COUNCIL MEETING

Municipal Building
175-5th Street North
Second Floor Council Chamber

CITY OF ST. PETERSBURG

April 2, 2015
8:30 AM

Welcome to the City of St. Petersburg City Council meeting. To assist the City Council in conducting the City's business, we ask that you observe the following:

1. If you are speaking under the Public Hearings, Appeals or Open Forum sections of the agenda, please observe the time limits indicated on the agenda.

2. Placards and posters are not permitted in the Chamber. Applause is not permitted except in connection with Awards and Presentations.

3. Please do not address Council from your seat. If asked by Council to speak to an issue, please do so from the podium.

4. Please do not pass notes to Council during the meeting.

5. Please be courteous to other members of the audience by keeping side conversations to a minimum.

6. The Fire Code prohibits anyone from standing in the aisles or in the back of the room.

7. If other seating is available, please do not occupy the seats reserved for individuals who are deaf/hard of hearing.

GENERAL AGENDA INFORMATION

For your convenience, a copy of the agenda material is available for your review at the Main Library, 3745 Ninth Avenue North, and at the City Clerk's Office, 1st Floor, City Hall, 175 Fifth Street North, on the Monday preceding the regularly scheduled Council meeting. ***The agenda and backup material is also posted on the City's website at www.stpete.org and generally electronically updated the Friday preceding the meeting and again the day preceding the meeting. The updated agenda and backup material can be viewed at all St. Petersburg libraries.*** An updated copy is also available on the podium outside Council Chamber at the start of the Council meeting.

If you are deaf/hard of hearing and require the services of an interpreter, please call our TDD number, 892-5259, or the Florida Relay Service at 711 as soon as possible. The City requests at least 72 hours advance notice, prior to the scheduled meeting, and every effort will be made to provide that service for you. If you are a person with a disability who needs an accommodation in order to participate in this/these proceedings or have any questions, please contact the City Clerk's Office at 893-7448.

April 2, 2015
8:30 AM

A. Meeting Called to Order and Roll Call.

Invocation and Pledge to the Flag of the United States of America.

"A moment of silence will be observed to remember fallen officers of the St. Petersburg Police Department. The officer depicted today was killed in the line of duty during this month."

Officer James A. Krupp - April 15, 1964

B. Approval of Agenda with Additions and Deletions.

Open Forum

If you wish to address City Council on subjects other than ***public hearing or quasi-judicial items listed on this agenda****, please sign up with the Clerk prior to the meeting. Only the individual wishing to speak may sign the Open Forum sheet and only City residents, owners of property in the City, owners of businesses in the City or their employees may speak. All issues discussed under Open Forum must be limited to issues related to the City of St. Petersburg government.*

Speakers will be called to address Council according to the order in which they sign the Open Forum sheet. In order to provide an opportunity for all citizens to address Council, each individual will be given three (3) minutes. The nature of the speakers' comments will determine the manner in which the response will be provided. The response will be provided by City staff and may be in the form of a letter or a follow-up phone call depending on the request.

C. Consent Agenda (see attached)

D. Public Hearings and Quasi-Judicial Proceedings - 9:00 A.M.

Quasi-Judicial Proceedings

Swearing in of witnesses. Representatives of City Administration, the applicant/appellant, opponents, and members of the public who wish to speak at the public hearing must declare that he or she will testify truthfully by taking an oath or affirmation in the following form:

> *"Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?"*

The oath or affirmation will be administered prior to the presentation of testimony and will be administered in mass to those who wish to speak. Persons who submit cards to speak after the administration of the oath, who have not been previously sworn, will be sworn prior to speaking. ***For detailed procedures to be followed for Quasi-Judicial Proceedings, please see yellow sheet attached to this agenda.***

1. Appeal of the Development Review Commission (DRC) approval of a modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development located at 176 – 4th Avenue Northeast. (City File 15-31000003 Appeal)

E. Reports

F. New Ordinances - (First Reading of Title and Setting of Public Hearing)

Setting April 16, 2015 as the public hearing date for the following proposed Ordinance(s):

1. Amending St. Petersburg City Code, Chapter 16, Section 16.30.070, Land Development Regulations ("LDRs") pertaining to the Historic Preservation Ordinance. (City File LDR 2014-07)

   (a) Ordinance amending Section 12-6(8), Section 16.30.070, and Section 16.70, Chapter 16 (Land Development Regulations), St. Petersburg City Code.

   (b) Resolution "A" proposing an alternative recommendation pertaining to the pre-requisite for initiating an application to designate a local landmark district.

   (c) Resolution "C" proposing to create an exemption for window replacement, when such replacement is proposing to use impact resistant glass, is Energy Star qualified for southern climate zones, and matches existing visual qualities.

2. Ordinance amending Chapter 27 of the St. Petersburg City Code by deleting Section 27-609 relating to performance bonds.

3. Ordinance of the City of St. Petersburg, Florida amending Section 21-54 of the Municipal Code of Ordinances; strengthening the protections available to plant life in City parks. This request was originated by the City Beautiful Commission.

G. New Business

1. Requesting City Council fund the Boley Centers "Read to Me" initiative with an additional $50,000 for a total of $100,000 to provide 20 after school jobs for at-risk youth. (Councilmember Newton)

2. Referring to Budget, Finance and Taxation Committee for consideration to add the City's purchase of the Kuttler Estate adjacent to Abercrombie Park on the Boca Ciega Bay waterfront to the Weeki Wachee list of projects. (Councilmember Gerdes)

3. Referring to a Council Workshop for discussion the anticipated Memorandum of Use Agreement between the City of St. Petersburg and the Tampa Bay Rays and requesting a member of the Rays organization to attend the Workshop. (Councilmember Nurse)

H. Council Committee Reports

1. Energy, Natural Resources & Sustainability Committee (ENRS). (03/19/15)

2. Budget, Finance & Taxation Committee. (03/26/15)

3. Public Services & Infrastructure Committee. (03/26/15)

   (a) Ordinance amending the St. Petersburg City Code; applying parking limitations to all streets where signs are officially posted; providing that moving a vehicle from one space to another on the same block face without traveling through an intersection constitutes a continuous parking period; providing for definitions; and providing for additional clarifying language. [Setting May 7, 2015 as the public hearing date.]

4. Housing Services Committee. (03/26/15)

5. Committee of the Whole - Wage Theft Ordinance. (03/26/15)

   (a) Ordinance amending the St. Petersburg City Code by adding Article III to Chapter 15, prohibiting wage theft; providing for definitions; establishing a procedure for the processing of wage theft complaints; providing for a hearing; and providing for penalties.

I. Legal

1. Announcing an Attorney/Client Session for April 9, 2015 in the case of Edward Chabala v. City of St. Petersburg, Case No.14-000771CI.

2. Approving the issuance by the Maryland Health and Higher Educational Facilities Authority of its Revenue Bonds, The Johns Hopkins Health System Issue, Series 2015A, pursuant to and in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended.

J. Open Forum

K. Adjournment

CONSENT AGENDA

COUNCIL MEETING CITY OF ST. PETERSBURG

Consent Agenda A
April 2, 2015

NOTE: Business items listed on the yellow Consent Agenda cost more than one-half million dollars while the blue Consent Agenda includes routine business items costing less than that amount.

(Procurement)

1. Renewing a blanket purchase agreement with the School Board of Pinellas County, a sole source supplier, to provide transportation services for the Parks and Recreation Department at an estimated annual cost of $628,000.

(Public Works)

2. Authorizing the Mayor of his designee to execute Task Order No. 12-06-CH2/UIW, to the Agreement between the City of St. Petersburg and CH2M Hill, Inc. in the amount of $548,341, for rehabilitation services for the Southwest Water Reclamation Facility (SWWRF) Injection Well System Acidization. (Oracle No. 14827)

3. Authorizing the Mayor or his designee to execute Change Order No. 2 in the amount of $119,614.19 to the Agreement with Rowland Inc. for Sanitary Sewer Force Main Repairs at Gandy Boulevard between Dr. Martin Luther King Jr. Street (9th Street) and Roosevelt Boulevard ("Agreement") for a total contract amount of $685,905.64. (Engineering Project No. 14068-111, Oracle No. 14498)

CONSENT AGENDA

COUNCIL MEETING CITY OF ST. PETERSBURG

Consent Agenda B
April 2, 2015

NOTE: The Consent Agenda contains normal, routine business items that are very likely to be approved by the City Council by a single motion. Council questions on these items were answered prior to the meeting. Each Councilmember may, however, defer any item for added discussion at a later time.

(Procurement)

1. Awarding a contract to Kelly Brothers, Inc. in the amount of $294,402.56 for the construction of the Central Avenue Over Booker Creek Bridge Rehabilitation (Bridge 157123) project (Engineering Project No. 13052-110; Oracle No. 13720); approving a rescission of $225,000 from the unencumbered appropriation in the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027) for the MLK St South over Booker Creek Project (14548); and approving a supplemental appropriation in the amount of $225,000 from the unappropriated balance of the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027), resulting from this rescission, to the Central Ave Bridge/Booker Creek Project (13720).

2. Accepting a proposal from Boley Centers, Inc. for the management of the Summer Youth Intern Program (SYIP) for the Community Services Department at an estimated annual cost of $275,000.

3. Renewing a blanket purchase agreement with Pinellas County Schools Food Service for the after school snack program for the Parks & Recreation Department at an estimated annual cost of $163,059.

(City Development)

4. Resolutions approving issuance of the historic property ad valorem tax exemption for the following properties and forwarding to the Pinellas County Board of County Commissioners:

   (a) Cade Allen Residence located at 3601 Foster Hill Drive North. (City File AVT #14-90400001)

   (b) Washington-Harden Grocery Building located at 901-03 22nd Street South. (City File AVT #13-90400002A)

   (c) Moure Building located at 909-13 22nd Street South. (City File AVT #13-90400002B)

5. Plat of Colonnade:

   (a) Approving a plat of Colonnade, generally located near the intersection of 5th Street North and 53rd Avenue North. (City File 14-20000007)

(b) Approving the termination of an agreement and waiver and release of any reversionary rights to the previously vacated 5th Street North, generally located within the 30-foot vacated right-of-way of 5th Street North between 52nd Avenue North and 53rd Avenue North. (City File 14-20000007)

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(Public Works)

6. Resolution finding that $11,641.64 is an amount sufficient to pay for the maintenance of the City of St. Petersburg On Street Bicycle Lanes Project ("Project"), on Bayshore Drive, from Dali Boulevard / 5th Avenue South to 1st Avenue South, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $11,641.64 from the unappropriated balance of the General Fund to fund future maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall be considered encumbered for the useful life of the project with only authorized expenditures being for maintenance of the Project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed $893,600; and authorizing a supplemental appropriation in the amount of $893,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants CIP Fund (3004), resulting from these additional revenues, to the Priority Projects (13966). (FPN 424532 1 58/68 01) (Engineering Project No. 13030-112; Oracle No. 13966)

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(Miscellaneous)

7. Approving the City's Local Housing Assistance Plan under the State Housing Initiatives Partnership ("SHIP") Program For FY 2015/16 through FY 2017/18 ("Proposed Plan"); accepting the SHIP Affordable Housing Advisory Committee's Affordable Housing Incentives Recommendations Report ("Report"); authorizing the submission of the Proposed Plan, including the Housing Incentive Strategies recommended in the Report, to the Florida Housing Finance Corporation; authorizing the Mayor or his designee to execute all documents necessary to effectuate the Proposed Plan; and to expend funds in accordance with the Proposed Plan upon its approval by the Florida Housing Finance Corporation; finding that five percent (5%) of the SHIP Local Housing Distribution plus five percent (5%) of Ship Program Income is insufficient to pay the administrative costs of the City's SHIP Program; authorizing up to ten percent (10%) of the City's SHIP Local Housing Distribution plus ten percent (10%) of the City's SHIP Program Income for administrative costs of the City's SHIP Program; establishing a procedure whereby the FHA Mortgage Limits or the results of a SHIP approved methodology; whichever is lower, shall be used to establish the City's maximum purchase price under the SHIP and HOME programs; and providing that new City maximum purchase price limits shall be established in the future by the Administration without further action by the St. Petersburg City Council when a new maximum purchase price limit is determined using this procedure.

8. Authorizing the Mayor or his designee to accept a grant from the Florida Department of Highway Safety and Motor Vehicles ("FDHSMV") and the Federal Motor Carrier Safety

Administration ("FMCSA") in the amount of $45,000 to fund the Police Department's purchase of portable computing devices and mounting hardware to enable the department to increase e-crash reporting, and to execute a grant agreement and all other documents necessary to effectuate this transaction; and approving a supplemental appropriation in the amount of $45,000 from the increase in the unappropriated balance of the Operating Fund (0001), resulting from these additional revenues, to the Police Department, Information & Technology Services (140-1401), Federal Motor Carrier Safety Administration ("FMCSA") Safety Data Improvement Project ("SADIP") Grant (tbd).

9. Confirming the appointment of Carol Jones as a regular member to the Social Services Allocations Committee to fill an unexpired three-year term ending September 30, 2016; and confirming the appointment of Armanda Lampley as a regular member to the Social Services Allocations Committee to serve an unexpired three-year term ending September 30, 2015.

10. Confirming the appointment of David L. Herzik as a Code Enforcement Special Magistrate to serve an unexpired three-year term ending December 31, 2016.

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

Budget, Finance & Taxation Committee
Thursday, March 26, 2015, 8:00 a.m., Room 100

Public Services & Infrastructure Committee
Thursday, March 26, 2015, 9:15 a.m., Room 100

Housing Services Committee
Thursday, March 26, 2015, 10:30 a.m., Room 100

CRA/ Agenda Review and Administrative Update (for 4/2)
Thursday, March 26, 2015, 1:30 p.m., Room 100

Committee of the Whole - Wage Theft Ordinance
Thursday, March 26, 2015, 2:00 p.m. or immediately following Agenda Review, Room 100

City Council & CPPC Workshop - Downtown Waterfront Master Plan
Friday, April 10, 2015, 10:00 a.m., Room 100

CITY OF ST. PETERSBURG
Board and Commission Vacancies

Arts Advisory Committee
5 Regular Members
(Terms expire 9/30/15, 9/30/16 and 9/30/18)

Civil Service Board
3 Alternate Members
(Terms expire 6/30/16 & 6/30/17)

Commission on Aging
5 Regular Members
(Terms expire 12/31/14 & 12/31/16)

City Beautiful Commission
3 Regular Members
(Terms expire 12/31/14 & 12/31/16)

Public Arts Commission
1 Regular Member
(Term expires 4/30/18)

Nuisance Abatement Board
1 Regular Member
(Term expired on 12/31/14)

PROCEDURES TO BE FOLLOWED FOR QUASI-JUDICIAL PROCEEDINGS:

1. **Anyone wishing to speak must fill out a yellow card and present the card to the Clerk. All speakers must be sworn prior to presenting testimony. No cards may be submitted after the close of the Public Hearing. Each party and speaker is limited to the time limits set forth herein and may not give their time to another speaker or party.**

2. At any time during the proceeding, City Council members may ask questions of any speaker or party. The time consumed by Council questions and answers to such questions shall not count against the time frames allowed herein. Burden of proof: in all appeals, the Appellant bears the burden of proof; in variance application cases, the Applicant bears the burden of proof; in rezoning and Comprehensive Plan land use cases, the Owner bears the burden of proof except in cases initiated by the City Administration, in which event the City Administration bears the burden of proof. Waiver of Objection: at any time during this proceeding Council Members may leave the Council Chamber for short periods of time. At such times they continue to hear testimony because the audio portion of the hearing is transmitted throughout City Hall by speakers. If any party has an objection to a Council Member leaving the Chamber during the hearing, such objection must be made at the start of the hearing. If an objection is not made as required herein it shall be deemed to have been waived.

3. Initial Presentation. Each party shall be allowed ten (10) minutes for their initial presentation.

   a. Presentation by City Administration.

   b. Presentation by Applicant and/or Appellant. If Appellant and Applicant are different entities then each is allowed the allotted time for each part of these procedures. The Appellant shall speak before the Applicant. In connection with land use and zoning ordinances where the City is the applicant, the land owner(s) shall be given the time normally reserved for the Applicant/Appellant, unless the land owner is the Appellant.

   c. Presentation by Opponent. If anyone wishes to utilize the initial presentation time provided for an Opponent, said individual shall register with the City Clerk at least one week prior to the scheduled public hearing.

4. Public Hearing. A Public Hearing will be conducted during which anyone may speak for 3 minutes. Speakers should limit their testimony to information relevant to the ordinance or application and criteria for review.

5. Cross Examination. Each party shall be allowed five (5) minutes for cross examination. All questions shall be addressed to the Chair and then (at the discretion of the Chair) asked either by the Chair or by the party conducting the cross examination of the speaker or of the appropriate representative of the party being cross examined. One (1) representative of each party shall conduct the cross examination. If anyone wishes to utilize the time provided for cross examination and rebuttal as an Opponent, and no one has previously registered with the Clerk, said individual shall notify the City Clerk prior to the conclusion of the Public Hearing. If no one gives such notice, there shall be no cross examination or rebuttal by Opponent(s). If more than one person wishes to utilize the time provided for Opponent(s), the City Council shall by motion determine who shall represent Opponent(s).

   a. Cross examination by Opponents.
   b. Cross examination by City Administration.
   c. Cross examination by Appellant followed by Applicant, if different.

6. Rebuttal/Closing. Each party shall have five (5) minutes to provide a closing argument or rebuttal.
   a. Rebuttal by Opponents.
   b. Rebuttal by City Administration.
   c. Rebuttal by Appellant followed by the Applicant, if different.

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SAINT PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO:	The Honorable Charlie Gerdes, City Council Chair, and Members of City Council
SUBJECT:	**Appeal of the Development Review Commission (DRC) approval of a modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development located at 176 – 4th Avenue Northeast. (City File 15-31000003 Appeal)**
RECOMMENDATION:	The Administration recommends that the appeal be **DENIED**, thereby **UPHOLDING** the Development Review Commission's **approval** of the application.

INTRODUCTION: The subject property is located on the south side of 4th Avenue Northeast, between Beach Drive Northeast and 1st Street North. On October 1, 2014, the DRC approved the application request for a Site Plan approval to construct an 18-story, 29-unit multi-family development with floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards, subject to amended special conditions, by a vote of 7-0. (Case #14-3100015). The decision was subsequently appealed, and the appeal was heard before City Council on November 6, 2014 and December 4, 2014. The DRC decision was upheld upon appeal. Please see attached staff report dated 09/23/14 and staff memo for the November 6, 2014 City Council meeting prepared for the previous case and the City Council appeal.

CURRENT PROPOSAL: In response to concerns expressed by the neighbors at the prior City public hearings, the applicant submitted an application to modify the previously approved Site Plan to construct an 18-story, 29-unit multi-family development, to relocate the access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley. Staff found that the modification to the previously approved Site Plan complies with the applicable provisions of the Land Development Regulations (LDRs) and the Comprehensive Plan, and recommended approval to the DRC. The Transportation and Parking Management Department reviewed the modified site plan, and determined that the modified locations of the garage entrance, car elevators and car waiting zone will have a minimal impact on the road capacity and traffic operating conditions of 4th Avenue NE, Fareham Place NE and the north-south alley. Pursuant to 16.40.090.3.5, the modified site plan with vehicular access to the parking garage elevators on the north/south alley meets the requirement for two stacking spaces per vehicle entry point. The modification to the site plan has no other material effects on

the previously approved plan and all considerations related to the previous review remain in effect. The DRC staff report dated 02/26/15 is attached.

DRC REVIEW AND DECISION: The DRC considered the modification to the previously approved Site Plan during the public hearing on March 4, 2015. The DRC heard testimony from City staff, the applicant, and the general public. The details of the testimony are provided in the attached meeting minutes. After considering all of the information provided, the DRC voted to approve the application, subject to the special conditions of approval as set forth in the staff report, by a vote of 7 to 0.

THE APPEAL: The City Clerk's Office received an appeal from Jackson H. Bohman, Esq. of Moore, Bowman and Rix, P.A., representing Mr. Michael Levy, a resident of Parkshore Plaza. Staff's analysis of the appeal is provided in this report.

STAFF'S ANALYSIS: Staff has reviewed the arguments set forth in the attached appeal letter. The Administration recommends that the City Council deny the appeal and uphold the DRC based on the following analysis. Appellant's issues are outlined below followed by staff analysis and response.

Issue #1: Compliance with Land Development Regulations required application submittals
Appellant argues that the required application submittals pursuant to 16.20.120.7 and 16.90.010 were not provided.

Staff Response: Revised site plans, floor plans and elevations were provided. All plans relevant to the requested modification to relocate access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley were provided. The request did not include a modification to the F.A.R. as previously approved, and therefore, no further staff review of the plans was performed in association with the application to modify the site plan, as such a review was not relevant to the requested modification.

Issue #2: Revision to the Site Plan
Appellant argues that a revised Site Plan was presented at the hearing, with no notice of these changes to the public in advance of the hearing.

Staff Response: Staff accepted a revised Site Plan immediately prior to the hearing. The Site Plan revision was limited to the relocation of the building's emergency generator from outside of the building to the interior of the building. This revision had no material effect on the requested modification, and per Section 16.70.040.1.H., such minor modifications can be approved by the POD.

Issue #3: Consistency with the Comprehensive Plan/F.A.R. calculations
The appellant argues that the F.A.R. is inconsistent with the Comprehensive Plan.

