

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

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FILE NAME: 445 Smith Avenue North  
DATE OF APPLICATION: January 7, 2016  
APPLICANT: Thomas Schroeder  
OWNER: Thomas and Ann Schroeder  
DATE OF HEARING: January 28, 2016  
HPC SITE/DISTRICT: Limestone Houses Heritage Preservation Sites (P.O.S. 1850-1899)  
CATEGORY: Contributing  
CLASSIFICATION: Building Permit  
STAFF INVESTIGATION AND REPORT: Amy Spong  
DATE: January 25, 2016

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**A. SITE DESCRIPTION:**

The Anthony Waldman House at 445 Smith Avenue North was constructed in phases and is classified as contributing to the Limestone Houses Heritage Preservation Sites Thematic District that was designated by the City Council in September 2015 (Ord. 15-42). While the property is recognized through that designation as significant as a group of individual, uncommon limestone properties geographically spread within the West Seventh/Fort Road neighborhood constructed during the Pioneer Era, the property is also within a contiguous four-block area that has been determined eligible for the National Register of Historic Places.

The Waldman House consists of the front stone portion which was constructed by the first owner Charles C. Fuchs circa 1857 and the mason attributed with the craftsmanship is Jacob Amos who moved to St. Paul in 1856. The stone portion is representative of the Federal style with a low sloping hipped roof and a front façade with three bays, sidehall entrance and divided light double hung windows. The sides have fewer openings. The front elevation has an ashlar limestone while the other three sides are of rubble masonry. The circa 1885 rear addition is a wood-frame, 1 ½ story gabled roof structure with wood lap siding and a limestone foundation. According to the applicant, there are earlier framing elements that may date to an earlier structure. The Sanborn Insurance Maps updated through 1925 still show a one story addition with the same footprint as the existing structure. The applicant also provided a photo showing the gabled roof location along the stone wall for the one story structure and wood framing members that were possibly added onto.

The front stoop of the stone portion of the subject building is not historic and was added within the last five years by the current owner. The stone came from the façade where the new storefront is located. The stone structure was constructed as a "store" but was used as housing starting in the 1870s through 2008.

The parcel formerly contained a second principle structure, the Palmer House which was constructed in the 1870s, and according to the applicant, was located behind the Waldman House (alley house) but later moved to the side so that eventually all four dwelling units on the one lot were oriented at the public sidewalk. The Palmer House was moved off the site in 2015.

**B. PROPOSED CHANGES:**

The applicant proposed rehabilitating the property in order to use the property as a brewery/tap room/restaurant. As part of an August 27<sup>th</sup> public hearing, the applicant proposed demolishing the 1880s wood frame addition and constructing a new addition using the same footprint (23' by 18 ½'), a gable roof with a higher roof pitch, wood lap siding and wood double-hung windows and two dormers. The applicant then proposed two new additions to the rear including a vestibule (7 ½' by 17') and new two-story structure (26' by 48'), the brew barn. An accessible ramp was also proposed to the south of the stone portion with access in a new side entrance.

After meeting with a smaller Design Review Committee, the applicant then submitted a new site plan indicating Options 1 and 2 for accessibility as part of a laid over public hearing, on October 7th. There were also updated plans for the brew barn addition and vestibule noted as Options 1 and 2. Option 1 included the plans from the application reviewed by the HPC on August 27<sup>th</sup>, 2015. There were no changes proposed for Option 1. The vestibule and brew barn were redesigned for Option 2 and included: 1) lowering the wall and eave height but adding 10' to the length. The vestibule was redesigned with glass to be more transparent and the width was reduced from 17' to 14', thereby increasing the setback. There were minor changes submitted for the addition that will replace the 1880s addition: the south facing door and window were moved and the side porch was removed from the plans.

The HPC conditionally approved the plans presented as revisions to the first set. The applicant now seeks approval for additional revisions because of the need for a handicapped parking space on the site. In order to accommodate a parking space from the alley, 1) the brew barn will be shifted to the south by 22', 2) the accessible ramp originally proposed to the south of the stone house, will now be at the back of the site and within the footprint of the brew barn, 3) the shifting of the brew barn requires a larger vestibule addition that extends further to the south, and 4) a trash enclosure is planned next to the parking spot. In addition, the revised plans show locations of 4 new skylights on the brew barn and vent stacks, and some window and door modifications to the brew barn, and a 6' by 6' wood lid to cover a well that was present when the Palmer Cottage was moved off the site.

#### **C. BACKGROUND:**

In 2015, the site received conditional Design Review approval from the HPC and conditional Historic Use Variance (HUV) approval by the City Council. In the HUV process, the City Council received recommendations from both the HPC and the Planning Commission. One of the conditions of HUV approval, which had been recommended by the Planning Commission but not the HPC, was that no off-street parking be provided on the subject site. Since the HUV approval, the applicant was unsuccessful in obtaining permission to place an ADA-accessible parking space on Smith Avenue in front of the property. After exploring various options, the applicant decided to pursue approval to place the required ADA parking space on the subject site, which requires a new HUV. The parking space requires associated changes to the site plan and new additions, which are covered in this new Design Review application.

The owner purchased the Category 2 Vacant Building from longtime resident and owner, Frances Dreyling in 2008. The owner has been rehabilitating the structure since that time. City permits were issued for re-roofing the stone portion, removing the early stone infill on the main façade and constructing a new storefront, constructing a raised walkway in the public right-of-way, repointing and structural stabilization. Since the property was pending designation by the City Council as a Heritage Preservation Site, there was no formal review of the previous work and this new staff report only addresses the revisions proposed since the HPC's conditional approval in October, 2015.

Historic Preservation staff attended several meetings during the rehabilitation and since the HPC's conditional approval on October 8, 2015 to address the ADA parking.

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

**Sec. 74.09. Limestone Properties preservation program.**

**(b) Outline of preservation program.** *The City's Legislative Code, Chapter 73 creates the Saint Paul Heritage Preservation Commission and grants powers and duties that include the review of city permits for work at designated sites and districts. Specifically, §73.04(4) states the commission shall protect the architectural character of heritage preservation sites through review and approval or denial of applications for city permits. The following guidelines for design review will serve as the basis for the*

Heritage Preservation Commission's design review decisions for properties designated under the Limestone Properties Thematic Nomination. The guidelines define the most important elements of the Site's unique physical appearance and state the best means of preserving and enhancing these elements in rehabilitation. Their purpose is to assure that design review will be based on clear standards rather than the tastes or opinions of individual commission members. When applying the guidelines, the Commission, in clearly defined cases of economic hardship, will also consider deprivation of the owner's reasonable use of property. Decisions of the Heritage Preservation Commission are subject to appeal to the City Council (§73.06(h)).

