



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-266-6549*

MEMORANDUM

Date: December 17, 2015

To: Heritage Preservation Commission

From: Christine Boulware

Re: 216-218 Bates Avenue, Schornstein Garage – Dayton’s Bluff Heritage Preservation District - REVISED MEMO FOLLOWING REVIEW BY THE CITY ATTORNEY’S OFFICE

BACKGROUND

On February 27, 2014, the HPC reviewed and conditionally approved the demolition of the Schornstein Garage at 216-218 Bates Avenue with a vote of 7-1 (Mazanec) and issued a written decision letter on March 3, 2014.

The condition for approval was as follows:

1. Prior to demolition, the applicant shall remove the siding to reveal the masonry exterior of the buildings and the buildings shall be documented following the Minnesota Historic Property Record (MHPR) archival photo documentation standards prior to demolition, at the owner’s expense. Two copies of the 2012 HPC reviewed plans in 11” x 17” format will be accepted in lieu of as-built drawings. Two copies of the documentation shall be forwarded to the HPC (one copy to be delivered to the Ramsey County Historically Society.)

On March 3, 2015, the HRA requested an extension of the HPC decision. HPC staff granted a one year extension on April 9th to allow until March 3, 2016 for a demolition permit to be applied for and issued.

On October 8, 2015, the HPC reviewed documentation submitted by the HRA for the purposes of showing that it had satisfied the conditions in the decision letter dated March 3, 2015.

On October 23, 2015, an appeal regarding the decision to approve the demolition of 216-218 Bates Avenue was filed in which, among other allegations, it was alleged that “the city erred in procedure by allowing heritage preservation staff to approve in April, 2015 one-year extensions of the subject demolition permits. The extensions involve permits for work categorized as major and should have been presented for review and action by the Heritage Preservation Commission.”

The City Attorney's Office reviewed the appeal allegations and, with respect to the allegation regarding the April 9, 2015 extension decision, concluded that HPC staff did not have the legal authority to grant an extension to the demolition order based on Legislative Code Sec. 73.06(k) which states:

"Permit time limit. No order of the heritage preservation commission or city council approving the issuance of building permits under this section shall be valid for a period longer than one year, unless a building permit is obtained within such period and work is proceeding within the terms of such permit unless the heritage preservation commission grants an extension not to exceed one year. In granting such extension, the heritage preservation commission may decide to hold a public hearing."

Because the staff-granted extension had no legal basis, the City Attorney advised that the proper remedy was to strike the appeal from the City Council's agenda and return the HRA's request to extend the demolition permit to the HPC for its consideration. The City Council subsequently withdrew the appeal for the purposes of sending the matter back to the HPC staff for further proceedings.

In a letter dated November 10, 2015, the City Attorney's Office advised a representative of the appellants as well as HRA and HPC staff that the basic premise of appellant's allegation regarding the lack of authority for HPC staff to grant extensions was correct on a technical basis and, in the interests of preserving the processes specified under the City's ordinances, the issue of determining whether to grant the HRA's extension request was being returned to the HPC for its decision. The City Attorney's letter further advised that the only matter properly before the HPC is whether the demolition permit approval should be extended as the period to appeal the decision granting the demolition permit expired on March 17, 2014.

If the HPC denies the extension request, the HRA may file a new demolition permit application or may appeal the HPC decision to the City Council (Leg. Code 73.06(h)). If the City Council denies the HRA appeal, the HRA may file a new demolition permit application. Likewise, if the HPC should grant the extension request, the HPC will again have to determine whether the HRA has met the conditions for demolition originally imposed in February of 2014. The timing and process for rendering that decision is for the HPC to decide.

On November 25, 2015 the HRA renewed its March 3, 2015 request to the Heritage Preservation Commission for an extension of the HPC order and decision conditionally approving the demolition of 216-218 Bates Avenue, HPC File No. 14-014.

PUBLIC HEARING

Under Leg. Code Sec. 73.06(k), the HPC is not required to hold a public hearing regarding requests to extend the effective time of HPC approved permits. Leg. Code Sec. 73.06(k) states only that "in granting such extension, the heritage preservation commission may decide to hold a public hearing." With respect to the HRA's extension request, HPC staff, in the interests of efficiency so as not to require two separate hearings on the matter, took the liberty of sending the proper public hearing notices on this matter. Whether the HPC conducts a public hearing on the HRA's request is the HPC's to decide.

STAFF RECOMMENDATION

Leg. Code Sec. 73.06(k) does not provide any criteria to guide the HPC's decision making regarding permit extension requests. The applicant must be given an opportunity to explain the circumstances which bring the applicant before the HPC to seek a time extension. If the HPC decides to grant a time extension, the extension is good for up to one (1) additional year to expire on March 3, 2016.

ATTACHMENTS

1. Request for Extension (received: November 25, 2015)
2. Condition Review (received: December 11, 2015)
3. City Attorney Letter (November 10, 2015)
4. 2012 HPC reviewed rehabilitation plans (11"x17")
5. Archival photo documentation (July 31, 2015)
6. Extension approval letter (April 9, 2015)
7. HRA request for extension (March 3, 2015)
8. HPC decision letter (March 3, 2014)
9. HPC staff report (February 27, 2014)



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

25 West Fourth Street

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Facsimile: 651-228-3261

17 November 2015

Richard Dana, Chair
Saint Paul Heritage Preservation Commission
C/O Department of Planning and Economic Development
25 Fourth Street West, Suite 1400
Saint Paul, MN 55102

RE: Request for extension of demolition approvals for 208-210 Bates Avenue (#14-015) and 216-218 Bates Avenue (#14-014)

Dear Chair Dana,

The Heritage Preservation Commission (the "HPC") conditionally approved the demolition of 208-210 Bates, as Item #14-015, on February 27, 2014, and conditionally approved the demolition of 216-218 Bates, as item #14-014, on that same date. This decision was ratified via an HPC Decision Letter dated March 4, 2014. On March 3, 2015, staff of the Housing and Redevelopment Authority of the City of Saint Paul (the "HRA") submitted a formal Request for Extension of these conditional demolition approvals, in accordance with Section 73.06(k) of the City Code, to HPC staff. A letter approving the extension was received from HPC staff on April 9, 2015. However, it has now been brought to our attention that the approval of extensions is subject to HPC review and the HPC, at its discretion, may schedule a public hearing to consider the matter. Therefore, we respectfully request that the HPC consider this extension request, which should have been taken up by the Commission, not by HPC staff.

HRA staff requested the extension in order to continue work on completing the HPC-imposed conditions and to begin developing demolition plans. Those conditions were satisfied in the summer of 2015 as evidenced by a letter dated August 26, 2015, which was submitted to HPC staff. On October 8, 2015, the HPC voted to accept the documentation and acknowledged that the conditions had been met.

The demolition of these structures is complicated as it involves extensive site stabilization, grading, stormwater and drainage management, and retaining wall construction. HRA staff has been working with a Construction Management Consultant and a Civil Engineer to develop grading plans, civil drawings and a bid specification. Lining up the appropriate contractors and consultants, and developing plans has taken longer than originally anticipated, which led to the delay and the need for an extension.

HRA staff have adhered to the requirements imposed by the Zoning Code and have satisfied all conditions imposed by the HPC. The extension request is reasonable given the complexity of these demolition, site grading and stormwater management engineering projects.

Respectfully,



Jonathan Sage-Martinson
Executive Director, HRA

Enc: HRA request for extension dated March 3, 2015
HRA submission of documentation related to HPC conditions dated August 26, 2015
Approval letter for demolition of 208-210 Bates (#14-015)
Approval letter for demolition of 216-218 Bates (#14-014)

cc: Patty Lilledahl, Director of Housing
Donna Drummond, Director of Planning
Amy Spong, Heritage Preservation Commission Staff
Joe Musolf, Principal Housing Project Manager



**Mattson
Macdonald
Young**
structural
engineers

Bassett Creek Business Center
901 North 3rd Street, #100
Minneapolis, MN 55401

612-827-7825 voice
612-827-0805 fax

24 November 2015

Sarah Zorn
Planning and Economic Development
25 West Fourth Street, Ste. 1100
St. Paul, MN 55102

Project No.: 15689.00
Re: Structural Condition Review of the building at 216-218 Bates Ave.

Dear Sarah:

We visited the existing structure at 216-218 Bates Ave. on Thursday, November 19th, 2015. The purpose of our visit was to form an opinion of the building condition and to identify any areas of damage, deterioration, or deficiency and to assist the owner in planning the future of the building. The following is a summary of our observations and opinions:

Scope

This report concerns only the structural frame and elements that are an integral part of the load resisting system for the building. We did not observe and report on the building electrical systems, mechanical systems, fire protection, egress, and life safety compliance with the building code.

Our review concerned the basement level and the foundation walls that could be observed directly within that space, any visible roof systems, any visible wall structures, and any visible beams or joists. Observations that were performed are considered a cursory "walk-through" of the building. The performance of the structural system and framing elements was judged by visual observation only. This work should not be considered a detailed investigation of the building or of specific elements of the building framing system. During our walk through no finishes were removed to expose structural systems.

Calculations were not performed on the total building system nor were the apparent load capacities of the floor or roof determined as a part of this report.

Qualifications of the Personnel

Joe Cain P.E. is the author of this report, the lead investigator, and the Structural Engineer of Record (SER). Joe has 30 years of experience in the field of structural engineering and has performed condition reviews as the SER on numerous buildings that are similar to the subject building. Travis Stanley E.I.T. and Dave Hadler, engineering technician, have aided in the observation work, analysis, and research and have contributed to the preparation of the report.

Methods of Investigation

The method of investigation was by casual observation and was limited to those structural elements that were exposed to view. However, much of the structural system was covered by finish material, in which case the performance of the finish material was assumed to reflect the performance of the structural elements to which the finish material was attached. No attempt was made to perform an exhaustive investigation of all structural elements. No finish material was removed or damaged to expose the underlying structural elements. No existing as built documents were available for our use. Nor were we made aware of any previous reports related to the structural condition of the building or investigation of building elements.

