

To: Saint Paul Heritage Preservation Commission

From: Eric Galatz, Stinson, LLP. Representing Gar Hargens and Missy Thompson, 548 Portland Avenue and Gary R. Currie and Elizabeth A. Currie, owners of 536 Portland Avenue, St. Paul, Minnesota, neighbors of 542 Portland Avenue.

We present two basic objections to the proposed triplex:

1. The first objection should settle the question because it is jurisdictional: the application calls for the alteration of property the developer does own or have the right to acquire, without the consent of the Owner.

The existing Triplex located on 542 Portland Avenue is served by an 8-foot wide driveway that also serves the Currie's existing single family home that is located next door, at 536 Portland Avenue. The City allows the applicant to proceed, the additional 3 units, with their addition 6 parking spaces, will be served by that same driveway. The driveway is built on a reciprocal easement between the owners of 542 Portland and 536 Portland. The center line of the common driveway is the property line between the Currie property and the Sullivan property. The west 4 feet of that easement is on the subject property. The east 4 feet is on the Currie property. The reciprocal driveway easement does not provide Sullivan the right to build on the Currie property and the Curries do not grant that right.

**Section 73.03.1 of the St. Paul Legislative Code requires that an applicant for an approval from the heritage preservation commission be a "person having an ownership, leasehold, or contingent interest in the heritage preservation site . . ." The applicant does not own an interest that allows the applicant to alter the east 4 feet of the driveway. The Curries do not consent to the redevelopment of their property and that should be the end of the discussion.**

2. The second objection is, even if the HPC has authority to grant the applicant permission to alter the Curries' property, the proposal violates the most fundamental principles Heritage Hill Historic Preservation District Guidelines.

Sec. 74.65. - New construction.

(a) General Principles: The basic principle for new construction in the Historic Hill District is to maintain the district's scale and quality of design. The Historic Hill District is architecturally diverse within an overall pattern of harmony and continuity. These guidelines for new construction focus on general rather than specific design elements in order to encourage architectural innovation and quality design while maintaining the harmony and continuity of the district. New construction should be compatible with the size, scale, massing, height, rhythm, setback, color, material, building elements, site design, and character of surrounding structures and the area.

The "size, scale, massing, height, rhythm, color, material, building elements" of the proposal intentionally mimic Summit Avenue homes, but the triplex is sited at what would be a Summit Avenue residential lot, where a carriage house would be sited. The "setback and site design" violate the "character of surrounding structures and the area." The proposal is staged as a Summit Avenue home, with "front porch" facing Summit Avenue, but the primary, and only, access is from Portland Avenue. The proposal is set too far from Summit Avenue to be a principal building, and too close to Summit to be a carriage house.

**Being not sited like a Summit Avenue home and not designed like a Summit Avenue carriage house, the proposal violates the "basic principle for new construction in the Historic Hill District is to maintain the district's scale and quality of design."**

The proposal also violates the specific requirements of 74.65 (f):

(f) *Site:*

- (1) *Setback.* New buildings should be sited at a distance not more than five (5) percent out-of-line from the setback of existing adjacent buildings. Setbacks greater than those of adjacent buildings may be allowed in some cases. Reduced setbacks may be acceptable at corners. This happens quite often in the Historic Hill area and can lend delightful variation to the street.

**The proposal violates the setbacks for Summit Avenue homes and carriage houses by substantially more than five (5) percent.**

**Eric H. Galatz**

Partner

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December 10, 2020

Heritage Preservation Commission  
City Hall  
15 Kellogg Blvd. West  
St. Paul, MN 55102

Dear Members of the Commission,

This letter is in support of the appeal of the October 5, 2020 Historic Preservation Commission approval of a three-unit residential structure at 540/542 Portland Avenue in St. Paul. As property owners and an architect with 37 years of experience living approximately 80 feet from the proposed structure, my wife and I have the following concerns:

1. *Per the (a) General Principles under the New Construction (Sec 74.65) new construction in the Historic Hill District is to maintain the district's scale and quality of design.*  
As an architect I do not believe that the proposed triplex (being called a carriage house) is in scale with similarly located and type structures in the Hill district. It is my understanding that the other architects who live in the area have similar thoughts on the scale of the proposal. To prove the point that the project is the wrong scale a number of zoning variances are required.
2. I would like the commission to understand that the drawings submitted to the commission by the design architect do not express the conditions of the site.
  - a. Like the existing fence, the property owners on Summit can install a similar 7' fence, 90% solid wood fence (similar to the new fence installed at the corner of Portland and Mackubin along the public sidewalk) to provide privacy for their outdoor seating area. A fence, if constructed, would change the image of this project greatly.



b. I would also like to point out that the submitted documents do not illustrate the trees on the Summit property which will make it difficult to see the proposed triplex from Summit.