(1) **General Intent.** The city, a certified local government in the National Historic Preservation Program, has agreed to conduct its design review of locally designated heritage preservation sites and districts according to the Secretary of the Interior's Standards for Rehabilitation (2014) (The Standards). The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility. The Standards provide general information to determine appropriate treatments for historic properties. They are intentionally broad in scope in order to apply to a wide range of circumstances. The Standards have been designed to enhance the understanding of basic preservation principals and may be applied to one historic resource or a variety of historic resource types such as Districts, Sites, Buildings, Structures, and Objects. The Standards identifies four primary treatments: **preservation, rehabilitation, restoration, and reconstruction.** Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity and material of an historic property. Improvements generally focus on the ongoing maintenance and repair of historic materials, rather than extensive replacement or new construction. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations and additions while preserving those portions or features which convey its historical or cultural value. The Standards for Rehabilitation have been codified in 26 CFR 67. Restoration is defined as the act or process of accurately depicting the form, features and character of a property as it appeared at a particular time by the removal of features from other periods in its history and reconstruction of missing features from the restoration period. Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features and detailing of non-surviving site features for the purpose of replicating its appearance at a specific period of time and in its historic location. Although there are components that may include restoration and preservation treatments, it is the Standards for Rehabilitation that is emphasized when reviewing proposals. The ten Standards for Rehabilitation are:

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

j. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

**(2) Guidelines for Repair and Rehabilitation of Sites.** *Although the ways we use buildings have changed over the years, we can still appreciate the historical and visual values that historic buildings present. To insure that succeeding generations can also appreciate them, the goals of rehabilitation and repair of historic buildings are twofold. The first is to maintain the appearance of age (patina). The second is to maintain the authenticity of the historic building and its materials.*

**a. Limestone Masonry.**

**b. Siding and Shingles.** *Historic stone buildings may have areas of siding or shingles in gable ends, or there may be wood frame additions on the building that are historically significant. Historic wood materials are of equal importance as masonry, and should be treated accordingly.*

**Repair:** *Original wood and metal siding and shingles should be retained whenever possible without the application of any surface treatment. A similar material should be used to repair or replace, where necessary. New siding and shingles added to the structure or site should be compatible with the material, color, texture, size, design, and arrangement of the original materials.*

**Vinyl, Aluminum and Composite Materials:**

**Decorative Siding Treatments:** *Wooden shingles used for cladding material or decoration, such as in the gable ends, shall be conserved and retained. If replacement is necessary, shingles should replicate the original in material, width, pattern, thickness, profile, texture and weather (lap). Decorative siding treatments, such as paneled patterns used in the gable ends, on bays or around openings shall be retained and repaired. If replacement is necessary, the new shall match in material, size, pattern, profile and texture.*

**Painting:** *Wood shingles or siding may have been painted or whitewashed for practical and aesthetic reasons. Paint should not be indiscriminately removed from wooden surfaces as this may subject the building to damage and change its appearance. Exterior wooden surfaces shall be maintained with appropriate paint or stain. Color is a significant design element and exterior paint colors should be appropriate to the period and style of the historic building. Building permits are not required for painting, and although the Heritage Preservation Commission may review and comment on paint color, paint color is not subject to Heritage Preservation Commission approval.*

**Resources:** *The following National Park Service publications contain more detailed information about wood. Preservation Brief #9: The Repair of Historic Wood Windows. Preservation Brief #10: Exterior Paint and Problems on Historic Woodwork. Preservation Brief #17: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character. Preservation Brief #32: Making Historic Properties Accessible. Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing. Preservation Brief #39: Holding the Line: Controlling Unwanted Moisture in Historic Buildings.*

**c. Roofs, Chimneys, Cornices and Parapets.**

**Roof Structure:** *The historic structure of a roof for masonry buildings must be maintained. Truss roofs must not be replaced with rafter roofs, and any horizontal roof members, including tension rods, must not be removed. Masonry walls are weak in tension, and the horizontal thrust of rafters can distort and collapse walls unless the walls are designed to counter the forces.*

**Roof Shape:** *The original roof type, slope, overhangs and architectural details shall be preserved. The size, shape and original roof features such as dormers, cupolas and parapets shall also be preserved. New roof features may be acceptable if compatible with the original design and not conspicuously located.*

**Materials:** *When the roof is visible from street level, the original material should be retained if possible, otherwise it should be replaced with new material that matches the old in composition, size, shape, color,*

and texture. When partially re-roofing, deteriorated roof coverings should be replaced with new materials that match the original in composition, profile, size, shape, color and texture. When entirely re-roofing, new materials which differ to such an extent from the original in composition, size, shape, color or texture that the appearance of the building is altered shall not be used. The predominant roof materials on the residential buildings in the Jacob Schmidt Brewery Historic District are asphalt shingles. When asphalt shingles began to be used in the 1890s and early twentieth century, the most common colors were solid, uniform, deep red and solid, uniform, dark green. Dark brown, dark gray and weathered-wood colors may also be acceptable for new asphalt shingles.

**Alterations:** The roof shape of buildings shall not be altered except to restore it to the original documented appearance. The additions of architecturally compatible elements like dormers may be considered by the HPC on a case-by-case basis. Documentation includes pictorial or physical evidence of the former appearance of the building, or, in the case of pattern book houses, those of similar period and style.

**Skylights:**

**Chimneys, Stovepipes and Smokestacks:** Chimneys and smokestacks should be preserved or restored to their original condition. In the absence of historical documentation on the original design, chimney design should be in keeping with the period and style of the building. New chimneys and stovepipes should not be installed on front roof planes.

**Cornices, Parapets and Other Details:** All architectural features that give the roof its essential character should be preserved or replaced in kind. Similar material should be used to repair/replace deteriorating or missing architectural elements such as cornices, brackets, railings and chimneys, whenever possible. The same massing, proportions, scale and design theme as the original should be retained.

**Resources:** The following National Park Service publications contain more detailed information about roofs. Preservation Brief #4: Roofing for Historic Buildings. Preservation Brief #19: The Repair and Replacement of Historic Wooden Shingle Roofs Preservation Brief #29: The Repair, Replacement, and Maintenance of Historic Slate Roofs. Preservation Brief #35: Understanding Old Buildings: The Process of Architectural Investigation.

**d. Windows and Doors.** Windows and doors are a character defining architectural feature of any building, and they establish the visual rhythm, balance and general character of the facades. Any alteration, including removal of moldings or changes in window and door size or type, can have a significant and often detrimental effect on the appearance of the building. It is important to note that in most cases, the historic windows can be affordably repaired and made to perform as well as modern windows. Historic windows that are easily repairable are often replaced at greater cost because homeowners only contact companies that replace windows.

**Openings:** Existing window and door openings should be retained. New window and door openings should not be introduced into principal or highly visible elevations. New openings may be acceptable on secondary or minimally visible elevations so long as they do not destroy or alter any architectural features and the size and placement is in keeping with the solid-to-void (wall-to-openings) ratio of the elevation. Enlarging or reducing window or door openings to fit stock window sash or new stock door sizes shall not be done.