Building Description

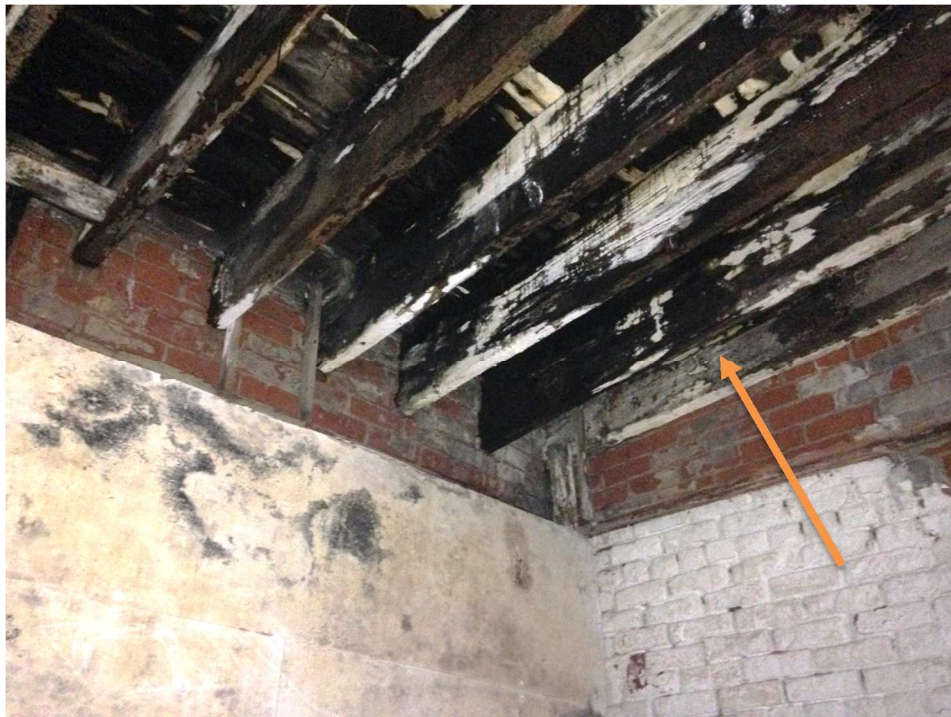
The structure at 218 Bates is one story with a partial basement. The structure at 216 Bates is two stories. The two addresses are connected. This report considers both addresses. The original structures were constructed on or about 1912. The roof of 218 Bates is constructed with hand framed lumber joists which are supported on concrete masonry unit bearing walls at the building perimeter. 216 Bates has concrete joist and clay tile flooring.

We did not go down to the basement due to safety concerns. The foundation walls are assumed to be constructed with rubble limestone masonry below grade in the original section of the house. The first floor is assumed to be supported at the interior of the basement level with heavy timber beams, supported on timber columns that extend to the basement floor. The basement floor areas are expected to be concrete slab on grade. It is assumed that the building walls and interior columns rest on spread footings.

Observed Conditions

In general, the structural elements of the building framing and foundation were judged to be in poor condition. There were conditions of deterioration or damage noted in the observations and will be described below in more detail.

Water damage is found throughout the building. Mold is on almost all of the walls and roof joists that we observed and most of the rugs that we found on the ground were very wet. Picture 1 shows a few of the joists that have been damaged. Picture 2 shows walls and other various items that are damp and damaged due to water infiltration. The roof joists rest on a steel beam that runs through the center of the building. The steel beam is rusting, as shown by Picture 3. The steel beam has an estimated section loss of 5%. As the beam continues to rust there will be more of its section lost. A large hole was found in the roof which can be seen in Picture 4. It is likely that there is extensive damage, other than the pictured hole, throughout the roof that is causing the water to infiltrate the building.



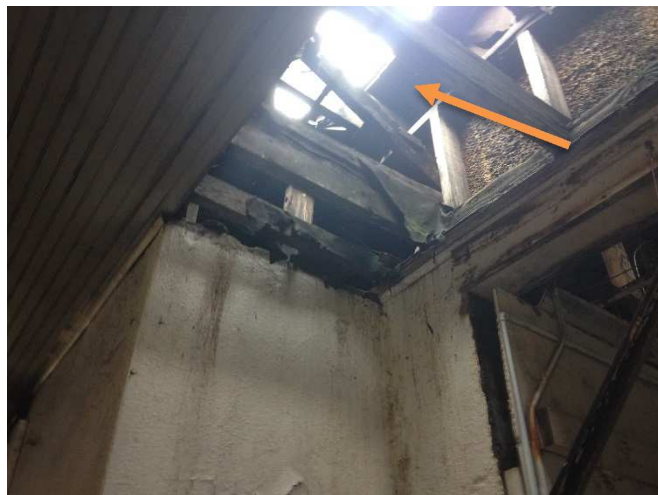
Picture 1 – Water Damage to Roof Joists



Picture 2 – Water Damage to Walls



Picture 3 – Rusting Steel Beam



Picture 4 – Hole in Roof

The lintel above the garage door at the northwest wall of the building is rusted and deflecting. The steel lintel has an estimated section loss of 5% due to rust. As the lintel continues to rust there will be more of its section lost. The deflection is causing some of the clay masonry bricks above it to crack. Picture 5 shows the lintel. The parapet above the garage is tipped outward at the top. The parapet damage is likely due to water infiltration and freeze thaw and/or inadequate tie to the building. Picture 6 shows the underside of the parapet. With the exception of the leaning parapet, the exterior walls appeared to be plumb. Picture 7 shows the profile of the northeast wall.



Picture 5 – Deflecting Lintel at Northwest Wall



Picture 6 – Leaning Parapet at Northwest Wall



Picture 7 – Northeast Wall

Summary

The building at 216-218 Bates Ave. is in generally poor condition. As stated above, we made no attempt to remove finish material. Our opinions are based on what was in plain sight. The problems that were seen are likely more extensive than what we observed but were covered with finish materials. In addition to what was previously listed, there could be more issues that we could not observe. Repairs are possible, but it would likely be relatively costly. A more thorough structural review would be required in order to give details for the repair of any specific structural system.

Limiting Conditions:

The opinions and recommendations contained in this report are based on a cursory observation of the building. No attempt was made to perform an exhaustive investigation of all conditions and building elements. It is possible that conditions exist that cannot be discovered or judged as a result of this limited nature of investigation. The work provided in the preparation of the report concerns the structural system only and is not intended to address mechanical, electrical or plumbing systems, fire protection, or handicap accessibility. The owner is encouraged to discuss these items with a building official and other design professionals for guidance and recommendations.

If you have any questions concerning the above, please do not hesitate to contact us.

Sincerely
Mattson Macdonald Young, Inc.



Travis Stanley, E.I.T.



Dave Hadler, Engineering Technician



Joe Cain, P.E.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.



Joe Cain, P.E.

11/24/2015

MN Reg. No. 40119



CITY OF SAINT PAUL
Mayor Christopher B. Coleman

Civil Division
400 City Hall
15 West Kellogg Blvd
Saint Paul, Minnesota 55102

Telephone: (651) 266-8710
Facsimile: (651) 298-5619

November 10, 2015

Elizabeth Matakis
733 Wilson Avenue
Saint Paul, MN 55106

RE: Application to appeal a Heritage Preservation Commission (“HPC”) determination that conditions imposed in its March 4, 2014 decision and order had been met and that demolition of properties commonly known as 208-210 and 216-218 Bates Avenue may proceed.

Dear Ms. Matakis:

The appeal noted above was brought to my attention. Based upon my review, I have advised the Council President’s Office that this matter should not proceed to a public hearing before the Council until the matter has been revisited by the HPC. The Council President concurs with this advice.

The Appeal letter dated October 23, 2015, alleges that HPC staff erred in procedure when it approved a one-year extension of the subject demolition permits. While I would disagree with the reasons stated in support of the appeal, the allegation of staff error is nevertheless correct on a technical basis.

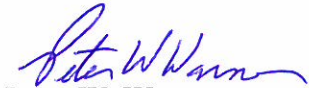
Under Leg. Code § 73.06(k), a decision and order of the HPC is valid for one year. This period of validity may only be extended where the applicant has “obtained a building permit [within a year of the HPC’s approval] and work is proceeding within the terms of such permit unless the heritage preservation commission grants an extension not to exceed one year.” With respect to this matter, the Housing and Redevelopment Authority (HRA), in a letter dated March 3, 2015, acknowledged that it had not obtained building permits to demolish the structures within the required one-year period. Accordingly, HRA requested an extension. By letter dated April 9, 2015, HPC staff approved the request extending the matter to March 3, 2016. However, Leg. Code § 73.06(k) provides that only the HPC has authority to grant permit extensions. Because HPC staff lacked authority to grant permit extensions, the April 9, 2015 extension was void as a matter of law. On this technical basis, the premise of the appeal is correct.

Elizabeth Matakis
November 12, 2015
Page 2

I have advised the Council President that the proper remedy under the circumstances is to return the permit extension request to the HPC for its consideration. Doing so preserves Leg. Code § 73.06(k)'s processes which provides "[i]n granting such extension, the heritage preservation commission may decide to hold a public hearing." Should the HPC conduct a public hearing, the third allegation raised on appeal will be addressed. However, whether the HPC chooses to conduct a public hearing on the HRA's request to grant an extension will, as also provided under Leg. Code § 73.06(k), be up to the HPC. Likewise, whether the HPC chooses to grant an extension will also be up to the HPC.

