



Legislation Text

File #: RES 18-1278, **Version:** 1

Memorializing the decision of the City Council to grant the appeal of All Energy Solar from a decision of the Heritage Preservation Commission denying an application for a building permit to install solar-panels at 662 Conway Street in the Dayton's Bluff Heritage Preservation District.

WHEREAS, on April 5, 2018, Kristen Sachwitz, d/b/a All Energy Solar, for and on behalf of the owner of the building commonly known as 662 Conway Street, which is identified as a "contributing" building to the City's Dayton's Bluff Heritage Preservation District, made application to the Heritage Preservation Commission (hereinafter, "HPC") in HPC File No. 18-019 on March 9, 2018, for a building permit to install solar-panel equipment on the southwesterly oriented elevation of the subject building's roof. One set of panels ["Installation No. 1"] would be sited at the "front-half" of the building's southwest roof plane with a second set of panels ["Installation No. 2"] to be sited on the rear-half of the same roof plane but behind a dormer and chimney; and

WHEREAS, on April 12, 2018, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said application where all interested parties were given an opportunity to be heard; and

WHEREAS, at the close of the said hearing and based upon the testimony and records, including the HPC's staff report dated April 5, 2018, which recommended denial of the permit application, the HPC duly moved to deny the said application for the reasons set forth in the staff report and particularly its findings numbers 8, 10, 15 and 16 as set forth below:

1. On July 23, 1992, the Dayton's Bluff Heritage Preservation District was established under Ordinance No. 17942 (Council File #92-900). The Heritage Preservation Commission shall protect the architectural character of heritage preservation sites through review and approval or denial of applications for city permits for exterior work within designated heritage preservation sites § 73.04.(4).
2. 662 Conway Street is categorized as contributing to the Dayton's Bluff Heritage Preservation District.
3. The Secretary of the Interior (SOI) Standards state that *the historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.* There will not be removal of any historic material, thus meeting the standard.
4. The SOI Standards state that *new additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.* There will not be removal of any historic material, thus meeting the standard.
5. The SOI Standards state that *new additions and adjacent or related new construction will 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.* The installation of the solar panel arrays will maintain the essential form and integrity of the structure if removed, thus meeting the standard.
6. The SOI Guidelines on Sustainability for Rehabilitating Historic Buildings recommend *considering on-site,*

solar technology only after implementing all appropriate treatments to improve energy efficiency of the building, which often have greater life-cycle cost benefit than on-site renewable energy. No information was provided outlining other energy efficiency efforts or studies; thus, it does not meet the guideline.

7. The SOI Standards recommend *analyzing whether solar technology can be used successfully and will benefit a historic building without compromising its character or the character of the site or the surrounding historic district.* An analysis was not provided; thus, it does not meet the guideline.

8. The SOI Guidelines on Sustainability for Rehabilitating Historic Buildings recommend *installing a solar device in a compatible location on the site or on a non-historic building or addition where it will have minimal impact on the historic building and its site.* While solar array 2 meets this guideline because it is set back on the roof plane behind the dormer, solar array 1 does not meet this guideline as it impacts the site and is visible from the public right of way thus it does not meet the guideline.

9. The SOI Guidelines on Sustainability for Rehabilitating Historic Buildings recommend *installing a solar device on the historic building only after other locations have been investigated and determined infeasible.* A study of other locations was not provided; thus, it does not meet the guideline.

10. The SOI Guidelines on Sustainability for Rehabilitating Historic Buildings recommend *installing a low-profile solar device on the historic building so that it is not visible or only minimally visible from the public right of way: for example, on the flat roof and set back to take advantage of a parapet or other roof feature to screen solar panels from view; or on a secondary slope of a roof, out of view from the public right of way.* While Solar array 2 meets the guideline because it is set back on the roof plane behind the dormer, solar array 1 does not meet this guideline as it impacts the site and is highly visible from the public right of way, thus it does not meet the guideline.