**Panes, Sashes and Hardware:**

**Trim:**

**Lintels, Arches and Sills:**

**Storms and Screens:**

**Shutters:**

**Security Measures:**

**e. Awnings and Canopies:**

**Resources:**

**f. Porches and Steps.** Porches were a significant part of a house in the nineteenth century and reflected the social development of the US. Porches should be considered one of the most significant architectural features of a building and treated as such.

**Preservation:** Porches and steps which are historic or appropriate to the building and its development should be retained. Porches and additions reflecting later styles of architecture are often important to the building's historical evolution and should be retained. Infilling of porches should be avoided. The treatment of historic materials of porches should follow the guidelines for masonry or wood trim above.

**Reconstruction:** If porches and steps removed from the building are to be reconstructed, the new work must be based upon photographic documentation, physical evidence, and historical research. Simple designs should be used if evidence is lacking in order to avoid speculation. A professional can help create a design that is compatible in design and detail with the period and style of the building. In replacing porch railings, it is important to maintain the original spacing, section and profile of the balustrades.

**Decorative Features:**  
**Additions and Infill:**  
**Resources:**

**g. Fencing, Enclosures and Retaining Walls.** Many houses have small walls and other enclosures that are part of the historic fabric of the building site. Existing fencing and retaining walls that are identified as contributing elements to the Site or District should be appropriately maintained and preserved. Mortar should not be added to stone walls that were historically dry-laid (i.e. built without mortar). Otherwise, the elements of walls should be treated as elements of historic buildings.

**h. Mechanical Systems.** Historically, buildings from the frontier era had few amenities. Modern standards of comfort can require the installation of many systems that could disrupt the visual and material integrity of a building. The installation of climate control systems should be carefully considered and designed by professionals. Location and Siting: Mechanical related equipment should be sited in such a way that they do not block or disrupt principal elevations and prominent views, especially on roof tops. Mechanical related equipment that is sited on grade should be inconspicuously sited. In some cases, appropriate screening such as low hedges, may be necessary. Any equipment that must be attached to the exterior of a wall should be done in an unobtrusive location and into mortar joints only. If mechanical attachments, such as water or cooling line sets must cut through a historic masonry wall, the installation should damage as few stones or bricks as possible. It is preferable to extensively damage one stone than to moderately damage four stones. The installation of modern equipment should be carefully planned to avoid damage and removal of historic materials from the interior.

**Grills, Exhaust Fans, etc.:** Grills, vents, exhaust outlets for air conditioners, bath and kitchen exhaust fans should be incorporated into filler panels or exhausted through the roof, if possible. They may be painted the same color as the filler panel.

**Resources:** The following National Park Service publications contain more detailed information about mechanical systems. Preservation Brief #24: Heating, Ventilating, and Cooling Historic Buildings—Problems and Recommended Approaches.

**i. Energy Efficiency.**

**j. Guidelines for Signage, Awnings and Accessories.**

**k. Guidelines for New Construction, Additions and Alterations. General.** In general, historic properties should be used as their historic intended purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. There are cases where small additions or detached new construction will not materially impair the historic or architectural character of the building or its site. New construction can be detached structures on the same property of the historic structure or an addition that is physically attached to the historic structure. Guidelines for new construction focus on general rather than specific design elements in order to allow for

architectural innovation. Existing historic buildings and landscape features should be retained and rehabilitated. New construction should reinforce the historic architectural and visual character of the site. The subject of new additions is important because a new addition to a historic building has the potential to change its historic character as well as to damage and destroy significant historic materials and features. A new addition also has the potential to confuse the public and to make it difficult or impossible to differentiate the old from the new or to recognize what part of the historic building is genuinely historic.

**Location. Additions.** New construction on the site should not detract from the primary historic building and should be subordinate in massing to the historic structure. Therefore, additions to the primary historic building should be on the rear of the building and visually set back from the side elevations. Proper placement of new detached buildings and even additions require an understanding of the development of the property over time and the surrounding area so that new construction is consistent with historic development patterns. For example, the modest limestone buildings were often built on narrow lots and had small wood-frame accessory structures at the rear or they were built on large lots with multiple dwellings spaced close together. The massing, volume, and height of any new construction should be subordinate to the massing, volume, and height of the existing historic structure on the site. Additions or new buildings on the site that "dwarf" the historic buildings will not comply with these guidelines.

**Accessory Buildings.** New garages and other accessory buildings should be compatible with the overall design and materials of the existing building on the lot. New garages should be located off rear alleys wherever possible. Garages should not be attached to the front of the building and should only be attached if not visible from the public way.

**Parking.** Residential parking areas should be confined to the rear of existing or new buildings. Parking spaces should be screened from view from the public street by landscaping such as hedges, grade changes or low fences.

**Setback and siting.** The setback of new buildings in most residential and commercial areas should be compatible with the setback of existing adjacent historic buildings.

**Roofs and Cornices.** New roof, and cornice designs should be compatible with the primary building on the site. It is more important for roof and roof edges to relate in size and proportion, than in detailing.

**Materials and Details.** The materials and details of new construction should relate to the materials and details of the primary building on the site, but should not be slavishly imitative. In other words, new masonry should be mortared to the exterior, but rubble stone construction is not required. Contemporary, cement-backed "dry stone" construction is not appropriate except for retaining walls. Later additions to early modest limestone houses were often wood frame and reflect the changes in materials, economic conditions and trends in architecture. New masonry additions to the limestone buildings are usually not appropriate.

**Windows and Doors.** Windows, doors, and openings should relate to those of the primary building on the site in the ratio of solid to void, distribution of window openings, and window setback from the exterior wall plane. The proportion, size, style, function and detailing of windows and doors in new construction should relate to that of existing adjacent buildings. Window and door frames should be wood, but imitative materials can be considered on a case-by-case basis.

**Resources:** The following National Park Service publications contain more detailed information about additions and new construction. Preservation Brief #14: New Exterior Additions to Historic Buildings: Preservation Concerns. Preservation Brief #17: Architectural Character—Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character

I. **Site Considerations. General.** The traditional pattern of streets, curbs, boulevards and sidewalks in the area should be maintained. Distinctive features of spaces in the area such as fences, retaining walls and steps that are important in defining the context should be preserved. The relationship of buildings to open space and setbacks of buildings is important to preserve. New street furniture and landscape improvements such as benches, bus shelters, kiosks, sign standards, trash containers,

*planters and fences should be compatible with the character of the Sites. The historic urban pattern of grid plan streets should be retained and enhanced in improvement projects.*

**Fences and Retaining Walls.** *Fences which are low and allow visual penetration of front yard space are preferable to complete enclosure. Fences of wrought iron or wood which enclose the front yard should be no higher than three and one-half (3 1/2) feet. Cyclone fences should not be used to enclose front yards or the front half of side yards. Stone, brick and split face concrete block are preferable to landscape timber for the construction of retaining walls.*

**Lighting.** *The location and style of exterior lights should be appropriate to the structure's age and original design intent.*