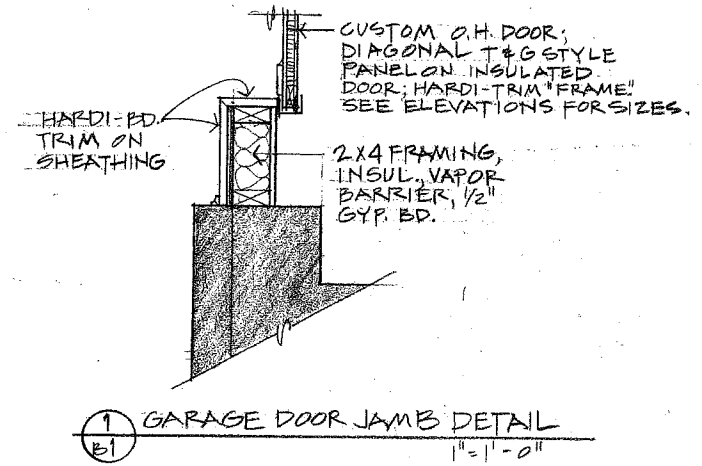
The HPC's decision will also impact the first appeal allegation. If the HPC's decision is to deny the extension request, the HRA must again apply for the building permits. Should the HPC grant the HRA's permit extension request, it will be the only decision appealable to the City Council. The time to appeal the HPC's original decision granting the HRA's permit requests in February 2014 is time barred under Leg. Code § 73.06(h)'s requirements that an appeal from an HPC decision must be filed within fourteen days of the decision. The HPC's decision to grant the HRA's permit applications expired on March 17, 2014.

Respectfully yours,



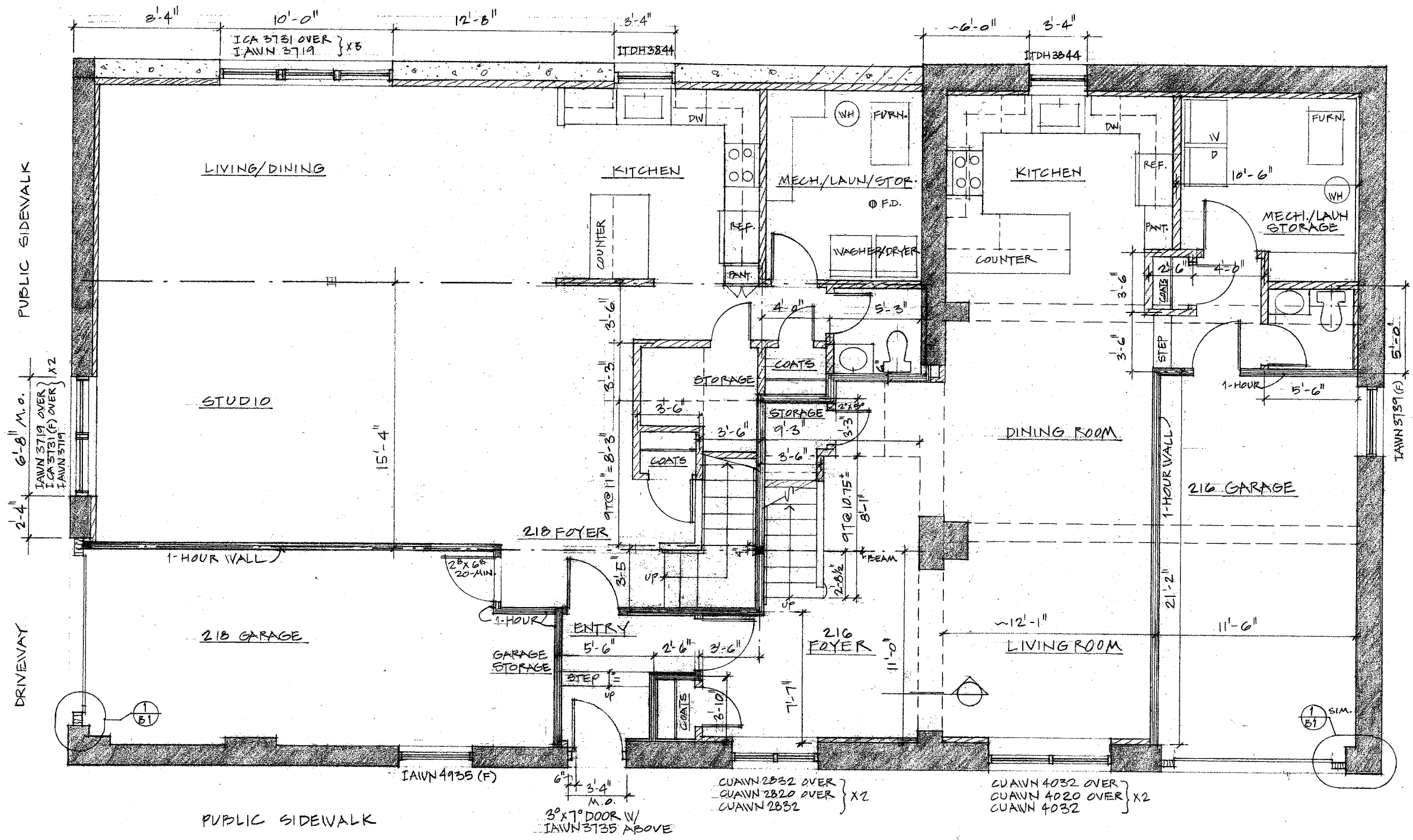
Peter W. Warner
Assistant City Attorney

cc: Council President Stark
Patti Lilledahl, HRA
Christine Boulware, HPC



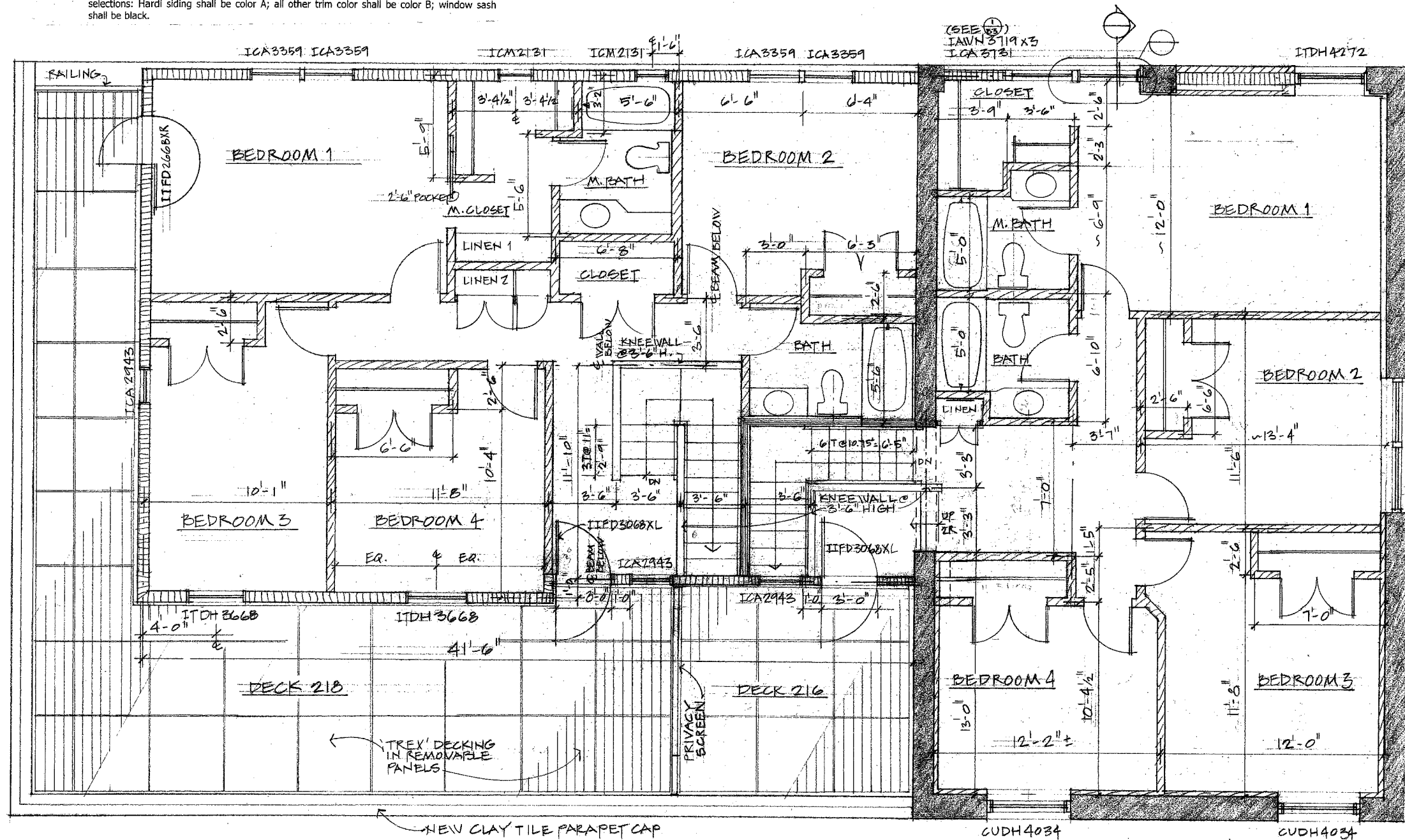
- General Construction Notes:**
1. Site shall be prepared as required for construction, including removal of existing materials and construction interfering with new construction.
 2. Repair concrete aprons (2) at garage doors as necessary.
 3. Install 6 exterior lighting fixtures, two electrical receptacles at upper deck area per construction management directions.
 4. Protect all trees in boulevard as required during construction.
 5. Note: Historic Designation: The building is listed as a contributing property in the Dayton's Bluff Historic District, as administered by the Saint Paul Heritage Preservation Commission. Any work performed affecting exterior architectural surfaces, features and details shall require approval by the Saint Paul Preservation Commission or its staff. This application procedure, including the public hearing session, will be performed by the Architects in coordination with the Owner and Construction Manager.

- WALL TYPES**
- EXISTING WALL
 - EXTERIOR WALL (SEE SECTION NOTES)
 - TYP. INTERIOR PART. - 3/2" STUD, 1/2" GYP. BD. EASIDE
 - INSULATED INT. PART. - 1 HR. @ ATTACHED GARAGES; SOUND PARTS @ UNIT SEPARATIONS - TO DECK
 - MAG. WALL (EXIST. OR NEW) 3/2" STUDS, R-19 INSUL., 1/2" GYP. BD.
 - NEW CONC. BLOCK
 - NEW Poured CONC. FOUNDATION WALL/RETAINING WALL.



