

Ms. Hilary Holmes: Planner
Mr. Jake Reilly: Planner
St Paul Planning and Zoning
25 West Fourth Street
St Paul, MN 55102

Re: 344 Summit Avenue and the C.U.P. Application by Mr. John Rupp for a commercial use

Dear Hillary and Jake:

I am writing in opposition to the proposal for a commercial use (hotel) at 344 Summit Avenue.

My wife and I have lived at 117 Farrington Street (about two blocks from the property) since 1974 when we began the renovation of our 1871 house (the house where the Louis and Clark papers were found). I am a registered Architect in Minnesota but my primary business is real estate development. My company, Schafer Richardson, Inc., specializes in historic preservation projects and has won a number of awards for both historic preservation and new construction projects. I have served for two terms on the Ramsey Hill Association Board (one term as Land Use Chair) and served for more than eight years on the College of Visual Arts Board of Trustees as Chair of the Facilities Committee.

Perhaps most importantly, I also served on the 1985 Summit Avenue Planning Committee as a representative from Ramsey Hill, and would like to use the findings and recommendations of that "Summit Avenue Plan" as a basis for my objection to the idea of allowing a commercial use in a residentially zoned district on Summit Avenue.

The "Summit Avenue Plan" was completed in 1986 and was adopted by the St Paul Planning Commission on 5/23/1986. It was later adopted by the St Paul City Council on 9/9/1986 as part of the official St Paul Comprehensive Plan. While the St Paul Comprehensive Plan has been updated, the findings and recommendations of that Summit Avenue Plan continue, in my opinion and experience, to exert significant influence over the individuals and organizations which are tasked with maintaining and protecting Summit Avenue as a State-wide historic resource.

The exact text quoted from the Summit Avenue Plan is highlighted in bold type below.

On page one of the Plan's Summary, the first Major Finding quotes from Ernest Sandeen's book, St Paul's Historic Summit Avenue, "...**Summit Avenue stands as the best-preserved American example of the Victorian monumental residential boulevard.**"

On page two of the Summary, the second Major Recommendation is reads; "**The City, through zoning policy and enforcement, should consistently protect the residential character of all of Summit Avenue.**"

On page five, the first listed Goal is to "**Preserve the residential character of Summit Avenue.**"

On page thirteen, in the Housing Policies section, the Report states, "**5. Preserve residential character. As a matter of consistent City policy, the City should protect Summit Avenue as a residential street and prevent the expansion of commercial and institutional uses in residential structures.**" It goes on to say, "**There continue to be proposals to use large Summit Avenue house for nonresidential uses such as conference centers and offices. These proposals should be rejected. While nonresidential investments sometimes offer the prospect of immediate restoration of individual buildings they deter residential reinvestment that is necessary for the broader patten of neighborhood conservation or restoration.**" And, this section notes that, "**The renaissance of lower [eastern] Summit Avenue has been fueled by people restoring large homes for residential use.**"

On page 15, the Plan continues..."**Allowing new commercial and institutional uses would destabilize the neighborhood and threaten the progress made so far...their [commercial uses] presence makes Summit a less desirable place to live...They [commercial uses] normally generate more traffic than residential uses...Successful commercial uses may try to expand; unsuccessful ones may be followed by a succession of new uses.**" And finally, "**Preventing the expansion of commercial and institutional uses will help ensure that it is [a desirable neighborhood].**"

One of the recommendations in this section of the Plan was "**8. Add a negative intent statement to the Zoning Code. The City should add a negative intent statement to the Zoning Code to say that small conference centers, private retreat centers, reception houses and small inns (beyond what might be allowed under a bed and breakfast ordinance) are not permitted in R-1 through RT-2 zoning districts.**"

It should be noted, I think, that the property at 344 Summit carries both the RT-2 and R-2 zoning classifications, even though it is a single tax parcel. Thus, while Mr Rupp may argue for his proposal as being appropriate on an RT-2 zoned lot, he ignores the even more restrictive zoning classification of R-2 which encumbers the south portion of the property. Proposing a commercial use on a R-2 lot is, in my opinion, even more inappropriate in this historic and protected district.

The first action recommended in the Plan, on page 38 under the Housing Section, is "**5. Prevent expansion of commercial/institutional uses in residential structures.**" The responsible organizations for taking such action are listed as "**Housing and Building Code Enforcement, Fire Department, Planning Division, Planning Commission, and the City Council.**"

The Applicant has made a number of arguments in favor of his own proposal but none of them are compelling or, I believe, completely accurate.