Staff Response:
Staff finds the proposed modification to the location of the parking garage elevators in compliance with the City's Comprehensive Plan. As previously noted, the request did not include a modification to the F.A.R., and therefore, no staff review of the plans was performed in association with the application to modify the Site Plan, as such a review was not relevant to the requested modification. Further, staff provides only a cursory review of F.A.R. during the Site

Plan Review approval process, and detailed review is not performed by staff until Building Plans are submitted. Performing a cursory review at the entitlement phase with detailed review at time of building permit submittal is a common standard planning practice. Consistency of the modification to the Site Plan with the Comprehensive Plan was limited to a review of the modification, and the modification was found consistent with the Comprehensive Plan, including, but not limited to, the following Policies:

1. Policy LU19.2.1: Land use patterns that impair the efficient functioning of transportation facilities shall be avoided through implementation of land development regulations that provide for site planning practices that limit curb cuts, provide for common access points and ensure safe and convenient on-site traffic circulation without adversely affecting the operational integrity of adjacent roadways;
2. Policy T T7.1: The City shall, to the extent practical, reduce or prevent direct access from driveways to principal and minor arterials by prioritization of primary access. When a site is adjacent to a principal or minor arterial, the priority of primary access shall be, to the extent practical, to local roads first, neighborhood collectors second, collectors third, minor arterials fourth and principal arterials fifth. Access from nonresidential development onto local roads shall be designed to minimize the intrusion of traffic in adjacent residential areas; and
3. Policy T7.2: All development or redevelopment projects shall be required to provide safe and efficient access to the public road system, accommodate on-site traffic movements, and provide parking for motorized and non-motorized vehicles as required by implementation of the Land Development Regulations.

Prior evaluation of the consistency of the approved Site Plan with the Comprehensive Plan, as cited in the staff memo for the November 6, 2014 City Council meeting, remains in full force and effect and is incorporated by reference herein.

SUMMARY: Staff found that the application for a modification to the previously approved Site Plan to construct an 18-story 80,080 square foot, 29-unit multi-family residential development, complies with the Comprehensive Plan as well as the applicable provisions of the Land Development Regulations (LDR's) and recommended approval to the Development Review Commission (DRC). The DRC considered all of the information presented during the public hearing and approved the modification to the Site Plan by a vote of 7 to 0. Given the findings set forth in this report, staff recommends that the appeal of the DRC decision should be denied and that the decision of the DRC should be upheld.

RECOMMENDATION:
The Administration recommends that the City Council **APPROVE Resolution "A"** to deny the appeal, thereby upholding the decision of the DRC to approve the application to modify the previously approved Site Plan.

"A"

RESOLUTION NO._____

A RESOLUTION **DENYING** THE APPEAL RECEIVED ON MARCH 13, 2015 (MICHAEL LEVY APPEAL) AND **UPHOLDING** THE DEVELOPMENT REVIEW COMMISSION'S APPROVAL OF A MODIFICATION TO A PREVIOUSLY APPROVED SITE PLAN TO CONSTRUCT AN 18-STORY, 29-UNIT MULTI-FAMILY DEVELOPMENT LOCATED AT 176 – 4TH AVENUE NORTHEAST. (CITY FILE 15-31000003); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 4, 2015, the Development Review Commission (DRC) held a public hearing for a modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development located at 176 – 4th Avenue Northeast; and

WHEREAS, the City Council finds that it is appropriate to **deny** the appeal by **upholding** the DRC's approval of the modification to a previously approved Site Plan.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings:

1. The modified Site Plan complies with the City's applicable Land Development Regulations and Comprehensive Plan; and

2. The City Council finds that it is appropriate to **DENY** the appeal and **UPHOLD** the DRC's approval of the modified Site Plan, subject to the conditions of the Staff Report, as adopted by the DRC at the public hearing.

BE IT FURTHER RESOLVED that under its de novo and appellate authority, based upon the foregoing findings of fact based on evidence, this Council **approves** the modified Site Plan, subject to the conditions in the Staff Report, and **denies** the appeal herein; and

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

APPROVED AS TO FORM AND SUBSTANCE:

3-19-15

Planning and Economic Development Department — Date

3/19/15

City Attorney — Date

"B"

RESOLUTION NO._____

A RESOLUTION **APPROVING** THE APPEAL RECEIVED ON MARCH 13, 2015 (MICHAEL LEVY APPEAL) AND **OVERTURNING** THE DEVELOPMENT REVIEW COMMISSION'S APPROVAL OF A MODIFICATION TO A PREVIOUSLY APPROVED SITE PLAN TO CONSTRUCT AN 18-STORY, 29-UNIT MULTI-FAMILY DEVELOPMENT LOCATED AT 176 – 4TH AVENUE NORTHEAST. (CITY FILE 15-31000003); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 4, 2015, the Development Review Commission (DRC) held a public hearing for a modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development located at 176 – 4th Avenue Northeast; and

WHEREAS, the City Council finds that it is appropriate to **approve** the appeal by **denying** the DRC's approval of the site plan, variance and bonuses.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings based on the evidence:

1. The requested site plan does not comply with the applicable City Land Development Regulations or Comprehensive Plan.
2.

BE IT FURTHER RESOLVED that under its de novo and appellate authority, based upon the foregoing findings based on the evidence, this Council **denies** the modified Site Plan and **approves** the appeal herein; and

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

APPROVED AS TO FORM AND SUBSTANCE:

3-19-15

Planning and Economic Development Department — Date

3/19/15

City Attorney — Date

Case #15-31000003

Excerpt from Minutes

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CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION
DEVELOPMENT REVIEW COMMISSION
Excerpt from Minutes

Conference Room 100, City Hall
175 – 5th Street North
St. Petersburg, Florida 33701

March 4, 2015
Wednesday
2:00 P.M.

First Alternate: Joseph Griner III ***Second Alternate: Calvin Samuel*** ***Third Alternate: Vacant***

Commission Members:
Chuck Flynt, Chair – P
Chris Scherer, Vice Chair - P
Lynn Cravey - P
Richard Doyle - P
Ben Fisher - P
David Punzak - P
Darren Stowe - P

Alternates:
1. Joseph Griner III - P
2. Calvin Samuel - P
3. Vacant

A – Absent
P = Present

City Staff Present:
Elizabeth Abernethy, Zoning Official
Corey Malyszka, Urban Design and Development Coordinator
Michael Dema, Assistant City Attorney
Pamela Crook, Administrative Clerk, Development Review Services
Vicky Davidson, Administrative Assistant, Planning & Economic Development

EXCERPT FROM MINUTES

AGENDA ITEM #5 **CASE NO. 15-31000003** **E-4**

REQUEST: Approval of a Modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development, to relocate the access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley.

OWNER: Patricia B. Moss Revocable Trust
105 Dogwood Lane
Raford, VA 24141-3917

ARCHITECT: Tim Clemmons
Mesh Architecture
33 6th Street South
St. Petersburg, FL 33701

ADDRESS: 176 4th Avenue Northeast

PARCEL ID NO.: 19-31-17-77358-000-0040 & 0050

LEGAL DESCRIPTION:	On File
ZONING:	DC-3
PRESENTATIONS:	Elizabeth Abernethy made a presentation based on the Staff Report. Brian Taub, the contract purchaser, spoke to the application.
PUBLIC HEARING:	Two Citizens spoke in opposition to the request.
MOTION:	To approve the modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development, subject to the Special Conditions in the Staff Report.
VOTE:	Yes – Cravey, Doyle, Fisher, Punzak, Stowe, Scherer, Flynt. No – None.
ACTION TAKEN ON 15-31000003:	APPROVAL of the modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development, subject to the Special Conditions in the Staff Report; **APPROVED 7-0.**

The Chairman read the notice of hearing.

Elizabeth Abernethy's presentation:

The request is for a modification to a previously approved Site Plan to construct an 18-story, 30-unit multi-family development. The request is to relocate the access to the parking garage elevator from the east/west alley (Fareham Place N) to the north/south alley.

On October 1, 2014, the DRC unanimously approved the application to construct an 18-story, 30-unit multi-family development with floor air ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards. That was case No. 14-31000015.

The decision was subsequently appealed. The appeal was heard before City Council on November 6, 2014, and December 4, 2014. The DRC decision was upheld upon appeal.

An aerial view of the subject location of 176 4th Avenue Northeast was shown. Handouts of the site plan were handed out indicating the modification of the garage doors previously were on the alley to the rear and are now facing the north/south alley. There remains an entrance to the parking entrance to the ground level parking spaces from the Fareham Place East/West alley.

The modification has a minimal effect on the elevations, but the applicant provided the revised elevations. The east elevation garage doors are visible now. The renderings shown were similar to what was approved last time. The change is ground level on the alleys and has minimal impact to the street view.

Staff reviewed the modifications and our transportation reviewed the changes and found no concerns.

Regarding considerations for approval, the Transportation and Parking Management Department reviewed the modified site plan. They determined that the modified locations of the garage entrance, car elevators, and car waiting zone will have a minimal impact on the road capacity and traffic operating conditions of the 4th Avenue NE, Fareham Place NE and the north/south alley.

We did review the modification for compliance with our recently amended parking garage section of code, and pursuant to 16.40.090.3.5, the modified site plan with vehicular access to the parking garage elevators on the north/south alley meets the requirement for two stacking spaces per vehicle entry point.

The purpose of the applicants request to amend the location of the garage elevators was a result of concerns expressed by neighbors on the other side of the Fareham Place alley about congestion on the alley, so as a response to that concern, the applicant has proposed this redesign to address that concern.

Staff finds that the modification to the site plan has no other material effects on the previously approved plan and all considerations relating to the previous review remain in effect.

Staff finds the application to modify the previously approved site plan to be consistent with the standards for review, subject to special conditions of approval. And Staff finds the modification to be consistent with the comprehensive plan.

All previous conditions remain in effect. There is one new condition that Staff work with the applicant and with added condition that the applicant may elect to withdraw this application if within 30 days of approval of the modification if any party appeals today's approval. Then he would revert back to the site plan which has been previously approved.

The applicant and developer Brian Taub was then sworn in and submitted two letters in support of his application. He reiterated that he appeared before the DRC on October 1st and his application for this development was unanimously approved. The neighbors were not happy with the decision of the DRC and appeal the DRC decision to City Council. On December 4, 2014, City Council unanimously upheld the DRC decision to approve the site plan.

Taub: Once again the neighbors remain unhappy. Just before Christmas, Mr. Bacon, through his attorney, presented us with a revised suggested site plan which relocated the garage elevators from Fareham Place to the north/south alley. That was in exchange for filing a lawsuit. This design was by George F. Young Civil Engineers.

My architect, Tim Clemmons, responded to their request articulating five reasons why this plan was not feasible.

Park Shore filed a petition for Cert on January 5th. Finding this unacceptable, I requested my architect to review Park Shore's request to see if there was any way that we could meet their intentions of their desire to relocate the garage elevators.

Several weeks later, Tim successfully designed a site plan which complied with their request while not adversely affecting our condominium design and meeting City's design guidelines.

I would like to highlight some of the changes that differentiate this site plan from the already approved one.

1. The relocation of the garage elevator from Fareham Place to the north/south alley.
2. The north/south alley which was widened by seven feet is now widened by nearly ten feet from the retail south.
3. The four car waiting area that we have for vehicular elevators are now all located of the north/south alley as compared to being split between the north/south alley and Fareham Place.
4. The first floor parking garage entrance is on Fareham Place. That garage entrance is recessed nearly 32-feet.

This design was presented to Mr. Bacon of Park Shore, and he indicated that there was a desire to settle as a result of this redesign.

This is why I am here before you today – to try to accommodate our neighbors, and satisfy their desires, and wishes and try to be a good neighbor.

As you may know, I have faced another challenge which is a suit that was filed by Mr. Levy against the City which contends that the City unlawfully approved the Site Plan and that the development order was inconsistent with the City's Comprehensive Plan because we exceeded the maximum allowable F.A.R.

The City Attorney has already asked for this suit to be dismissed.

As you know, St. Petersburg's site plan review process does not include evaluations or calculations of the F.A.R. However, to fast forward, we have submitted as recently as last week submitted a complete set of building plans to the City for a building permit. I understand that the Planning Staff has reviewed these and is comfortable that we are within the allowable F.A.R.

We made changes to our plans for this F.A.R. calculation which we consider to be overly conservative. We are counting now un-air-conditioned areas in the garage, which include the electrical room, janitor's closet, communication room, emergency generator room, pump room, and trash room towards the F.A.R. calculation which were not included previously in our last plan review. As a point of reference, these un-air conditioned spaces that we did include were not included in F.A.R. calculations in our neighboring properties.

I understand that the City is amending the Comprehensive Plan to clarify any ambiguity as it relates to Mr. Levy's concerns related to the F.A.R.

As you can see, I have gone way out of my way in an effort to be a good neighbor and to try to accommodate our neighbor's concerns and issues. I met with all four of my neighbors to the east of the north/south alley and each one has indicated that they do not have any objections to this revised plan. The two letters that were submitted were indications of as much.

Chair Flynt: Questions of the Applicant?

Abernethy: A revised staff report was distributed, and an email from a neighbor with objections was distributed. There was a change from 45 days to 30 days.

Mr. Taub was asked if he was comfortable with the 30 days, and he said he thought the appeal period was ten days.

Assistant City Attorney Dema said that this timeframe would take the appeal period out to the City Council date where it would be heard.

Taub: This redesign has cost me in excess of $250,000 in design and construction costs. I am only doing this if I do not receive an appeal. If I receive an appeal, I have an approved plan.

Dema: The idea here is that his condition recognizes the applicant's good faith attempt to resolve an issue that formed the crux of the public hearing that was before the DRC in October and it is also the aid of a potential settlement of one of the two open lawsuits on this property against the City right now. If he is going out of his way to address one of the two major issues, then he should be afforded the opportunity to maintain either his old site plan or this. It would take him passed the first Council meeting next month, and an appeal could potentially be heard.

Taub: As long as I am outside the appeal period, I am fine.

Commissioner Griner: The ten feet that you mentioned, you are doing that?

Taub: We are doing that to widen the alley which is already congested and help with the maneuverability into and out of the garage.

Chair Flynt: Other Questions? Thank you very much, sir.

Public Comment Cards

Ryan Reese was called and asked for his name and address. He passed out material for the DRC members and was reminded that he had three minutes to speak.

Ryan Reese: Resides at 4601 West Ostrella Street in Tampa and I have been sworn in. (The clock was started after everyone received a copy of his material) I am standing in today for Jackson Bowmen on behalf of the law firm and representing Mr. Levy in this matter. As Ms. Abernethy and Mr. Taub stated that their two appeals of the DRC's decision that went to the City Council were both denied and there are two matters of pending litigation currently set forth in the circuit court. I am here today as part of one of the circuit court matters and that simply is to object on the record to the modified site plan by the Bliss developer. We are here to simply preserve our objections and also to incorporate the record for all previous challenges that were heard both before the DRC and the City Council into the record here today.

The crux of our opposition to the plan is simply because it is too big for the site. In other words, it is too intensive of development that is allowable under the City's Comprehensive Plan. As you know, Comprehensive Plans are the constitutions that guide City's in the community development processes, both statutory and case law. Statutory and case law provides that all development must be consistent with the Comprehensive Plan. That is a mandatory requirement. There is no discretion. I'll make this simple. The development intensity in this case is measured by floor area ratio. Under the City of St. Petersburg's Comprehensive Plan future land use element, floor area ratio is defined as a measure of the intensity of development , the ratio of gross floor area to the area of the lot. Section 1.7 defines gross floor area as the area of the

structure measured by the total area of all floors including stair wells, elevator shafts, etc., measured from the outside base of enclosing walls and supports. The land development regulations may exclude parking areas.

The Comprehensive Plan latest policy LU 17.b.3 places a cap on the floor area ratio for buildings within the waterfront district, the DC-3 zoning district; the area where the Bliss development is proposed. Under that policy, the floor area ratio shall not exceed 4.0.

As applied to Bliss, under the Staff Report prepared by the City, the total site area is 20,020. The proposed F.A.R. by the applicant is 80,080 which will have you believe it is within the 4.0. However, if you will see there are certain areas that are not counted on the construction plans that we have received for the 4.0.

(Three minutes have passed, and Attorney Reese was afforded more time to wrap it up.)

The City has failed to comply with its Comprehensive Plan and doing that is not legally permissible under the current law. So, we are here again to oppose the granting of the approval for modification. It has come to my attention earlier that a new site plan has been submitted earlier, but we are not aware of that. We need a copy of those.

The site plan is before the body now.

With the new F.A.R. calculations?

Mr. Bowman has already made that public records request.

And that is why we are here just to preserve the issues for appeal. That is the problem with doing this kind of as we go. This is the only public forum. The building permit stage is not a public forum, and there is not process given to lay people to oppose.

Chair Flynt: The next comment card – Board members can ask questions if they need clarification at some point.

The next card that we do have is Mr. Churiti, but he left awhile ago. The next card is William Ferrari, who waived. The last card is Vincent Pusateri.

Vincent Pusateri: I am resident of Park Shore Plaza. I am an owner there for eight years and I think I have seen a lot of change because of the fine work that this development committee has done, and I a very happy to live here. But I didn't move to Shanghai, Tokyo, or Hong Kong. I moved here because of the eco-balance of Beach Drive. Having an 18 story building wedged in between other structures destroys the charm and balance of the City. And you know that, and I know that. We are following the money but not doing what is right for the citizens of this City. This is a 14 foot alley. I walk it every day. I walk with my dog. Having the egress dump into this 14 foot, now 24 foot, there is a big problem. This is a congested alley today. As Commissioner Flynt said, it is a service alley. It is not a street. It is not a thoroughfare. It is a service alley. Having cars consistently come in and out of this alley at the expense of other cars waiting and trucks who are delivering goods is a real problem. I am concerned as a citizen of walking down that alley. There is no sidewalk. What about the dangers involved. What about emergency vehicles that need to come. God forbid there is a fire in the kitchen in one of these poor buildings. How do they get in? What happens when the elevator breaks? Do we all back-up onto 4th Street? These are all questions that need to be seriously examined. This albatross of a building will haunt us for the next 50 years. There are

other locations in town to build a wonderful building like this. I'm all for it. It's just the wrong location gentlemen. This is not the right time and the right spot. We are building a city of character, not a city of greed. As a resident, as an owner, as someone who walks those alleys every day, that's not a great location. If you want egress onto 4th Street, that's a better idea; but the north alley or Fareham alley: bad idea. And I have been in business development for 30 years. I know what you are up against. But there is all kind of alternatives that need to explored before we just dive in and build an 18 story structure on a postage stamp lot, which is going to cause a lot of traffic congestion. I don't care who signs petitions. Go ahead. There are six refuse dumpsters in that alley. I have pictures which I submitted of the traffic congestion that already exists. There have been four accidents in the last 60 days.

Chair Flynt: We will have to wrap it up here.

Pusateri: My final appeal to you is to look at the citizens and look at that site and tell me that that is a good location for an 18 story building. I don't think so. I am very concerned about the future if these kinds of decisions are made. And I know you are going to do the right thing. This gentleman has put up a great argument, spent a lot of money, and I appreciate that. Just find a different site.

Chair Flynt: We do not have any further cards at this point. Would Staff like to take cross-examination?

Abernethy: Waive.

Chair Flynt: Would the applicant like to take cross-examination?

Taub: Yes.

Chair Flynt: Please do.

Taub: Thank you.

Chair Flynt: You can ask questions of anyone who has spoken here today.

Taub: I would like to make some points. Thank you.

Chair Flynt: This is cross-examination.

Taub: Not for rebuttal?

(Someone from the audience asked if he could ask a question.)

Chair Flynt: We are moving on and can ask some questions later on. Thank you. Would the Staff like to make a rebuttal or closing argument?

Abernethy: Yes. Just a point of clarification about the F.A.R. It's common planning practice to review the specifics of F.A.R. at building plan review. But as an abundance of caution working with this applicant, they did submit some detailed calculations for our examination, and we met with the applicant's architect to go through in detail the CAD drawings and how the calculations were done. The applicant and architect have indicated that there are some revisions to the calculations as a result of our discussion, and they will be forthcoming to staff.

But, the F.A.R. is not part of today's modification of the previous site plan. It is specific to the relocation of the elevators, which is why we didn't address F.A.R. specifically on our Staff Report.

Chair Flynt: If during permitting and the building department comes back and it is 4.1 F.A.R., they would have to shave off to get within that 4.0?

Assistant Attorney Dema: That is right.

Chair Flynt: We are not today saying that this is 4.0. It could be 4.1 as determined by the building department. Correct?

Assistant Attorney Dema: It is not part of your review today of what the F.A.R. is. They have a maximum F.A.R. allowed of 4.,0 and at building plan review that will be evaluated.

Chair Flynt: Thank you.

Commissioner Doyle: Liz, you have more patience than I do. I have one big picture question. On this box here, it says the land development regulations may exclude parking areas. What do our LDRs actually do?

Abernethy: So in the case of this garage, they do exclude it. There are other parts of code where only portions of garages are excluded, so I think the reason it is worded that way is to allow some discretion depending on how it is applied and what zoning code or what context, whether or not we exclude it or not.

Chair Flynt: Any further questions of the City? Applicant, would you like to participate in rebuttal, closing argument?

Taub: Thank you. In reiteration of what Liz said, this is not the appropriate forum to discuss details of calculations and evaluations of F.A.R.

With regard to access, our opponent said that the first complaint back in October and November and December was Fareham Place was the inappropriate as access. It was Park Shore and their attorney represented me with the revised plan suggesting the vehicular elevator access off the north/south alley. That was not my suggestion. We took that suggestion and ran with it because they filed a writ of cert. Now I understand that the north/south alley is not acceptable. I cannot be denied access to this property. It is normal and customary to access. As far as congestion is concerned, we are talking about 29 units. This is not a huge high-rise that is going to be highly congested. And, lastly I would just like to a typical argument of, "I am here in a 24 story and 120 unit building and I don't want anybody else to block my view." That's all I have to say. Thank you very much.

Chair Flynt: Any questions of the applicant at this point? OK. We are ready to go out and close out the public hearing session and go into executive session. Any questions or comments at this point? I was not here as was Mr. Fisher back in October, so I am not privy to a lot of the conversation back then, but I went to the site on Saturday at about 11:30 to get an idea of what is going on there. That north/south alley is pretty tight and it was blocked off by a canopy. You had dumpsters, but they had large trucks. I was concerned with this, but looking at this, they were adding to the alley so you would actually be able to get around it. The concern I had was a box truck making deliveries apparently for the restaurants at 300 and Strive that was blocking the east/west alley.