**Hardscaping and Landscaping.** *New landscaping should respect the historical and architectural character of the existing property.*

**m. Guidelines for Demolition and Moving Buildings.** *Proposals for demolishing structures, partial or whole, while reviewed with special care by the Heritage Preservation Commission, are not necessarily in conflict with the guidelines. When reviewing proposals for demolition of structures, the Heritage Preservation Commission will consider the following:*

- 1. The architectural and historical merit of the building. This includes consideration of the integrity of the structure and whether it was constructed during the Period of Significance.*
- 2. 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.*
- 3. The economic value or usefulness of the building as it now exists in comparison with the value or usefulness of rehabilitating the building or structure for a new use.*
- 4. The physical condition of the structure and the feasibility of continued use with considerations of maintenance, safety, and compliance with codes.*

#### **E. FINDINGS:**

- 1.** The Anthony Waldman House at 445 Smith Avenue North was designated September 9, 2015 as a Saint Paul Heritage Preservation Site under City Council agenda item Ord 15-42 (Legislative Code Sec. 74.09). The City's Legislative Code states the HPC 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). The Period of Significance for the Limestone Properties Thematic Nomination is 1850 to 1900.
- 2. HPC Public Hearing, August 27, 2015, File #15-040.** The HPC first held a public hearing for city permits to demolish the 1880s wood frame addition and construct a new addition along with two new additions and an accessible ramp on August 27, 2015. The public hearing was continued to allow for a Design Review Committee to "discuss alternatives to siting, massing, setback, detailing and materials regarding the ADA access, vestibule and brewing additions and appropriateness of replacing the 1880s addition with conjectural elements. A mitigation plan for removing the 1880s addition will also be discussed. Revisions that better meet the Preservation Program and character of the site will then be brought back to the HPC for a final decision." The Design Review Committee met and discussed all of these items.
- 3. HPC Order and Decision, October 8, 2015, File #15-040.** The applicant then submitted a new site plan indicating Options 1 and 2 for accessibility into the front door and showing future landscape and patio options that were not proposed at that time. There were also updated plans for the brew barn addition and vestibule noted as Options 1 and 2. Option 1 included the plans from the application reviewed by the HPC on August 27<sup>th</sup>, 2015. There were no changes proposed for Option 1. The vestibule and brew barn were redesigned for Option 2 and included: 1) lowering the wall and eave height but adding 10' to the footprint length. The vestibule was redesigned with glass to be more transparent and the width was

reduced from 17' to 14', thereby increasing the setback. There were minor changes submitted for the addition that will replace the 1880s addition: the south facing door and window were moved and the side porch was removed from the plans.

The HPC conditionally approved the revised application with findings on a vote of 5-2 with 1 abstention. The project was approved provided the following conditions be met:

1. *The 1880s addition may be demolished provided the building be documented through as-built drawings and archival-level photos pursuant to the Minnesota Historic Property Record (MHPR). The documentation shall take place prior to any work commencing and two copies shall be submitted to the HPC.*
  2. *Replacement 1880s addition: The upper awning windows shall be removed from the plans. A window in the upper end-gable may be added to increase the natural light. The dormer and double-hung windows may have divided lights as proposed. The trim and siding color shall be the same or close in color value and the color palette of the addition shall be a dark color to contrast with the historic stone.*
  3. *Brew barn addition and vestibule: Option 2 proposed for the Brew Barn with the extended footprint but lower roof eaves shall be constructed to be more in keeping with the design guidelines. The revised doors and windows on the brew barn from Option 2 shall be constructed. The eaves may be lengthened to 'visually' lower the overall wall height. Windows on the upper level on the end-gables may be installed to add more natural light. The trim and siding color shall be the same or close in color value and the color palette shall be a dark color to contrast with the historic stone. The vestibule presented in Option 2 shall be constructed. This is the more transparent, glass version with the reduced width. The final detailing and glass patterns will be reviewed and approved by HPC staff.*
  4. *Option 1 for the accessible route shall be selected and carried out. Final stone edging and railings shall be submitted to staff for review and approval and every effort shall be made to eliminate and/or reduce the need for railing by using grade.*
  5. *All final materials and details shall be submitted to HPC staff for final review and approval. All exterior screens shall have a wood flush mount frame with meeting rails to match the sash configuration and be full-frame screens. Screens may also be installed on the interior. The color scheme for the two additions with vestibule shall be dark and monochromatic in order to distinguish old from new and mitigate the large massing of the brew barn. Signage is not included with this application and shall be submitted and reviewed separately.*
  6. *Any revisions to the approved plans must be reviewed and approved by staff and/or the HPC.*
  7. *The HPC stamped approved construction drawings shall remain on site for the duration of the construction project. When final plans are submitted to DSI, an additional HP staff review is required to assure consistency with HPC reviewed plans and with the conditions.*
  8. *All City Council adopted conditions placed on the Historic Use Variance under City Council RES #15-1604.*
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4. This staff report only addresses the proposed revisions to the conditional approval from File #15-040. The findings and applicable conditions adopted under File 15-040 are still in effect where not impacted by the proposed revisions herein.
  5. **74.09(k). Accessible Ramp.** The accessible ramp originally approved to the south of the stone house and extending up to the raised platform along the public sidewalk has now been removed. The new accessible route will be from the rear of the property and the ramp is now inside the brew barn addition. This provides much less impact to the historic stone house because there is no raised ramp that will conceal the south elevation of the stone wall. The revised accessibility does not negatively impact the historic stone portion and therefore meets the intent of the guidelines.
  6. **74.09(k). Replacement 1880s addition.** There are no revisions to the conditionally approved 1880s replacement addition except for the rear (west) elevation and the vestibule

connection. The findings to allow for the demolition of the 1880s addition and for the proposed replacement have not changed and are cited in the staff report dated August 19 with October 2, 2015 updates. The current drawings reflect the conditions which were to remove the awning windows from the second floor but allow an end-gable window facing west.

7. **74.09(k). Vestibule Addition.** The largest revision is with the vestibule addition. The HPC approved a shortened vestibule that was directly behind the 1880s replacement addition, where the guidelines recommend locating new construction. Increasing the vestibule's setback from the 1880's replacement elevations helped the large brew barn addition appear more detached from the historic stone portion and 1880s replacement addition from both elevations. This aspect became an important element because the brew barn did/does not comply with the guidelines that state "*historic properties should be used as their historic intended purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment*" and "*new construction on the site should not detract from the primary historic building and should be subordinate in massing to the historic structure.*" Because the brew barn is not subordinate in massing to the stone house, the focus was on making a vestibule that was located behind the replacement addition with setbacks from both side elevations, and using mostly glass also provided a transparent link to transition from the rear addition to the large brew barn. The guidelines recommend that new additions be at the rear and *visually set back from the side elevations.*

The revised vestibule addition is still mostly glass which maintains the level of transparency, and the north elevation setback is recessed a similar distance than what was already approved by the HPC, however, the vestibule size has increased to the south, providing no setback from the 1880's replacement elevation but rather extending beyond both the stone portion and 1880's replacement elevations (about 18' and 13' respectively). From the south, the large brew barn addition is now clearly "attached" to the historic stone portion and 1880s replacement addition. There is also an overhang that extends further than the elevations to provide for a future protected entrance/exit. This appears more as a feature than a "connector" to the large brew barn.