During some of my discourse with Mr Rupp, the hotel proposer, he stated that (in his words) "my hotel project is a residential use in my view-not commercial." While that may be his view, it is not only self-serving but also simply wrong. The Code recognizes that a hotel is a commercial use and therefore hotels are not allowed in residential districts. A Bed and Breakfast, on the other hand, is allowed under certain conditions in residential districts, but hotels are not. To my knowledge, Mr. Rupp has not yet explained to anyone why he is proposing a hotel (a non-permitted commercial use in the RT-2 and R-2 districts) instead of a Bed and Breakfast (a permitted use, with conditions, in the RT-2 district).

Mr. Rupp has stated publicly that the building at 344 Summit is much too large for a conforming residential use to be reasonably considered. (This, by the way, was one of the first arguments put forth back in 1985 when the Summit Avenue Planning Committee began its work. That argument was proven false then, as it is patently false now.) Considering the house where Mr. Rupp lives, and the many very large mansions nearby, it is obvious that such larger mansions are being purchased and used as legally conforming residential properties. In fact, the house immediately to the east of 344 Summit just re-sold as a single family home. The list below, compiled by a nearby Ramsey Hill neighbor, confirms such legal and conforming residential uses in the area for more than 20 properties over 9,000 square feet (including three properties larger than the mansion at 344 Summit Avenue). While all are not single family homes, they all do appear to conform to the zoning code.

2255-259 Summit - 12,600 sq ft	340 Summit - 10,100 sq ft	5550 Summit - 11,200 sq ft
2260 Summit - 19,100 sq ft	366 Summit - 17,800 sq ft	579 Summit - 11,400 sq ft
2261 Summit - 9,400 sq ft	432 Summit - 9,700 sq ft	5624 Summit - 10,800 sq ft
2266 Summit - 10,000 sq ft	442 Summit - 14,700 sq ft	389 Virginia - 9,800 sq ft
2280 Summit - 14,900 sq ft	456 Summit - 23,500 sq ft	383 Portland - 10,800 sq ft
2294 Summit - 9,200 sq ft	476 Summit - 20,000 sq ft	480 Grand Hill - 14,500 sq ft
312 Summit - 14,200 sq ft	533 Summit - 14,800 sq ft	2260 Maiden Lane - 9,900 sq ft
335 Summit - 9,900 sq ft		5-7 Heather Place - 14,100 sq ft

In a recent neighborhood meeting at St John's Church, Mr Rupp made the observation that the interior of 344 Summit was very run down and deteriorated, thus making it more difficult to convert the mansion back to a conforming residential use. As the former Chair of the CVA Facilities Committee, I strongly disagree with this mischaracterization and can state emphatically that the College made every attempt, within its abilities, to preserve and maintain the interior architectural details and materials in the home. The interior layout of the home was not altered during my eight years on the Board and, I believe, continues to be very close to the original plan of the structure when it was built. CVA also spent very large sums of money on exterior maintenance, masonry work and tuck-pointing, and on roof repairs to maintain the slate roofing material rather than replacing it with a lesser quality product. The original fireplaces remain, as did the most of the original carved wood and plaster details, when the College closed its doors.

Mr Rupp has suggested in his public responses that his proposed commercial hotel use will benefit Summit Avenue and the neighborhood by providing a commercial service (hospitality) for visitors to Ramsey Hill that once existed but is no longer present on Summit Avenue. I would argue that Mr Rupp and his paying customers might benefit but that the neighborhood will not benefit at all; Summit Avenue would have a non-permitted commercial use dead center in one of the most important and impressive stretches of the Summit Avenue Victorian mansions, virtually all of which have been restored and maintained as conforming residential properties in the past twenty years. Mr Rupp will personally benefit, as will his other commercial use on Summit Avenue, the University Club, and his nearby Commodore commercial enterprise. The Avenue, the neighborhood, and indeed the State of Minnesota, will be harmed by what would amount to spot zoning if a non-permitted commercial use is located on Summit Avenue in a residentially zoned district.

It also appears that Mr Rupp has made conflicting statements regarding his interest in pursuing a liquor license for his proposed commercial use at 344 Summit Avenue. I believe he has stated in different public meetings (one of which I attended) that he is not pursuing such a license, but in another meeting he stated he is pursuing a liquor license. Such a license, along with a new commercial use in the residential district, is completely inappropriate.

Another concern with the idea that some new commercial use(s) might be acceptable on Summit Avenue is the precedence it would establish. If a small hotel is permitted in a home over 9,000 square feet, using the rationale that no other use is feasible, than what is to prevent another business owner, including Mr. Rupp, from arguing that a small up-scale but tasteful restaurant should be allowed in some other mansion on Summit Avenue. It is not clear on what basis the City would be able to effectively argue against such a proposal if it had already granted permission for another new, non-permitted commercial use.

