

**MINUTES OF THE HERITAGE PRESERVATION COMMISSION**  
CITY OF SAINT PAUL, MINNESOTA  
Lower Level – Room 41, City Hall/Court House, 15 West Kellogg Boulevard  
**January 24, 2013**

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**Present:** Richard Dana, Robert Ferguson, Matt Hill, Renee Hutter Barnes, Michael Justin, Rich Laffin, David Riehle, Steve Trimble, Diane Trout-Oertel

**Absent:** John Manning (excused), Matt Mazanec (excused), David Wagner (excused)

**Staff Present:** Christine Boulware, Bill Dermody, Caroline Miller

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**BUSINESS MEETING**

- I. **Call to Order:** 5:05 p.m.
- II. **Approval of the Agenda:** Commissioner Dana moved to approve the agenda; Commissioner Justin seconded the motion. The motion passed unanimously.
- III. **Conflicts of Interest:** There were none stated.
- IV. **Chair's Announcements:** There were no chair announcements.
- V. **Staff Announcements:** Staff introduced Caroline Miller, HPC Intern. Ms. Miller gave the commissioners a summary of her work as an archeologist and her current studies at the Humphrey School of Public Affairs where she is working toward a Masters of Urban and Regional Planning.
- VI. **Public Hearings**
  - A. **North side of Sixth Street between Sibley and Wacouta: 400 Sibley Street (215-225 Sixth Street East), 227-231 Sixth Street East, and 235-237 Sixth Street East, Lowertown Historic District,** by Public Works, for permits to reconstruct and widen the sidewalk on the north side of Sixth Street between Sibley and Wacouta Streets. **File #13-012** (Spong & Boulware, 266-6715)

Staff read the report recommending approval of an alternate proposal, dated January 14, 2013, that would better balance the impact to the District's historic character along with the applicable planning considerations that were identified in the staff report. The alternate proposal was for a 14 foot sidewalk which is also located around Mears Park. Staff showed a PowerPoint presentation including historic photos and plans.

Commissioner Trout-Oertel asked for a clarification about the paver materials and details around Mears Park. Staff explained that they are not historic materials or a historic pattern. Commissioner Dana had questions about the size of the areaways under the sidewalks and the prism glass in the sidewalks. Commissioner Hill asked about the discussion at the June 2010 pre-application review. Commissioner Dana asked about the staff recommendation to compromise and if there was a need to compromise. Staff explained that they could not recommend approval of an 18 foot sidewalk but were interested in finding a compromise that would to meet the desires of the applicant/building owners while having a lesser impact on the character of the Lowertown Historic District. Commissioner Trout-Oertel had a question about the formulation of the staff recommendation. Chair Laffin asked about recommendation number 4 and the location of seating and the pedestrian walkway. Staff clarified that seating at the edge would allow for lighting and trees to stay consistent with those on other blocks. Chair Laffin then noted that with Staff's

recommendation, pedestrians would not have to maneuver around light posts and trees. Commissioner Riehle asked about part F, paragraph 2 regarding the alternate proposal and questions about other options being explored. Staff gave background about the City Council reviews for the assessments. Commissioner Riehle asked if Public Works staff had given a staff report to City Council. Staff replied that they had and that questions about the City Council hearings should be directed to Public Works staff. Commissioner Hill inquired about the possibility of approving temporary/pop-up cafes. Staff explained that temporary installations were not proposed, but were explored in the neighborhood after the pre-application review in June of 2010.

Chair Laffin asked if staff had an opinion on temporary seasonal seating. Staff replied that temporary pop-up cafes would have a minimal impact on the historic district because they are temporary and completely reversible. Commissioner Riehle asked about the mock-ups showing in the presentation having railings around the seating and who would install those features. Staff replied it would be the responsibility of the business or properties owners and would require review and approval by HPC and DSI. Commissioner Dana asked about the location of the railing in the alternate proposal. Staff replied that the outdoor seating would be separated from the building. Commissioner Riehle asked for clarification about the proposal from Public Works compared to the HPC staff proposal location for seating and if there are any public safety concerns. Staff replied that no concerns were identified in 2010. Commissioner Riehle asked for an explanation of how a pop-up/temporary café works. Staff explained how they understood the installation to work. Commissioner Dana asked about the Meritage example and requirements for railings. Commissioner Trout-Oertel asked if the restaurant and bar owners have had a chance to weigh-in on the alternate proposal. Staff replied that they had not spoken with the establishments and that this is a proposal from Public Works, not from the owners or businesses. Commissioner Justin asked if the areaways were considered a contributing element to the historic district. Staff replied that they are a unique feature; they are considered interior and are not subject to review. Features incorporated into the areaways, such as prism glass, would be reviewed and required to be retained, restored or reinstalled. Commissioner Trimble asked about the canopies over the sidewalk. Staff replied that there is not a proposal to alter the canopies at this time.