Park Shore Tower appears to have a loading dock area that I am assuming is for the restaurant space, but it looked like they had personal passenger vehicles parked there for at least an hour and a half, because I came back an hour and a half later and their loading dock was blocked by passenger vehicles. Is that loading dock for Park Shore Tower for deliveries to the restaurant, because that was what was blocking the east/west alleyway. Any information on that?

Pusateri: The loading dock in my understanding is for the residents when they move in and move out and unload furniture for deliveries. It is not used by the restaurants – the loading dock at Park Shore.

Chair Flynt: There was a Jaguar. It wasn't a moving truck.

Pusateri: You might see a Porsche, because people use that to wash their car or... It's residents, not delivery for the restaurant.

Chair Flynt: How do they deliver to it? Do they block the aisle?

Pusateri: I don't know how the restaurants get their food. I really don't. I assume the same thing happens for the Park Shore Grill like the other restaurants, they just park their truck.

Chair Flynt: With the fire access and everything, but I'm seeing the loading dock is blocked by passenger vehicles and the way those vehicles are blocking the alley.

Pusateri: Like you said earlier, Mr. Commissioner, an alley is for deliveries. It is not a thoroughfare. This gentleman wants to make the alley now a street a thoroughfare. It's not. It should be an alley. It is a delivery alley.

Chair Flynt: Where are the accesses to Park Shore? The residential parking spaces?

Pusateri: On 3rd, not on 4th. We enter on 3rd. And if you go around and look at every condo in the City, you don't have alleys as the exit and entry to a condominium, whether there is 29 residents or 100 residents.

Chair Flynt: I am trying clarify what the issue is here.

Pusateri: The issue is the congestion that is going to be created.

Chair Flynt: There are roll-up gates to residential vehicles on the alley.

Pusateri: That is exit only. The entry is off of 3rd and the exit is off of the alley of Fareham Place. That is why we are so concerned as residents of creating whether it is 29 residents with two cars each, it doesn't matter. It's a narrow alley and it is congested today.

Chair Flynt: We will move onto Staff. Will you have a seat please.

Commissioner Punzak: At the risk of stating the obvious, we are here today to consider a modification to an approved site plan. That is procedurally what we have. We have heard this. I don't want to go backward. I suppose we could, but you have got an approved site plan. The human cry of the neighbors, properly is that they have got issues, and the applicant re-designed the entry way for the elevators on that basis. They

have properly conditioned the approval here that if it gets appealed that they can go back to the one they already have. They are entitled to this. I don't want to go down and repeat a lot of the discussion we had in October. Our decision was upheld twice by city Council. They're vested, and it strikes me that we are kind of getting off track. I don't want to cut off discussion, but I am going to make a motion to approve the modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development to relocate the access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley, subject to the conditions in the staff report.

Commissioner Doyle: Second

Chair Flynt: Roll Call please.

Clerk: Cravey – Yes; Doyle – Yes; Fisher – Yes; Punzak – Yes; Stowe – Yes; Scherer – Yes; Flynt – Yes.

Chair Flynt: The site plan is approved. It looks like added driveway solves a lot of issues.

Taub: Thank you very much.

Case #15-31000003

Staff Report

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CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION
REVISED STAFF REPORT – 02/26/15

SITE PLAN REVIEW
PUBLIC HEARING

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **March 4, 2015, at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 15-31000003 **PLAT SHEET:** E-4

REQUEST: Approval of a Modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development, to relocate the access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley.

OWNER: Patricia B. Moss Revocable Trust
105 Dogwood Lane
Raford, VA 24141-3917

ARCHITECT: Tim Clemmons
Mesh Architecture
33 6th Street South
St. Petersburg, FL 33701

ADDRESS: 176 4th Avenue Northeast

PARCEL ID NO.: 19-31-17-77238-000-0040 & 0050

LEGAL DESCRIPTION: On File
ZONING: DC-3

SITE AREA TOTAL: 20,020 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	2,380 square feet	0.12 F.A.R.
Proposed:	80,080 square feet	4.0 F.A.R.
Permitted:	80,080 square feet	4.0 F.A.R.

BUILDING COVERAGE:

Existing:	2.380 square feet	11.9 % of Site MOL
Proposed:	9,127 square feet	46 % of Site MOL
Permitted:	19,019 square feet	95 % of Site MOL

IMPERVIOUS SURFACE:

Existing:	15,420 square feet	77% of Site MOL
Proposed:	14,266 square feet	71% of Site MOL
Permitted:	N/A	

OPEN GREEN SPACE:

Existing:	4,600 square feet	23 % of Site MOL
Proposed:	4,073 square feet	20 % of Site MOL

PAVING COVERAGE:

Existing:	13,040 square feet	23 % of Site MOL
Proposed:	5,974 square feet	20 % of Site MOL

PARKING:

Existing:	34; including	2 handicapped spaces
Proposed:	62; including	1 handicapped spaces
Required	33; including	2 handicapped spaces

BUILDING HEIGHT:

Existing:	20 feet from grade; N/A
Proposed:	204 feet from grade; 224 above mean sea level (AMSL)
Permitted:	300 feet from grade; 158 above mean sea level (AMSL)

APPLICATION REVIEW:

I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-3 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

The Request: The applicant seeks approval to modify the previously approved Site Plan to construct an 18-story, 29-unit multi-family development, to relocate the access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley.

History: On October 1, 2014, DRC approved the application request for a site plan approval to construct an 18-story, 30-unit multi-family development with floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards, subject to amended special conditions, by a vote of 7-0. (Case #14-3100015). The decision was subsequently appealed, and the appeal was heard before City Council on November 6, 2014 and December 4, 2014. The DRC decision was upheld upon appeal.

Current Proposal: In response to concerns expressed by the neighbors, the applicant has revised the site plan, to relocate access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley.

Staff Analysis:
The Transportation and Parking Management Department reviewed the modified site plan, and determined that the modified locations of the garage entrance, car elevators and car waiting zone will have a minimal impact on the road capacity and traffic operating conditions of 4th Avenue NE, Fareham Place NE and the north-south alley. Pursuant to 16.40.090.3.5, the modified site plan with vehicular access to the parking garage elevators on the north/south alley meets the requirement for two stacking spaces per vehicle entry point. The modification to the site plan has no other material effects on the previously approved plan and all considerations related to the previous review remain in effect.

Please see attached Staff report prepared for the previous case for additional information regarding the prior approved F.A.R. bonuses and Airport Zoning Overlay variance requests, and the staff report prepared for the City Council appeal relating to the proposed parking garage orientation.

Public Comments: Staff received one call on 02/26/15 requesting clarification of the modification. There was a public records request for all documents related to the case.

III. RECOMMENDATION:

A. Staff recommends APPROVAL

B. SPECIAL CONDITIONS OF APPROVAL: Subject to the special conditions as follows:

1. **The project shall be subject to final review and approval by the Community Redevelopment Agency.**

2. **The structured parking shall be screened from 4th Avenue Northeast with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.**

3. **The applicant shall provide one-quarter of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**

4. **City Staff shall approve the transfer of Historic Transfer of Development Rights prior to the release of building permits.**

5. **The public sidewalk abutting the subject property shall be widened to a minimum of 8-feet.**

6. **The proposed wall along the north side of the outdoor courtyard shall be finished to match the building.**

7. **Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.**

8. **The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.**

9. **Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.**

10. **Bicycle parking shall be provided as required by Section 16.40.090.**

11. **Exterior lighting shall comply with Section 16.40.070.**

12. **Mechanical equipment shall be screened from the abutting rights-of-way.**

13. **Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.**

14. **The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated February 11, 2014.**

15. **The applicant may elect to withdraw this application for modification of a previously approved site plan, at his sole discretion, within 30 days of approval of this modification, if any party appeals this approval. If said application is withdrawn, the previously approved application and site plan, Case #14-31000015 shall remain in full effect, in accordance with all previous conditions of approval.**

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.

2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The use/proposal shall be consistent with Concurrency Certificate No. **6458**.
2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."
2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.
3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.
4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.
5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. RESPONSES TO RELEVANT CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan, including, but not limited to, the following Policies:

1. Policy LU19.2.1: Land use patterns that impair the efficient functioning of transportation facilities shall be avoided through implementation of land development regulations that provide for site planning practices that limit curb cuts, provide for common access points and ensure safe and convenient on-site traffic circulation without adversely affecting the operational integrity of adjacent roadways;
2. Policy T T7.1: The City shall, to the extent practical, reduce or prevent direct access from driveways to principal and minor arterials by prioritization of primary access. When a site is adjacent to a principal or minor arterial, the priority of primary access shall be, to the extent practical, to local roads first, neighborhood collectors second, collectors third, minor arterials fourth and principal arterials fifth. Access from nonresidential development onto local roads shall be designed to minimize the intrusion of traffic in adjacent residential areas; and
3. Policy T7.2: All development or redevelopment projects shall be required to provide safe and efficient access to the public road system, accommodate on-site traffic

movements, and provide parking for motorized and non-motorized vehicles as required by implementation of the Land Development Regulations.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
b. Sewer.
c. Sanitation.
d. Parks and recreation.
e. Drainage.
f. Mass transit.
g. Traffic.
h. School Concurrency.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North:	**Central Business District**
South:	**Central Business District**
East	**Central Business District**
West:	**Central Business District**

Attachments: Aerial, Location Map, Site Plan (01-23-15), Transportation and Parking Management Department correspondence, Staff Report – Case #14-31000015, Memo to City Council regarding Appeals

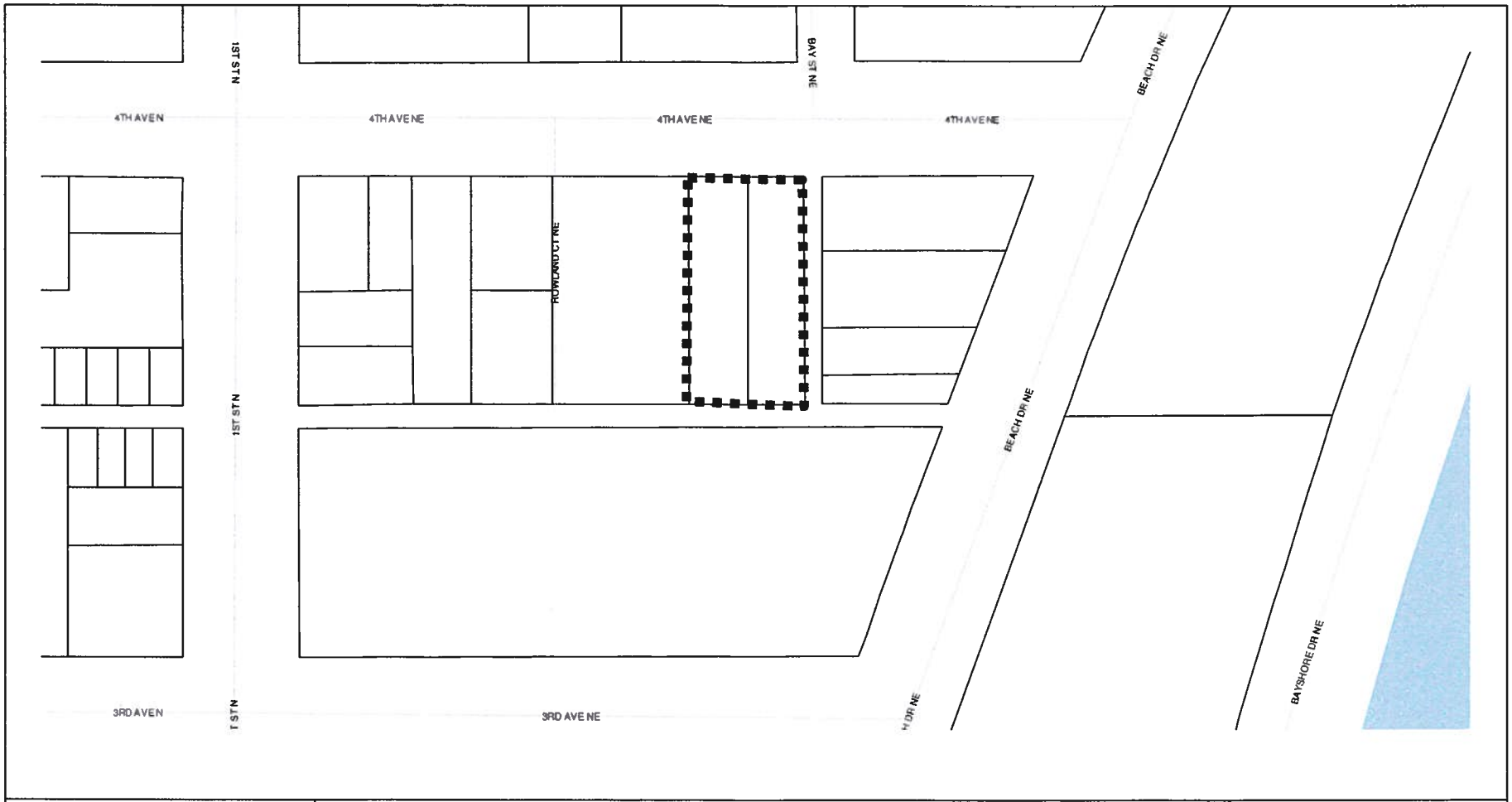
REPORT PREPARED BY:

Elizabeth Abernethy 2-26-15

ELIZABETH ABERNETHY, AICP, Zoning Official (POD) DATE
Planning and Economic Development
Development Review Services Division

Case #15-31000003

Parcel Map and Aerial



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Planning & Economic Development Department
Case No.: 15-31000003
Address: 176 4th Avenue Northeast

N↑
(nts)

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Planning & Economic Development Department
Case No.: 15-31000003
Address: 176 4th Avenue Northeast

N↑
(nts)

Case #15-31000003

Staff Memos

Transportation & Parking Management Department

Engineering & Capital Improvements Department

Elizabeth Abernethy - Case No. 15-31000003

From: Tom Whalen
To: Abernethy, Elizabeth
Date: 2/20/2015 4:00 PM
Subject: Case No. 15-31000003
CC: Development Review Group

The Transportation and Parking Management Department has reviewed the following case:

Patricia B. Moss Revocable Trust
176 4th Avenue Northeast
15-31000003
Approval of a modification to the site plan to construct an 18-story, 29-unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations.

We have reviewed the site plan and anticipate that the modified locations of the garage entrance, car elevators and car waiting zone will have a minimal impact on the road capacity and traffic operating conditions of 4th Avenue NE, Fareham Place NE and the north-south alley.

Tom Whalen, AICP
Planner III
City of St. Petersburg Transportation and Parking Management Dept.
One Fourth St. N, 8th floor
St. Petersburg, FL 33701
Phone: (727) 893-7883
Fax: (727) 551-3326

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT

TO: Pamela Crook, Development Services Department

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: February 11, 2015

SUBJECT: Site Plan Review

FILE: 15-31000003 (formerly 14-31000015)

LOCATION: 176 4th Avenue Northeast
PIN: 19/31/17/77238/000/0040; 19/31/17/77238/000/0050
ATLAS: E-4
PROJECT: 176 4th Avenue Northeast

REQUEST: Approval of site plan to construct an 18 story, 29 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations.

SPECIAL CONDITIONS OF APPROVAL: The Engineering Department has no objection to the proposed site plan.

1. Habitable floor elevations must be set per building code requirements to at least one foot above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum.

2. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City's Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). ***If an increase in flow of over 1000 gpd is proposed***, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City's Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

3. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City

Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.

4. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. The DC zoning district requires 10-foot wide public sidewalk along 4th Avenue Northeast. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

5. Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City's Water Resources department or a variance is granted by the City Water Resources department). Note that the City's Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City's Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

6. This project is within the Downtown National Historic District. All existing roadway brick, granite roadway curbing, and hexagon block sidewalk must be preserved. It is noted that the current sidewalk within 4th Avenue Northeast is hexagon block. It is the responsibility of the contractor to protect and not damage hexblock during construction. Any existing brick, granite curbing, or hexagon block which will not be utilized or is contained within streets or alleys to be vacated shall remain the property of the City and shall be neatly stacked, palletized and returned to the City's Maintenance yard by and at the expense of the developer.

7. Widening of the eastern alley shall be done in conformance with current City Engineering Standards and Specifications. The pavement section shall be an inverted crown at the alley centerline. Milling and overlay of the entire alley will be required. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way.

8. City sanitary sewer atlas map E4 indicates that an 8" sanitary sewer extends into this property from public manhole E4-207 (located in the east/west alley south of the proposed development). The applicant shall verify if any other properties are connected to the north/south segment of sanitary sewer which extends into the private lots and will be required to relocate services as may be necessary to maintain all public sanitary sewer flows. All public sanitary sewer mains shall be contained within public right of way or public utility easement. Private mains which only service this development site will be abandoned to the ownership/maintenance of the property owner.

9. Proposed alley access to the garage must be coordinated and approved through Michael Frederick (phone 727-893-7843) of the City's Neighborhood Transportation and Parking division.

10. The stormwater outfall from the detention area shall be piped to connect to the public stormwater conveyance system. Discharges to the alley or otherwise overland are not desirable in the downtown area.

STANDARD COMMENTS: Water service is available to the site. The applicant's Engineer shall coordinate potable water and /or fire service requirements through the City's Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated right-of-way or easement.

A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans should include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developers responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.

NED/MJR/jw

pc: Kelly Donnelly
Reading File
Correspondence File
Subdivision File - ROWLAND'S, E. B. SUB

Case #15-31000003

Staff Report Case #14-31000015

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CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

SITE PLAN REVIEW
PUBLIC HEARING

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **October 1, 2014 at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 14-31000015 **PLAT SHEET:** E-4

REQUEST: Approval of a site plan to construct an 18-story, 30 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards.

APPLICANT:
Patricia B Moss Revocable Trust
105 Dogwood Lane
Radford, Virginia 24141-3917

ARCHITECT:
Tim Clemmons
Mesh Architecture
2900 44th Avenue North
Saint Petersburg, Florida 33714

ADDRESS: 176 4th Avenue Northeast
PARCEL ID NO.: 19/31/17/77238/000/0040

LEGAL DESCRIPTION: On File
ZONING: DC-3

SITE AREA TOTAL: 20,020 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	2,380 square feet	0.12 F.A.R.
Proposed:	80,080 square feet	4.0 F.A.R.
Permitted:	80,080 square feet	4.0 F.A.R.

BUILDING COVERAGE:

Existing:	2,380 square feet	12% of Site MOL
Proposed:	10,012 square feet	50% of Site MOL
Permitted:	19,019 square feet	95% of Site MOL

IMPERVIOUS SURFACE:

Existing:	15,420 square feet	77% of Site MOL
Proposed:	14,266 square feet	71% of Site MOL
Permitted:	N/A	

OPEN GREEN SPACE:

Existing:	4,600 square feet	23% of Site MOL
Proposed:	5,754 square feet	29% of Site MOL

PAVING COVERAGE:

Existing:	13,040 square feet	65% of Site MOL
Proposed:	4,254 square feet	21% of Site MOL

PARKING:

Existing:	30; including 2 handicapped spaces
Proposed:	65; including 3 handicapped spaces
Required	33; including 2 handicapped spaces

BUILDING HEIGHT:

Existing:	20 feet from grade; N/A
Proposed:	204 feet from grade; 224 above mean sea level (Above Mean Sea Level (AMSL)
Permitted:	300 feet from grade; 158 above mean sea level (Above Mean Sea Level (AMSL)

APPLICATION REVIEW:

I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-3 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

Request:
The applicant seeks approval of a site plan to construct an 18-story, 30-unit multi-family development. The applicant is requesting a floor area ratio bonus and a variance to the Albert Whitted Airport Overlay Height Standards. The subject property is located on the south side of 4th Avenue Northeast in between Beach Drive Northeast and 1st Street North.

Proposal:
The existing property is developed with a 2,380 square foot commercial building and a 30 space surface parking lot. Ingress to the parking lot is from 4th Avenue Northeast and egress is to the existing north-south alley located on the east side of the subject property. The applicant proposes to demolish the existing commercial building and surface parking lot and construct an 18-story residential tower and a 4-story parking garage.

The residential tower will be located along the front of the subject property and the parking garage will be located along the rear of the subject property. The building will be set back off of

the front property line to allow landscaping and green space between the building and the public sidewalk along 4th Avenue Northeast. A private outdoor court yard will be located on the west side of the building.

The ground floor of the residential tower will consist of a lobby and retail space. Floors two through four will have one (1) residential unit per floor. Floors five through 17 will have two (2) residential units per floor. The 18th floor will have a common area with a roof-top terrace and one residential unit. Vehicular access to the first level of the parking garage will be from an existing 15-foot wide north-south alley that is located along the east side of the subject property. The existing north-south alley connects to 4th Avenue Northeast and an existing east-west alley. The first level of the parking garage will have nine (9) parking spaces, owner storage, dumpster room and bicycle parking. Vehicular access to the second through fourth levels of the parking garage will be from an existing 20-foot wide east-west alley (Fareham Avenue NE) at the rear of the subject property. The second through fourth levels of parking will have 18 parking spaces per floor for a total of 54 parking spaces. Access to the upper levels of parking will be from two automobile elevators, instead of a traditional ramp. The applicant will be widening the existing north-south alley to 20-feet to improve vehicular access within the alley system. Pedestrian access to the building will be from the public sidewalk along 4th Avenue Northeast.

The City is fortunate to have created and maintained a strong pedestrian-oriented streetscape that is a key asset in the downtown. Development should reinforce the pedestrian scale by protecting the right-of-way through selection and location of pedestrian-oriented businesses at the street level and restricting vehicular access. The City Code encourages and in some cases requires access to parking from an alley. Since the proposed parking garage provides parking for more than 25 parking spaces, City Code requires vehicular ingress and egress from the alley or a secondary street. 4th Avenue Northeast is a primary street. Further, not having ingress and egress from 4th Avenue Northeast is good urban design because it 1) promotes a walkable, pedestrian friendly sidewalk system, and 2) allows for a pedestrian oriented commercial tenant space on 4th Avenue Northeast. The commercial tenant space will have an active use that will engage the pedestrian along the street and reinforce the purpose and intent of the City Code.

