

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

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FILE NAME: 270 W. Seventh Street  
DATE OF APPLICATION: January 2, 2014  
APPLICANT: Jim Berg, DJ's Properties & Development  
OWNER: same  
DATE OF PUBLIC HEARING: February 27, 2014  
HPC SITE/DISTRICT: Irvine Park Heritage Preservation District  
CATEGORY: Parking Lot  
CLASSIFICATION: Fence Permit  
STAFF INVESTIGATION AND REPORT: Amy Spong  
DATE: February 20, 2014

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**A. SITE DESCRIPTION:**

The property is currently a surface parking lot that forms an L-shape and has entrances/exits on both W. Seventh Street and Walnut Street. At the time the Irvine Park Heritage Preservation District was designated in 1982, there was a French Second Empire style house at the property that was built in 1874 and considered pivotal to the District. Historically, the house with its full front porch was built close to the sidewalk but when W. Seventh Street was widened, the house was moved to the back of the lot in 1933. Unfortunately, the house was demolished in 1999 after a 15-year battle over its preservation. Presently, to the W. of the lot is a small non-historic building that houses a Dairy Queen and is surrounded by surface parking and to the east there is a contributing brick building that anchors the corner and is built up to the sidewalk.

**B. PROPOSED:**

The applicant is proposing to install concrete *Jersey* barriers along the side property line adjacent to the Dairy Queen lot. The applicant proposes to paint the barriers and then install pipe rail at the top to evoke the rail fences found in many of Street Paul's early neighborhoods. The concrete portion of the barriers measure 32" tall by 10' long each. There would be a total of about 130' of the barrier/fence. The applicant constructed a mock-up and installed it at the site and submitted photos which are included. The applicant proposes to begin the barriers about 8 to 10 feet from the Seventh Street sidewalk and install a double pipe rail, eventually replacing the picket fence at the front.

**C. BACKGROUND:**

1. The site plan review (SPR) for a surface parking lot was approved by the Division of Planning in September, 2002 and HPC staff approved the lot with the condition the applicant "provide screening of the parking lot with shrubs and fencing per the HPC guidelines" in October, 2002. At the time, the approved plan did not propose any fencing along the property boundary with the DQ--only curb stops were requested. The screening with plantings (per SPR) and a fence (per HPC) were for the street facing edges at W. Seventh and Walnut Streets.
2. Site plan review staff does periodic inspections to monitor that conditions to approved site plans are met. Parking operators also need licenses to operate so there is often monitoring of site plan conditions then. During the time of initial site plan approval, zoning did not require fencing only landscaping. The landscaping did not survive because they were likely not planted properly so site plan review staff agreed with the owner that a fence was acceptable in lieu of landscaping.
3. DSI staff were contacted by the owner in early 2012 to discuss the idea of adding Jersey barriers. HPC staff met with the owner in December to discuss the concept. The owner cited difficulty with cars from the adjacent lot speeding through and "jumping" over the curb stops, safety of patrons and needed snow control. They would also allow for installing

parking stall numbers. HPC staff discussed the proposal and the possible review process. The owner presented the idea of painting and/or adding a picket fence on the tops of the barriers.

4. The owner contacted staff in the fall of 2013 with additional information regarding the proposal.
5. On December 23, 2013, DSI staff issued a letter (included) that the parking lot did not meet the site conditions per the approved site plan dated 9-26-02.
6. The owner submitted a Design Review Application on January 2, 2014.
7. On February 5, 2014, DSI and HPC staff met with the owners to discuss both the HPC application and the enforcement notice from DSI. It was determined the application would be reviewed by the HPC on February 27th.

#### **D. GUIDELINE CITATIONS:**

##### **ARTICLE V. - IRVINE PARK HERITAGE PRESERVATION DISTRICT**

##### **Sec. 74.101. - Description of preservation district property.**

*V. Site. Typically open space in the park is divided into public, semi-public, and private space; that is, streets and sidewalks, front lawns, homes and backyards. The guidelines are concerned with private space only when it is visible from the street. Setback, site landscape, and ancillary buildings should be integrated with the total park environment.*

*a. Setback. Due to varying lot sizes, orientation, and type and date of construction, setbacks in the Irvine Park District vary considerably. Generally, new construction setbacks should be within ten (10) percent in line with existing adjacent buildings. However, reduced or extended setbacks can, add a delightful variation to the park, and will be considered on a case-by-case basis.*