Exterior Elevation General Notes:

- Exterior walls, 216: Perform brick restoration at north, west and south walls; repair joints as necessary to achieve consistent profiles, material, color and texture with existing joints; where existing brick is not capable of restoration, install new brick matching existing. Install new brick as required at east wall.
Exterior walls, 218: Perform brick restoration at north and west walls; repair joints as necessary to achieve consistent profiles, material, color and texture with existing joints; where existing brick is not capable of restoration, install new brick matching existing. New brick shall be modular type matching existing. Brick shall be laid in typical running bond on typical face conditions, 3/8" joints, dragged type (no tooled joints. See Drawing Details for window and door conditions).
- Install Hardi-panel with vertical Hardi battens at second floor walls (see details). Note: all Hardi material shall be smooth-faced type (no imitation wood grain pattern), prepare for paint finish.
- Roof: Install 56 mil Carlisle EPDM roofing membrane at all roofs and at deck surface, with all necessary integral flashing, curbs, accessories, termination strips, etc.
- Fascia: 218 - 5/4 x 8 Hardi trim at tops of second floor exterior walls.
- Window and door casing shall be 5/4 x 4 Hardi trim, with pine drip cap at window and door heads.
- Windows: Marvin Integrity, casement, awning, and double-hung per elevation references.
- Miscellaneous trim: Hardi material cut and shaped as required.
- Deck at 216, 218: install duckboard panels: 1x6 Trex members on 2x6 sleepers forming 4'-0" x 6'-0" panels, removable
- Railings: install aircraft type railing at 218 near east elevation. Install deck screen wall separating deck at 216 from 218: see Details.
- Parapet cap: install clay tile sections at top of parapet walls per details.
- Front Doors: Bayer Built #PLC, fiberglass, painted per construction manager's instruction; front combination door: Andersen Emco 400 series, aluminum enameled (black) finish.
- Garage: overhead doors (2) shall be custom fabricated, shall be panel type wood, Overhead Door Company - model to be selected.
- Caulk all joints between Hardi trim and other adjacent materials, other gap or crevice conditions.
- Painting: exterior, Hardi surfaces only: apply paint per construction management's color selections: Hardi siding shall be color A; all other trim color shall be color B; window sash shall be black.



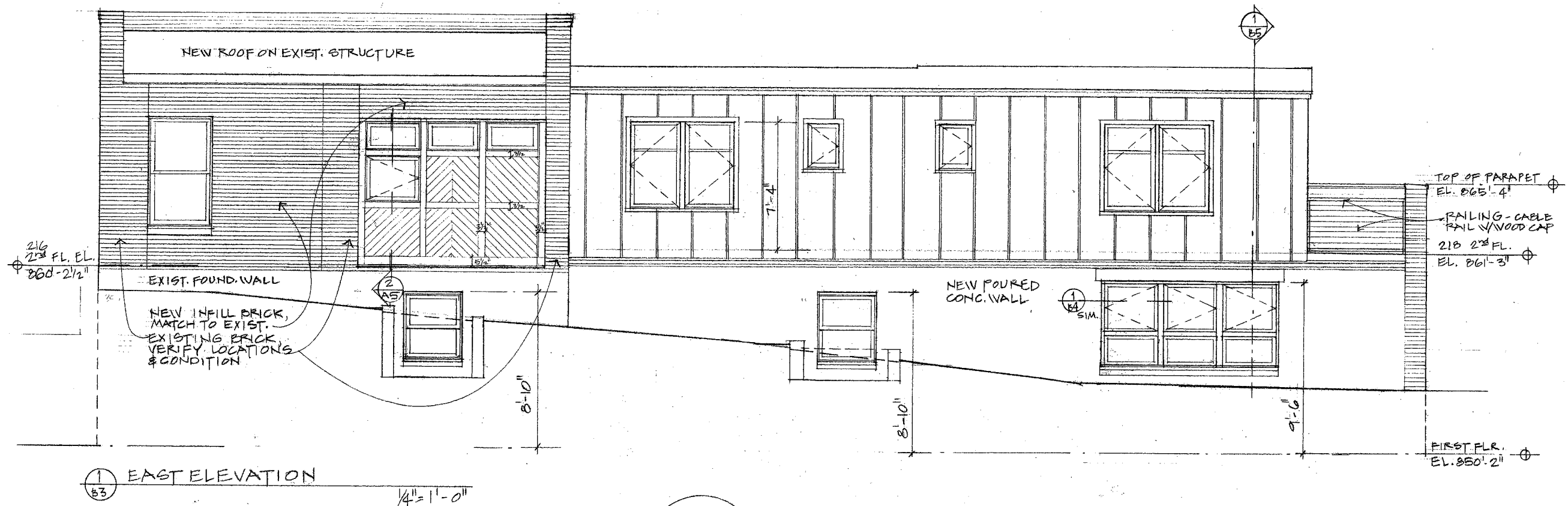
SECOND FLOOR PLAN
1/4" = 1'-0"

8-03-2012
7-23-2012

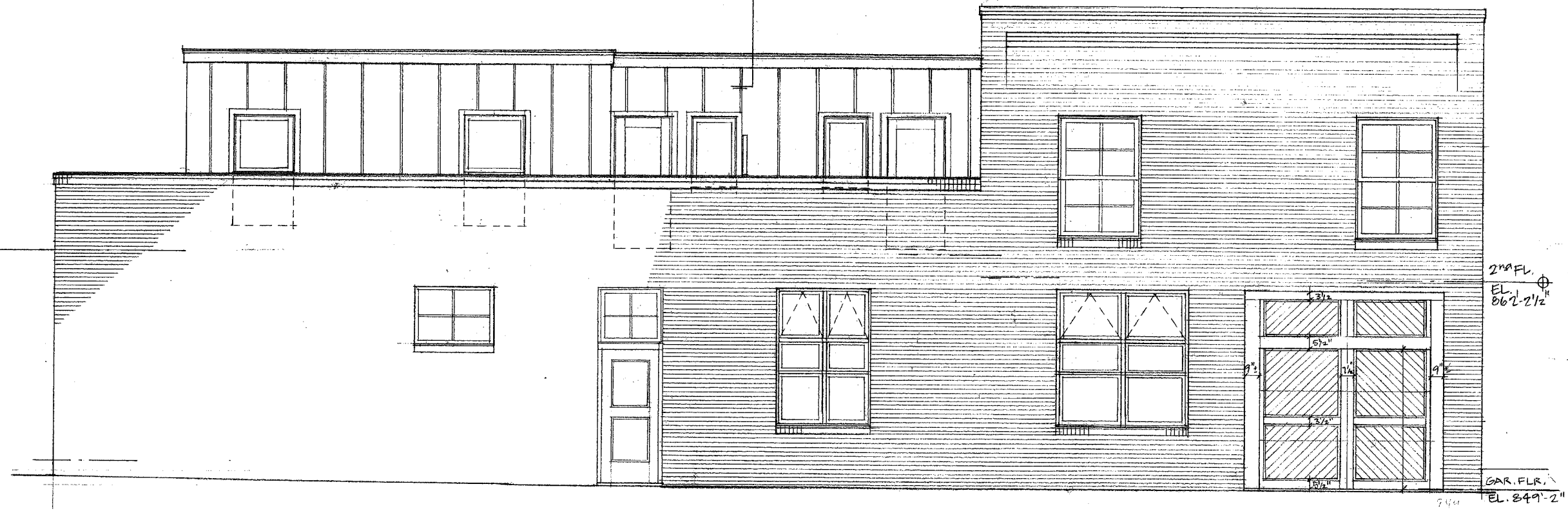
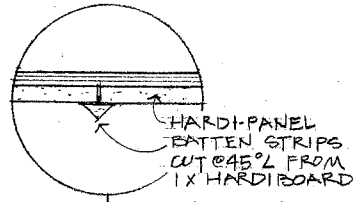
Wilson/Bates Renovation
Dayton's Bluff Historic District
Saint Paul, MN

Karen Gierstad, Architect
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Minneapolis, MN 55406
612-724-7258

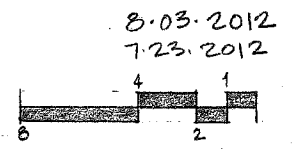
Robert Roscoe
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1 EAST ELEVATION
1/4" = 1'-0"



2 WEST ELEVATION
1/4" = 1'-0"



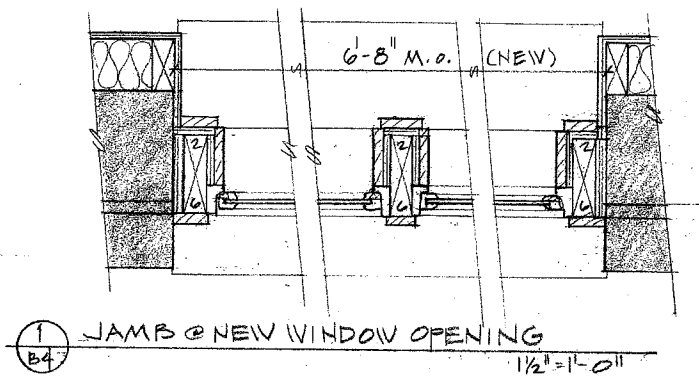
8.03.2012
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Wilson/Bates Renovation
Dayton's Bluff Historic District
Saint Paul, MN