PROPOSED  
TRIPLEX  
LOCATION

SUMMIT AVE

3. I disagree with the idea that the front of the proposed triplex should face Summit Avenue. The triplex has no access to Summit Avenue. I believe, as architects, we are trained to create buildings that have a sequence of approach and entry. The building is sited like a carriage house and should reflect similar characteristics of scale and approach. The way it is designed now is visitors approaching from Portland (the only option) will have an image of three garage doors. Where are the front doors? Not the greatest image for units which I estimate will cost roughly \$750,000. My experience and professional education supports a design that relates to Portland Avenue.
  
4. I would like to add that I do believe that the site can be designed in a way that reflects the scale and character of the neighborhood and would hope that the HPC agrees that the project should be redesign to reflect the goals of the neighbors and the city.

Sincerely

Nick Marcucci, Ann Schroder

552 Portland Ave.

St. Paul, MN 55102

Date December 13, 2020  
To: St. Paul City Council  
CC George Gause  
Email [George.Gause@ci.stpaul.mn.us](mailto:George.Gause@ci.stpaul.mn.us) [askHPC@stpaul.gov](mailto:askHPC@stpaul.gov)  
RE: Appeal of HPC approval construction of three townhouses at 542 Portland Avenue

I am writing in support of the appeal by Gar Hargens and Missy Thompson of the HPC decision to approve the project at 542 Portland Avenue

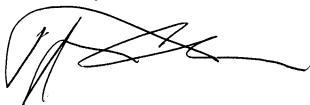
For the City of Saint Paul to accept that the proposed development at 542 Portland conforms to the HPC guidelines and Zoning Ordinance requires as many leaps of faith as it does to believe Donald Trump won the election in Wisconsin. In addition to what is stated in the appeal I would note:

1. The proposal is too large with too many units. If it wasn't, it wouldn't need 6 variances to fit on the site if it wasn't.
2. The three townhouses, tower over and dominate the neighboring accessory buildings at the back of their lots. They are not appropriately scaled for their position on the lot as is required for new construction..
3. The Developer, HPC staff and commissioners have to pretend that the townhouse are connected more with Summit Avenue than they are with the Portland Avenue. This creates a false narrative that is a falsehood in the Historic District.
4. To make the non existence connection to Summit Avenue the developer makes the back door the front door. This is just silly. The historic district does not support Disney Land make believe, dressed up rear elevations. It should not now.
5. To reach the entry to the units at the rear of the buildings requires a 200 to 250 ft walk from the street. This is not in the common pattern of the historic district and out touch with the modern requirements of and access and delivery service.

It is difficult to make an argument against a project where people certify that black is white and big is small. That is not the case and we should not make decisions based on false premises, not matter how cleverly disguised.

I think it wrong to force this project, fit like a ship in a bottle into our Historic District. It is a curiosity on paper but should not be built. It will not strengthen our neighborhood or contribute to the historic district many of us have worked to make and preserve.

Sincerely



Peter Carlsen  
482 Dayton Avenue, St. Paul

To the Saint Paul Heritage Preservation Commission,

Arguments Against Approval for New Triplex at 540/542 Portland Ave.:

Review of Sec. 74.65 Historic Hill Heritage Preservation District Guidelines for New Construction:

(a) General Principles: "Maintain the District's scale and quality of design... the harmony and continuity of the District. New construction should be compatible with size, scale, massing, height, rhythm, set back, color, material, building elements, site design, and character of surrounding structures and the area".

Of all of these requirements, this proposal satisfies only one, color (white). It violates every other requirement. It is too large, out of scale with all other accessory buildings.

Its massing and height are twice that of other Neighborhood "carriage houses" (which is how Staff refers to the proposal in all their memos even though the developer acknowledges that it is a trio of townhouses). Three townhomes do not belong in the rear yard of a primary residence. That grouping is found nowhere in the District.

In plan, the proposal is total out of rhythm with other accessory/adjacent structures (garages and carriage houses) on the block. If the developer wants to pretend that the structure belongs to Summit Avenue, it doesn't to respect those setbacks either.

As a secondary building, its materials and building elements should be simpler than the details found on houses on Portland (or Summit). Instead, it tries to emulate/copy them.