*b. Landscaping. A central green is the outstanding asset of Irvine Park. Landscaping should respect the open feeling of the park, treating the park and street as a "public room." The public space of the street and sidewalk is often distinguished from the semi-public space of the front yard by a change in grade, a low hedge, or a visually open fence. The buildings and landscaping elements in front yards provide a "wall of enclosure" from the street "room." Enclosures, though uncommon and generally not preferred in the district, should allow visual penetration of semi-public areas, through wrought-iron fences, low hedges, or limestone retaining walls. Cyclone fences, though visually transparent, may not be used because they violate the historic character of the district, both in their design and use of materials. This approach contrasts with complete enclosure by undesirable opaque fences, and all "weathered wood" fences or tall hedge rows.*

*When lots are vacant as 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 furniture of the area, such as lamp posts or fountains, should be preserved.*

*c. Garages and parking. New construction of garages should be similar to the overall design and materials of the building they accompany. If an alley is adjacent to the dwelling, a new garage should be located off this alley. Where alleys do not exist, one-lane driveway curb-cuts may be acceptable. Garages should be located at the rear of the lot. Garage doors should not face the street. If this is necessary, single garage doors should be used to avoid the long horizontal proportions of double doors. Parking spaces should be adequately screened from the street and sidewalk by landscaping. Henceforth, there shall be no curb cuts on the street surrounding Irvine Park. Other ancillary buildings will not be permitted unless specifically approved.*

**E. FINDINGS:**

1. On March 11, 1982, the Irvine Park Heritage Preservation District was established. 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. This proposal will not result in the removal of existing historic features that are important in maintaining *the distinguishing features of the building and the environment*.
3. All new work should be of a character and quality that maintains the distinguishing features of the environment.
4. This area of the Irvine Park Historic District was historically a mix of residential and commercial uses and structures. The Justus Ramsey House on the neighboring block is now the only remnant of W. Seventh Street's residential character during the 19<sup>th</sup> and 20<sup>th</sup> Centuries. The parking lot along W. Seventh Street has commercial properties on each side while the lot along Walnut Street has an early 1800's duplex to the south (originally located on W. Seventh) and commercial property to the north.

**2002 HPC Conditional Approval:**

5. When lots are vacant for green space or parking a hole in the street "wall" may result. The guidelines state "*Landscape treatment can eliminate this potential problem by providing a wall of enclosure for the street*" and "*Parking spaces should be adequately screened from the street and sidewalk by landscaping.*"
6. HPC staff approved the initial parking lot with the condition to install fencing and landscaping for screening as cited in the guidelines (File # 03-012, October 4, 2002). The landscaping did not survive but a simple picket fence was installed.

**Current Proposal:**

7. The guidelines divide open space within the District into public, semi-public and private. *The public space of the street and sidewalk is often distinguished from the semi-public space of the front yard by a change in grade, a low hedge, or a visually open fence.* The proposed side yard "fence" does provide a "*wall of enclosure*" from the street "room" and while it is low, it does not allow [for] *visual penetration of semi-public areas, through wrought-iron fences, low hedges, or limestone retaining walls.* Therefore not meeting the guideline.
8. The proposed material of concrete and its shape and size *violate the historic character of the district both in their design and use of materials.* Staff suggested the idea of adding traditional pipe rail elements, but the proposal does not convey the scale, detailing and finish found in traditional railings of this type. Given the placement of the adjacent building along W. Seventh Street, adding these barriers near the back of the property ("private yard") may be minimally visible. The residential property to the rear at this point is also at a higher grade. Staff did some research on different options available for Jersey-type barriers and there are some that are detailed differently that might be more appropriate, however, the owner has already purchased the proposed barriers.
9. 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 approval of a building permit application to install the barriers provided the following conditions are met:

1. The concrete Jersey barriers shall be installed beginning a minimum of 20 feet from the property line at the sidewalk edge along W. Seventh Street and extending to the rear lot line.
2. There shall be no pipe rail installed on top of the barriers but the barriers shall still be painted as originally proposed in the mock-up photos.
3. A new decorative black/bronze metal fence shall be installed along the 20 feet near the public sidewalk. The fence shall be between 36" and 42" tall and the final design shall be submitted to HPC staff for review and approval. This shall be the fence that is continued along W. Seventh and Walnut Streets as the owner replaces those elements as indicated in the application.
4. Plantings shall be added along both W. Seventh and Walnut Street entrances as originally requested by the HPC and Site Plan Review and per the guidelines. These plantings could be in the form of a raised planter box to ensure their survival and to "reinforce the street wall." Final plans shall be submitted to HPC staff for review and approval.
5. If a fence along the rear (south) elevation is required, a Design Review Application shall be submitted to staff for review and shall meet the Irvine Park Historic District Guidelines.
6. A Design Review Application is also required for the sign as indicated in the enforcement letter dated December 23, 2013.
7. The applicant shall continue to work with HPC and DSI staff to bring the property into compliance with the zoning and historic preservation regulations.

**G. ATTACHMENTS:**

1. Application with photos
2. 2002 Approved site plan
3. DSI Enforcement letter, 12-23-13