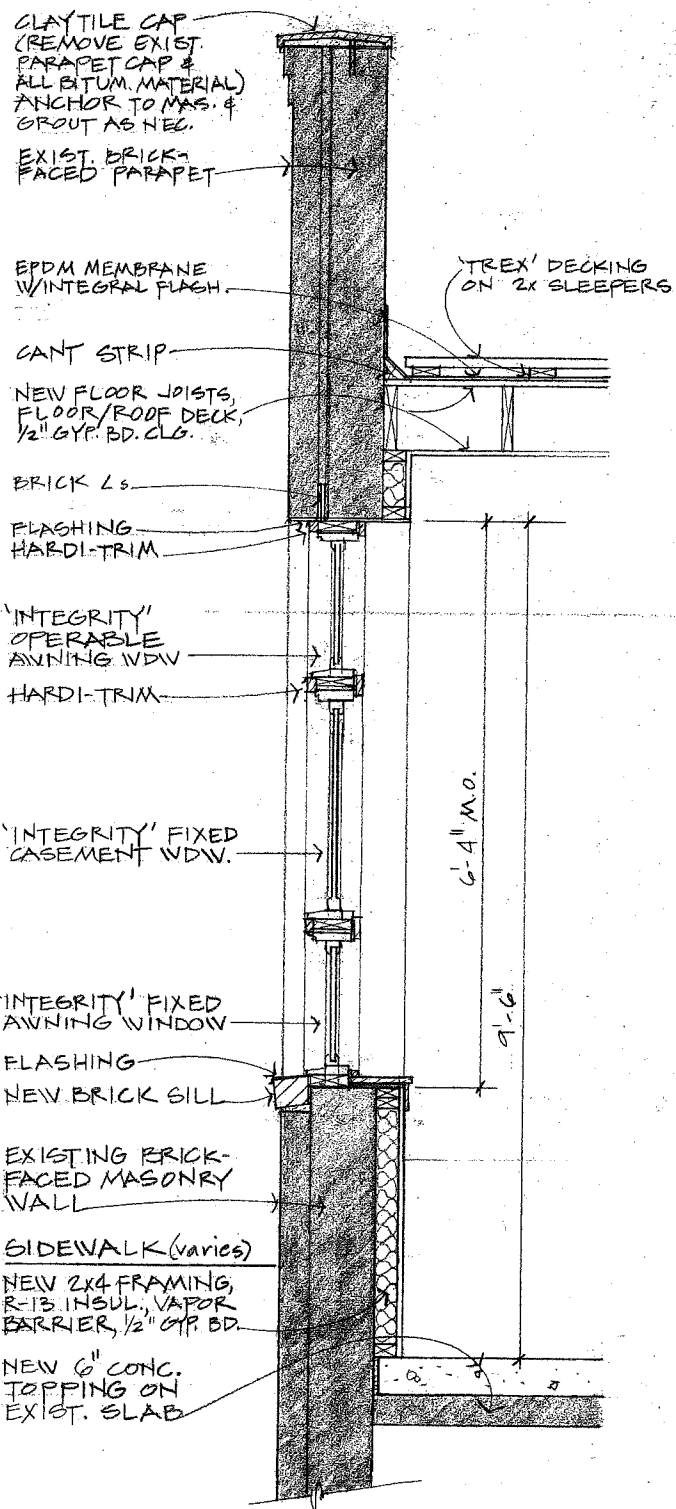
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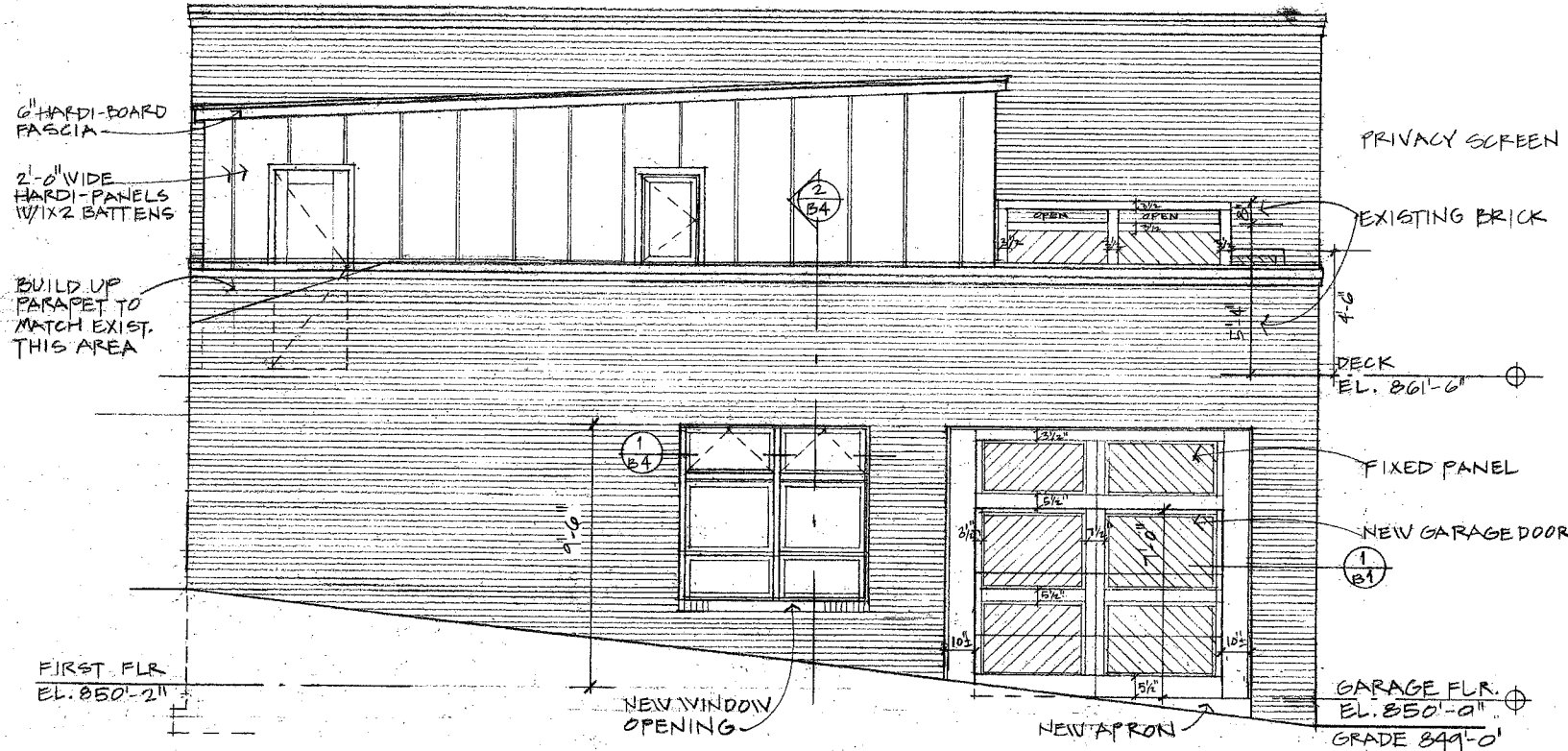




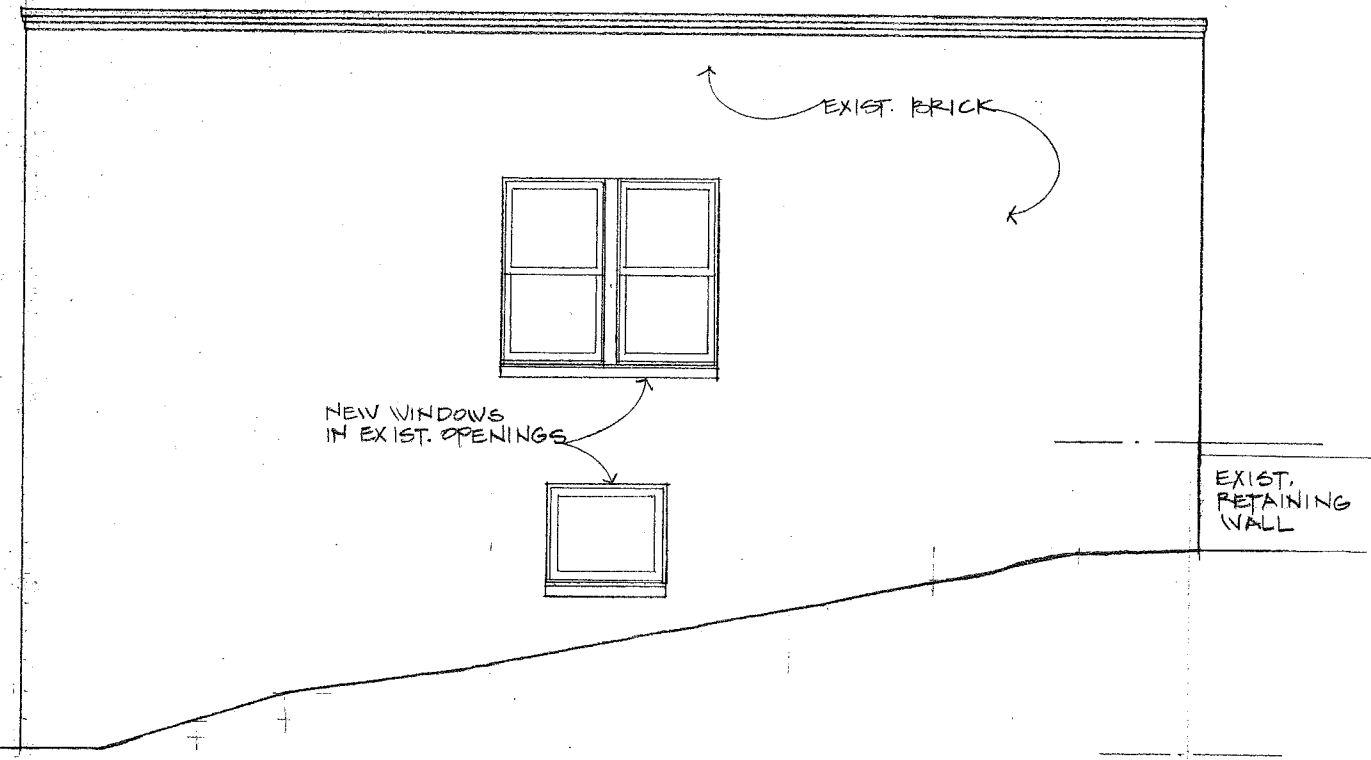
1 JAMB @ NEW WINDOW OPENING
1/2" = 1'-0"