The revised vestibule no longer meets the guidelines of being setback from the side elevations and no longer helps the brew barn to appear "detached."

8. **74.09(k). Brew Barn Addition.** The brew barn addition continues to not meet applicable guidelines and Secretary of the Interior's Standards for Rehabilitation. The brew barn addition was sited at the rear and extended to the south, however, because the brew barn is shifted 22' to the south the attachment is much more visible and is not consistent with historic development patterns and early massing of accessory structures. The HPC preferred a 48' length but accepted a 58' length in exchange for the roof edge to be dropped to make the addition appear subordinate to the historic stone portion, despite being much larger. Therefore, the location, size and setback continue to not meet Standard 9 or 74.09(1)(i) which states, *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

The guidelines further state, *Proper placement of new detached buildings and even additions require an understanding of the development of the property over time and the surrounding area so that new construction is consistent with historic development patterns. The massing, volume, and height of any new construction should be subordinate to the massing, volume, and height of the existing historic structure on the site. Additions or new buildings on the site that "dwarf" the historic buildings will not comply with these guidelines.* The shifting of the brew barn and vestibule extension to the south, along with the larger footprint of the brew barn "dwarf(s)" the historic stone building. The revisions exaggerate

this where the conditionally approved plan mitigated some of the massing effect. The setback of the brew barn, however, does allow for a required on-site ADA parking space and allows for required accessibility into the new use to be handled on the interior and not on the south lawn and impacting the historic resource more.

9. The materials **74.09(k). Accessory Buildings.** The guidelines for attaching an accessory structure, such as the brew barn continue to not be met with the proposed revisions. The brew barn addition is not a detached accessory building but was designed in a way to make it appear detached and accessory to the main stone portion and new rear addition. The addition is distinguished from the stone portion and replaced 1880s addition by using board and batten vertical wood siding and by constructing an addition that looks like a barn structure. The guidelines state, *garages should not be attached to the front of the building and should only be attached if not visible from the public way.* The “accessory” additions are visible from the public way given there is a public alley along the side elevation to the north and a large open yard to the south allowing for greater visibility of the new additions. Early structures that were built to house animals during the Pioneer Era were much smaller, detached and located at the back of the lot. This particular lot is not deep but wide and there were four historic principle structures oriented along the main front sidewalk with a few outhouses and very small sheds at the rear of the property as indicated in the 1891 Sanborn Insurance Map. This development pattern represents the long time use of the property as residential, both owner occupancy and rental. There does not appear to have been any structures added for autos even after the Period of Significance as the lot depth and space between the structures limited larger accessory structures.

10. **Setback and siting. Roofs and cornices. Materials and Details. Windows and Doors.** With the exception of setback and siting, these items for the brew barn and vestibule additions were addressed in the previous staff report and the previous HPC conditional approval still applies where applicable.

The materials of the vestibule and the brewing addition continue to relate to the existing wood frame addition and the detailing is *differentiated from the old* which meets part of Standard 9 or 74.09 (1)(i) but the brew barn is not *compatible with the massing, size, scale, ... to protect the historic integrity of the property and its environment.* Both differentiation and compatibility are needed to meet Standard 9. The revisions in the vestibule proposed with Option 2 did help with “detaching” the brew barn from the historic structure. There are also some detail changes on the brew barn on Option 2 that provided better compatibility, such as the doors and window revisions. Some of the changes in windows and doors now continue to meet the guidelines. Four new skylights are proposed which are not flat but raised with ‘bubble’ glass. Typically, skylights that are flat and follow the roof pitch or new dormers are acceptable, however, the skylights are on the rear elevation of the new construction and will not have a negative impact to the historic stone portion, its site or environment.

11. **Parking.** Parking for the property now includes one accessible space at the rear of the site that is accessed from the alley. This complies with the guidelines that states “*Residential parking areas should be confined to the rear of existing or new buildings. Parking spaces should be screened from view from the public street by landscaping such as hedges, grade changes or low fences.*” There is a small strip of green space along the north elevation and limited space to provide any screening but there may be some area for shrubs or plants. Part of the alley will be striped and indicated as a path that can be used to access the rear accessible entrance from the front of the site. The striping will have no impact to the historic resource.

12. **74.09(h) Mechanical Systems.** A condenser with an enclosure is now proposed at the

northwest corner of the site next to the trash enclosure. A detail of this screening was not provided and should be submitted to staff for further review.

13. **74.09(I) Site Considerations. General.**

**Fences and Retaining Walls.** The applicant may choose to install a fence along the back of the lot but that is not part of this application and must be submitted for review. A condenser and trash screen/enclosure has been added to the site plan but no detailing was provided.

**Lighting.** Exterior lighting was not yet proposed and must be submitted for review.

**Signage.** Signage is being planned but is not proposed as part of this application.

**Hardscaping and Landscaping.** The handicap access ramp has been removed from the site and a new concrete stoop are proposed. There is also a new well cover indicated on the site plan but a detailed drawing was not submitted. That should be submitted to staff for further review.

14. The revised **vestibule** has maintained transparency but is no longer setback from the south elevation of the stone or 1880s replacement portion and has increased in size, and therefore, the brew barn is visibly attached to the much smaller historic stone building. The revised vestibule will have a negative impact and does not comply with the Preservation Program and architectural control of the Limestone Properties Thematic Nomination. Given the revisions to the vestibule, the massing of the insubordinate brew barn addition is not mitigated and the shifting of the brew barn makes the massing much more visible from the front and south views.

The shifting of the brew barn, however, does allow for a required **ADA parking spot** and then allows for the accessible ramp into the new commercial use to be located inside the vestibule and brew barn. This removes a large path and ramp that impacted the historic stone portion negatively. Having one parking spot located on the site, given it is located behind the structure and will be minimally visible complies with the Preservation Program and architectural control of the Limestone Properties Thematic Nomination

**F. STAFF RECOMMENDATION:**

Based on the findings, staff recommends approval of city permit applications provided the following conditions are met:

1. All applicable conditions from the October 8, 2015 HPC decision and order are still in place, except as modified by the subject application's approval.
2. The larger footprint (58' long) of the brew barn will continue to be accepted so long as the vestibule is redesigned to be recessed from the elevations of the stone portion and the 1880s replacement. This may require a larger vestibule and moving the condenser and omitting the trash enclosure. The smaller Design Review Committee will be reconvened to review and approve this redesign.

**G. ATTACHMENTS:**

1. New application and plans dated January 6, 2016
2. HPC conditional approval letter and previous plans from October 8, 2015.