The applicant hired Kimley-Horn and Associates to prepare a trip generation study. According to the study dated August 7, 2014, the proposed condominium development is projected to generate 22 two-way, trip-ends (15 entering/7 exiting) in the PM peak hour during the 4:00 to 6:00 PM time period and 20 two-way trip ends (3 entering/17 exiting) in the AM peak hour during the 7:00 AM to 9:00 AM time period. The City's Transportation and Parking Management Department concurs with the transportation consultant's findings. The projected number of trips will have a minimal impact on Fareham Avenue NE, since the development will generate approximately one trip every three minutes in the PM and AM peak hours. Two waiting spaces are proposed for vehicles waiting to use the car elevators. Both the car elevators and two waiting spaces are on the proposed development's property. Consequently, the waiting spaces will further reduce the impact of the development on the alley since vehicles will not need to stop and wait in the alley for the elevators to become available.

The existing north-south alley is 15-feet wide. As discussed above, the applicant will widen the alley to 20-feet to improve vehicular access. Fareham Avenue NE is 20-feet wide. The north side of Fareham Avenue NE is signed no parking and the south side permits temporary parking for loading and unloading of vehicles. Access to the parking garage of Parkshore Tower is from Fareham Avenue NE.

The proposed architectural style of the building will be contemporary. The base of the tower will have ample amount of glazing and will be oriented towards 4th Avenue Northeast. The upper portion of the tower will be oriented towards the east to take advantage of the water views. The majority of the eastern façade above the fourth floor will be glass. The applicant will integrate projecting balconies along the 4th Avenue Northeast and the eastern façade. The balconies help break down the mass of the building. The applicant proposes an architectural feature on the north facade that helps define the top of the building. The architectural feature is a window surround and encroaches into the setback by two (2) feet. The architectural feature most closely resembles a bay window, which is allowed to encroach into the setback by three (3) feet.

FLOOR AREA RATIO BONUSES:
The base Floor Area Ratio (FAR) within the DC-3 district is 2.0. The applicant is requesting a bonus of 2.0 FAR for a total FAR of 4.0, which can only be granted by the Development Review Commission (DRC) upon demonstration that the project qualifies for the bonuses.

The applicant is requesting approval of the following bonus:

1. **0.5 FAR - Provide financial support to the City's Housing Capital Improvements Projects (HCIP) Trust Fund or its successor fund equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. The total construction cost of the project is approximately 30 million dollars. Since the applicant is seeking to utilize this bonus to achieve a bonus of 0.5, the applicant will be required to provide one quarter of one percent of the total construction cost to the HCIP Trust Fund. Based on the estimated construction cost, a minimum of $75,000 shall be paid to the HCIP Trust Fund. The applicant shall provide the funds to the City prior to the release of building permits. A condition has been added to this report to address this.

2. **0.5 FAR – Use transfer of development rights from a locally designated landmark or landmark site.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to purchase 10,010 square feet of transfer of development rights (TDRs) from a locally designated landmark or landmark site who have TDRs available. Currently, there are five landmarks that the applicant can purchase TDRs from. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

3. **1.0 FAR - Make structured parking not visible to the streets with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base to create an attractive and architectural screen to structured parking.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 1.0. To qualify for the bonus, the applicant will be required to screen the first two stories of the parking garage along 4th Avenue Northeast with a liner building and an architecturally compatible design above the second floor. The entire four story garage is screened from 4th Avenue Northeast by the proposed 18 story tower. The criterion has been satisfied.

Variance:

Airport Zoning Overlay Height Standards

Required:	**158 AMSL**
Proposed:	**224 AMSL**
Variance:	**40 AMSL**

The DC-3 zoning district has a maximum building height of 300 feet, measured from grade. The Albert Whitted Airport Zoning Ordinance permits a maximum building height of 158 feet AMSL by right. The proposed building will be 204 feet from grade and 224 AMSL. The applicant is requesting a variance to allow for a height of 224 feet AMSL. The applicant has submitted an application to the Federal Aviation Administration requesting approval of the height encroachment. The FAA issued a Notice of No Hazard to Air Navigation on September 19, 2014, for a building of 224 feet AMSL. The applicant has secured FAA approval and provided sufficient responses to each of the review criteria required by the Code. The DRC has granted a number of variances for similar projects elsewhere in the downtown area. To promote an urban downtown and urban form, variances to the airport zoning restrictions are appropriate where no safety concerns are identifiable related to airport operations. Given these considerations, Staff recommends approval of the variance.

Public Comments:

Staff has heard from residents of Parkshore Plaza, which is located directly south of the proposed project. Some residents have expressed concerns and some have expressed support. Concerns that were expressed by the residents have to do with the parking garage being accessed off of the alley, increased traffic congestion in the alley, and potential for vehicular accidents.

III. RECOMMENDATION:

A. Staff recommends the following:

1. **APPROVAL of the floor area ratio bonuses.**
2. **APPROVAL of the variance to the Airport Zoning Overlay Height Standards.**
3. **APPROVAL of the site plan, subject to the conditions in the staff report.**

B. SPECIAL CONDITIONS OF APPROVAL:

1. **The project shall be subject to final review and approval by the Community Redevelopment Agency.**
2. **The structured parking shall be screened from 4th Avenue Northeast with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.**
3. **The applicant shall provide one-quarter of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
4. **City Staff shall approval the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
5. **The public sidewalk abutting the subject property shall be widened to a minimum of 8-feet.**

6. **The surface parking spaces along the east side of the subject property shall be revised to provide the required back-out space of 24 feet.**
7. **The proposed wall along the north side of the outdoor courtyard shall be finished to match the building.**
8. **Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.**
9. **The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.**
10. **Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.**
11. **Bicycle parking shall be provided as required by Section 16.40.090.**
12. **Exterior lighting shall comply with Section 16.40.070.**
13. **Mechanical equipment shall be screened from the abutting rights-of-way.**
14. **Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.**
15. **The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated July 9, 2014.**

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The use/proposal shall be consistent with Concurrency Certificate No. **6458.**
2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.

3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).

4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.

5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.

2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.

3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.

4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.

5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
b. Sewer.
c. Sanitation.
d. Parks and recreation.
e. Drainage.
f. Mass transit.
g. School Concurrency.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North:	**Central Business District**
South:	**Central Business District**
East	**Central Business District**
West:	**Central Business District**

REPORT PREPARED BY:

Corey Malyszka

Corey Malyszka, Interim Zoning Official

9/25/14

DATE

Case #15-31000003

Staff Memo Appeal of

Case #14-31000015

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SAINT PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable Bill Dudley, City Council Chair, and Members of City Council

SUBJECT: **Appeals of the Development Review Commission (DRC) approval of a site plan with a variance and bonuses to construct an 18-story, 80,080 square foot, 30-unit, multi-family residential development located at 176 - 4th Avenue Northeast** (Case No.: 14-31000015).

RECOMMENDATION: The Administration recommends that the appeals be **DENIED**, thereby **UPHOLDING** the Development Review Commission's **approval** of the application.

INTRODUCTION: The subject property is located on the south side of 4th Avenue Northeast in between Beach Drive Northeast and 1st Street North. The applicant proposes to construct an 18-story, 80,080 (plus exemptions) square foot, 30-unit, multi-family residential development. The applicant is seeking bonuses to floor area ratio (F.A.R.) and a variance to the Albert Whitted Airport Overlay Height Standards. The Development Review Commission (DRC) heard the application at the October 1, 2014 hearing. After hearing testimony from staff, the applicant, the registered opponent and the public, the DRC approved the application 7 to 0. Two appeals to City Council were received, the first from the registered opponent and the second from an attorney representing the contract purchasers of the future condominium building currently under construction on the parcel abutting to the west, which are the subject of this report.

CURRENT PROPOSAL: The existing property is developed with a 2,380 square foot commercial building and a 30 space surface parking lot. The applicant proposes to demolish the existing commercial building and surface parking lot and construct an 18-story 80,080 square foot (plus exemptions), 30-unit, multi-family residential development with a 4-story parking garage. The applicant requested F.A.R. bonuses and a variance to the Albert Whitted Airport Overlay. The plan is described in detail within the attached DRC staff report. Staff found that the application complies with the applicable provisions of the Land Development Regulations (LDRs) and the Comprehensive Plan, and recommended approval to the DRC.

DRC REVIEW AND DECISION: The DRC considered the application during the public hearing on October 1, 2014. The DRC heard testimony from City staff, the applicant, the registered opponent and the general public. The details of the testimony are provided in the attached meeting minutes. After considering all of the information provided, the DRC voted to approve the application, subject to the special condition of approval of the site plan as offered by the

applicant at the hearing and additional special conditions set forth in the staff report, by a vote of 7 to 0.

THE APPEAL: The City Clerk's office received two appeals. The first appeal was submitted by David Bacon and Christopher Furlong of Bacon, Bacon and Furlong, P.A. [First Appeal] who are representing the Park Shore Plaza Condominium Association, Inc. The second appeal was submitted by Jackson H. Bohman, Esq. of Moore, Bowman and Rix, P.A. [Second Appeal] Staff's analyses of both appeals are addressed in this report.

STAFF'S ANALYSIS: Staff has reviewed the arguments set forth in the attached appeal letters. The Administration recommends that the City Council deny both appeals and uphold the DRC based on the following analysis. Appellants' issues are outlined below followed by Staff analysis and response.

Issue No#1: Parking Garage does not comply with code.
First Appeal (Item 1.) and Second Appeal (Item II.B.)

Both appellants contend that the garage does not comply with *Section 16.40.90.3.5., Parking Garages, sub-section 1.g., Minimum vehicle stacking requirements at entry points.*

Staff Response:
City staff finds the garage in compliance and offers the following in support of this finding:

The garage location, design and access meet all stipulations of Section 16.40.090.3.5. In particular, pursuant to subsection f., to *"minimizes disruption to pedestrian corridors and the streetscape"*, vehicular ingress and egress is required to be from the alley.

Subsection 1.g., as follows, lists specific stacking requirements at the entry point to a parking garage:

> *16.40.90.3.5.1.g. Minimum vehicle stacking requirements at entry points:*
> *(1) Free flow entries means an entry into a parking garage without controls, such as attendants or automatic ticket dispensing controls: one vehicle space per entry lane.*
> *(2) Automatic ticket dispensing entries means an entry into a parking garage controlled by a machine dispensing tickets for garage use: two vehicle spaces per entry lane.*
> *(3) Manual ticket dispensing entries means an entry into a parking garage controlled by a person manually dispensing tickets for garage use: four vehicle spaces per entry lane.*
> *(4) Manual key card entries means an entry into a parking garage controlled by a key card for garage use: two vehicle spaces per entry lane.*

The purpose of this section is to minimize vehicular conflict at the entrance to a garage. These standards were developed for a traditional parking garage, designed with separate entry and exit lanes, and ramps. The applicant has proposed a new technology for accessing the garage, not contemplated when this code section was written.

The applicant proposes to use two garage elevators to access levels two through four of the parking garage. Vehicles will both enter and exit either garage at a single point, and thus the traditional method of stacking in front of the elevator is not possible or practical. If vehicle stacking were provided in a traditional stacking lane in front of the elevator, a driver would need to back-up to allow a vehicle exiting the elevator prior to proceeding, which does not meet the

intent of this section of the code. As an alternative method of compliance, the applicant has proposed several methods to limit the potential for cars to block the alley.

The site plan submitted to the DRC provides for two parallel waiting spaces on the parcel adjacent to the garage elevator entry/exit point. An exterior light will be mounted to the building so that as a vehicle approaches, the driver will know if either elevator is available. If the light indicates that the elevator is vacant, the driver will activate the door with a key fob, and proceed directly into the elevator. If the light indicates that both are occupied, the driver can then pull into one of these waiting spaces until one of the elevators is available.

To reduce waiting time, the elevators will be programmed to remain on the first level when not in use. The maximum total trip time for an elevator going from the ground floor to the 4th floor and back is 78 seconds. (See additional information, Elevator Exhibit).

A letter provided by the applicant from the elevator company documents these operational methods. In addition, testimony by the applicant during the DRC hearing indicated that there will be an emergency generator which will operate one of the elevators if there is a power failure.

Staff determined that two waiting spaces were reasonable and appropriate given the projected trips. The applicant's traffic engineering report provides data on the projected number of trips for the 30 residential units and the first floor retail. At the projected peak hour, in the evening, the report indicates that there may be up to 22 trips. In response to concerns expressed by the adjacent neighbors prior to the hearing, the applicant amended the site plan prior to the DRC hearing to add a third space, and then at the hearing the applicant volunteered to amend the site plan to add three additional spaces, for a total of six waiting spaces. A special condition was then added by DRC to require these spaces (see additional information, Site Plan Approved with Amended Special Condition Exhibit).

Regarding the location of the waiting spaces and the potential need for maneuvering in the alley to enter the elevator, staff finds the design in compliance with the intent and purpose of code and consistent with policy and practice for allowing such maneuvering in alleys for garage access throughout Downtown.

An alley is treated differently than a street right-of-way. Streets are designed to provide continuous vehicular movement, including pedestrian and bicycle travel with minimal interruptions. Alleys provide access to parking and garages, solid waste pick-up, and loading. Staff allows parking to back into alleys throughout the City. There is no setback requirement for garage entrances from alleys. As specified in the definition, 16.90.020.3., "Alleys are not designed or maintained for pedestrian and bicycle use".

Based on this data and the documentation provided by the applicant regarding the method and operation of the vehicle elevators, staff found the proposed design and method of stacking in compliance with the purpose and intent of this subsection.

Issue No#2: Revision to site plan during DRC hearing.
First Appeal (Item B) and Second Appeal (Item B)

In response to public comments, the applicant at the hearing offered to provide three additional parallel waiting spaces along the east side of the building for a total of six waiting spaces. The Commissioners agreed that the additional waiting spaces will help mitigate any potential access issues. The Commissioners at the hearing amended the staff report to include Special

Condition of Approval number 16 that requires the three additional waiting spaces along the east side of the building. The applicant provided an exhibit, referred to as Exhibit A that illustrates the additional waiting spaces.

First Appeal
Appellant argues the site plan that was revised by the DRC was approved without having been reviewed, evaluated and commented upon by the City's development review staff and engineering staff. The revised site plan ignores staff and engineers regarding the width of the east alley, but also eliminates eight feet and seven inches from the storm water retention area in order to locate another vehicle on private property.

Staff Response:
Per City Code Section 16.70.040.1.4.C.2.b., the DRC may impose conditions upon its approval of a site plan application, including a modification to the site plan as proposed by the applicant. The applicant will need to demonstrate compliance with all applicable City codes during the site permitting process. The modifications made at the hearing in response to public comments did not cause any material conflicts with code, and technical details will be addressed on the construction drawings.

The modification to the proposed widening of a portion of the15-foot alley north-south does not conflict with Special Condition of Approval number 15. This condition refers to the Engineering Departments Memorandum dated July 9, 2014, which specifies under Condition 7 that the proposed widening of the alley "be incompliance with City Engineering Standards and Specifications". It does not require that the alley be widened.

Issue No#3: Building Setback Requirement
First Appeal (Item C) and Second Appeal (Item II.A.)

Appellants argue that the site plan does not comply with Section 16.20.120.7.2., Minimum Building Setbacks, with respect to the building separation on the east side.

Staff Response:
Under Section 16.20.120.7.2. (B)(2), the distance between buildings is determined based on the following: *"buildings should be designed and situated to allow for air and light circulation between adjacent buildings on site and off site. In some cases, this separation requirement will be accommodated through existing rights-of-way, including alleys. In other cases, buildings with internal lot lines and development proposals with multiple buildings on a single site should be designed and situated accordingly.*

The width of rights-of-way shall be included within the distance between buildings measurement. The minimum distance between buildings shall be split equally along a shared property line to determine the minimum building setback required. For example, when an existing building on a neighboring property is located within its half of the split distance, the proposed building is only required to provide a minimum distance between buildings equal to one-half of the required distance between buildings regardless of whether the resulting distance between buildings is less than the requirement stated in the following table"

Staff has determined that the proposed building does comply with the required distance between buildings. Specifically, along the east side, staff has determined that the applicant is required to provide 30-feet from the centerline of the adjacent alley. This is calculated as follows. Code specifies that the "width of the rights-of-way shall be included within the distance"

and "the minimum distance between buildings shall be split equally along a shared property line". In this instance, "the shared property line" is the centerline of the 15-foot wide alley. The equal split of the required 60-foot separation is 30-feet. Therefore, as measured from the "shared property" line, there is 7.5-feet of alley plus 23-feet provided on the subject property which equals 30.5-feet, which is greater than the required 30-feet. (See additional information, Schematic A 9.2 Exhibit)

Issue No#4: Consistency with the Comprehensive Plan
Second Appeal (Item I)

The appellant argues that the DRC approval is inconsistent with the Comprehensive Plan Objective LU 17B and Policies LU 17B.1, LU 17 B.3, LU 17B.4 LU 17B.5 and the Intown Redevelopment Plan, which is incorporated into the Comprehensive Plan by Objective LU 13 and Policy LU 13.1.
In particular, the appellant argues that the Bliss Condominium is inconsistent with the above referenced Comprehensive Plan provisions related to preservation of view corridors, requirement to terrace buildings away from Beach Drive, the maximum F.A.R. in this district and with the Intown Redevelopment Plan with respect to open space the scale of the development.
The following is an excerpt from the Second Appeal with sections in bold per their appeal

> *"All buildings within the development project should **integrate** architecturally, aesthetically and functionally through building design, materials, **open spaces**,* scale, *circulation systems, pedestrian level activities, and uniform signage and lighting.*

Staff Response:
Staff finds the proposed development in compliance with the City's Comprehensive Plan.
The three primary topics of the Second Appeal are addressed below.

<u>View Corridors and terracing:</u>
The Comprehensive Plan discourages the blocking of views from the existing east-west streets and views from the waterfront. Staff finds that views might be blocked if a project included a request to reduce or vacate an east-west street, or build a structure in the right-of-way such as a pedestrian bridge. The Bliss project does not include a request to vacate nor any such structures which would impede such a view from 4th Avenue Northeast, the abutting east-west roadway.

The Land Development Regulations further this policy by establishing additional setbacks, distance between buildings, maximum floor plate and maximum building width for portions of a building above fifty feet in height.

Regarding the terracing requirement from Beach Drive, the project is not located on Beach Drive, and therefore staff finds that terracing requirement is not directly applicable. The parcel itself is setback, and therefore any building upon the parcel is naturally terraced away from Beach Drive.

<u>4.0 F.A.R. Limit:</u>
The appellant argues that the Comprehensive Plan does not provide for exemptions or bonuses that would enable the F.A.R. to exceed 4.0.

Staff has historically interpreted that exemptions are not included in the calculation of maximum F.A.R. An exemption, by definition, is an exclusion, and therefore is not included in such a

calculation. Under the previous CBD-3 zoning designation for this area, multiple exemptions were granted and not included in maximum F.A.R. calculations, including one in 2003 for 400 Beach Drive, which received a 5,400 SF MOL exemption for retail on the first level. Since the implementation of the DC-3 district standards in 2007, exemptions have similarly not been included in calculations of F.A.R.

Furthermore, F.A.R. bonuses and exemptions are precisely the types of innovative tools in the LDRs that the City shall use, per the Comprehensive Plan, to effectuate its goals in the Intown Activity Center. Applicable provisions are as follows, with bold to emphasize particularly relevant language.

Future Land Use Element

1.2.2.3 Goals, Objectives, and Policies
The Goals, Objectives, and Policies have been developed in response to and in accordance with the needs and ***directions of growth*** *and determined levels of service requirements as identified within the Inventory and Analysis which can be found in the accompanying 1989 Technical Support Documents and the 1996 and 2007 Evaluation and Appraisal Reports.*

All objectives are designed to identify the measurable achievements necessary to support the related goal. In those cases, where the Objective is not specific or measurable, but rather, the actual specificity and measurability is found in the supporting policy(ies), the policy(ies) shall be used for the purposes of monitoring and evaluation.

The Policies are intended to act as implementation mechanisms identifying programs and procedures to be used to accomplish the related objective.

This Comprehensive Plan is intended to be utilized as a document in its entirety. It shall hereby be established that no single goal, objective or policy or minor group of goals, objectives, or policies, be interpreted in isolation of the entire Plan.

1.3.1.2 Competing Policies
Where two or more policies are competing when applied to a particular set of factual circumstances, such conflict shall be resolved first by administrative interpretation of the Comprehensive Plan policies. The objective of any such interpretation shall be to obtain a result which maximizes the degree of consistency between the proposed development or public sector activity and this Comprehensive Plan, considered as a whole.

Policy: LU17B.3 Floor Area Ratio (F.A.R.) for buildings within the downtown waterfront area (DC-3 zoning district) shall not exceed 4.0. Land development regulations have been adopted to implement this policy.

OBJECTIVE LU21:
The City shall, on an ongoing basis, review and consider for adoption, amendments to existing or ***new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.***

Policy: LU21.1 ***The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector****, neighborhood groups, special interest groups* ***and by monitoring regulatory***

innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.
Policy: LU2.2 ***The City shall concentrate growth in the designated Activity Centers*** *and prioritize infrastructure improvements to service demand in those areas. (Note: Site is located within Intown Activity Center, established in LU2.1.)*

Policy: LU2.3 To attract large scale quality development and assure the proper coordination, programming and timing of City services in the activity centers the ***City shall continue to develop, evaluate and implement appropriate activity center development incentives.***

Policy: LU3.1. B.3. Central Business District (CBD) - Allowing a mixture of higher intensity retail, office, industrial, service and residential uses up to a floor area ratio of 4.0 and a net residential ***density not to exceed the maximum allowable in the land development regulations.*** *Increased floor area ratios may be permitted as a bonus for developments that provide additional amenities or other improvements that achieve CBD design and development objectives. Application of this category is limited to the Intown Sector. This category shall not be applied without development of, and CPA approval of, a special area plan.*

LU3.2 Development shall not exceed the densities and intensities established within this Future Land Use Element ***except where allowed by the land development regulations.***

LU3.6 Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.