The staff report issued this week suggests that the minimal off-street parking for (the permitted) four residential units could be an issue and might affect the marketability of those four units. Nothing in the code suggests or requires Mr. Rupp to develop the property into four units. If there were only one or two residential units in the home, then a sufficient amount of off-street parking would be available. The 344 Summit Avenue home also has an existing garage on the south side of the property which could be rebuilt and re-used to address this issue. The former owners of the single-family mansion next door at 340 Summit recently built an HPC approved three or four car garage at the western side of their yard to solve a perceived parking problem. Therefore, I believe this is not an acceptable reason to consider an alternate and non-permitted use on the property.

The primary reason the Summit Avenue Planning Committee was adamant about maintaining the residential character of the Avenue, I believe, was that it felt if any new commercial uses were permitted, the Avenue would become just another mixed-use street like Park and Portland Avenues in Minneapolis. I would encourage the Zoning Committee and the Planning Commission both to deny the application and to vote in favor of protecting and preserving Summit Avenue as the premier Victorian, residential boulevard in the United States.

Attached below is the page from the American Planning Association's web page describing Summit Avenue as "the country's best preserved avenue from that [Victorian] period." In fact, the APA directly makes note of the work of the Summit Avenue Planning Committee, starting in 1984, to "emphasize the predominately residential nature of Summit Avenue."

Thank you.

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Summit Avenue St. Paul, Minnesota

Nation's Best Intact Street from Victorian Era

During the late 19th century, Summit Avenue was not considered the grandest of the country's Victorian-era residential boulevards, yet today this 4.5-mile-long boulevard between downtown St. Paul, Minnesota, and the Mississippi River stands alone as the country's best-preserved avenue from that period.

Remarkably, more than 370 of the gilded-age mansions and other residences representing a dozen different architectural styles remain.

Complementing this architectural legacy, and leading APA to single it out as one of 10 Great Streets for 2008, are the avenue's marvelous vistas, park-like qualities, and a decades-long history of planning measures, civic participation, and private stewardship that kept Summit's unique character intact.

The first house to be built on Summit, or the "bluff" as it was then known, was by Edward Duffield Neill in 1855. It was not until the 1880s that the first major wave of house building got under way. The most famous house built during this time was the Romanesque mansion in 1887 for Canadian-American railroad executive James J. Hill. Located at 240 Summit, the Hill House is one of the residences that helps give the easternmost section or Lower Summit its embassy row-like character.

About this same time the Summit Avenue Improvement Association was formed in order to encourage property owners along the western-most half of the avenue to donate enough land on each side of the street to widen the public right-of-way from 100 to 200 feet. This allowed creation of a center median, including a bridle path for horses. Planted with trees and shrubs, today this shaded canopy imparts the feeling of standing in a large, open-air ballroom.

Summit Avenue was not only the address for "all the people who made Saint Paul," said Macalester College urban geography department chair David Lanegran, but also churches, universities, businesses, and a limited number of apartments. It was the latter, built during the early 1900s, that led the city to create a single- and double-family residential zoning district along Summit Avenue in 1916. This was a year after the Minnesota state legislature passed a law allowing first class cities to establish such districts. The special measure would later keep many of the mansions on the avenue from being converted to commercial or other non-compatible uses.

Summit Avenue saw another period of opulent mansion construction during the Roaring Twenties, in such styles as Beaux Arts, Spanish Colonial, Twenties and Tudor Villa, Georgian Revival, and Rectilinear. With the Great Depression, however, new building stopped and many owners had to give up the homes altogether. Luckily, Hill's mansion and several other estates were bequeathed to the Roman Catholic Archdiocese of Saint Paul, which maintained them until the 1970s when a back-to-the-city movement began to attract a new group of owners.

Among the civic groups seeking to protect the historic Victorian mansions along Lower Summit Avenue, yet making them more affordable to own, was the nonprofit Old Town Restoration, Inc. The group successfully advocated for a new zoning along this segment of Summit Avenue that allowed the houses to be converted into four-unit condominiums. Adding momentum to Old Town Restoration's protection efforts was creation of the Historic Hill National Register District in 1976, which included Summit Avenue's eastern end.

Additional issues facing the street — college expansion plans; deferred maintenance of mansions; proposals to convert mansions into bed and breakfast hotels, restaurants, and law offices; and preservation of carriage houses — prompted the St. Paul Planning Commission in 1984 to form a task force. The resulting plan, adopted in 1986, continues to emphasize the predominately residential nature of Summit Avenue.

Some 20 years later this plan continues to help the community navigate college expansion and other issues in order to keep Summit Avenue St. Paul's and the nation's best "showcase street" of the Victorian era.