The applicant, Jesse Farrell, Public Works staff, was present to discuss the proposal. He read the project description and noted that Public Works does not seek to address how the patio dining will take place on the sidewalk, just that there is an adequate buffer between pedestrians and the street. Public Works stopped looking at alternative proposals in 2012 once this design was established. He added that Public Works would be amenable to using a clear curing compound instead of a white compound to give the sidewalk more of a historic look. Tree choice and placement would be identified in consultation with forestry professionals. All street amenities would be shifted away from the buildings to keep the same relationship with the curb. Farrell also announced a change from the original proposal of retaining parking on the south side of the street, with the exception of during the morning rush hour.

Commissioner Riehle asked for confirmation that Public Works did not see the configuration at Meritage as a desirable configuration. Mr. Farrell replied that was correct. Commissioner Riehle asked how the Meritage configuration happened. Mr. Farrell replied that it is a special situation and not something that Public Works seeks to duplicate. DSI is the permitting authority for patio dining. The goal of widening the sidewalk is to accommodate future patio dining opportunities, but that is not Public Works' specialty. Commissioner Riehle asked who had directed Public Works to widen the sidewalk. Mr. Farrell stated the direction came from his immediate supervisor, Dan Haak, who was

instructed by the Mayor's Office. Commissioner Dana asked if there were not an application to widen the sidewalk, when the sidewalk was scheduled for replacement. Mr. Farrell stated that typically property owners are reluctant to face that assessment, because it is expensive. Farrell stated that since the property owners were proactively asking for the improvement, Public Works was open to working with the property owners to devise a course of action. Chair Laffin asked about the advantages and disadvantages of permeable pavers and cast iron grates. Mr. Farrell state the ULI has a preferred model of permeable pavers. The ADA cast iron grates are large. Chair Laffin asked if Public Works would be willing to abandon the installation of permeable pavers on Sixth Street for cast iron grates. Mr. Farrell stated that Public Works would be willing to accommodate items like that. They based the design idea on the LRT improvement on Fourth Street. Chair Laffin asked about the statement that the change in the width would also be to accommodate an increased number of visitors and wanted to know if that was current or anticipated. Have there been any studies on sidewalk counts. Mr. Farrell replied that he did not know of any pedestrian counts, but the statement was more anecdotal as the area has recently become more vibrant and with the construction of the ballpark, there will be even more people in Lowertown.

Commissioner Trimble stated that trees do poorly in downtown. Mr. Farrell stated it is a good point; they would plan to use structural soil, which is currently the recommended model. Commissioner Trout-Oertel asked if there had been any studies as to the success of using permeable pavers over grates and commented that the 4 foot wide sidewalk proposal looks like it would be difficult for pedestrians to maneuver in that width of space. Public works wanted to provide a minimum exclusive width. Commissioner Trout-Oertel asked if the paver area could be narrowed. Mr. Farrell stated they would not want to go below the minimum recommended area. Commissioner Riehle stated that Mr. Farrell deflected some of the questions to DSI regarding the patio and sidewalk dining. He asked about the status of Sixth Street. Mr. Farrell replied that it is an NSA route, but the proposed improvements are under local authority. Mr. Riehle stated that the proposal will result in the loss of a drive lane on a street where the interstate empties onto. Mr. Farrell stated the proposal does reduce to one drive lane and one bike/bus lane and maintains parking on the south side of the street. The pedestrian experience will be improved, but traffic will be negatively impacted. Commissioner Hill asked why temporary sidewalk extensions were not an option. Mr. Farrell replied that the property owners petitioned the Mayor's Office and are not interested in a temporary option, nor is Public Works supportive of the temporary installation.

The public hearing was opened and staff summarized the 8 letters received that were all against the proposal.

Jim Ivey, Lowertown Resident, stated he spoke at the City Council hearing on January 2 and asked about alternatives. He added that he appreciated the 14 foot proposal put forward by HPC staff as an alternative. He also stated that there was a Fifth/Sixth Street plan put together by the City in 2009 that identifies a similar treatment as the 14 foot alternative that was put forward. The plan was a holistic treatment of tying Mears Park to Rice Park with Fifth and Sixth Streets. He would like the 14 foot alternative put forward as acceptable and consistent with the plan as well as the site lines in Lowertown. He inquired about the upcoming revisions to the Lowertown design guidelines and stated he hoped this project could be delayed until after those were put in place and could guide the project.