OBJECTIVE LU17B:
The City shall continue to implement a downtown waterfront zoning district (DC-3) that enhances the waterfront park system, preserves view corridors and ensures pedestrian oriented, human scale development and redevelopment.

Policies:
LU17B.1 Development within the downtown waterfront area, generally extending westward to 1st Street between the 5th Avenues, should be sensitive to the aesthetic quality of the waterfront by addressing design issues related to ***building heights terraced away from the water, building orientation, scale and mass; creating open spaces and view corridors; and creating a pedestrian oriented, human scale environment at the street level.***

LU17B.3 Floor Area Ratio (F.A.R.) for buildings within the downtown waterfront area (DC-3 zoning district) shall not exceed 4.0. ***Land development regulations have been adopted to implement this policy.***

LU17B.4 Recognizing that all development has an impact on an existing view from one vantage point or another, waterfront development projects shall be designed in a manner that minimizes adverse impacts on all identified view corridors. Land development regulations have been adopted to implement this policy. Important view corridors include, in descending order of importance:

1. *direct views of parks and the waterfront;*
2. *views resulting from east-west roadways terminating at the waterfront;*
3. *views of the city from the waterfront, with an emphasis to promote a terracing (low buildings to tall buildings) skyline away from the waterfront;*
4. *views of the central business district resulting from north-south roadways.*

*LU17B.5 Human scale waterfront development shall be promoted through DC-3 Zoning District regulations that require building facades to terrace away from Beach Drive (building envelope standards)***. Land Development Regulations have been adopted to implement this provision.**

LU23.3 The City's LDRs shall continue to support greater development intensity within the Corridor and Center zoning districts, particularly where located along fixed transit lines and around transit stops and stations.

Vision Element

2.3

The basic physical framework of Neighborhoods, Corridors and Centers provides three fundamental areas where second generation growth may occur. The City is already experiencing this trend as Traditional Neighborhoods undergo reinvestment and revitalization, and various Corridors and Downtown experience significant redevelopment. This pattern is natural to the organic changing nature of cities. There is new opportunity to use Citizen Based Themes as a Value system to protect special places, improve areas to better meet desired themes, and remake areas that are not consistent with the desired Vision. In short, the strategy is:

Centers: *St. Petersburg has three City Centers (Downtown, Tyrone, Gateway) where people come together for shopping, entertainment, work and play.*

Traditional City Center-Downtown:
The Downtown was the City's original city center. Since the beginning, the downtown was a dynamic 24-hour activity center. The downtown offered all aspects of living. Housing was a large component of the downtown with numerous tourist oriented hotels and apartment buildings.

The downtown consists of a gridded roadway network with wide streets, on-street parking, wide sidewalks and substantial commercial style buildings which created a pleasant pedestrian environment. Alleys ***allow utilitarian functions to take place separately from the public realm.*** *Street cars assisted with public transportation and connected outward to the City's surrounding neighborhoods. Throughout the downtown there was a generous sprinkling of parks and civic buildings.*

Shortly after the financial boom of the late 1960's the downtown began to decline. Retail, restaurants and entertainment uses favored suburban locations. National solutions to redevelopment such as the creation of business centers, major sporting venues and upscale retail and entertainment complexes were utilized. By the 1990's, the downtown was starting to re-awake. Today the downtown offers many amenities, a unique traditional setting with large scale, mixed use commercial buildings, renovated historic buildings, and an active street life.

Centers:
The City's Downtown is beginning an exciting period of rediscovery and renewal that provides a Vision for 2020. With the functional completion of greenfield residential development on the peninsula, there is new activity in downtown housing. This is a result of several factors including available land, frustration with extensive auto

commutes, desire for proximity to employment, and renewed interest in the vitality of urban living.

This practice of decreasing the physical distance between home, work, shopping and schooling is a highly sustainable practice that leads to innumerable benefits to the City. Resulting reinvestment into downtown's historic structures and neighborhoods is being coupled with new infill development in traditional urban formats such as townhomes and mixed use apartment buildings that have not been offered for decades. *Refurbishment of the Vinoy Hotel, the recently constructed Baywalk shopping center, and an anticipated grocery bring new activity to downtown as evidence of the rebirth. As in the decades before, commercial activities are following housing growth and the result is the renewal of the public realm: *

Downtown.
Consistent with Citizen Themes and Values, ***Downtown is envisioned as an urban village, led by an active mix of uses based on the denominator of healthy residential in many forms. Streets should be livable and active with pedestrian life, suitable for both retailing and residential. This requires improved streetscapes, calm traffic, on-street parking, proximate transit access and two-way road relationships.*** *The streets should link to enhanced civic parks, celebrated public buildings and a waterfront with increased public access.*

Center Recommendations:
Downtown Recommendations:
• ***Protect and enhance the unique character of the downtown*** *including the waterfront parks system, and wide pedestrian oriented streets.*
• ***Encourage mixed use projects*** *which provide appropriate densities, buildings with continuous street edges and share amenities such as parking.*
• ***Streets should be lively, active, pedestrian oriented, safe and clean.***
• ***There should be a variety of transit opportunities*** *including pedestrians, trolleys, taxies, bikes and vehicles.*
• ***Surface parking lots should be encouraged to be redeveloped*** *with urban style buildings. Encourage shared parking in well designed structures featuring retail and other pedestrian activities on the first floor.*
• ***Civic uses should be reinforced,*** *protected and expanded and should be available to all members of the community.*
• ***Preserve noteworthy buildings*** *through renovation and adaptive reuse.*
• ***Where existing buildings are replaced, quality redevelopment shall*** *occur which is consistent with the context of St. Petersburg. Architecture which is generic or utilitarian should be discouraged.*
• ***Evaluate existing redevelopment plans*** *to reflect desired community form and development potential.*

OBJECTIVE V1:
When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.

Policy:
V1.1 Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.

Intown Redevelopment Plan:
LU13.1 Development proposals in community redevelopment areas shall be reviewed for compliance with the goals, objectives and policies of the Comprehensive Plan and the goals, objectives and policies of the applicable adopted redevelopment plan including:
1. Intown Redevelopment Plan;

Staff finds that the proposed building complies with the Intown Redevelopment Plan. The proposed building is compatible in scale, mass and height to the buildings that surround it. The building has been sited and designed to enhance the pedestrian environment, and has provided more open space than required by Code. The proposed architecture of the building will enhance the neighbourhood and will also respect the architectural styles of the other buildings.

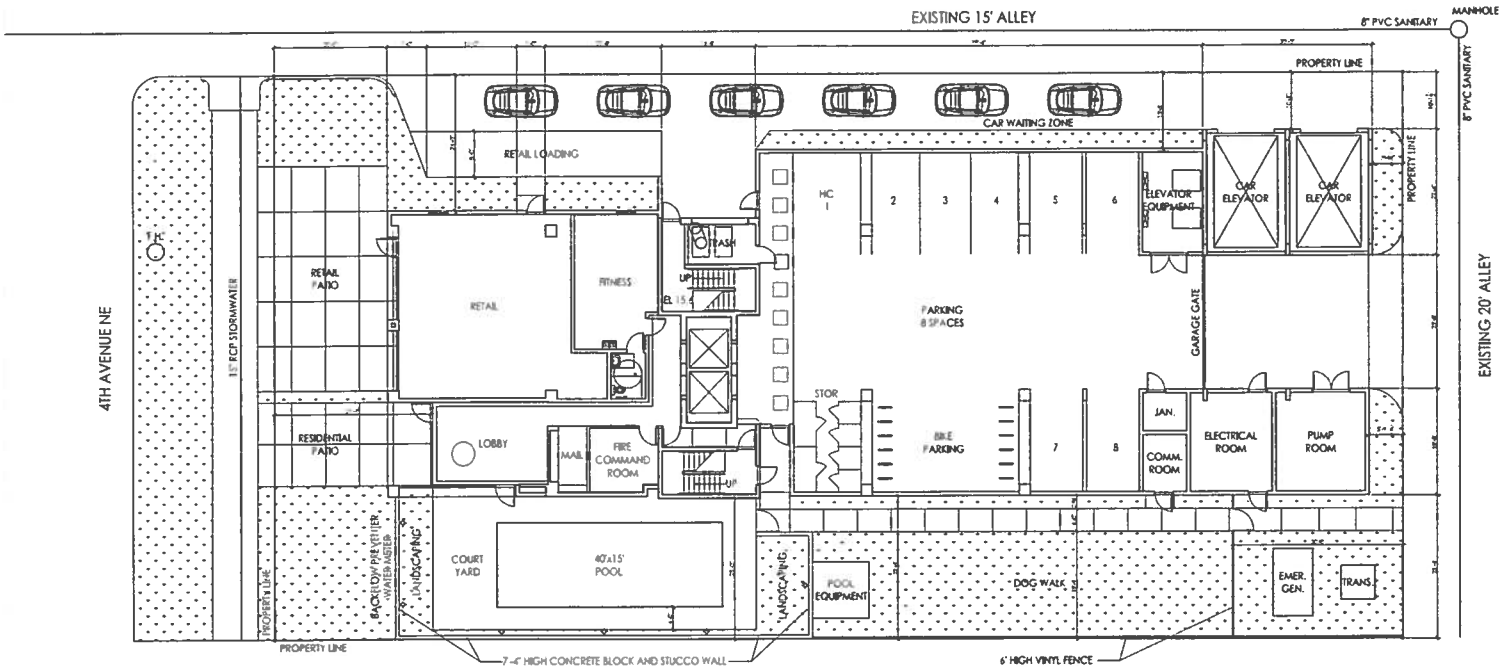
Other buildings of comparable mass and scale which surround the project include Parkshore Plaza, located directly to the south, 400 Beach Drive, located to the northeast and the approved Silhouette, located to the northwest of the subject property; all were approved with a maximum (see additional information, Elevator Exhibit).F.A.R. of 4.0. Parkshore Plaza is 29-stories and was approved with a building height of 351 feet, 400 Beach Drive is 30-stories and was approved with a building height of 320 feet, Silhouette was approved with 14-stories and a building height of 168 feet, Presbyterian Towers located directly north of the subject property is 15-stories. The subject building was approved at 18-stories and a building height of 204 feet. The proposed building is therefore of similar scale and mass of the surrounding buildings and neighborhood (see additional information, 3-D images).

SUMMARY: Staff found that the application for a site plan to construct an 18-story 80,080 square foot, 30-unit multi-family residential development, with F.A.R. bonuses and variance to the Albert Whitted Airport Overlay Height Standards complies with the Comprehensive Plan as well as the applicable provisions of the Land Development Regulations (LDR's) and recommended approval to the Development Review Commission (DRC). The DRC considered all of the information presented during the public hearing and approved the project by a vote of 7 to 0. Given the findings set forth in this report, Staff recommends that both appeals of the DRC decision should be denied and that the decision of the DRC should be upheld.

RECOMMENDATION:
The Administration recommends that the City Council **APPROVE Resolution "A"** and **Resolution "B"** to deny the appeals, thereby upholding the decision of the DRC to approve the application.

Case #15-31000003

Site Plan & Elevations



N Site Plan
SCALE: 1" = 10'-0"

Vicinity Plan
SCALE: NOT TO SCALE

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T | 727.399.6980
F | 727.822.3747
www.mesh.ws
AA# 26002337

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE:	1/23/15
REVISION	
DRAWN BY:	MD
CHECKED BY:	TC

CONSTRUCTION DOCUMENTS

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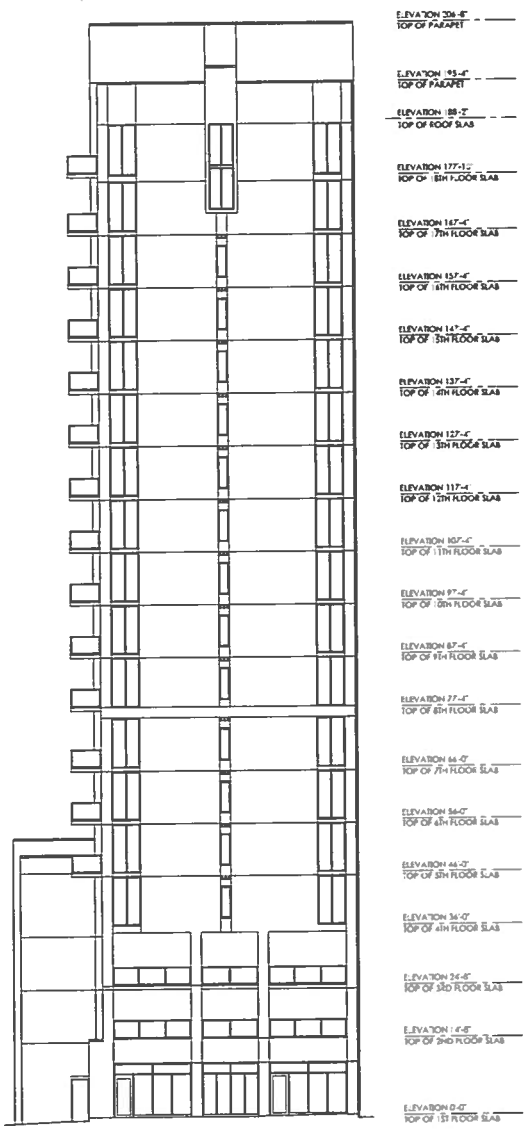
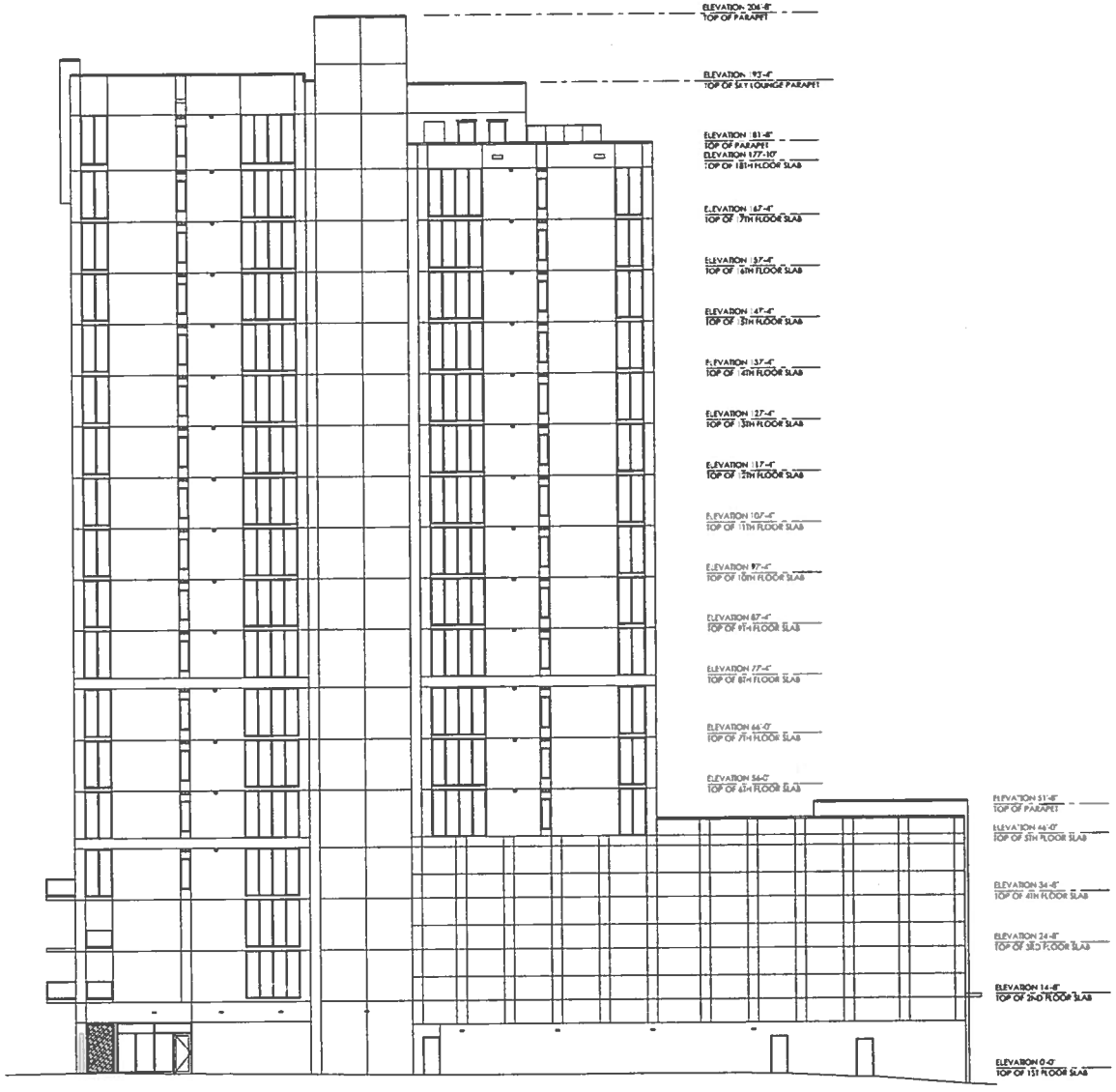


2 North Elevation
SCALE: 3/32" = 1'-0"



1 West Elevation
SCALE: 3/32" = 1'-0"

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N-W ELEVATION

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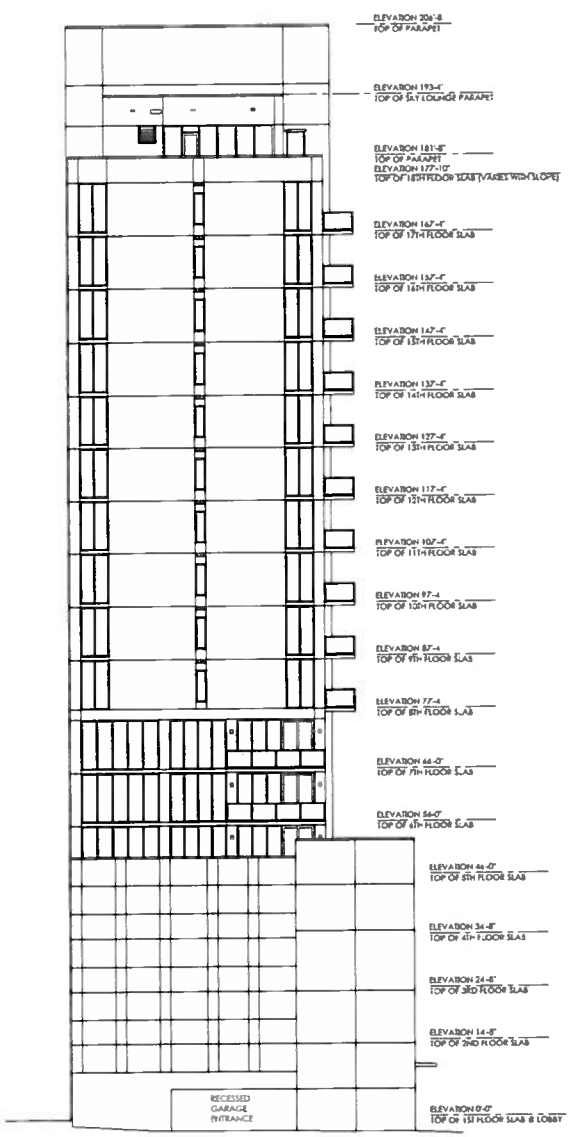
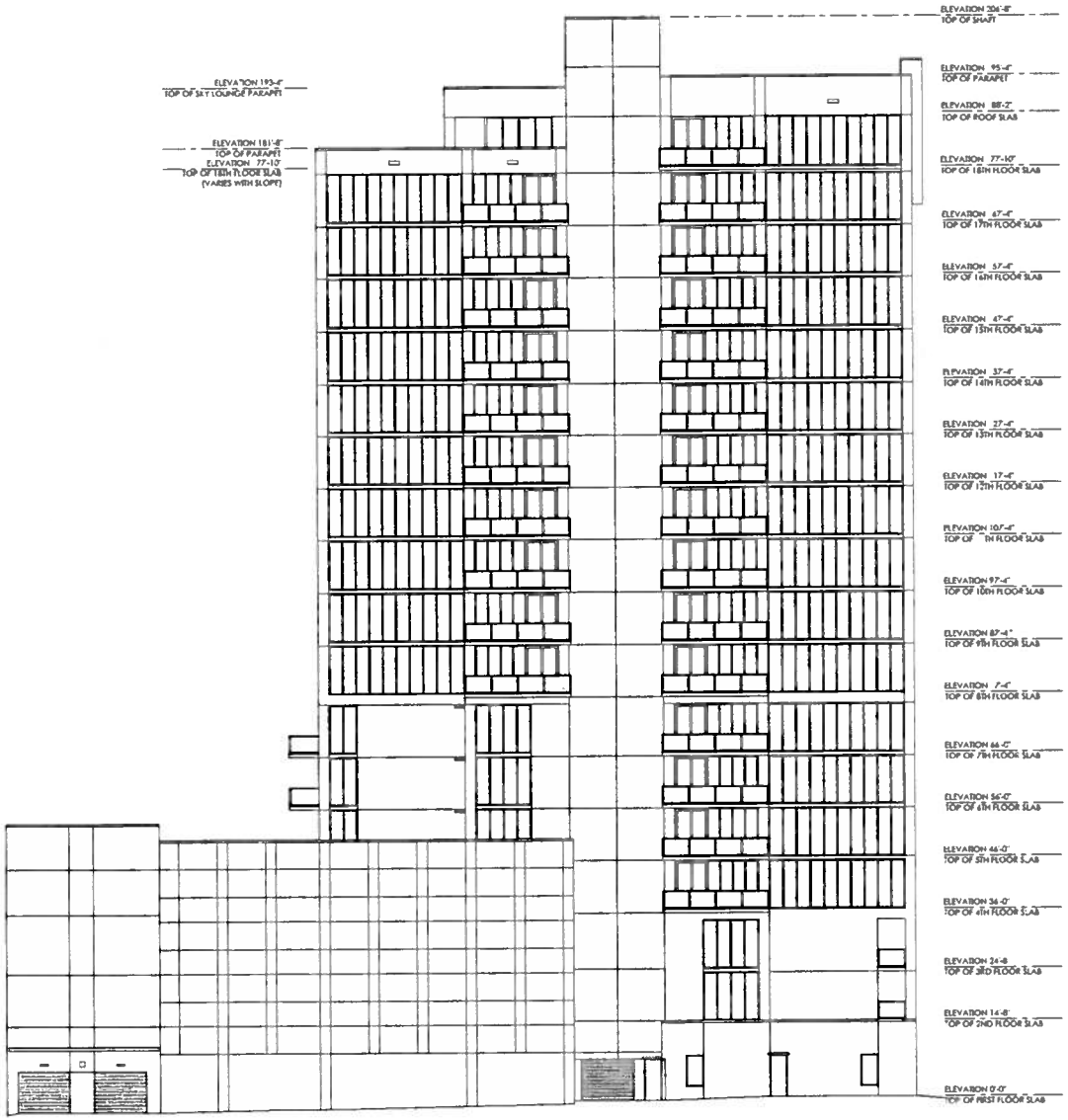