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

## HERITAGE PRESERVATION COMMISSION DESIGN REVIEW APPLICATION

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

### 1. CATEGORY

Please check the category that best describes the proposed work

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

### 2. PROJECT ADDRESS

Street and number: 445 Smith Ave Zip Code: 55102

### 3. APPLICANT INFORMATION

Name of contact person: Tom Schroeder

Company: N/A

Street and number: 194 McBoal St.

City: St Paul State: Mn Zip Code: 55102

Phone number: (612) 385-8838 e-mail: tom.schroeder@taegrebd.com

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

Name: (same)

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

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

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

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

Contact person: John Yust

Company: Yust Architectural Services

Street and number: 476 West 7th St.

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

Phone number: (651) 290-2411 e-mail: jhyust@hotmail.com

**6. PROJECT DESCRIPTION**

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

See attached.

*Attach additional sheets if necessary*

**7. ATTACHMENTS**

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

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

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

**YES**

Will any federal money be used in this project?	YES	_____	NO	<input checked="" type="checkbox"/>
Are you applying for the Investment Tax Credits?	YES	_____	NO	<input checked="" type="checkbox"/>

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

Signature of applicant: Thomas P. Schwach Date: 1-6-16  
Signature of owner: Thomas S. Schwach Date: 1-6-16

**FOR HPC OFFICE USE ONLY**

Date received: \_\_\_\_\_ FILE NO. \_\_\_\_\_  
Date complete: \_\_\_\_\_  
District: \_\_\_\_\_/Individual Site: \_\_\_\_\_  
Pivotal/Contributing/Non-contributing/New Construction/Parcel:  
Type of work: Minor/Moderate/Major

\_\_\_\_ Requires staff review

Supporting data: YES NO  
Complete application: YES NO

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

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

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

Date \_\_\_\_\_

\_\_\_\_ Requires Commission review

Submitted:

- 3 Sets of Plans
- 15 Sets of Plans reduced to 8 1/2" by 11" or 11" by 17"
- Photographs
- CD of Plans (pdf) & Photos (jpg)
- City Permit Application
- Complete HPC Design Review application

Hearing Date set for: \_\_\_\_\_

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

**Attachment to Design Review Application**  
**(445 Smith Ave)**

The HPC completed its initial Design Review of the subject property at its October 8, 2015 Public Hearing.

Subsequent to that hearing, the owner was informed by Saint Paul Public Works that the single required ADA accessible parking stall for the project would not be allowed on Smith Avenue in front of the building. Furthermore, feedback was subsequently obtained from Council on Disabilities and other stakeholders that accessible parking was not preferred in the owner's remote parking lot, approximately 220' feet down the alley.

Accordingly, although the owner initially disfavored any parking on the historic site, he has now modified his plans to include a single ADA accessible parking stall immediately behind the historic building complex, adjacent to and accessed from the alley to the north. In order to make room for this ADA parking stall, certain changes (summarized below) are proposed from the designs previously approved by HPC in October. The owner has also taken advantage of additional mechanical/electrical information and feedback obtained during preliminary site plan review meetings, and depicted a few other new details such as an accessible alley pathway, exposed roof vents and skylights.

The following summarizes these changes/additions:

1. The "brew barn" (the new building in the back-lot proposed to house the restrooms, brewery equipment, kitchen, mechanicals, storage and office) has been moved 22' to the south.
2. The vestibule connecting the replacement 1880s addition, which previously ran along an east-west axis when the brew barn was located directly behind (to the west of) the replacement 1880s addition, now jogs to the south in order to connect with the relocated brew barn.
3. The ADA accessible entry is now located in north side of the brew barn, immediately adjacent to the ADA parking stall. An interior ramp spans the ADA accessible entry and the vestibule area, which is at the same level as the first floor of the building. The location of the accessible entry and use of an interior ramp are both changes from the prior plans, which depicted a 75' exterior pathway/ramp meandering from the public sidewalk on Smith Avenue, up to the stone porch and east-facing doorway on Smith Avenue.
4. A 4-foot wide marked, exterior path running along the south edge of the alley will connect the public sidewalk along Smith Avenue to the ADA accessible entry, in the event the on-site ADA parking stall is occupied and disabled patrons approach from the public sidewalk.

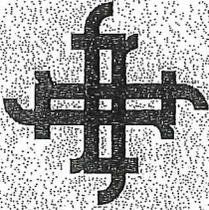
5. Certain modifications have been made to the windows and doors of the brew barn to accommodate revisions to the interior floorplan, which revisions were in turn dictated by the change in where the brew barn connects with the vestibule. However, although the locations and dimensions of some doors/windows have changed, they are rendered in a style consistent with that previously reviewed by the HPC.
6. The location and approximate dimensions of all known roof-top skylights, vent stacks, exterior compressor, exterior trash pad, etc. associated with the brew barn have been added to the drawings. We have concentrated these elements on the west-facing roof slope, to reduce their visibility from Smith Avenue.
7. A 6' x 6' wooden lid is shown over the site's historic, hand-dug, stone-lined well, which lies a few feet to the south of the stone building. The well was found preserved underneath the front entryway of the house that had been moved to the site in June of 1897. (In September, this house was moved again to 41 Douglas Street). The owner is seeking a variance from the Minnesota Department of Health, Well Management Division, to preserve this feature in a safe and secure manner. Further research will be done on its appropriate treatment for future proposal to the HPC.
8. The revised designs satisfy all other elements of the HPC's written conditions following its October 8, 2015 Public Hearing. In particular:
  - a. The brew barn incorporates the lowered and steepened roof eaves selected by the HPC (i.e., 8/12 pitch, rather than the originally-proposed 6/12 pitch);
  - b. The length of the brew barn complies with the extended 58' footprint allowed by the HPC to accommodate the steepened roof-pitch (all other dimensions remain the same, including width and roof peak height);
  - c. Glass continues to predominate in the vestibule, which is now even more transparent (a positive feature identified by the HPC) due to the elimination of a previously-proposed half-wall dividing the restroom and service corridors.

We look forward to discussing these proposed changes further with the Commission at the hearing.

TSS



File copy  
Estimate - 1-23-16



**West 7th/Fort Road Federation**  
974 West 7th Street  
Saint Paul, Minnesota 55102

651-298-5599  
FortRoadFederation.org

January 28, 2016

Mr. Richard Dana, Chair  
Saint Paul Heritage Preservation Commission

RE: 445 Smith Avenue

Dear Richard,

The Federation supports the application of Limestone Properties to revise the site plan in order to meet off street parking requirements for accessibility and a trash enclosure.

Sincerely,



Shawn Devine, President



## Spong, Amy (CI-StPaul)

---

**From:** Paulette Myers-Rich <pmrich22@hotmail.com>  
**Sent:** Tuesday, January 26, 2016 11:49 AM  
**To:** Spong, Amy (CI-StPaul)  
**Cc:** #CI-StPaul\_Ward2  
**Subject:** HPC File 16-014 and 16-016 445 Smith Avenue



I am writing to oppose the addition of a parking spot and adjoining sidewalk to accommodate handicapped access at 445 Smith. The attached photos are the view from my window. I am somewhat startled that this plan is even being considered, much less officially submitted for approval.