John Mannillo stated this was his first opportunity to speak to this proposal. He gave a brief description of his involvement with the Lowertown Historic District and Mears Park.

He called the proposal to alter the sidewalk short-sited and permanent. He added that the build it and they will come approach threatens some of the success of the Lowertown Historic District and Mears Park. He referenced the Greater Lowertown Master Plan and Summary and its support for temporary/seasonal/pop-up installations and cafes. He showed pictures of the area and discussed parking and financial impacts. He showed photos of pop-up cafes installed across the U.S., Canada and Europe. He added that there are more options for pop-ups than what he installed in 2010. He reiterated that this is a permanent solution to a perceived problem and that it is an inexpensive option that is reversible.

Jack Gerten, manager of the Saint Paul Farmers Market, asked the HPC to postpone the decision and immediacy of this project. The amount of parking spaces lost will have a financial impact on the Farmers Market. This project should be postponed until 2016 after the Saint's stadium is in use.

Chuck Repke, representative for the owners -- Jim Crockerell and Dave Brooks, stated it is the owners' interest to install patio seating the length of the block. He challenged Mr. Mannillo's interpretation of the Greater Lowertown Master Plan "seasonal sidewalk." The owners' are not interested in temporary seating, as they want the extension of the sidewalk to full length of the block. He stated they appreciate the staff alternative proposal for a 14 foot sidewalk, but it wouldn't be enough room for a café and pedestrians. He stated they do not care about the trees except for the worry that chair legs will get stuck into the grates. The buildings have been around for more than 100 years, the life and vitality of the plan will keep the buildings around for another 100 years. They've committed to an 18 foot sidewalk and are unwilling to compromise. This has been in front of the City Council to approve the change of the street and right-of-way. They will come back to the HPC for review of fixtures and features of the patios. The building owners would like the bus stop put back in front of River Park Lofts; they have not spoken with the Metropolitan Council. He stated that the HPC main concern of the proposal in 2010 was the vitality of the historic district. They could better rent out the storefront space if there were patio seating.

Bill Hosko, business owner in Downtown St. Paul, passed out maps of how housing has changed in Downtown St. Paul over the past few decades. The majority of the new housing is in Lowertown. He discussed parking and the fact that one of the owners of the buildings also owns a parking garage further down Sixth Street. He stated that expanding the sidewalks won't accommodate more pedestrians in Lowertown, just more patrons at the restaurants. There would not be enough room for two couples to pass each other without having to weave through trees and street lamps. He identified a major concern for loss of handicap parking on Sixth Street at the YMCA. He stated that the restaurants could add more seating in the current situation and that this decision should be tabled until after the ballpark is completed.

**Commissioner Riehle motioned to continue the public testimony to another meeting so that everyone has a chance to speak and the HPC has the ability to assimilate all of the testimony. The motion was not seconded. The motion failed.** Staff noted that the next City Council public hearing is on February 6 and there is an issue with timing.

Rick Cardenes, downtown resident, stated that it would be difficult to maneuver Sixth Street between Sibley and Wacouta with his mobility issue. The whole block of concrete won't make it a better place. There are unanswered questions and the temporary sidewalk solution would be better so long as it were configured so that his wheelchair could get by. The aesthetics of a temporary set up would be more attractive than adding more concrete.

Matt Gross, Lowertown resident, stated his concern for the loss of parking in Lowertown and the loss of a lane of traffic. He's surprised that this proposal is being given consideration and added that the businesses should be assessed for the loss of revenue from the parking meters.

Mark Bayak, Lowertown - On the Park Condominiums, is against the proposal because of velocity and visuals. The constriction of the lane will increase the velocity of traffic. He likes the way the park looks now and the proposal will alter the look of the park.

Dr. Terry Henry, Lowertown – River Park Lofts #208, stated that he already wrote a letter of testimony and would read a letter by neighbors who could not attend, Larry and Barbara McMullan – River Park Lofts #207. They moved to the neighborhood in 2007 and were charmed by the Lowertown Historic District and history. Their unit is on the first floor on Sixth Street and would be very affected by the proposal which would impact traffic and parking as well as alter the appearance and cohesiveness of Sixth Street and Mears Park and would not comply with the historic district guidelines. Safety is also a major concern. The proposal would erode the jewel that is Lowertown.