2 WALL SECTION @ NEW OPG/PARAPET
3/4" = 1'-0"



3 NORTH ELEVATION
1/4" = 1'-0"



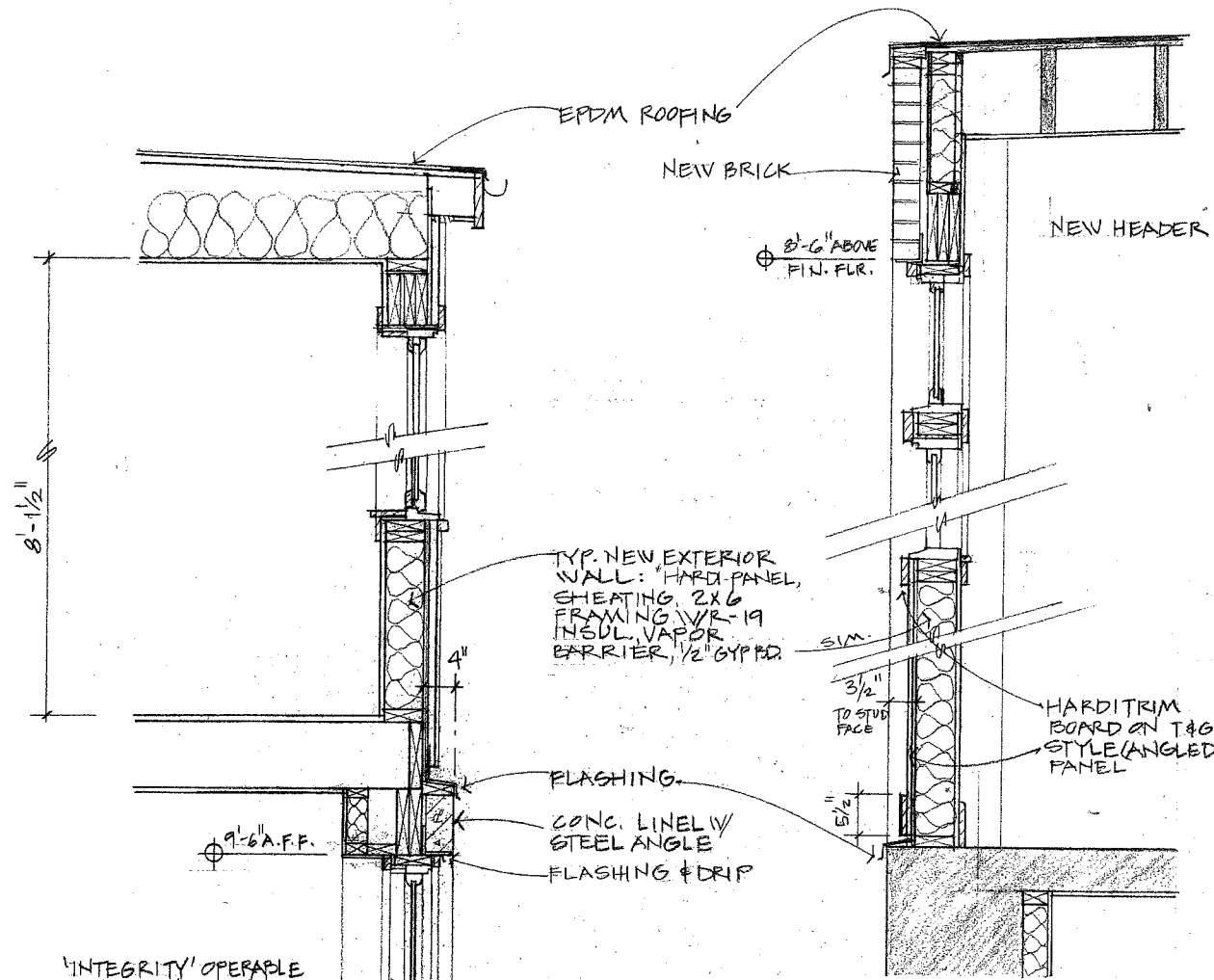
4 SOUTH ELEVATION
1/4" = 1'-0"

8.03.2012
7.23.2012

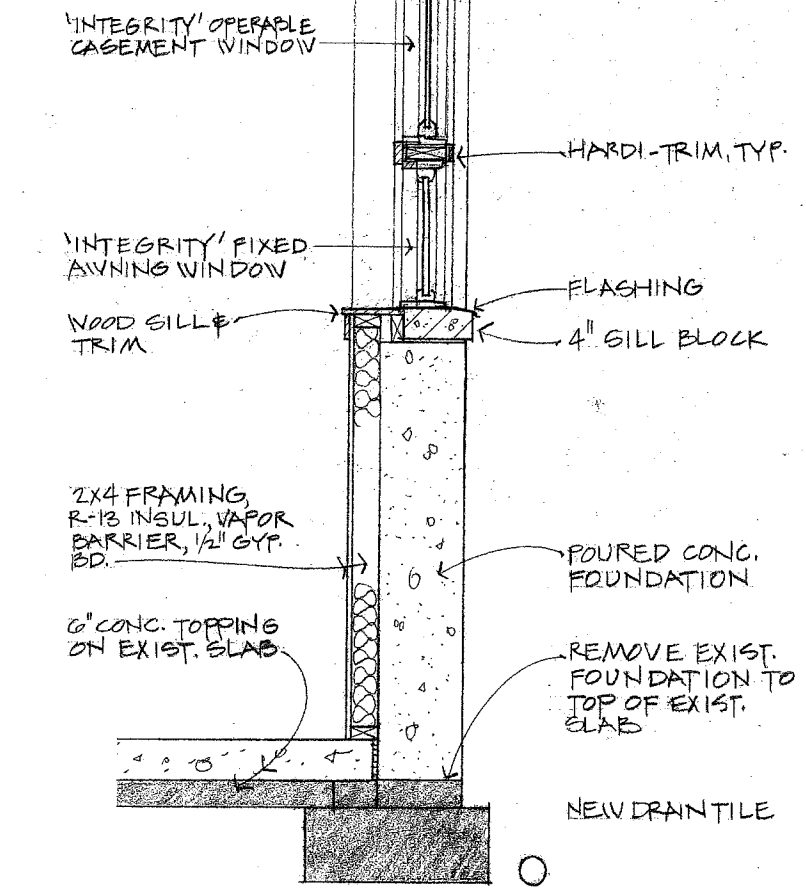
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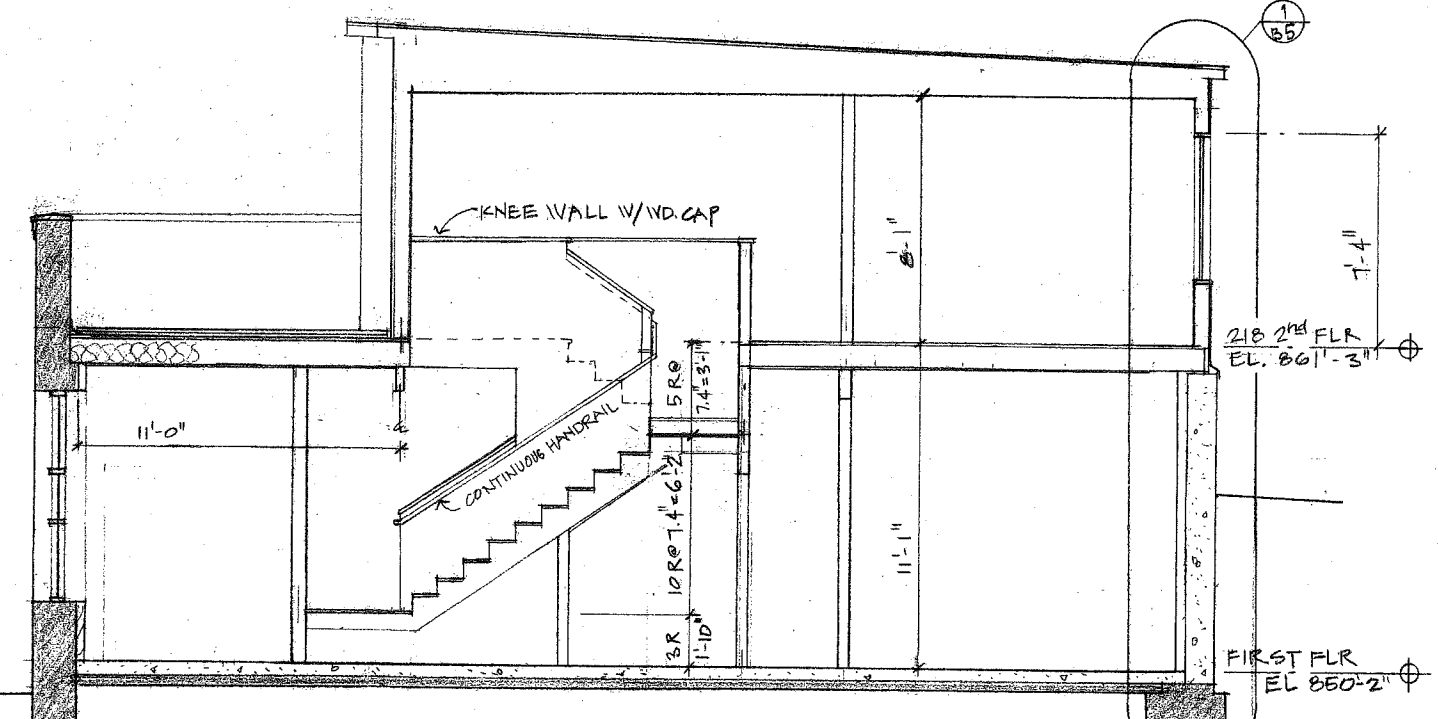
Robert Roscoe
Design for Preservation
1401 East River Parkway
Minneapolis, MN 55414
612-317-0989



2 WALL SECTION @ 2ND FLOOR
A5 "GARAGE DOOR" 3/4" = 1'-0"



1 218 WALL SECTION @ NEW FOUNDATION
B5 3/4" = 1'-0"



B5 BUILDING SECTION @ 218 STAIR
1/4" = 1'-0"

8.03.2012
7.23.2012

Wilson/Bates Renovation
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CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
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Facsimile: 651-266-6549

April 9, 2015

Jonathan Sage-Martinson, Executive Director
Saint Paul Housing and Redevelopment Authority
25 West 4th Street, 1300 City Hall Annex
Saint Paul, MN 55102

Re: 208-210 Bates (HPC File #14-015) and 216-218 Bates (HPC File #14-014), Dayton's
Bluff Heritage Preservation District

Dear Mr. Sage-Martinson:

We have received and reviewed your request for an extension of the Heritage Preservation Commission (HPC) decisions conditionally approving demolitions at 208-210 Bates and 216-218 Bates Avenue in the Dayton's Bluff Heritage Preservation District. An extension, not to exceed one year, shall be granted and will expire on March 3, 2016 if no permits have been issued.

