existing asphalt has been broken up around the new wall without proper drainage and protection of the foundations, new temporary asphalt will be installed where it existed.
4. A plan for protecting the building foundations (installing waterproof coatings or a concrete parge coat are not allowed) and providing drainage will be submitted to HPC staff and to the building official in DSI. This approval is contingent on DSI's review and approval. If changes are necessary, all revisions shall be communicated to HPC staff.

**G. ATTACHMENTS**

1. HPC application
2. Photos
3. Plans



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

### 2. PROJECT ADDRESS

Street and number: 260 East 7th St Zip Code: \_\_\_\_\_

### 3. APPLICANT INFORMATION

Name of contact person: Gene Klocke

Company: 60K Bros Construction

Street and number: 1993 Foxridge Rd

City: St. Paul State: MN Zip Code: 55119

Phone number: (612) 998 9962 e-mail: easywalk2@hotmail.com

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

Name: Upper Corner Ventures LLC

Street and number: 365 Jackson St Suite 400

City: St. Paul State: MN Zip Code: \_\_\_\_\_

Phone number: (612) 270-3198 e-mail: \_\_\_\_\_



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

Contact person: Dan Gleason

Company: Gleason Architects

Street and number: 1175 Hwy 31 E

City: Maplewood State: MA Zip Code: 55109

Phone number: (651) 765-9903 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.

*Building a CMU wall with  
concrete patio*

*Attach additional sheets if necessary*

**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 \_\_\_\_\_

Are you applying for the Investment Tax Credits?

YES \_\_\_\_\_ NO \_\_\_\_\_



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: Dane Klabe Date: 10/22/14

Signature of owner: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR HPC OFFICE USE ONLY**

**ATF**  
Date received: 10-22-14 FILE NO. \_\_\_\_\_  
District: LT /Individual Site: \_\_\_\_\_  
Contributing/Non-contributing/Pivotal/Supportive/:  
Type of work: Minor/Moderate/Major

\_\_\_\_ Requires staff 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 \_\_\_\_\_

X Requires Commission review

Submitted:

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

Hearing Date set for: 11.6.14

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

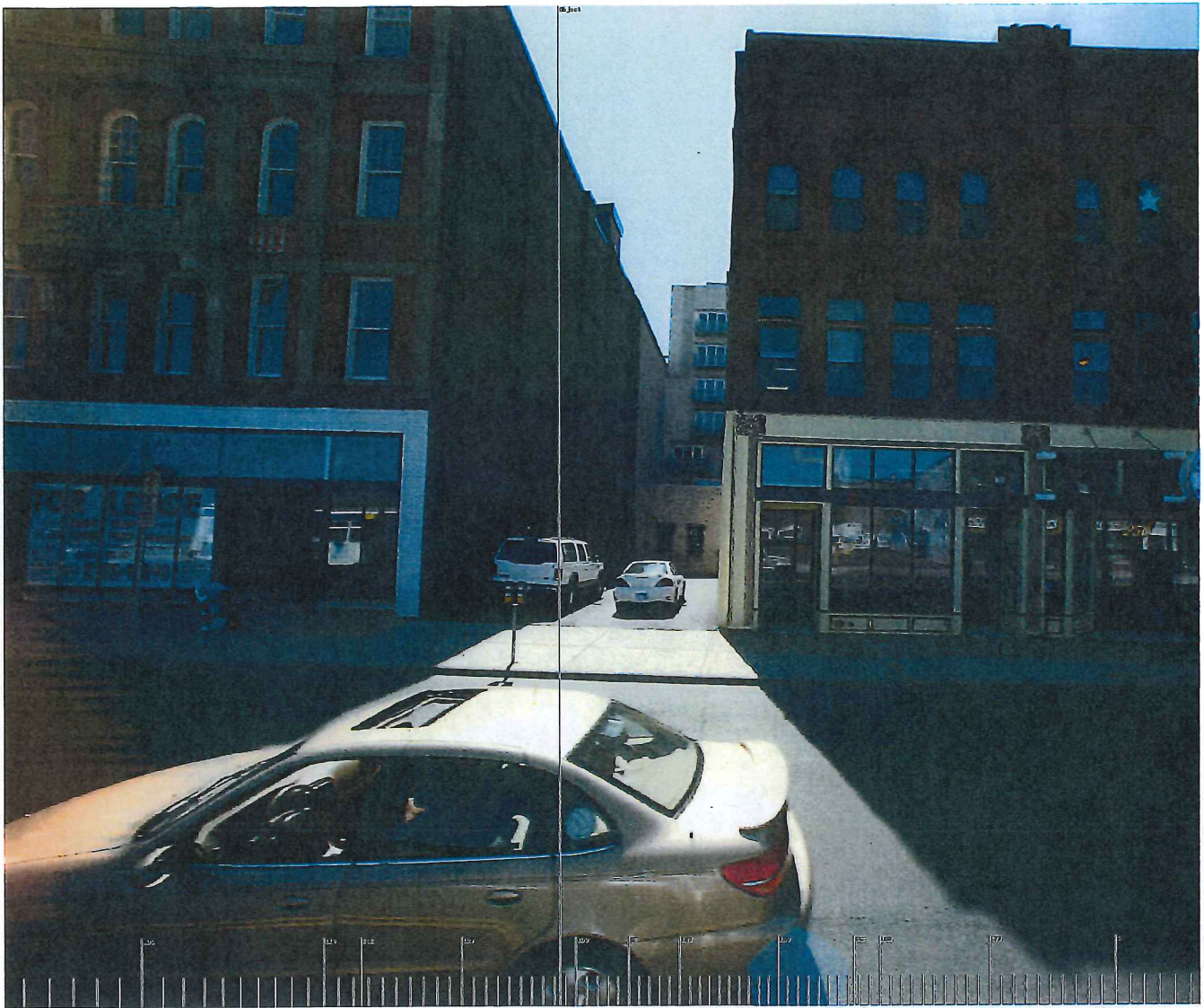








Before



# Public Alley