2 South Elevation
SCALE: 3/32" = 1'-0"



1 East Elevation
SCALE: 3/32" = 1'-0"

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St. Petersburg, FL 33701
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F | 727.822.3749
www.meshnw.com
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S-E ELEVATION

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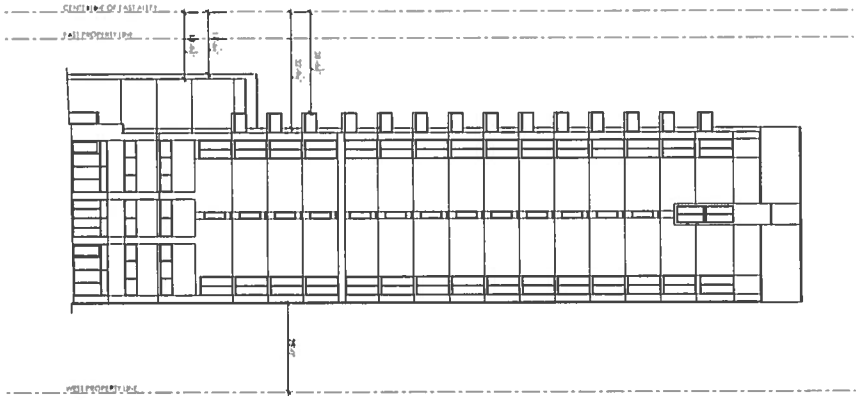
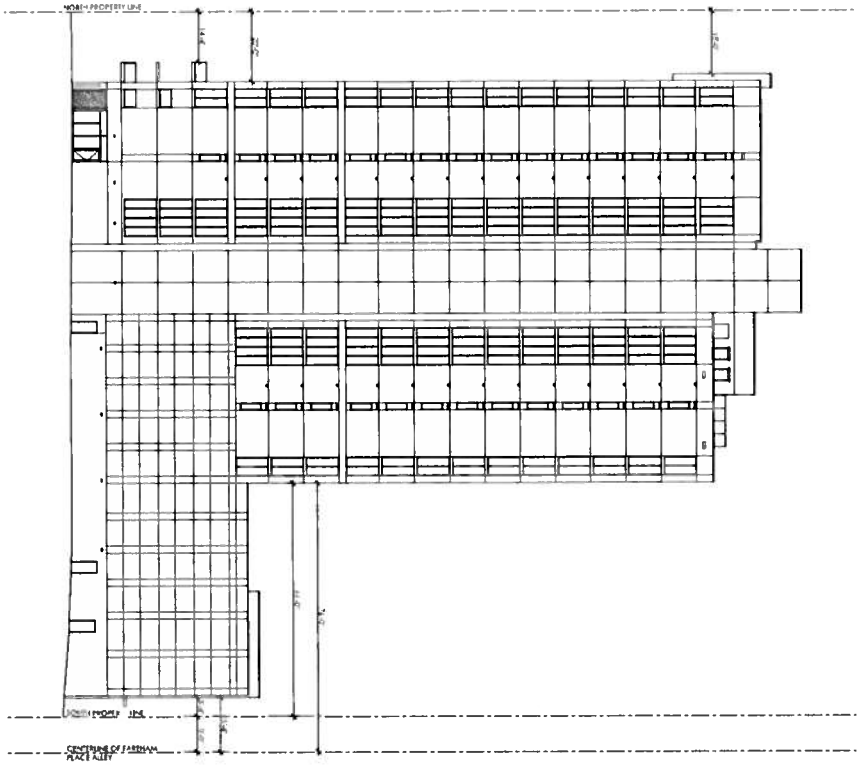


2 Setback Diagram-
North Elevation
SCALE: 1/16" = 1'-0"



1 Setback Diagram-
West Elevation
SCALE: 3/32" = 1'-0"

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N-W ELEVATION

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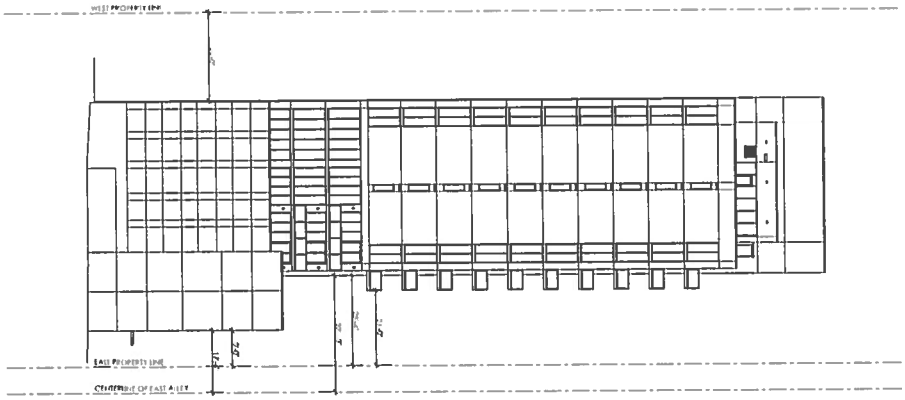
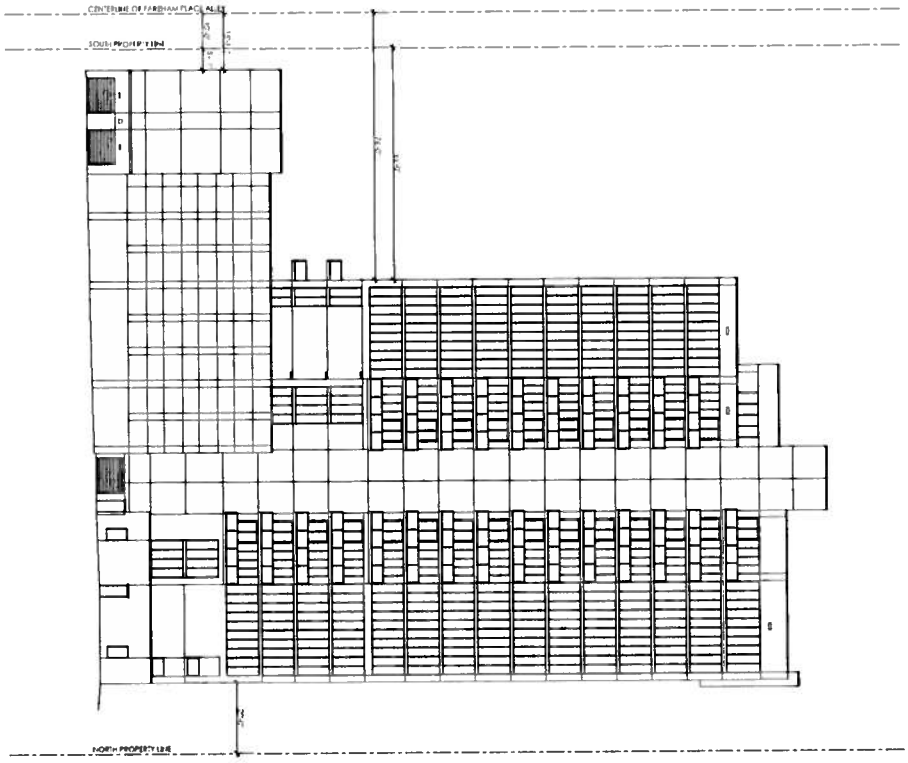


2 Setback Diagram-
South Elevation
SCALE: 1/16" = 1'-0"



1 Setback Diagram-
East Elevation
SCALE: 1/16" = 1'-0"

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S-E ELEVATION

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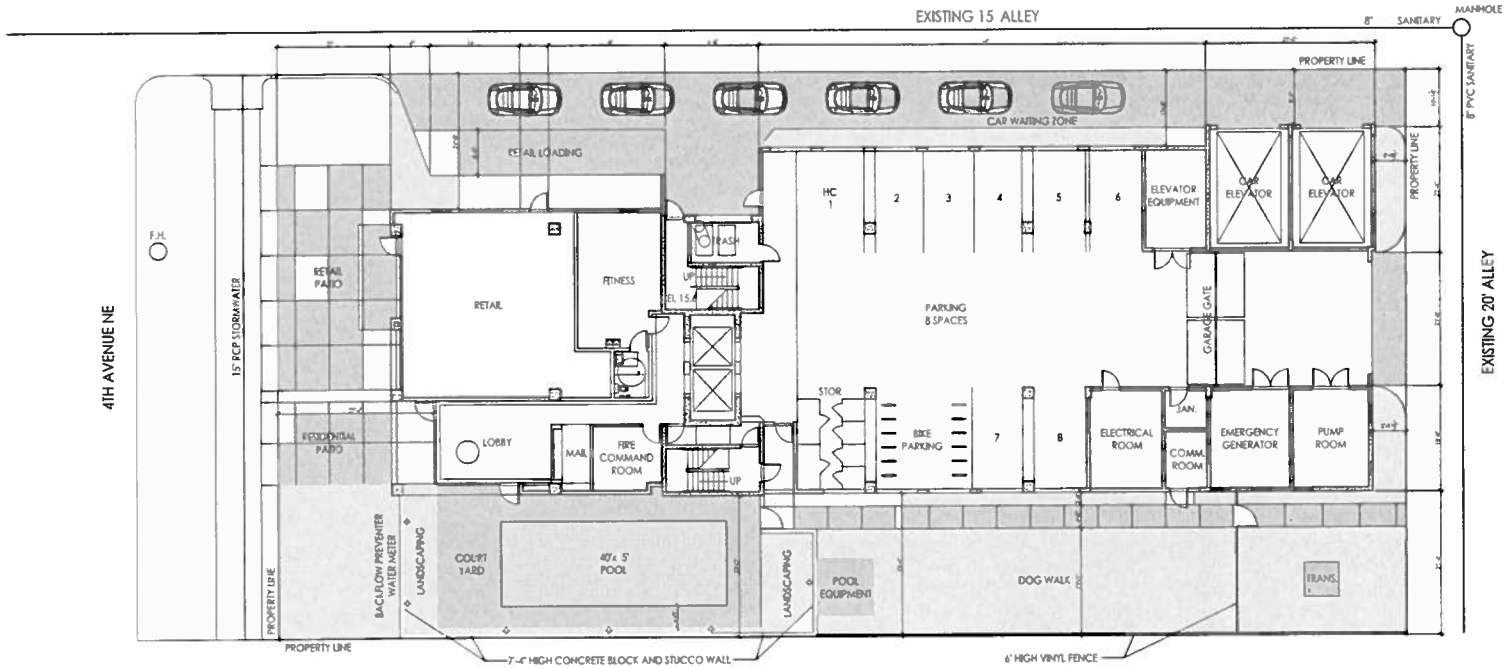
Case #15-31000003

Revised Site Plan

Submitted 03/03/15

(Emergency Generator relocated to interior of garage)



N Site Plan

SCALE: 1" = 10'-0"

Vicinity Plan

SCALE: NOT TO SCALE

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MOORE BOWMAN & RIX, P.A.
EMINENT DOMAIN & PROPERTY RIGHTS LAWYERS

March 13, 2015
Via Hand Delivery Only

City Council Members
City of St. Petersburg
In care of the City Clerk
175 5th Street North
St. Petersburg, Florida 33701

Re: Notice of Appeal of The Development Review Commission's Approval of a Modification to a previously approved Site Plan to construct the Bliss Condominium
Case No.: 15-31000003
Address: 176 4th Avenue Northeast
Applicant: Patricia B. Moss Revocable Trust

Dear City Council Members,

This Notice of Appeal concerns a decision made on March 4th, 2015, by the Development Review Commission (DRC) that approved a Modification to a previously approved Site Plan for a project known as the Bliss Condominium.

The City is tasked with ensuring development occurs consistent with the City's Comprehensive Plan. This is evident by virtue of Section 163.3194 of the Florida Statutes, the case law interpreting this statute, as well as the City's own regulations. The City, so far, has not followed this clear legal mandate.

Our Firm represents Appellant, Mr. Michael Levy, a resident of Parkshore Plaza, located immediately north of the proposed Bliss Condominium. Our Client is an adjacent property owner and qualifies as an aggrieved and adversely affected party given that the DRC's above-referenced approval was and remains inconsistent and incompatible with the City of St. Petersburg's Comprehensive Plan. This Appeal thus seeks to have the DRC approval reversed for the reasons set forth below.

BASIS FOR THE APPEAL

I. Procedural History of the 'Bliss' Development Project

On October 1, 2014, by a decision of 7-0, the DRC approved the initial application request for a Site Plan approval to construct an 18-story, 30-unit multi-family development

Sarasota Office
3277 Fruitville Rd., Unit E
Sarasota, Florida 34237
941.365.3800
800.380.3337
Fax: 941.952.1414

www.mbrfirm.com

Tampa Office
300 W. Platt St., Ste. 100
Tampa, Florida 33606
813.318.9000
877.908.2800
Fax: 877.203.5748

known as the "Bliss" condominium building (one of the units has been designed as a two-story unit, making the unit count 29). The decision was subsequently appealed by two opponents, and the appeal was heard before City Council on November 6, 2014. This appeal was referred to as Case No.: 14-31000015. The DRC decision was upheld on appeal. As a result, two independent legal actions were initiated in the circuit court and these actions remain pending.

The Applicant has now submitted an application for a Modification to the previously approved Site Plan, which was ultimately approved by the DRC on March 4th, 2015. This appeal follows. It should be noted that this appeal is similar to Mr. Levy's first appeal related to Case No.: 14-31000015, as the project as submitted to the DRC by City Staff is still excessive with regard to the Floor Area Ratio set forth in the City's Comprehensive Plan.

City Staff has also not required compliance with the City's Land Development Regulations ("LDRs") with regard to required application submittals. *See* LDR Sections 16.20.120.7 and 16.90.010. For example, "building dimensions, including a dotted line denoting overhangs" were not submitted; accessory building dimensions were not provided; and the "Building Envelope" dimensions were not provided. These are key omissions because such dimensions would enable the Floor Area Ratio, which is at issue here, to be calculated and scrutinized.

As with the first appeal, a due process issue is apparent here as well. At the March 4th hearing the Applicant substituted a new version of a site plan that varied the site plan submitted as part of its publically-noticed application package. Areas were reconfigured on the new site plan, however, no notice of these changes was provided in advance to the public. Additionally, no history of revision dates were shown on the site plan as required (LDR Section 16.90.010).

II. Applicable Comprehensive Plan Provisions

Under the City of St. Petersburg Comprehensive Plan, development intensity is gauged by **Floor Area Ratio** (FAR). The Plan defines FAR as:

> *A measure of the intensity of development. The ratio of gross floor area to the area of the lot.*

The key component used to calculate FAR is thus **Gross Floor Area**. Gross Floor Area is defined with emphasis added in the City's Plan both particularly and unambiguously:

> *Gross floor area of a structure **shall** be the total area of all floors, including stairwells, elevator shafts, etc., measured from the outside face of enclosing walls or supports. The Land Development Regulations **may exclude parking areas**.*

Chapter One, **Section 1.3.1.3** of the City's Plan provides "Guidelines for Plan Interpretation." That section states that the word "Shall" is indicated to be mandatory. As such, it is a mandatory requirement that the 'total area of all floors' be included in any Gross Floor Area calculation. As noted above the definition only provides for one "permissive" potential exclusion, and that one exclusion is limited to parking areas. Put most simply, all areas of a structure must be included in the Gross Floor Area calculation, with the possibility of an exclusion for parking areas only.

According to the City's Comprehensive Plan and incorporated Future Land Use Map, the proposed Bliss Condominium project is located in an area with a future land use designation of Central Business District (CBD), with a Special Designation of Activity Center (AC) overlaying. The zoning of the proposed development is Downtown Center-3 (DC-3). Comprehensive Plan **Policy LU17B.3** provides with emphasis added:

> *Floor Area Ratio for buildings within the downtown waterfront area (DC-3 zoning district)* ***shall not exceed 4.0****.*

The City's Land Development Regulations (LDR's) provide the ability to increase development intensity beyond a "base" FAR threshold. In the DC-3 zoning district the **base threshold** Floor Area Ratio is **2.0**. Any additional area beyond the base area is referred to as a "Bonus." With bonus approval via a public hearing in front of the Development Review Commission, the "Maximum Intensity" permitted in the DC-3 zoning area is still **4.0** FAR.

III. Areas of Inconsistency with the City's Comprehensive Plan

The inconsistency issue is manifested in two obvious ways: First, area specifically identified by the Comprehensive Plan as being Gross Floor Area is not counted, and second, Gross Floor Area that should be counted fully in order to be consistent with the plain wording recited above is improperly considered by City Staff and the DRC to be "exempt" and is not counted fully. These inconsistencies are depicted by color on the applied-for site plan, attached hereto as Exhibit "A."

As with the first appeal, the City received an application for Site Plan Review related to the "modification" of the proposed Bliss Condominium. See Exhibit "B," attached hereto. Based upon the maximum FAR allowable in the DC-3 area, permissible development intensity of the lot would be 80,080 square feet (4.0 x 20,020 square feet of lot area). The application for the proposed Bliss project indicates that the proposed Gross Floor Area was indeed this maximum 80,080 square feet, and that the proposed Floor Area Ratio was 4.0.[1]

---

[1] The intensity is greater than the base 2.0 FAR as the Applicant took advantage of the bonuses offered by the City's LDR's.

While the bare assertions reflect compliance with the 4.0 maximum intensity, the actual Floor Area Ratio remains greater than 4.0. The 80,080 square feet indicated in the Bliss application does not include square footage that was defined as Gross Floor Area under the City's Comprehensive Plan provisions. This omitted Gross Floor Area includes at least: *the elevator tower that extends above the eighteenth floor and the first-floor elevator equipment, storage, pump, emergency generator, and electrical rooms.* The City's Comprehensive Plan requires this area to be counted as Gross Floor Area as defined by its Comprehensive Plan.

In addition to the omitted Gross Floor Area identified in the above paragraph, an additional area of at least 3,160 square feet has not been counted as Gross Floor Area.[2] The reality is more than this area has not been counted, but because City Staff did not follow its own rules and require exterior dimensions, it is impossible to determine with certainty the extent of the excess.

The exempt area issue is exacerbated because stairwells and elevator shafts are "exempted" and excluded from Gross Floor Area in addition to the areas provided for in the LDRs as exempt area. This latter issue helps underscore City Staff's and the DRC's errors because stairwells and elevator shafts are specifically listed as area to be counted as Gross Floor Area in the Comprehensive Plan.

The City's acceptance of the Applicant's exclusion of the "exempt" area from the Gross Floor Area creates a blatant inconsistency with the City's Comprehensive Plan as the specific and particular Gross Floor Area definition only provides for the permissive exemption of parking areas. It also should be noted that if the exemptions the City improperly accepted are included, which effectively lowers the Gross Floor Area, the Floor Area Ratio limitation of 4.0 is <u>still exceeded</u>.

---

[2] This assertion is based on Excel spreadsheets provided to the City by the Applicant. Attached hereto as Exhibit "C." The attached Excel spreadsheets show two scenarios. The first sheet shows a total of 83,247 square feet of "Gross AC Area." Gross AC Area is found nowhere in either the City's Comprehensive Plan or its regulations. The second sheet shows a total of 84,006 square feet of "Gross AC Area." This area includes some of the excluded area found in the parking garage. In both scenarios, the entire Gross AC Area receives the exempt multiplier. In the second sheet even the areas found in the parking garage receive the multiplier. This interpretation by City Staff is not supported by the plain meaning of the words used in the Comprehensive Plan. In fact, if the City's interpretation is permitted to stand, the result will create an inconsistency with Pinellas County's Countywide Plan Rules. A definitive maximum intensity is required by the Countywide Plan. *See* Section 4.2.3 of the Countywide Plan. The 4.0 FAR set forth in the City's Comprehensive Plan is a definitive maximum intensity. The exemptions permitted by the City Staff and approved by the DRC do not consider any threshold—they enable the maximum intensity to be exceeded by variable and potentially unlimited extents measured by the floor area considered to be exempt. This is illegal and impermissible.

CONCLUSION

City Staff and the DRC chose to accept the Applicant's unsupported assertions of the building's ultimate size rather than to test the assertions based on concrete submissions that in fact demonstrate that a significant exceedance exists. This resulting approval categorically shows that the City so far has intentionally disregarded its Comprehensive Plan rules.

City Staff and the DRC have repeatedly overlooked clear and explicit information that the proposed Bliss Condominium reflects an excessive building size. They have failed to scrutinize the Applicant's Gross Floor Area and FAR submittals in relation to its Comprehensive Plan definitions, which clearly and particularly limit the FAR maximum intensity. In short, the Applicant's proposed development reflects a FAR greater than the allowable maximum FAR of 4.0, which renders it inconsistent with the St. Petersburg Comprehensive Plan.