Please feel free to call staff at 651-266-9078 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Spong".

Amy Spong
Historic Preservation Specialist

cc: Patti Lilledahl (via email)
Joe Musolf (via email)
Sarah Zorn (via email)
Donna Drummond (via email)
File

March 3, 2015

Donna Drummond, Planning Administrator
City of Saint Paul Department of Planning and Economic Development
25 West Fourth Street, Suite 1400
Saint Paul, MN 55102

RE: Conditional demolition approvals for 208-210 Bates Avenue and 216-218 Bates Avenue

To Ms. Drummond:

One year ago the Heritage Preservation Commission granted the Housing and Redevelopment Authority of the City of Saint Paul (HRA) conditional approvals for the demolition of property located at 208-210 Bates Avenue (#14-015) and 216-218 Bates Avenue (#14-014). The HRA has yet to pull a permit for the approved activity and is therefore requesting an extension of both approvals.

Staff has been in contact with the parties that will be involved in fulfilling the HPC's conditions and anticipates seeking demolition permits from the Department of Safety and Inspections in the spring or summer of this year. HRA staff will be in close contact with HPC staff throughout the process and will provide the requested information and seek the appropriate staff-level and Commission approvals prior to proceeding with demolition.

Please feel free to contact Sarah Zorn or Joe Musolf with any questions or if any additional documentation is required.

Respectfully,

Jonathan Sage-Martinson
Executive Director, HRA

Enc: Approval letter for 208-210 Bates (#14-015)
Approval letter for 216-218 Bates (#14-014)

cc: Patty Lilledahl, Director of Housing
Amy Spong
Christine Boulware
Joe Musolf
Sarah Zorn
File



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

March 3, 2014

Roxanne Young
Saint Paul Housing and Redevelopment Authority
1100 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102

Re: 216-218 Bates Avenue –Dayton's Bluff Heritage Preservation District
Public Hearing/Permit Review, February 27, 2014 - Agenda Item VI.E. - HPC File #14-014

Dear Ms. Young:

The Heritage Preservation Commission (HPC) considered at its February 27, 2014 meeting your application for a **demolition permit to raze the Schorenstein Garage** at the property listed above. **The HPC voted 7-1 (Mazanec) to conditionally approve your proposal.** This decision was based on the discussion at the public hearing, public testimony and findings adopted by the HPC.

The application will be approved provided the following **conditions** are met:

1. Prior to demolition, the applicant shall remove the siding to reveal the masonry exterior of the buildings and the buildings shall be documented following the Minnesota Historic Property Record (MHPR) archival photo documentation standards prior to demolition, at the owner's expense. Two copies of the 2012 HPC reviewed plans in 11" x 17" format will be accepted in lieu of as-built drawings. Two copies of the documentation shall be forwarded to the HPC (one copy to be delivered to the Ramsey County Historically Society.)

You or any aggrieved party has the right to appeal the Heritage Preservation Commission's decision to the Saint Paul City Council under Chapter 73 of the Saint Paul Legislative Code. Such an appeal must be filed within 14 days of the date of the HPC's order and decision. Chapter 73 states:

(h) Appeal to city council. The permit applicant or any party aggrieved by the decision of the heritage preservation commission shall, within fourteen (14) days of the date of the heritage preservation commission's order and decision, have a right to appeal such order and decision to the city council. The appeal shall be deemed perfected upon receipt by the division of planning of two (2) copies of a notice of appeal and statement setting forth the grounds for the appeal. The

division of planning shall transmit one copy of the notice of appeal and statement to the city council and one copy to the heritage preservation commission. The commission, in any written order denying a permit application, shall advise the applicant of the right to appeal to the city council and include this paragraph in all such orders.

Please note, an HPC approval or conditional approval does not obviate the need for meeting applicable building and zoning code requirements, nor is it a permit to allow for work to commence. An HPC approval or conditional approval expires after one year if no permit has been issued. If revisions to the approved plans are made, be aware that additional HPC and/or staff review will be required.

Please contact me at 651.266.6715 with any questions you may have.

Sincerely,

Christine Boulware

Christine Boulware
Historic Preservation Specialist

cc: Todd Sutter, DSI
File

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

FILE NAME: 216-218 Bates Avenue, Schornstein Garage
DATE OF APPLICATION: February 6, 2014
APPLICANT: Saint Paul Housing and Redevelopment Authority (HRA)
OWNER: HRA
DATE OF PUBLIC HEARING: February 27, 2014
HPC SITE/DISTRICT: Dayton's Bluff Heritage Preservation District
CATEGORY: Non-Contributing
CLASSIFICATION: Demolition Permit
STAFF INVESTIGATION AND REPORT: Christine Boulware
DATE: February 20, 2014 HPC February 27, 2014

A. SITE DESCRIPTION: The Schornstein Garage at 216-218 Bates Avenue is comprised of two buildings; the two-story building was constructed in 1886 and the one-story section constructed in 1912. Both buildings are covered with aluminum siding. The carriage doors have been replaced with a sectional, overhead-opening garage door. The lower window of 216 is covered, and the upper windows currently have two-pane sliders with decorative shutters. 218 has two openings on the primary facade, both with decorative shutters; one fixed-pane window and one glazed paneled door. 218 also has a sectional overhead garage door on the north elevation. Per the inventory form, the buildings are categorized as non-contributing.

As evidenced in older photographs, 216 Bates Avenue was a two-story masonry load-bearing building with a flat roof behind a low parapet. Historically, the building had a brick exterior with two shallow, corbelled cornices and shallow corbelled brackets at each end. The two, second-story windows were double-hung, four-over-four, and the left (north) side first story window was a fixed four-light window with a two-light transom above. The windows have hidden lintels and rowlock sills. Double carriage doors occupy the right side first story opening. The doors were rail and stile, with diagonal bead-board panels. The left door had a secondary service door in it. The lower corners of the carriage door openings had cast-iron, bullet-shaped corner protectors.

The 218 Bates portion of the Schornstein Garage is a one-story brick building that was constructed for use as an automotive garage. The exterior is brick and appears to be whitewashed in older photographs. It had a simple, two-course corbelled cornice, and the one partially-visible window has a hidden lintel and a rowlock cornice. The historic fenestration is unknown.

B. PROPERTY HISTORY AND CONTEXT: The Schornstein Grocery and Saloon at 707 Wilson (223 Bates) was constructed in 1884. It is architecturally and historically significant as one of the most unusual and ornate small Victorian era commercial buildings still standing in Saint Paul. The building was designed by Saint Paul architect, Augustus F. Gauger and has served as a focal point for the Wilson/Bates neighborhood since the late nineteenth century.

William Schornstein and his wife, Wilhelmina, were born in Germany and immigrated directly to St. Paul in 1873. William worked as a bartender for several years before moving to the predominantly German Wilson/Bates neighborhood in 1880. In that year he opened his first grocery store and saloon in rented quarters at the corner of Bates and Plum. In 1882, Schornstein purchased a lot a few blocks away at the NW corner of Wilson and Bates (site of the present building) and built a \$6000, two-story brick store. This building was destroyed by fire two years later. In the summer of 1884, he commissioned St. Paul architect Augustus F. Gauger to design the present building,

which was completed in the fall of 1884 at an estimated cost of \$5000. Gauger was a prolific German-born architect with a carpentry background who came to Saint Paul in 1875 and first worked in the office of architect Edward P. Bassford. Gauger designed a large number of houses, schools, commercial buildings, and at least one church in Saint Paul. He eventually gained a national reputation.

The new Schornstein Grocery and Saloon originally housed a grocery store in the main storefront, a saloon in the rear storefront (entry at Bates), the Schornstein's apartment on the second floor, and a meeting hall on the third floor. The one-story store attached to the west side was used by Schornstein's brother-in-law as a harness shop. Sometime after the turn of the century, the second floor was divided into two apartments. William Schornstein operated the saloon and grocery store until his retirement in 1910 when his son, Otto, assumed control of the business. William dies in 1920 and one year later Otto closed the store and sold the building.

The Schornstein Garage at 216-218 Bates was constructed in two phases: the two-story portion (216) in 1886 and the one-story portion (218) in 1912. When the one-story portion was constructed for Schornstein in 1912, he purchased the two-story portion.

The William Schornstein residence at 716 Wilson (Hudson Ave.) was constructed in 1912 (the same year as 218 Bates). The original building permit number is #59131. The residence is one-and-one-half stories and of frame construction. The front porch has been enclosed and Permastone applied to the area under the windows. The rest of the house has been wrapped in aluminum siding.

On the 1903-1925 Sanborn Map, the house and garage are shown occupying the same lot. Historically, Bates Avenue between Wilson and Hudson had been a commercial block.

C. PROPOSED CHANGES: The applicant proposes to raze both buildings; there are no current plans for new construction. The lot would be graded and seeded.

D. TIMELINE:

August 16, 2005 - the Certificate of Occupancy for Arco Dishwasher Service was revoked

August 17, 2005 - the property became a Category 2 vacant building

December 7, 2007 - the HRA purchased the property for \$110,000 with CDBG funds

April 2012 - Karen Gjerstad, architect, is hired by Dayton's Bluff Neighborhood Housing Services (DBNHS) to evaluate the property in partnership with Load Bearing, Inc (construction management)

August 2, 2012 - Karen Gjerstad and DBNHS applied for HPC review to rehabilitate the property into two, four-bedroom, rental units. This included constructing an addition above the one-story portion.