Andrew Hine, Ward 2 resident, submitted a copy of written testimony to HPC staff for the record. He commented that he thought public hearings were for the public. Public Works has already put hours into this project as if it is a done deal, but it isn't a done deal; Public Works works for us, not the private sector. The whole process is flawed. He does not support the project. Lowertown has been on the upswing for 35 years and they think they are going to come in and fix it all up. Mr. Hine then read his letter into record. The opinion of paid lobbyists should not carry any more weight than the opinions of the unpaid, especially when they have little to no appreciation for architecture, not to mention Master Plans. This sidewalk is being forced upon the historic district for all the wrong reasons. Why the building owners feel the need to expand outward onto our property instead of upward into their own is unclear.

Joe Spencer, Arts and Culture Director - Mayor' Office, wanted to speak to the genesis of the project and personal and official intentions and goals. He has made an intentional focus to bring young people to downtown at night. A lot of attention has been focused on Mears Park. He stated he took the idea to widen the sidewalks to the building owners. The goal was to create a generous sidewalk to improve downtown St. Paul and create more vibrant street life. He added that the proposal would increase traffic capacity. The compromise of a 14 foot sidewalk won't achieve what 18 feet can. He focused his efforts on Lowertown because it is a historic district. He added that he would be supportive of installing temporary sidewalk extensions. In this case, the owners of the buildings aren't interested. The Mayor would not support the staff recommendation of 14 feet. A permanent expansion is the superior option and benefited by the fact there is willing party to pay for it. Commissioner Hill asked what data or analysis was used to advance the 18 foot proposal knowing that it would have an impact on the historic district. Mr. Spencer explained that there would need to be a funding source and that 14 feet wouldn't accommodate the completing uses for the space. The Mayor's Office would pursue the expansion even if the building owners were not interested. He has proposed this concept to other property owners in the Lowertown Historic District (Fourth Street and the Strauss Building). He believed there was support for this from the HPC in 2010. He added that HPC staff didn't contact him to discuss their recommendation.

Bob Riesett, Ayre Condominiums Board of Directors - Sixth and Jackson, they are very opposed to the widening of the sidewalk. What is the value of angering the residents with

the restaurants on that block?

The public hearing was closed. Commissioner Riehle stated the compromise should be rejected along with the proposal in its entirety. What was before the HPC, both the proposal and compromise, is an inappropriate variation from the design guidelines for the Lowertown Historic District. The proposal from Public Works fails to bring forward any persuasive reason for the HPC to make an exception from the guidelines. There isn't a strong argument for the HPC to depart from the guidelines. Public Works staff was directed to make this proposal by their superiors and there were questions that could not be answered. The main movers of the proposal were not present to answer questions and discuss the proposal, only their representative. **Commissioner Riehle moved to deny the application. Commissioner Ferguson seconded the motion.**

Commissioner Dana stated that the findings in the staff report could not support a compromise or the original proposal. The proposal should be denied. Commissioner Trimble stated the proposal coming from the city is a bad idea. If the proposal is denied, it will be appealed and it will look like the HPC isn't willing to compromise. He would rather have the applicant/owners look like they are the ones that aren't willing to compromise on the sidewalk width. He leaned towards accepting the staff recommendation as a "less bad thing" than the Public Works proposal. Commissioner Hill asked about the timing of the revised Lowertown Historic District Design Review Guidelines. Staff replied that it is a 2013 priority. Commissioner Trout-Oertel stated "this would be a very permanent change to Lowertown. I question that it would enhance Lowertown." Commissioner Hutter Barnes stated her disappointment that alternatives were not discussed or presented, especially since it was an "in-house" design. She added that her concerns were similar to Commissioner Trimble's. Commissioner Hill added that the City has said it is unwilling to compromise on the 18-foot design. The Mayor's Office should work with the owners on creating a plan that is sensitive to the Lowertown Historic District and can accommodate the business needs/desires. He also stated his agreement with Commissioner Trimble. Commissioner Ferguson stated that the goals of active street life can be achieved without permanently altering the street grid and historic fabric. He appreciated the thoughtfulness of the alternate proposal. Public Works' proposal was also well thought out, but a bad idea and we should not take it because "it's free", especially because it violates the Lowertown Historic District guidelines. **The motion carried with a vote of 7-1 (Trimble).**

**VII. Old Business:** A resolution regarding Frank White's request for altering the location of the "Old Rondo Avenue" street signs will be presented for adoption at the February business meeting.

**VIII. New Business**

**A.** Commissioner Trimble stated that there had been a meeting of the Dayton's Bluff Community Council Vacant Building Committee. HPC staff was present to discuss the Dayton's Bluff Historic District and vacant building issues and process in the historic district. There was much discussion. Commissioner Trimble added that staff did a good job.

**IX. Motion to Adjourn:** 8:24 p.m.

Submitted by: C. Boulware