The site design which tries to accommodate three times the traffic there now relies on a narrow, shared driveway of which the developer controls only half.

Instead of heeding the Guidelines' instruction to "encourage architectural innovation and quality design", the developer proposes to copy the "parent house" on Portland thereby creating a third Dutch Colonial roofline on the adjacent properties. This does not respect the "character of surrounding structures and the area".

(b) Massing and Height. See above.

(c) Rhythm and Directional Emphasis.

This proposal is in "no man's land". It is set too far North to relate to Summit. It is too large and too far South to relate to Portland. It will visually overwhelm neighboring terraces and backyards because of its odd siting completely out of rhythm with the existing pattern on this block and throughout Historic Hill.

(d) (1-4) Materials and Details.

See (a) above. Despite the developer's promises to use appropriate materials, we are skeptical after he repaired 542 Portland's fire damage in 2010 with imitation wood products, poorly applied. 542 is the most poorly maintained property on our block with mud from its eroding front bank all over our sidewalk, walks unshoveled, and gravel instead of grass and plantings in the boulevard.

(e) (1-3) Building Elements.

Porches and decks.

This porch and balcony should not be used to falsely imply the proposal is a “residence on Summit”. That makes a mockery of historic preservation and compromises this Commission’s credibility.

(f) (1) Site.

See (c) above. The uniqueness of this parcel should not give license to contorting the Guidelines for the Neighborhood. It does not need to pretend to belong to Summit. It can be a handsome carriage house as viewed from Summit. There are also other design options that this developer has apparently not fully explored. It site does not warrant this many Guideline violations.

(2) Garages.

The inclusion of garages (especially with the stacking feature) adds greatly to the height of the proposed townhouses. It also makes access to the units quite awkward. There are better solutions here that need to be explored starting with neighbors, especially Gary and Elizabeth Currie who own half the driveway access for all this new potential traffic!

Sincerely,

# Gar

Gar Hargens AIA, NCARB  
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John Sularz & Dan Chouinard  
550 Portland Avenue  
St. Paul, MN 55102

December 14, 2020

Heritage Preservation Commission  
City Hall Annex  
Saint Paul Department of Planning and Economic Development  
25 West 4th Street, Suite 1300  
Saint Paul, MN 55102  
attn: George Gause

**RE: Proposed Second Triplex Development at 540 Portland Avenue**

To Heritage Preservation Commissioners:

As residents of Portland Avenue who moved into the Historic Hill District neighborhood seven years ago, we have seen numerous improvements in the houses on our street. Several formerly neglected properties have been spruced up or meticulously restored. So we are distressed to see, at this late date in the process, plans for this proposed housing development at 540 Portland Avenue which will take our neighborhood in the wrong direction.

We strongly oppose the current design of this project for these reasons:

- **Development is substantially outsized for both property and location in neighborhood.**
  - It is clear from the plans and from the unusually large number and extremity of variances being requested that this development is outsized for its location on the lot and in relation to the surrounding buildings.
  - ***Implication: Allowing this project to proceed would negatively impact the neighborhood, and would set a precedent for other outsized properties to be built within the neighborhood.***
  
- **Development design oriented toward Summit Avenue is detrimental to neighborhood cohesion on several counts:**
  - Oriented to Summit but not a Summit property. The development is not located on Summit Avenue but acts as if it is. This proposed development with a Portland address faces away from Portland and fronts directly on the rear lot line of its Summit Avenue neighbor.
  - Current 540 Portland owner has no control over Summit owner's use of land directly in "front" of proposed development. Currently, there are trees, shrubs and lawn furniture on the Summit property that block the view of this new triplex from Summit. Current designs which show it having a clear view of Summit are misleading. The owner of the Summit property could build a fence, plant trees, build a small building in front of this development and block the view.