I've lived across the street from this property for 14 years and have witnessed numerous times the large garbage trucks and semi-trucks that enter and exit this ally with barely inches to spare between the stone house and the garage on the north side of the alley. Vacating four feet for a sidewalk is logistically impossible

for the vehicles that use it, and hazardous to any able-bodied person, much less a handicapped one. There simply isn't the room. The grass alongside the stone house is driven over all the time, and it is where snow piles up in the winter when the alley is plowed. You can see in the photo above that a car parked alongside the building has narrowed the distance for a car to pass, making it a very tight fit. How can a walkway work in this location?

Also, the adjoining property on Smith Avenue has a driveway directly across from the area proposed for a sidewalk. There is just enough room for them to back out without making contact with the stone house. A walkway would impede their ability to use their drive. The loading dock for Bad Weather Brewery is also adjoining this walkway. Needless to say, this alley is much more active than it was formerly- and as it is, too narrow for larger trucks. In fact a complaint was sent to the Fort Road Federation about this years ago when the building was operating as Armstrong Tires, as their trucks would knock the bollards over that protected the gas meter on the side of the stone house. That meter was relocated due to this hazard. The issue of the trucks was resolved only when Armstrong Tires closed. Semis and large trucks are frequent in the alley once again now that a new business has moved into that site. And there are numerous taproom customers that use this alley at all hours to exit onto Smith Avenue, without regard to the signage directing them to vacate the alley at W. 7th St. This plan is hazardous, and ill conceived in terms of the needs and activity of the other users of this public right-of-way.

There is also the ongoing issue with icing conditions in this part of the alley, which has been diligently cared for by neighbor Terrence Shriner, who has always taken care of that area for his driveway. He will not be there in the future to do so, as he is moving. This area of the alley must be very well-maintained due to the slope that is present. Melting snow tends to turn to ice in that section and it can get very slippery for both vehicles and pedestrians. Therefore, once again, this is not a good location for access for a wheelchair or walker due to these conditions. Needless to say, a very busy Smith Avenue is at the base of this slope with a drive that runs right into it. Anything on wheels is liable to slide back into Smith. And there really is nowhere for snow to be placed now that the large walkway recently installed in the front of 445 Smith by the owner has removed the boulevard. This means snow gets piled up in areas that creates a barrier and a blind entrance for drivers entering the alley from the north on Smith Avenue. Another hazardous condition. I simply cannot imagine that the city could approve this plan given the significant exposure and liability for any accident that would result from these conditions. I ask that you deny this plan for handicapped access for these reasons.

Sincerely,

Paulette Myers-Rich  
David Rich  
436 Smith Avenue  
St. Paul, MN 55102

## **Spong, Amy (CI-StPaul)**

---

**From:** Lindsay Marie Lopez <LXLopez@primetherapeutics.com>  
**Sent:** Thursday, January 28, 2016 4:13 PM  
**To:** Spong, Amy (CI-StPaul); Noecker, Rebecca (CI-StPaul)  
**Subject:** HPC File 16-014 / 16-016 445 Smith Avenue  
**Attachments:** mg\_info.txt

Good Afternoon Amy and Rebecca -

I am writing to bring into testimony for this evenings hearing in regard to the request of 445 Smith Avenue for a single ADA parking space in the rear of the property along with the request of a 4 foot walkway to be conjoined into the alleyway. As a neighboring resident of the location in question for more than 25 years, that has no other choice but to use that entryway of the alley to access parking on my private property, it is the most hideous proposal I've ever read. This particular alleyway joins one busy street to yet another and had already been highly traveled by people cutting through from West 7th Street to Smith Ave or vice versa. Now that Bad Weather Brewer occupies the other end of the alley business patrons are also in use of traveling through.

I would like to bring attention to specific statements within Title III of the ADA: Public Accommodations - Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources.

### ADA Parking Space

Point number 1 of the "Description of Changes" states that there has been an ADA accessible parking space added. Let me elaborate that a cement slab had been added behind the property shortly after construction of the project started. Meaning that an ADA parking space has not been "added", rather that the space has been deemed as a convenient ADA parking space. This ADA parking space has limited visibility on both the left and the right side of the space, as the proposing property is directly on one side and a privacy fence boarding the neighboring property is on the other. Directly behind this parking space is a wooden electrical pole and an attached deck to the Bad Weather Brewing Company's building. The limitations of visibility and the physical limitations of accessibility to the parking space are considered barriers depending on an individuals disability. Because not all of these barriers are not public property it would be impossible to remove or better accommodate the parking space for the safety of a disabled person and the rest of the public that uses the alleyway to get through.

Point number 5 requesting the "4-foot wide marked, exterior path running along the south edge of the alley..." Let me point out (pics have been provided via email by other neighbors in which have addressed similar concern, please reference those if needed) that a 4-foot wide walkway would not run along the edge of the alley, rather it would take up more than half the alley. To create a walkway with the intention for a disabled person to use, if need be, in a busy alleyway is putting a person with a disability in extreme danger. With the size of the alleyway, amount of traffic that travels through, the type of people (leaving the brewery after an evening of having a few), and the remaining residents trying to get on and off of our private properties the idea of a walkway is ridiculous. Bike paths have been added to public streets around St. Paul, in which the City had to build room to accommodate the safety of the cyclists and the motor vehicle operators, this should be viewed no differently.

I would like to recognize the first portion of the ADA listed above: Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. - this proposal is separating those without disability to those with disabilities by one class being capable to use the front doors verses the incapable having no other choice but to use the back door. Almost reminds me of the old times where it was "man" or "woman", "white" or "colored" people. We shouldn't have to be subject to limitations of access to a venue because planning chose to not securely and physically make it possible for convenience.