11. The SOI Guidelines on Sustainability for Rehabilitating Historic Buildings recommend *installing a solar device on the historic building in a manner that does not damage historic roofing material or negatively impact the building's historic character and is reversible.* The installation method does not damage historic material and is reversible, thus it meets the guideline.

12. The SOI Guidelines on Sustainability for Rehabilitating Historic Buildings recommend *installing solar roof panels horizontally - flat or parallel to the roof- to reduce visibility.* The solar panels will be parallel to the roof plane; thus, it meets the guideline.

13. The SOI Guidelines on Sustainability for Rehabilitating Historic Buildings recommend *investigating off-site, renewable energy options when installing on-site solar devices would negatively impact the historic character of the building or site.* A study was not provided; thus, it does not meet the guideline.

14. **Sec. 74.87(4).** *New additions or alterations to structures should be constructed in such a manner that if such additions or alterations were to be removed in the future, the form and integrity of the original structure would be unimpaired.* The installation of the solar panel arrays will maintain the essential form and integrity of the structure if removed, thus it meets the guideline.

15. **Sec. 74.87(5).** *The impact of alterations or additions on individual buildings as well as on the surrounding streetscape will be considered; major alterations to buildings which occupy a corner lot or are otherwise prominently sited should be avoided.* Solar array 1 will have a visual impact on the surrounding streetscape as it is highly visible from the public right of way, thus it does not meet the guideline.

16. **Sec. 74.90(d)(1).** *Roof hardware such as skylights, vents and metal pipe chimneys should not be placed on the front roof plane.* Solar array 1 is proposed on the front half of the roof plane, thus it does not meet the guideline.

17. The proposed solar panel array installation at 662 Conway Street will adversely impact the Program for the Preservation and architectural control for the Dayton's Bluff Heritage Preservation District (Leg. Code §73.06 (e)).

WHEREAS, based upon the HPC's decision, a notice of denial letter dated April 25, 2018 setting forth the HPC's reasoning for its decision was duly provided to the applicant and the property owner along with notification of the right to appeal the HPC's decision to the City Council; and

WHEREAS, in an undated letter, Isaac Lindstrom, on behalf of All Energy Solar, filed a written notice of appeal from the HPC's April 12, 2018 decision and requested a public hearing before the Saint Paul City Council for the purpose of considering the actions taken by the HPC; and

WHEREAS, on June 20, 2018, a public hearing was conducted before the City Council where all interested parties were given an opportunity to be heard and, at the close of the public hearing, the Council, having heard the statements made and having considered the application, the testimony, the report of staff, the hearing records and minutes, and the HPC's denial letter, does hereby

RESOLVE, that the HPC's April 12, 2018, decision to deny the application of All Energy Solar based on HPC findings no.'s 8, 10, 15 and 16 is hereby overturned and that the said appeal is hereby granted as the Council finds, for following reasons, that the appellant has demonstrated error with respect to the said HPC Findings:

The Council notes that although the solar panels described as Installation No. 1 are visible from the public right-of-way, the Council also finds that the manner in which Installation No.1's solar panels will be mounted on the roof will present a relative low-profile when viewed from the public right-of-way and that such a low profile installation on a home located on a dead-end street, serve to mitigate the visual impact of the panels on the Bluff Dayton's Bluff Heritage Preservation District as a whole while improving the sustainability and long-term maintenance of this contributing structure; AND,

BE IT FURTHER RESOLVED, for the reasons set forth above, the Council finds that the application to install solar panels on the roof of 662 Conway is generally consistent with the SOI guidelines regarding findings no.'s 8 and 10 and that the described alteration and materials are, on balance, consistent with the guidelines to meet findings no.'s 15 and 16. As a result, the Council finds that all the findings necessary to approve the application under HPC 18-019 have been met; AND,

BE IT FINALLY RESOLVED, that the council secretary shall immediately mail a copy of this resolution to appellant, the property owner, the Heritage Preservation Commission, the zoning administrator and the building official.