- Placement of development in middle of the block contributes to congested and incohesive look. The proposed development exhibits none of the characteristics of typical backyard buildings—carriage houses and garages—of this neighborhood. Its false-front orientation to Summit Avenue creates aesthetic confusion at least, and the possibility of real danger at worst, in the event that emergency responders arriving at the building find no access from Summit and no clearly defined entrance on Portland Avenue.
  - ***Implication: Orienting the development toward Summit will not harmonize with surrounding buildings and will compromise, rather than enhance, the general look and appeal of Summit Avenue and the block as a whole.***
- **Neglect by current owner (property issues & lack of communication)**
    - Property issues (photos included at end of this document): There is significant erosion on either side of the front cement stairs, a significant portion of the boulevard is dirt (not grass), dirt covers at least half of the front sidewalk (which is muddy when it rains), poorly maintained rock area around tree on boulevard with haphazard placement of bricks, ill-maintained retaining wall and negligent snow removal in the winter. It is said that the greatest indicator of *future* performance is *past* performance, and this property owner clearly has an issue with keeping his property well-maintained. Architect Carlos Perez asserts that the property issues will be taken care of with the new project; however, they should have been taken care of years ago. The past and current inability to maintain the property is a clear warning that a potential new property will not be properly maintained.
    - Owner's lack of communication with neighbors: Mr. Perez states that an attempt was made to reach out to neighbors about the project months ago; however, news of the project came as a surprise to neighbors on Portland Avenue via a letter received on or about September 11, 2020 from the St. Paul BZA, not from the owner.
    - ***Implication: Lack of communication with neighbors and poorly maintained property reinforce that this project is more of a revenue stream for the owner rather than an opportunity to be a good neighbor and contribute to the neighborhood with a design that enhances rather than overpowers its immediate surroundings.***
- **This proposed development will significantly exacerbate an already stressed on-street parking situation.**
    - The lack of on-street parking is a well-known and longstanding issue on Portland Avenue where parking is only allowed on one side of the street. No variance should be considered.
    - The proposed hydraulic lifts in the garage of the new development look good on paper, but the reality of coordinating moving cars in and out of the garage will be problematic for most people. In all likelihood, people will simply park on the street instead of coordinating moving cars up and down on the lift every morning and evening.
    - ***Implication: This proposed project would make inadequate on-street parking for current residents in our neighborhood worse instead of better.***

- **Lack of green space on new property brings water management issues, as well as aesthetic concerns.**
  - Except for a small strip of grass on the building's periphery, plans call for a massive structure and hardscaping over nearly all the remaining property.
  - ***Implication: Rainwater management and environmental concerns, as well as aesthetic issues, arise with this housing development and its parking lot.***

We would welcome the opportunity to continue this discussion. We know of no neighbors within the vicinity of the proposed housing development who support it in its current form.

Respectfully,

John Sularz & Dan Chouinard

Enclosure: Photos of 540 Portland Avenue property and Summit Avenue property



**540 Portland Avenue:**  
Poorly maintained  
boulevard.

Top photo shows erosion  
of boulevard dirt into the  
street.

Bottom photo shows  
close up of poorly  
maintained brick  
surround at base of tree,  
as well as erosion in front  
yard.





**540 Portland Avenue:**

Significant erosion in front yard.

Top photo shows erosion on either side of front stairs, with dirt spreading onto sidewalk.

Bottom photo shows sidewalk covered in dirt due to erosion. It has been like this for years.





**View of 540 Portland Avenue property from Summit Avenue:**

Top photo shows distant view of property line (where the fence is currently located).

Bottom photo shows close up of Summit owner's patio furniture, trees and shrubs (some located on Summit property).



November 9, 2020  
536 Portland Ave.  
St. Paul. Mn. 55102

Dear Heritage Preservation Commissioners :

My husband and I are an elderly couple living in a single family residence at 536 Portland, St. Paul, Mn. We bought our home in 1977.

We share a driveway with a triplex (542 Portland) directly west of us. Our shared drive way is only 8 feet wide and there is only 12 feet between our houses. We are fortunate to have a 2½ car garage (only have one car) at the end of our property. The triplex, to the west of us, has a lot behind their triplex for the renters who have cars.

We are deeply concerned that the property owner of 542 Portland (Sullivan Property Investments II LLC) plans to build another large triplex in that property's backyard, rather than something smaller and appropriate to the site. We feel that would very negatively affect our ability to realize a decent price when we decide to sell our home. Because we live in a historic district we note that City Legislative Code regarding our Historic Hill neighborhood states "In the case of a proposed new building, that such building will not in itself or by reason of its location on the site, materially impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity within the historic preservation site.

Sec. 73.06(1)(3)

(over)

In addition, the property on which the triplex would be built is landlocked, so all access will be from our shared 8 foot driveway, more than doubling the current use, not only for tenant usage, but because of utility vehicles and others needing access. Sullivan has never contacted us, either about the new triplex or about using our shared driveway for sole access to it.

Respectfully,

Elizabeth Currie

P.S. Telephone 651-224-0084. We do not have a computer.

Gary and Elizabeth Currie  
536 Portland  
St. Paul, Mn. 55102