Given the reasons set forth above, the undersigned, on behalf of the Appellant, respectfully requests that the City Council reverse the DRC decision on the grounds that it is in violation of the City's Comprehensive Plan.

Sincerely,

Jackson H. Bowman, Esq.
Attorney for the Appellant

Green Area has been improperly considered as Exempt Area, which is inconsistent with the Comprehensive Plan.

Red Areas have not been counted as Gross Floor Area, which is inconsistent with the Comprehensive Plan.

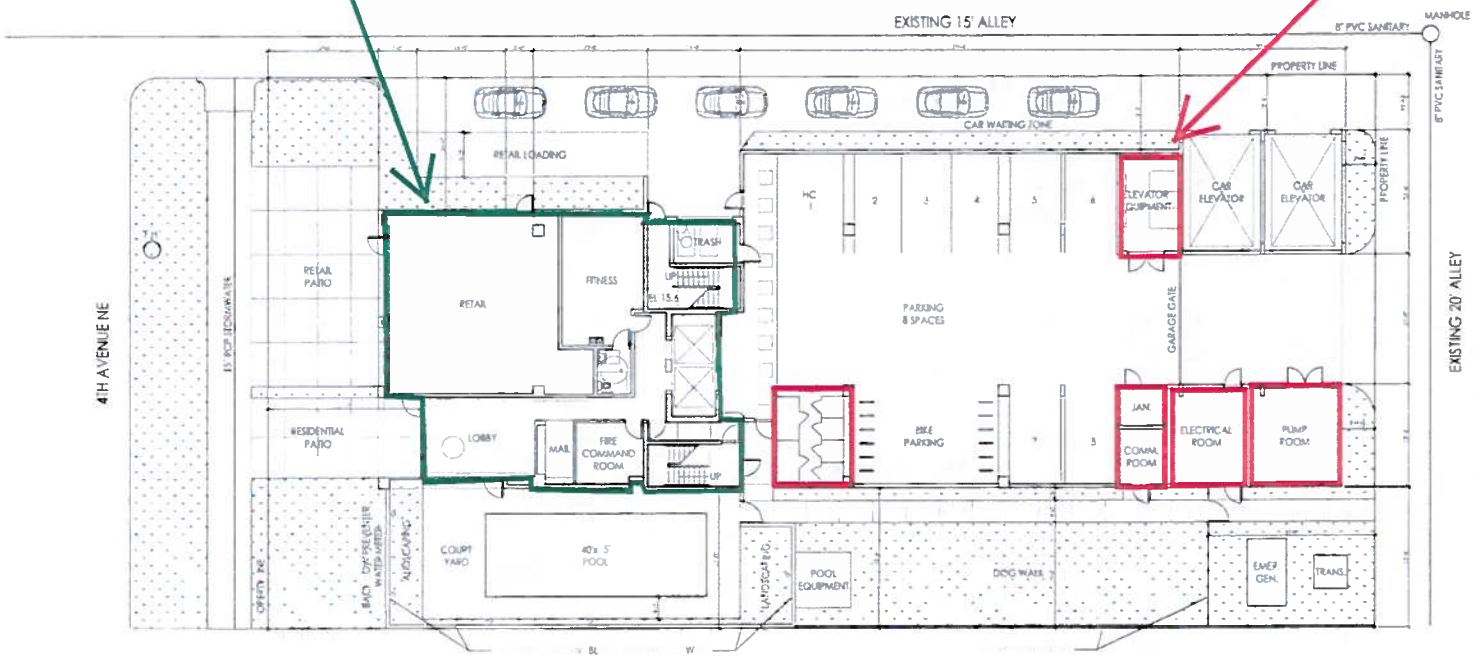

Exhibit "A"

Vicinity Plan

SCALE NOT TO SCALE

N Site Plan

The Comprehensive Plan defines Gross Floor Area in Chapter 1, Section 1.7 as:
Gross floor area of a structure shall be the total area of all floors, including stairwells, elevator shafts, etc., measured from the outside face of enclosing walls or supports. The Land Development Regulations may exclude parking areas.

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RECEIVED
JAN 23 2015
DEVELOPMENT REVIEW SERVICES

☐ SPECIAL EXCEPTION
☐ SITE PLAN REVIEW

Application No. 15-31000003

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Planning and Economic Development Department, located on the 1st floor of the Municipal Services Building, One Fourth Street North, St. Petersburg, Florida.

GENERAL INFORMATION

NAME of APPLICANT (Property Owner): PATRICIA B. MOSS REVOCABLE TRUST
Street Address: 105 DOGWOOD LN
City, State, Zip: RADFORD, VA 24141-3917
Telephone No:
Email Address:
E-4
DC-3

NAME of AGENT OR REPRESENTATIVE: TIM CLEMMONS
Street Address:
City, State, Zip:
Telephone No:
Email Address: tim.c@mesh.ws

NAME of ARCHITECT or ENGINEER: TIM CLEMMONS
Company Name: MESH ARCHITECTURE
Street Address: 55 6TH STREET SOUTH
City, State, Zip: ST. PETERSBURG, FL 33701
Telephone No: 727-399-6980
Website: MESH.WS

PROPERTY INFORMATION:
Parcel ID OR Tract Number: 19.31.17.77238.000.0040 AND 0050
General Location: 176 4TH AVE NE
Proposed Legal Description: LOTS 4 AND 5, BLOCK 13, TOWN OF ST. PETERSBURG, ROWLANDS SUBDIVISION

AUTHORIZATION

SPECIAL EXCEPTION (SE)		SITE PLAN REVIEW (SPR)	
Special Exception (SE), General Application:	$1,000.00	Site Plan Review (SPR), General, By Commission	$1,000.00
Special Exception (SE), Modification:	$ 500.00	Site Plan Review (SPR), General, By POD	$ 500.00
Concurrency	$ 25.00	Site Plan Review (SPR), General, Related to SE	$ 0.00
		Site Plan Review (SPR), Modification, By Commission	$ 500.00
		Site Plan Review (SPR), Modification, By POD	$ 250.00
		Concurrency	$ 25.00

Cash, credit and checks made payable to the "City of St. Petersburg"

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature: _____ Date: 1.23.2015

UPDATED 08-23-2012

Exhibit "B"

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☐ SPECIAL EXCEPTION
☐ SITE PLAN REVIEW

DATA SHEET

ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED. FAILURE TO COMPLETE THIS FORM WILL RESULT IN DEFERRAL OF YOUR APPLICATION.

DATA TABLE

1. **Zoning Classification:** DC-3
2. **Existing Land Use Type(s):** COMMERCIAL
3. **Proposed Land Use Type(s):** MULTIFAMILY RESIDENTIAL, COMMERCIAL
4. **Area of Subject Property:** 20,020 SF
5. **Variance(s) Requested:** NONE
6. **Gross Floor Area** (total square feet of building(s))

Existing:	2,380	Sq. ft.
Proposed:	80,080	Sq. ft.
Permitted:	80,080	Sq. ft.

7. **Floor Area Ratio** (total square feet of building(s) divided by the total square feet of entire site)

Existing:	0.12
Proposed:	4.0
Permitted:	4.0

8. **Building Coverage** (first floor square footage of building)

Existing:	2380	Sq. ft.	11.9	% of site
Proposed:	9127	Sq. ft.	46	% of site
Permitted:	19,019	Sq. ft.	95	% of site

9. **Open Green Space** (include all green space on site; do not include any paved areas)

Existing:	4600	Sq. ft.	23.0	% of site
Proposed:	4,073	Sq. ft.	20	% of site

10. **Interior Green Space of Vehicle Use Area** (include all green space within the parking lot and drive lanes)

Existing:	—	Sq. ft.	—	% of vehicular area
Proposed:	—	Sq. ft.	—	% of vehicular area

11. **Paving Coverage** (including sidewalks within boundary of the subject property; do not include building footprint(s))

Existing:	13,040	Sq. ft.	65.1	% of site
Proposed:	5,974	Sq. ft.	29.5	% of site

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☐ SPECIAL EXCEPTION
☐ SITE PLAN REVIEW

DATA SHEET

DATA TABLE (continued page 2)

12. Impervious Surface Coverage (total square feet of all paving, building footprint and other hard surfaced areas)

Existing:	15,420	Sq. ft.	77	% of site
Proposed:	15,947	Sq. ft.	79	% of site
Permitted:	19,520	Sq. ft.	97.5	% of site

13. Density (units per "x")

	Sq. Ft. or Acre(s)	No. of Employees	No. of Clients (C.R. / Home)
Existing:	—	Existing:	Existing:
Proposed:		Proposed:	Proposed:
Permitted:	—		

14 a. Parking (Vehicle) Spaces

Existing:	34	includes	2	disabled parking spaces
Proposed:	62	includes	1	disabled parking spaces
Permitted:	33	includes	2	disabled parking spaces

14 b. Parking (Bicycle) Spaces

Existing:	—	Spaces	% of vehicular parking
Proposed:	14	Spaces	% of vehicular parking
Permitted:	12	Spaces	% of vehicular parking

15 a. Building Height

Existing:	20	Feet	1	Stories
Proposed:	204	Feet	18	Stories
Permitted:	300	Feet	—	Stories

15 b. Airport Height Regulations

Does the project exceed height reqs. of either the City or Co. Airport Zoning Ordinance?

☒ Yes ☐ No

16. Alterations or Changes

How much of the site is the proposal altering or changing (in sq. ft.)? 20,020

Note: See Drainage Ordinance for a definition of "alteration." If yes, please be aware that this triggers Drainage Ordinance compliance. Please submit drainage calculations to the Engineering Department for review at your earliest convenience. The DRC must approve all Drainage Ordinance variances.

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☐ SPECIAL EXCEPTION
☐ SITE PLAN REVIEW

DATA SHEET

DATA TABLE (continued page 3)

17. **100 Year Flood Plain**
    - Flood Zone: X
    - Existing Lowest Floor Elevation: 17.4 Feet
    - Proposed Lowest Floor Elevation: 16.5 Feet
    - Required Lowest Floor Elevat on: Feet

18. **Hurricane Vulnerability Zone**
    - Coastal High Hazard Zone: ☐ Yes ☐ No
    - Hurricane Evacuation Zone: ☒ Yes ☐ No What zone?

19. **Preservation Areas**
    - Total: Sq ft. Acres
    - Maximum developable area permitted 10 % preservation area: Sq. ft
    - Proposed area being developed, altered or improved: Sq ft % of site

20. **Historic or Archaeological Resources**
    - On site or within 200 feet? ☒ Yes ☐ No

21. **Levels of Service**

Name of Roadway	*Level of Service*

22. **Construction Value**
    - What is the estimate of the total value of the project upon completion? $ 30,000,000

23. **Concurrency**
    - Does the site meet concurrency requirements?

    ☐ Yes ☐ No

    What is the concurrency number?

< END >

City of St. Petersburg
Development Services

Application for Certificate of Concurrency

FOR OFFICE USE ONLY

Date ___/___/___ Application Number _____
Site Plan/SE Number _____ Log Number _____
Bldg. Permit No. _____ C.O. No. _____ Date _____
Other _____
Parcel No.: Sec ____ Twp ____ Rg ____ Subd _____ Blk ____ Lot _____

I. GENERAL INFORMATION (filled out by applicant)

Owner Name & Address
PATRICIA B MOSS REVOCABLE TRUST
115 DEWCREED LN
RADFORD, VA 24141-3917
Phone _____

Representative Name & Address
TIM CLEMMONS - MESH ARCHITECTURE
3900 4TH AVE N
ST. PETERSBURG, FL 33714
Phone 727-823-3160

Property Address and Legal Description
176 4TH AVE NE, ST PETERSBURG, FL
LOTS 4 AND 5, BLOCK 13, TOWN OF ST PETERSBURG, ROWLAND'S SUBDIVISION

Is the subject property part of a previously approved site plan? ☐ Yes ☒ No
If yes, provide case number _____
Is the subject property part of an approved DRI? ☐ Yes ☐ No
If yes, provide DRI name _____

TYPE OF ACTIVITY:

New Construction X
Addition _____
Change of Use _____
Redevelopment _____

RESIDENTIAL:

New Single Family Units _____
New Multi-Family Units 29
Other New- Number of Units/Beds _____

NON RESIDENTIAL:

Existing Use COMMERCIAL
Existing Bldg. Area (sq. ft.) 2,580

Proposed Use COMMERCIAL
Proposed Bldg. Area (sq. ft.) 1164 SF

Existing Use _____
Existing Bldg. Area (sq. ft.) _____

Proposed Use _____
Proposed Bldg. Area (sq. ft.) _____

Applicant (owner of property) signature _____ Date 1/23/15

If there are any questions regarding this application, please call the concurrency coordinator at 893-7153. **Please do not fill out the second portion of this form (opposite side).**

CITY STAFF USE ONLY - NOT FOR APPLICANT USE

II. SIMPLE CONCURRENCY DETERMINATION (filled out by Concurrency Coordinator)

A. Test Questions

	Yes	No
1. Is the project located **outside** of Traffic Restriction and Concern Areas?	☐	☐
2. Is the project a single family home or a duplex?	☐	☐
3. Is the project located in the Transportation Concurrency Exception Area (TCEA), or an approved DRI?	☐	☐

B. If the answer to **any** of the above three questions is **yes**, the project is approved for concurrency.

C. If the answer to all of the above questions is **no**, refer application to the Planning Programs Division for complex concurrency determination.

D. If the project is located in the TCEA on a major street that is operating at a LOS that is lower than the City's adopted standard, and is projected to generate more than 50 new p.m. peak hour trips, the project shall require special exception approval.

Reviewer Signature of Approval _____ Date _____ $ _____ Amount Due

III. COMPLEX CONCURRENCY DETERMINATION (filled out by Concurrency Coordinator)

Traffic Study Required ☐Yes ☐No _____ initial

Public Utilities Review ☐Yes ☐No

Status of Facility/Service:

Traffic Circulation
Acceptable _____
Traffic Concern _____
Traffic Restriction _____

Recreation & Open Space
Acceptable _____
Unacceptable _____

Solid Waste
Acceptable _____
Unacceptable _____

Drainage
Dependent upon final site plan review

Mass Transit
Acceptable _____
Unacceptable _____

Water Supply
Acceptable _____
Unacceptable _____
Service Provider _____

Sanitary Supply
Acceptable _____
Unacceptable _____
Service Provider _____
Service Area _____

Finding: Approved _____ Conditionally Approved _____ Denied _____

Comments: _____

Reviewer Signature _____ Date _____ $ _____ Amount Due

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CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION
DEVELOPMENT REVIEW COMMISSION

TO: Planning & Economic Development Department – Development Review Services

FROM: TIM CLEMMONS
<Applicant / Agent Name>

RE:

Project Name:	BLISS CONDOMINIUM
Street Address(s):	176 4TH AVE NE, ST. PETERSBURG, FL
City Case No.	

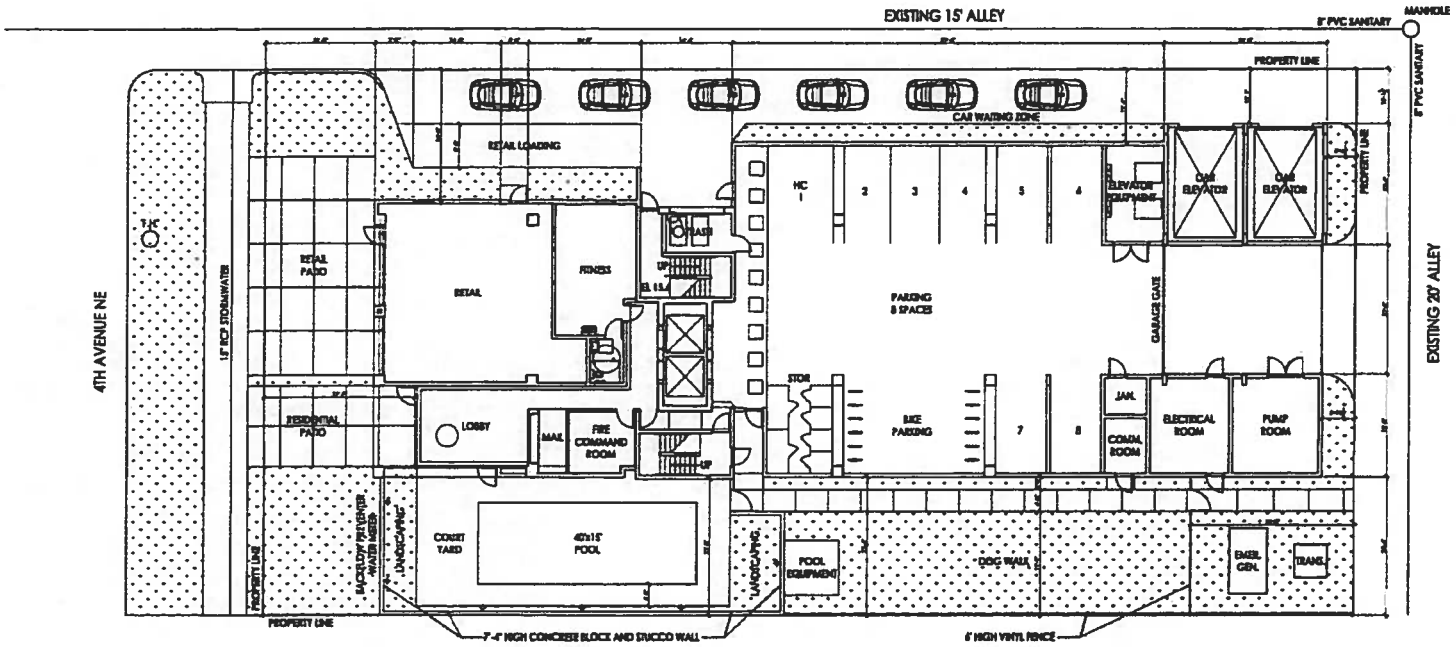
I certify that a complete copy of the application form (including data sheets, site plans, etc.) has been provided to the affected neighborhood and business association(s). This information was provided to the following individuals on behalf of the indicated organization:

Recipient	
Neighborhood Association	
Date of Receipt	
Method of Delivery	

Please be aware that applicants are responsible for providing the required public notices prescribed by Chapter 16.70.010.4 of the City Code.

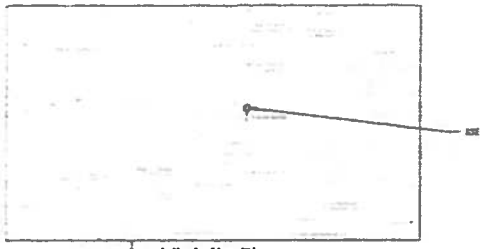
If you have any questions call (727) 892-5498

This completed form must be returned to the Planning & Economic Development Department within one week after your DRC Application Deadline.



N Site Plan

SCALE: 1" = 10'-0"



Vicinity Plan

SCALE: NOT TO SCALE

mesh ARCHITECTURE

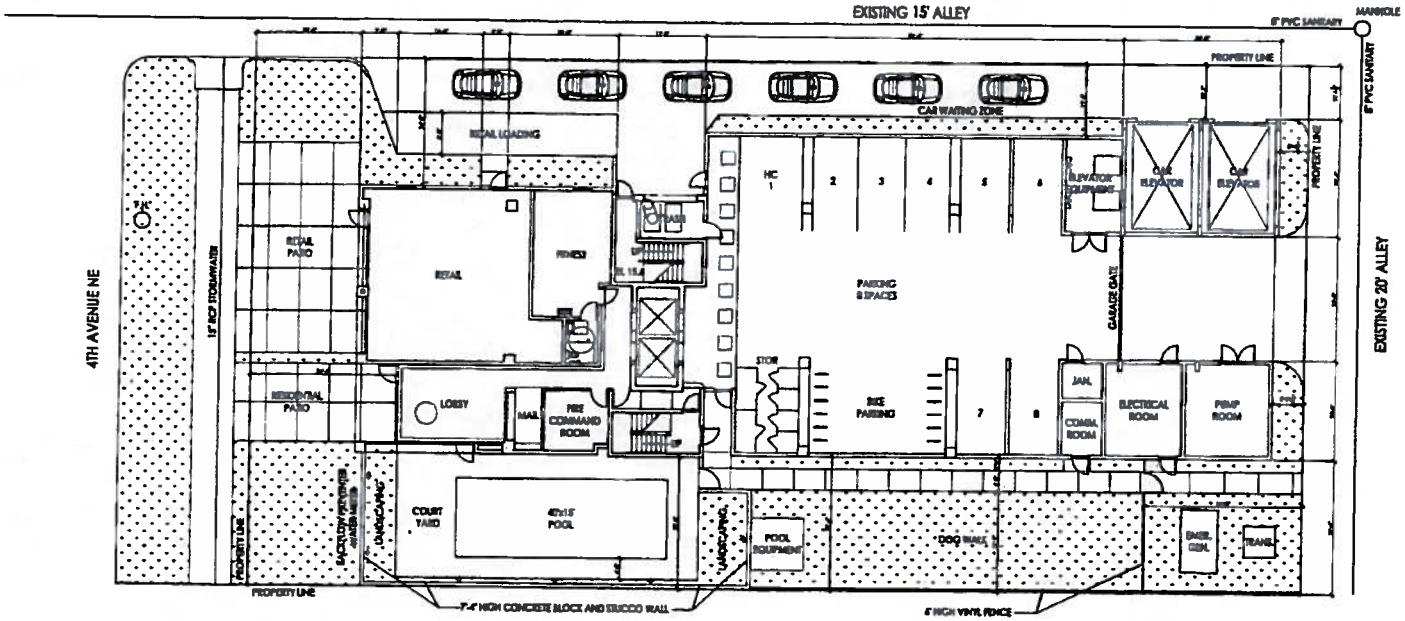
33 6th Street S #400
St. Petersburg, FL 33701
T| 727.599.6980
F| 727.822.3747
www.mesh.ws
AA# 26002337

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

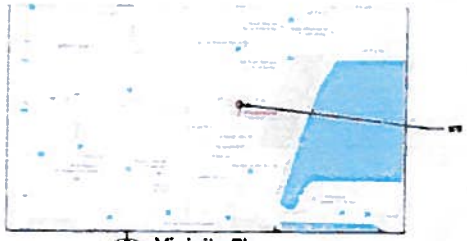
DATE:	1/23/15
REVISION	
DRAWN BY:	MD
CHECKED BY:	TC

CONSTRUCTION DOCUMENTS

This drawing is not for construction. It has been issued for governmental review only.



