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**TO:** Christine Boulware, Planning and Economic Development  
**FROM:** John Maczko, P.E., City Engineer, City of St. Paul Public Works  
**DATE:** February 5, 2013  
**SUBJECT:** Notice of Appeal – HPC denial of North Side of 6<sup>th</sup> St. E between Sibley and Wacouta

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## **Notice of Appeal – HPC denial of North Side of 6<sup>th</sup> St. E between Sibley and Wacouta**

Public Works respectfully submits this Notice of Appeal for the denial of the widening of the aforementioned sidewalk, HPC File #13-012.

We desire to complete the project as described in our January 3, 2013 application, without further modifications. All of the following grounds for appeal reference the HPC Staff report, dated January 18, 2013.

### **Grounds for Appeal, Item 1: Guidelines refer to the building face, not the face of the curbing.**

Regarding the Lowertown Historic District Design Review Guidelines , the report references:

*“There should be no more than a 5% variation in setback from existing adjacent buildings. The proportion of built edge to open space should preserve the plane of the street wall, particularly along the streets facing Mears Park and the Farmer’s Market.”* (Section D, Item 4, Page 6)

Public Works notes that this important item references the variation in setback from adjacent buildings. While appropriate for guiding the construction of buildings, this guideline clearly omits any reference to sidewalk or the location of curb and gutter. The “*built edge*” is not defined by the edge of curb, but by the “*street wall*” as defined by the cluster of buildings. Whereas the tall historic buildings on this block readily impose a “face” to the surrounding vicinity, the six-inch curbing certainly is not capable of establishing or defining such a characteristic.

### **Grounds for Appeal, Item 2: Project will enhance streetscape and landscape features.**

Regarding The Secretary of the Interior’s Standards for Rehabilitation (1990), the report states the following under the caption “Not Recommended”:

*“-Destroying streetscape and landscape features by widening existing streets, changing paving material, or introducing inappropriately located new streets or parking lots.”* (Section D, Item 4, Page 8)

Public Works notes that this item references the destruction of streetscape and landscape features. All existing streetscape and landscape features are being relocated, not destroyed. The existing street will be narrowed, not widened. The paving material is not being changed. We are not creating a new street, or a parking lot. The project actually widens the area available for the public in a busy downtown corridor. Similar pedestrian enhancements are taking place in downtowns throughout the country to allow people to be more connected to the area. Based on our review of the guideline, we submit that this guideline issues strong support for our type of project.

**Grounds for Appeal, Item 3: Project will not significantly alter the historic street grid.**

The report states the following finding:

*“Public works also proposes to remove a traffic and parking lane which will altering the historic street grid”  
(Section E, Item 3, Page 10)*

Public Works respectfully disagrees that we are altering the historic grid. We believe that the historic street grid is not defined by the existing concrete curb, or the proposed concrete curb, or parking lanes – none of which existed during portions of the period of historical significance for this district. The size of the public ROW is not changing in this area - just how much of the ROW is used for a specific mode of travel. All modes that exist today will continue in the proposed area. Public Works notes that the historic buildings on this block did exist in that time period, and are not in any way being altered.

**Grounds for Appeal, Item 4: Established precedent at Mears Park is questionable.**

The report states the following finding:

*“The sidewalks around Mears Park are all 14’ and this is an established precedent within close proximity.”  
(Section E, Item 3, Page 10)*

Public Works notes that Mears Park does not set any such precedent in regards to sidewalks. Earlier designs submitted by the property owners’ architect set out to mimic the design patterns of Mears Park. Such concepts were eliminated from consideration (after meetings between this architect, Public Works and Heritage Preservation staff) due to the simple fact that the sidewalk surrounding Mears Park does not harken back to anything remotely historical. Further, being constructed approximately 40 years ago (constructed between 1969-1973), the width of the sidewalk hardly establishes a relevant precedent. If that were the case, the sidewalk across from Mears Park at Galtier Towers might represent a superior template for new construction.

**Grounds for Appeal, Item 5: Established precedent exists at 4<sup>th</sup> St. East between Sibley and Wacouta.**

The report states the following finding:

*“Public Works proposal to introduce a gray concrete paver band that is not located on any other adjacent block or around Mears Park does not comply with the standard that recommends against “Introducing a new building, streetscape or landscape feature that is out of scale or otherwise inappropriate to the setting’s historic character.” The application states that this is not a requirement for traffic purposes. This was a requirement, however, along 4th Street for the LRT but that should not establish a new precedent for the rest of Lowertown”  
(Section E, Item 7, Page 12)*

New sidewalk construction was performed very recently (2010-2011) within the Lowertown Historic District, on the north side of 4<sup>th</sup> Street East, between Sibley and Wacouta – a mere two blocks away. Short of any available design guidance for historically appropriate sidewalk construction within the District – there is none - this block provided Public Works a recent example of work that was deemed appropriate. By using a thoroughly

vetted template for our design, consistency within the District is improved. Consistency is important not only for visual and aesthetic concerns, but it also simplifies future maintenance considerations.

The gray concrete paver band was not deemed an absolute requirement for our project, but it provides more than just consistency within the District. It provides an important visual cue for pedestrians to readily differentiate between the traveled walkway and the roadway. By incorporating pervious pavers, it represents the current best practice for planting trees in an urban environment. Public Works is more than willing to consider other applications that perform the safety function.

### **Grounds for Appeal, Item 6: The historic viewshed is not adversely impacted by this project.**

The report states the following finding:

*“The widening of the sidewalk from 10 feet to 18 feet would have an adverse impact on the view sheds and street views. With the “grid-iron” street pattern in Lowertown, site lines, streetscape and landscaping features align to reinforce the strong linear precedent. Public Works proposal to shift the location of the trees and lights will physically and visually disrupt the consistent line of trees and lights that further emphasize the historic grid and unique topography of the Historic Lowertown Heritage Preservation District.”* (Section E, Item 6, Page 11)

Public Works questions this statement with the fact that we believe that the “grid-iron” is not defined by bus shelters, trees, signage, streetlights or concrete curbing on the simple basis that such elements did not exist within the period of historical significance. Altering the placement of such elements does not compromise the “grid-iron”. The “grid-iron” is defined by the historic buildings on this block face. The viewshed would be adversely impacted if we were proposing to remove these buildings or otherwise shift their location.

The unique topography of this area - and especially this block - was forever altered when Mears Park was created by leveling (grading) the historic hill. While the sense of space will be somewhat altered if this project proceeds, it is a mischaracterization to suggest that widening this sidewalk will “disrupt the...unique topography” of the District.

### **Conclusion**

Public Works current proposal represents a compromise culminating from years of discussion. The final product will represent a significant improvement over the existing conditions and contribute to the vibrancy and character of Lowertown.

Public Works supports ongoing efforts to work alongside HPC staff to enhance the historical character of this block face within the context of this project. That includes using clear concrete curing compound (as opposed to bright white), selecting tree species, and specifying specific locations for trees in a manner that promotes and protects the historical buildings’ facade.