August 23, 2012 - the HPC held a public hearing and reviewed and conditionally approved the rehabilitation of the property

November 15, 2012 - the project went out to bid as a package with 716 Wilson and 208-210 Bates Avenue

December 2012 - bids received

February 2013 - proposal from DBNHS to PED for subsidy

April - September 2013 - PED Housing staff discussed options to reduce the cost of the project

with DBNHS

October 2013 - PED Housing staff begin discussing rehabilitation vs. demolition scenarios with HPC staff

February 6, 2013 - The HRA applied to the HPC for demolition of the property

E. GUIDELINE CITATIONS:

Dayton's Bluff Historic District Guidelines

Leg. Code § 74.87. 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 or alteration of distinctive architectural features should be avoided as should alterations that have no historical basis and which seek to create an earlier appearance. The restoration of altered original features, if documentable, is encouraged.*

(2) *Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.*

(3) *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 (including consideration of proportion, texture and detail), color and overall appearance.*

(4) *New additions or alterations to structures should be constructed in such a manner that if such additions or alterations were to be removed in the future, the form and integrity of the original structure would be unimpaired.*

(5) *The impact of alterations or additions on individual buildings as well as on the surrounding streetscape will be considered; major alterations to buildings which occupy a corner lot or are otherwise prominently sited should be avoided.*

(6) *New construction should be compatible with the historic and architectural character of the district.*

§ 74.90. – New construction and additions.

(j) *Demolition. Demolition permits will be reviewed on a case-by-case basis and will be determined by the category of building (pivotal, contributing and noncontributing) and its importance to the district, the structural condition of the building and the economic viability of the structure.*

§ 73.06(i)(2): Demolition

When reviewing proposals for demolition of structures within the district, the Heritage Preservation Commission refers to § 73.06 (i)(2) of the Saint Paul Legislative Code which states the following:

In the case of the proposed demolition of a building, prior to approval of said demolition, the commission shall make written findings on the following: the architectural and historical merit of the building, the effect of the demolition on surrounding buildings, the effect of any proposed new construction on the remainder of the building (in case of partial demolition) and on surrounding buildings, and the economic value or usefulness of the building as it now exists or if altered or modified in comparison with the value or usefulness of any proposed structures designated to replace the present building or buildings.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

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.
- 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 business' 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.
- 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 undertake adequate measures to assure the preservation of building, streetscape, and landscape features.
- 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.

F. FINDINGS:

1. On July 23, 1992, the Dayton's Bluff Heritage Preservation District was established under Ordinance No. 17942 (Council File #92-900). 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 demolition within designated heritage preservation sites **§73.04.(4)**.
2. **Leg. Code § 74.90.(j)** - The Preservation Program for the Dayton's Bluff Historic District states that consideration of demolitions will be determined by the category of building (pivotal, contributing and non-contributing), its importance to the district, the structural condition of the building and the economic viability of the structure.
3. **The category of the building.** The Schornstein Garage is classified as non-contributing to the Dayton's Bluff Historic District. Aluminum siding wraps and conceals the original brick exterior and openings have been altered. Staff considers the building's historic context to be good, as it is associated with the adjacent Schornstein Grocery and Schornstein House. The architectural integrity of the Schornstein Garage is fair, although the aluminum siding is seen as a reversible condition. The building has undergone exterior alterations to the openings; if the original opening sizes, fenestration and doors were restored, the property would likely be re-categorized as contributing.
4. **The importance of the building to the district.** The Schornstein Garage was constructed in two phases: the two story portion in 1886 and the one story portion in 1912. Both portions of the garage were constructed during the period of significance for the Dayton's Bluff Heritage Preservation District. The Dayton's Bluff Handbook states the following:

Most of the commercial buildings within the District are of masonry construction and date from the 1880s through the 1920s. Groceries and a variety of buildings housing small shops were concentrated along E. Seventh and near Maria and E. Third, and others occupy prominent corner locations. Many provided apartments above the retail space. Each Commercial building has a distinctive style or character which is associated with its primary period of construction. Each building is unique, but most share a two-part horizontal division with glazed (or once-glazed) storefronts at the first story. Brick or stamped metal details at the cornice or a parapet often deserve special attention and should not be covered over.

In the 1880s, and particularly during the peak years 1882-1884, Dayton's Bluff became a densely-built urban neighborhood. The construction of a series of bridges and the extension of streetcar service brought a new and diverse population to the bluff. Factory and railroad workers purchased small lots and erected a great variety of single and multiple-family houses. The newly-arrived settlers included recent immigrants from Sweden, Ireland, and Germany, but German-Americans were the predominant group. They joined a large contingent of well-established German-American business owners...

The number of the commercial buildings still extant in the Dayton's Bluff Historic District from this time period is unknown, and several have been removed since the adoption of the District in 1992. This is especially evident in reviewing historic maps of East Third and East Seventh Streets. Several of the small commercial corner stores still exist, but in a mostly residential use. At the intersection of Bates and Wilson, three commercial buildings identified on the 1903 Sanborn Fire Insurance Map at the intersection are extant.

Staff has not researched any historical associations other than Schornstein that have contributed in some way to Saint Paul's history and development or an architect or association with an important event, with this property. The 1989 Dayton's Bluff inventory form did not

identify other individuals.

The Sanborn Insurance map for this site indicates the footprint of the building has not changed since 1925. There is not an alley on this block and the grade rises steeply to the east. The Schornstein Garage has an abutting driveway to the east. The grade change at this driveway allows for at grade entrance to the second floor apartment at the back of 216 Bates.

This block of Bates Street has seen several changes over the past several decades. A vacant lot historically sat between the Schornstein Garage and the Schacht Block, at 208-210 Bates, on the eastern side of the street. In 2001, Dayton's Bluff Neighborhood Housing Services received conditional approval from the HPC for the construction of a three-unit townhome at 212-214 Bates Avenue and the construction of a six-unit townhome at 207 Bates Avenue. The stores and businesses that were located at the northeast and northwest corners of Bates and Plum Street appear to have been demolished prior to the adoption of the Dayton's Bluff Historic District.

The remaining historic buildings on the east and west sides of the block are: 209-213 Bates, 217-219 Bates, 204 Bates, 208-210 Bates and 216-218 Bates. All have varying degrees of historic integrity.

5. **Structural condition of the building.** A Code Compliance Report has not been ordered for this property, the building deficiency list was sent with the revocation of the Certificate of Occupancy on August 16, 2005, and there have not been any inspections conducted by DSI since 2005. The list of deficiencies is not necessarily all the deficiencies present at the time and would not substitute for a team inspection and Code Compliance Report. During a June 7, 2011 site inspection, HPC staff observed interior conditions with water staining and pooling, rising damp and spalling brick up to four courses above the slab. There were no original or early architectural or decorative features observed on the interior. The exterior features of the house have either been removed or covered. The fenestration, service doors and garage doors are not original to the property. Many of the openings have been reduced in size to fit stock windows and doors. HPC staff considers the overall condition of the subject building as fair to poor. A letter dated January 24, 2014 from Jeffery Garetz, Construction Manager for the project, states that the building has extensive rot and mold from years of water infiltration and it was determined that "the entire length of the east wall, and the roof of the one story section of the building should both be demolished."
6. **The economic viability of the structure.** The HRA estimated demolition costs to be \$10,000 to \$30,000. The cost of rehabilitation, based on the bids received, was \$539,237 to \$640,740. The HRA purchased the property in 2007 for \$110,000 with CDBG funds. Ramsey County estimates the land value at \$18,000 and the building value at \$87,000. The property is sited at the southeast corner of the intersection of Bates and Wilson Avenue and the parcel size is .07 acres.

The property is currently zoned RTI with the former use as Legal Non-Conforming - Warehouse. Until the revocation of the C of O, the use of the property was Mixed Use - Commercial/Residential. The January 24, 2014 letter from Jeffrey Garetz states, "The existing usable space in the building was not sufficient to successfully adapt the building to accommodate two dwelling units. Given this fact, and the deterioration of the existing structural members, the architects devised a plan that modified the building to both improve its structural integrity while increasing its usable space."

The HRA posted an RFP for rehabilitation of the building into residential units, both in order to meet the funding requirements, but also because the current zoning for the property is residential.

7. The Secretary of the Interior's Standards for Rehabilitation recommend against removing buildings that are important in defining the overall historic character of the district or the

neighborhood. Given the alterations to the building and its lack of integrity, HPC staff finds that the building does not currently reinforce the District's architectural and historic character. The Standards also recommend against and destroying historic relationships between buildings and open space. The demolition of the building would have a significant impact on the relationship of historic commercial buildings at the intersection of Bates and Wilson.

8. HPC staff finds that the proposed demolition of the buildings at 216-218 Bates Avenue will not adversely affect the Program for the Preservation and architectural control of the Dayton's Bluff Heritage Preservation District (Leg. Code §73.06 (e)). However, a vacant lot will have a negative impact on the historic district and the loss of historic fabric is irreversible. Future construction at the site shall comply with the new construction guidelines for the Dayton's Bluff Historic District, specifically Leg. Code § 74.90 and should also reinforce the historically commercial character of this node.

G. STAFF RECOMMENDATIONS HPC DECISION:

Based on the findings staff recommends approval of the demolition permit application provided the following condition(s) are met:

1. Prior to demolition, the applicant shall remove the siding to reveal the masonry exterior of the buildings and the building shall be documented following the Minnesota Historic Property Record (MHPR) archival photo documentation standards prior to demolition, at the owner's expense. Two copies of the 2012 HPC reviewed plans in 11" x 17" format will be accepted in lieu of as-built drawings. Two copies of the documentation shall be forwarded to the HPC (one copy to be delivered to the Ramsey County Historically Society.)

H. ATTACHMENTS

1. HPC Design Review Application
2. August 23, 2012 HPC public hearing:
 - A. Decision Letter
 - B. Public Hearing Minutes
3. Applicant Submittals:
 - A. *Letter from Hess Roise*
 - B. *Letter from Load Bearing, Inc.*
 - C. *Structural Analysis & Mold Evaluation of 208 Bates*
 - D. *Photographs and background information regarding project analysis*
4. Ramsey County Property Information
5. 2012 Bid Submission Tally
6. Aerials, Photographs, and Historic Map

Copies of the 2012 HPC Staff Report and 2012 Specifications for Bids are available at the meeting or by request.