Thank you for your time,  
-Lindsay Lopez

**Lindsay Lopez**

Insurance Specialist

Family Planning

Prime Specialty Pharmacy

Prime Therapeutics

**direct tel** 612-777-2782

**fax** 877-828-3939

**email** [lxlopez@primetherapeutics.com](mailto:lxlopez@primetherapeutics.com)

**web** <http://www.primetherapeutics.com>

**twitter** [@Prime\\_PBM](https://twitter.com/Prime_PBM)

**Our Culture:** 5 Words Guide Everything We Do

■ Accountable ■ Active ■ Candor ■ Purpose ■ Together

## Spong, Amy (CI-StPaul)

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**From:** Dubruiel, Paul (CI-StPaul)  
**Sent:** Thursday, January 28, 2016 7:55 AM  
**To:** Dermody, Bill (CI-StPaul); Spong, Amy (CI-StPaul); Boulware, Christine (CI-StPaul)  
**Subject:** fyi your electronic copy FW: 445 Smith Ave zoning application early notification

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**From:** dickhaus@comcast.net [mailto:dickhaus@comcast.net]  
**Sent:** Wednesday, January 27, 2016 8:23 PM  
**To:** City of Saint; Dubruiel, Paul (CI-StPaul)  
**Subject:** Re: 445 Smith Ave zoning application early notification

Planing Division this is in response to the plan to move the brew building to the south 22 feet in order to allow a handicap parking place and a 4 foot sidewalk on the side of the alley. The objections to this plan are numerous the alley is narrow and is currently used by a number of trucks and as a short cut by people going from Smith to 7th street this is done at all hours of the day and evening. The plan to move the brew house (building) changes the view of the property from seeing 20-30 ft of the building to seeing all but 4-6 feet of it with the glass connection will becoming a very visible part of the building if it's even possible to be built and used. The other question that this raises is the level of brewing that will be at this location, the larger building has a capacity of 28 bbl's with the smaller building having a 42 bbl ability with cold storage for 30 bbl's this doe's not match what Tom S told the city councle back last year. Again I object to the fact that Tom doe's not feel that the handicap entrance needs to be the same as the one his friends will use. Richard P. Haus 444 Smith Av N St Paul Mn 55102 651 330 2948 home 612 6700972 Cell

---

**From:** "City of Saint Paul" <cityofsaintpaul@public.govdelivery.com>  
**To:** dickhaus@comcast.net  
**Sent:** Friday, January 15, 2016 3:51:33 PM  
**Subject:** 445 Smith Ave zoning application early notification

The Planning Division of the Saint Paul Department of Planning and Economic Development (PED) has received the attached zoning application for consideration by the Zoning Committee of the Planning Commission. This information is being forwarded to you as required by the City's Early Notification Policy.

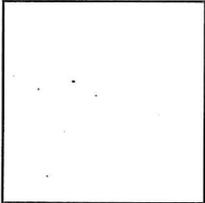
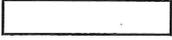
This application is for property located in the area represented by the West Seventh/Fort Road Federation, an independent organization that provides advisory recommendations to the City about a variety of issues. They may choose to discuss this item at a neighborhood meeting and provide a recommendation to the Zoning Committee of the Planning Commission. Please contact West Seventh/Fort Road Federation at (651) 298-5599 or fortroadfed@fortroadfederation.org if you are interested in participating in the neighborhood review process.

**Please note that this application has not yet been reviewed for completeness and it may therefore be returned to the applicant for additional information.**

You will receive further notification from the Planning Division when a public hearing on the application has been scheduled.

Contact [paul.dubruiel@ci.stpaul.mn.us](mailto:paul.dubruiel@ci.stpaul.mn.us) with questions.

- [445 smith 11.pdf](#)



Questions? [Contact Us](#)

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This email was sent to [dickhaus@comcast.net](mailto:dickhaus@comcast.net) using GovDelivery, on behalf of: City of St. Paul · 15 W Kellogg Blvd · Saint Paul, MN 55102 · 1-800-439-1420



File copy  
testimony - 1-27-16

**Spong, Amy (CI-StPaul)**

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**From:** joann.schreiner@usbank.com  
**Sent:** Thursday, January 28, 2016 1:47 PM  
**To:** Spong, Amy (CI-StPaul)  
**Subject:** Heritage Preservation Commision Hearing (1/28/16)  
**Attachments:** image1.JPG; image2.JPG

Amy,

Sorry. This is what I was trying to send you.

Joann Schreiner  
433 Smith Ave

----- Forwarded by Joann M Schreiner/MN/USB on 01/28/2016 01:46 PM -----

**From:** Joann M Schreiner/MN/USB  
**To:** amy.spong@ci.stpaul  
**Cc:** bill.dermody@ci.stpaul.mn.us, "Noecker, Rebecca (CI-StPaul)" <Rebecca.Noecker@ci.stpaul.mn.us>  
**Date:** 01/28/2016 01:45 PM  
**Subject:** Heritage Preservation Commision Hearing (1/28/16)

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Hello Amy,

Just want you to see how close we get to 445 Smith when backing out of our garage into the alley going onto Smith Ave, it would be that close going out the other way to head towards 7th street. It is very narrow now, there really is no room for a walkway (sidewalk). Even less room when you have to pile snow on that side and that is where it would have to go, there is no boulevard in front of 445 Smith because of the entrance to the Stone House.

This is my husband's truck, I drive a Chevy Cruze which is smaller, however I too get that close, because of the way our garage is situated, we have to be very careful not to hit the building (445 Smith), which we can see, not to sure if we will be able to see someone in a wheelchair, it will definitely be more difficult and extremely dangerous.

Joann Schreiner  
433 Smith Ave  
St. Paul, MN 55102

U.S. BANCORP made the following annotations

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## **Spong, Amy (CI-StPaul)**

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**From:** joann.schreiner@usbank.com  
**Sent:** Friday, January 22, 2016 12:39 PM  
**To:** Noecker, Rebecca (CI-StPaul)  
**Cc:** Spong, Amy (CI-StPaul)  
**Subject:** Heritage Preservation Commission Agenda for January 28, 2016  
**Attachments:** 445+smith+11.pdf

Hello Rebecca and Amy,

Happy Friday to you both! Rebecca congratulations on being our representative for Ward 2.

I am sending this email to you in regards to the hearing on January 28, 2016 regarding 445 Smith Ave, Tom Schroeder's property which is right across the alley from our property, 433 Smith Ave. According to his plan (#5 in the attachment below) he would like to cut a 4' wide sidewalk in the alley. I definitely hope and pray that this request is denied. Not only would this be extremely dangerous for disabled people, it would be extremely dangerous for any person walking in the alley. With Bad Weather Brewing at the other end of the alley we have more vehicle traffic in the alley then we ever have had, in the last 28 years we have lived at 433 Smith Ave.

We use the alley daily to get in and out of our garage, the alley is not very wide and pulling in and out is tight, no matter which end, which way, we pull in or out of the alley or the garage, we come very close to the building at 445 Smith Ave, and to have a walkway (sidewalk) right there it will be too dangerous. Disabled or not, backing out of our garage into the alley is hard enough to see vehicles coming from either end of the alley, and if someone is in a wheelchair, it will be even more dangerous. Also we have to consider the weather conditions, if icy or slippery will cause even more dangerous conditions for pedestrians (disabled or not) and vehicles. The alley is used by vehicles daily, not only by the people that live there and use the alley however, garbage trucks, service trucks for Bad Weather Brewing and also their employees and their customers.

I am in fear for people's lives if approved to have a walkway (sidewalk) in the alley for 445 Smith Ave.

If Tom Schroeder needs a walkway (sidewalk), I don't mind, I just ask that it be on the other side of his building not in the alley.

Sincerely,

Terrance and Joann Schreiner  
433 Smith Ave  
St. Paul, MN 55102  
(651) 340-1749

U.S. BANCORP made the following annotations

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