N Site Plan



Vicinity Plan

SCALE: NOT TO SCALE

mesh ARCHITECTURE

33 4th Street S #400
St. Petersburg, FL 33701
T: 727.399.6980
F: 727.822.3747
www.meshfirm.com
AAR 26002537

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE:	1/23/15
REVISION	
DRAWN BY:	MD
CHECKED BY:	TC

CONSTRUCTION DOCUMENTS

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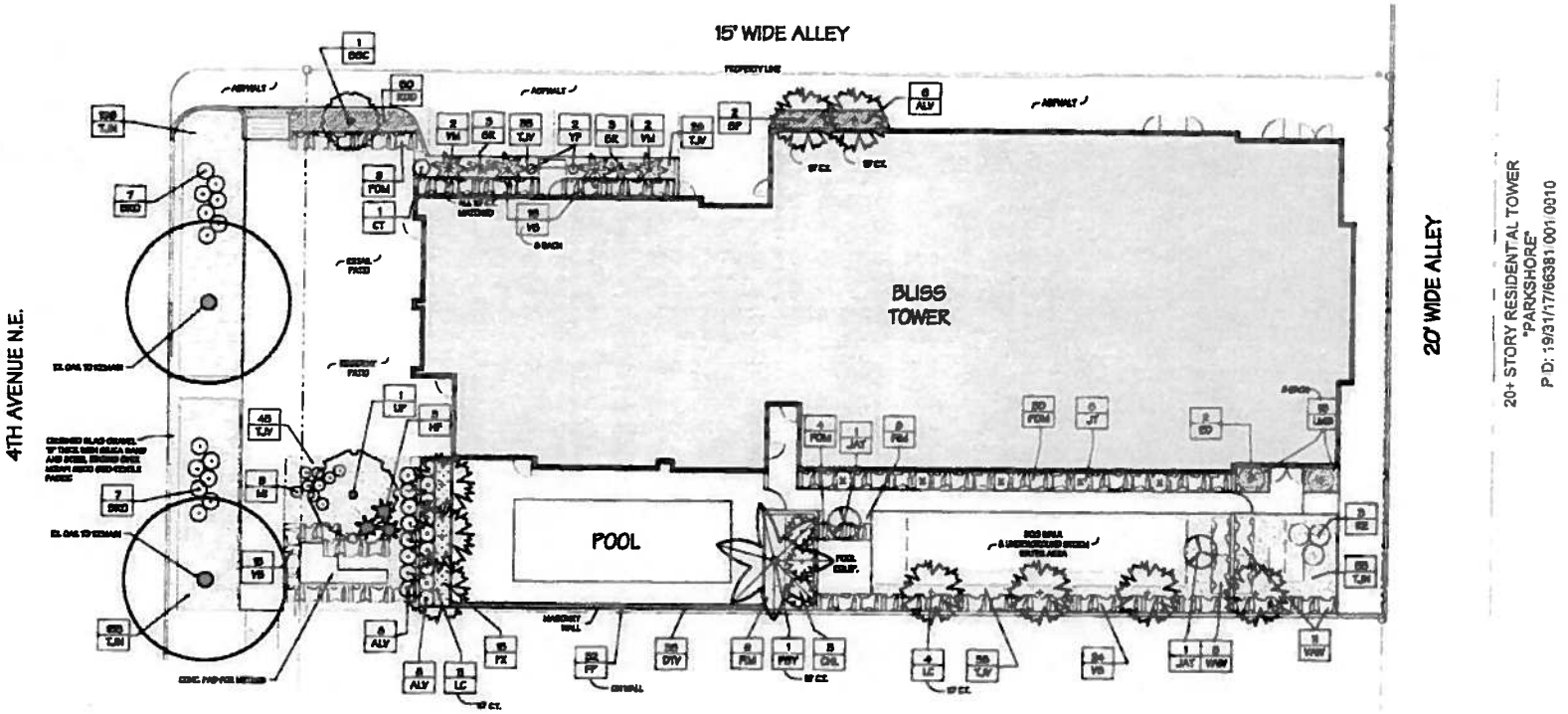

PLANT MATERIAL SCHEDULE

QTY	CODE	BOTANICAL NAME	COMMON NAME	SPECIFICATION
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

GENERAL LANDSCAPE NOTES

1. All plant materials shall be Florida #1 or better quality, installed to highest nursery standards.
2. Mulch shall be MULCH-EZ. Mulch shall be installed to a minimum of 3" thick in all planting areas.
3. Sod shall be Bahia sod from St. Augustine "BITTER BLUE". Sod shall be installed with tight joints, rolled and fertilized at time of installation. All areas of the project site damaged during construction shall be sodded with matching sod, unless specifically labeled otherwise. All areas within the project limits shall be provided with sod or other specified groundcover.
4. All discrepancies shall be field-checked by the Landscape Contractor prior to construction, with any discrepancies reported immediately to the Landscape Architect.
5. All materials shall be as specified on the landscape plan. If materials or labor do not adhere to specifications, they shall be rejected by the Landscape Architect with proper materials secured and/or by the Landscape Contractor at no additional cost.
6. No substitutions or changes of any kind shall be made at time of bidding, as no be provide for equal and the competitors.
7. All specific screening shall be provided by the bidding Contractor unless otherwise specifically stated in the specifications.
8. The minimum identification signs shall be provided on the project.
9. All questions concerning this plans and specifications shall be directed to the Landscape Architect, (727) 822-[illegible].
10. Carefully review the Landscape Specifications. The bidding Contractor shall be held responsible for all items contained therein.
11. The contractor shall be responsible to provide storm water pollution prevention plans and appropriate construction site runoff controls to meet EPA's Federal Pollution Discharge Elimination System rule on construction sites where more than one acre of land is disturbed.
12. Contractor shall remove all specific tree supports from the site, planted material.
13. Contractor shall verify that all trees and shrubs to remain or transplanted were originally planted to meet proper planting techniques, and that all plastic pots were removed from the root ball/root zone prior to planting.
14. Contractor shall contact SUNSHINE STATE at least 48 hours before any digging.

FERTILIZATION

SHRUBS AND TREES

All trees and shrubs shall be fertilized with "Agriform" 20-10-5 planting tablets at time of installation and prior to completion of job installing. Tablets shall be placed uniformly around the root zone at a depth that is between the middle and bottom of the root mass.

APPLICATION RATE:

1 Gallon size	1 - 21 gram tablet
3 Gallon size	2 - 21 gram tablets
7 Gallon size	4 - 21 gram tablets
Trees	2 - 21 gram tablets each 1/2" of caliper
Palms	7 - 21 gram tablets

NOTE:

1. LANDSCAPE MATERIAL SHALL BE IRRIGATED ON AN AUTOMATIC SUBSURFACE SYSTEM. ALL PLANTED & SODDED TO BE PERMANENTLY IRRIGATED.

Phil Graham
LANDSCAPE ARCHITECTURE

CONSULTANTS

CLIENT

BLISS CONDOMINIUMS

176 FOURTH AVENUE NE
ST. PETERSBURG | FL

SIGNATURE & SEAL

DESIGN DEVELOPMENT

1	[illegible]
2	[illegible]

REVISIONS

SHEET INFORMATION

DATE	[illegible]
JOB NUMBER	[illegible]
DRAWN BY	[illegible]
CHECKED BY	[illegible]

SCALE: 1" = 10'-0"

LANDSCAPE DEVELOPMENT PLAN

L3.00

© 2004 Phil Graham & Company, Inc.

Condominium Building - Schematic Design
176 4th Avenue NE
Building Analysis - per city staff
January 27, 2015

Floor	Gross AC Area	Exemption FAR	FAR Area	No. of Units	Parking Spaces	Garage	Balcony
1	2,980	1,490	1,490		8	6,816	
2	2,682	671	2,012	1	18	6,871	350
3	2,682	671	2,012	1	18	6,871	350
4	2,971	743	2,228	1	18	6,871	138
5	5,298		5,298	2			3,268
6	5,298		5,298	2			268
7	5,298		5,298	2			268
8	5,299		5,299	2			276
9	5,299		5,299	2			276
10	5,299		5,299	2			276
11	5,299		5,299	2			276
12	5,299		5,299	2			276
13	5,299		5,299	2			276
14	5,299		5,299	2			276
15	5,299		5,299	2			276
16	5,299		5,299	2			276
17	5,299		5,299	2			276
18	3,048		3,048	0			1,484
Total	83,247	3,574	79,673	29	62	27,429	8,886

Exhibit "C" - Sheet 1

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CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

SITE PLAN REVIEW
PUBLIC HEARING

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **March 4, 2015, at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.:	15-31000003	**PLAT SHEET:**	E-4
REQUEST:	Approval of a Modification to a previously approved Site Plan to construct an 18-story, 29-unit multi-family development, to relocate the access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley.		
OWNER:	Patricia B. Moss Revocable Trust 105 Dogwood Lane Raford, VA 24141-3917		
ARCHITECT:	Tim Clemmons Mesh Architecture 33 6th Street South St. Petersburg, FL 33701		
ADDRESS:	176 4th Avenue Northeast		
PARCEL ID NO.:	19-31-17-77238-000-0040 & 0050		
LEGAL DESCRIPTION:	On File		
ZONING:	DC-3		

SITE AREA TOTAL: 20,020 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	2,380 square feet	0.12 F.A.R.
Proposed:	80,080 square feet	4.0 F.A.R.
Permitted:	80,080 square feet	4.0 F.A.R.

BUILDING COVERAGE:

Existing:	2.380 square feet	11.9 % of Site MOL
Proposed:	9,127 square feet	46 % of Site MOL
Permitted:	19,019 square feet	95 % of Site MOL

IMPERVIOUS SURFACE:

Existing:	15,420 square feet	77% of Site MOL
Proposed:	14,266 square feet	71% of Site MOL
Permitted:	N/A	

OPEN GREEN SPACE:

Existing:	4,600 square feet	23 % of Site MOL
Proposed:	4,073 square feet	20 % of Site MOL

PAVING COVERAGE:

Existing:	13,040 square feet	23 % of Site MOL
Proposed:	5,974 square feet	20 % of Site MOL

PARKING:

Existing:	34; including	2 handicapped spaces
Proposed:	62; including	1 handicapped spaces
Required	33; including	2 handicapped spaces

BUILDING HEIGHT:

Existing:	20 feet from grade; N/A
Proposed:	204 feet from grade; 224 above mean sea level (AMSL)
Permitted:	300 feet from grade; 158 above mean sea level (AMSL)

APPLICATION REVIEW:

I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-3 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

The Request: The applicant seeks approval to modify the previously approved Site Plan to construct an 18-story, 29-unit multi-family development, to relocate the access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley.

History: October 1, 2014 DRC, approved the application request for a site plan approval to construct an 18-story, 30-unit multi-family development with floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards, subject to amended special conditions, by a vote of 7-0. (Case #14-3100015). The decision was subsequently appealed, and the appeal was heard before City council on November 6, 2014. The DRC decision was upheld upon appeal.

Current Proposal:
In response to concerns expressed by the neighbors, the applicant has revised the site plan, to relocate access to the parking garage elevators from the east/west alley (Fareham Place N) to the north/south alley. Pursuant to16.40.090.3.5, the revised site plan with vehicular access to the parking garage elevators on the north/south alley meets the requirement for two stacking spaces per vehicle entry point. The modification to the site plan has no other material affects on the previously approved plan and all considerations related to the previous review remain in effect. Please see attached Staff report prepared for the previous case for additional information regarding the previous FAR bonuses and Airport Zoning Overlay variance requests.

Public Comments: There have been no comments or calls as of the date of completion of this report.

III. RECOMMENDATION:

A. Staff recommends APPROVAL

B. SPECIAL CONDITIONS OF APPROVAL: Subject to the special conditions as follows:

1. **The project shall be subject to final review and approval by the Community Redevelopment Agency.**
2. **The structured parking shall be screened from 4th Avenue Northeast with a linear that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.**
3. **The applicant shall provide one-quarter of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
4. **City Staff shall approval the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
5. **The public sidewalk abutting the subject property shall be widened to a minimum of 8-feet.**
6. **The proposed wall along the north side of the outdoor courtyard shall be finished to match the building.**
7. **Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.**
8. **The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.**
9. **Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.**
10. **Bicycle parking shall be provided as required by Section 16.40.090.**
11. **Exterior lighting shall comply with Section 16.40.070.**
12. **Mechanical equipment shall be screened from the abutting rights-of-way.**
13. **Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.**
14. **The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated February 11, 2014.**
15. **The applicant may, at his sole discretion, within 45-days of approval of this modification, elect to withdraw this application, hereby modifying the**

previously approved site plan. If said application is withdrawn, the previously approved application and site plan, Case #14-31000015 shall remain in full effect, in accordance with all previous conditions of approval.

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The use/proposal shall be consistent with Concurrency Certificate No. **6458**.
2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff

release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.

2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.

3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.

4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.

5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. RESPONSES TO RELEVANT CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
b. Sewer.
c. Sanitation.
d. Parks and recreation.
e. Drainage.
f. Mass transit.
g. Traffic.
h. School Concurrency.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North:	**Central Business District**
South:	**Central Business District**
East	**Central Business District**
West:	**Central Business District**

Attachments: Aerial, Location Map, Site Plan (01-23-15), Elevations, Staff Report – Case #14-31000015

REPORT PREPARED BY:

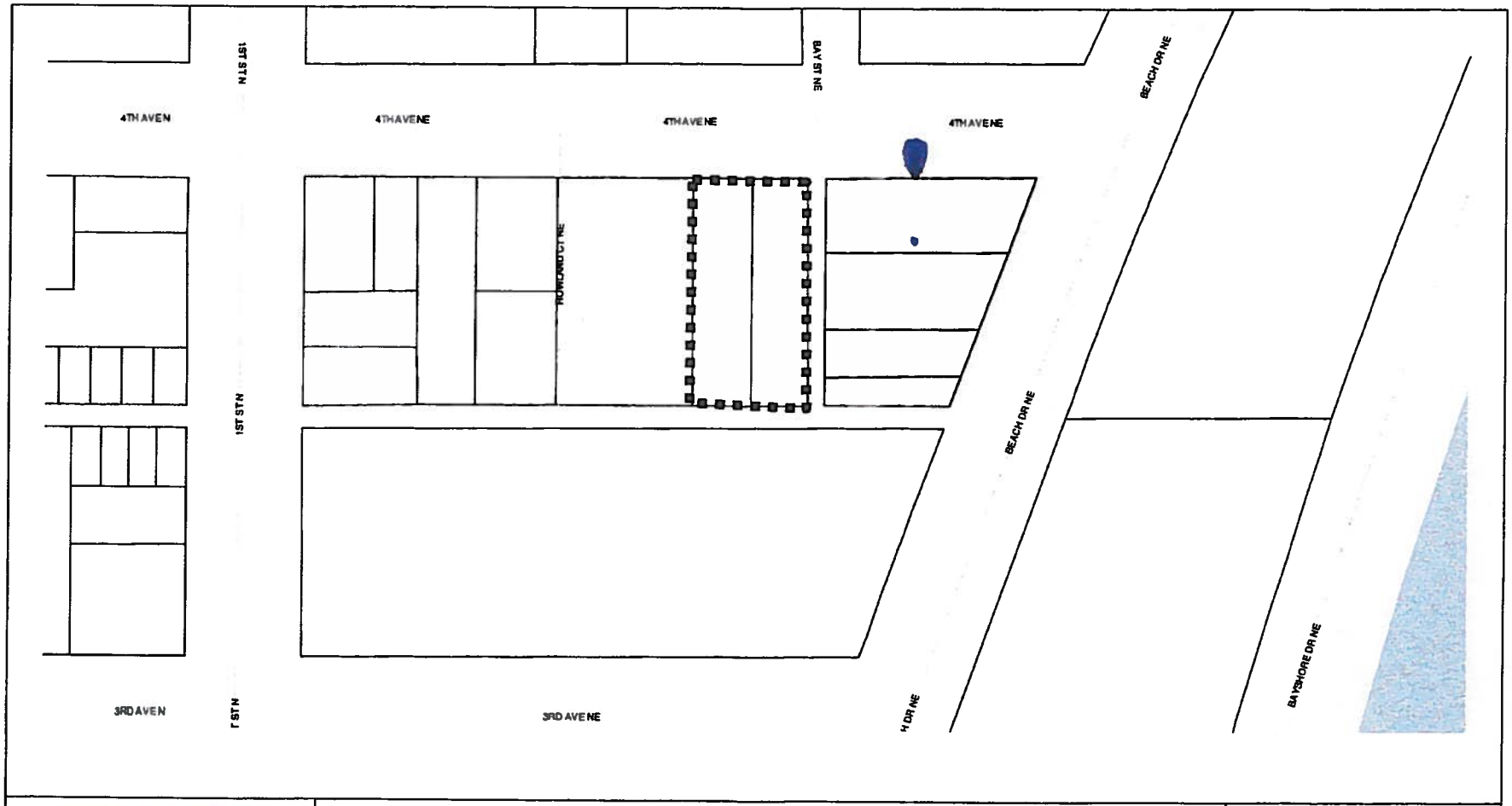
2-20-15

ELIZABETH ABERNETHY, AICP, Zoning Official (POD) DATE
Planning and Economic Development
Development Review Services Division

st.petersburg
www.stpete.org

Planning & Economic Development Department
Case No.: 15-31000003
Address: 176 4th Avenue Northeast

N↑
(nts)



st.petersburg
www.stpete.org

Planning & Economic Development Department
Case No.: 15-31000003
Address: 176 4th Avenue Northeast

N↑
(nts)

Elizabeth Abernethy - Case No. 15-31000003

From: Tom Whalen
To: Abernethy, Elizabeth
Date: 2/20/2015 4:00 PM
Subject: Case No. 15-31000003
CC: Development Review Group

The Transportation and Parking Management Department has reviewed the following case:

Patricia B. Moss Revocable Trust
176 4th Avenue Northeast
15-31000003
Approval of a modification to the site plan to construct an 18-story, 29-unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations.

We have reviewed the site plan and anticipate that the modified locations of the garage entrance, car elevators and car waiting zone will have a minimal impact on the road capacity and traffic operating conditions of 4th Avenue NE, Fareham Place NE and the north-south alley.

Tom Whalen, AICP
Planner III
City of St. Petersburg Transportation and Parking Management Dept.
One Fourth St. N, 8th floor
St. Petersburg, FL 33701
Phone: (727) 893-7883
Fax: (727) 551-3326

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT

TO: Pamela Crook, Development Services Department

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: February 11, 2015

SUBJECT: Site Plan Review

FILE: 15-31000003 (formerly 14-31000015)

LOCATION: 176 4th Avenue Northeast
PIN: 19/31/17/77238/000/0040; 19/31/17/77238/000/0050
ATLAS: E-4
PROJECT: 176 4th Avenue Northeast

REQUEST: Approval of site plan to construct an 18 story, 29 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations.

SPECIAL CONDITIONS OF APPROVAL: The Engineering Department has no objection to the proposed site plan.

1. Habitable floor elevations must be set per building code requirements to at least one foot above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum.

2. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City's Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). ***If an increase in flow of over 1000 gpd is proposed***, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City's Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

3. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City

9. Proposed alley access to the garage must be coordinated and approved through Michael Frederick (phone 727-893-7843) of the City's Neighborhood Transportation and Parking division.

10. The stormwater outfall from the detention area shall be piped to connect to the public stormwater conveyance system. Discharges to the alley or otherwise overland are not desirable in the downtown area.

STANDARD COMMENTS: Water service is available to the site. The applicant's Engineer shall coordinate potable water and /or fire service requirements through the City's Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated right-of-way or easement.

A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans should include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developers responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.

NED/MJR/jw

pc: Kelly Donnelly
Reading File
Correspondence File
Subdivision File - ROWLAND'S, E. B. SUB

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www.stpete.org

CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

SITE PLAN REVIEW
PUBLIC HEARING

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **October 1, 2014 at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 14-31000015 **PLAT SHEET:** E-4

REQUEST: Approval of a site plan to construct an 18-story, 30 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards.

APPLICANT: Patricia B Moss Revocable Trust
105 Dogwood Lane
Radford, Virginia 24141-3917

ARCHITECT: Tim Clemmons
Mesh Architecture
2900 44th Avenue North
Saint Petersburg, Florida 33714

ADDRESS: 176 4th Avenue Northeast
PARCEL ID NO.: 19/31/17/77238/000/0040

LEGAL DESCRIPTION: On File
ZONING: DC-3

SITE AREA TOTAL: 20,020 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	2,380 square feet	0.12 F.A.R.
Proposed:	80,080 square feet	4.0 F.A.R.
Permitted:	80,080 square feet	4.0 F.A.R.

BUILDING COVERAGE:

Existing:	2,380 square feet	12% of Site MOL
Proposed:	10,012 square feet	50% of Site MOL
Permitted:	19,019 square feet	95% of Site MOL

IMPERVIOUS SURFACE:

Existing:	15,420 square feet	77% of Site MOL
Proposed:	14,266 square feet	71% of Site MOL
Permitted:	N/A	

OPEN GREEN SPACE:

Existing:	4,600 square feet	23% of Site MOL
Proposed:	5,754 square feet	29% of Site MOL

PAVING COVERAGE:

Existing:	13,040 square feet	65% of Site MOL
Proposed:	4,254 square feet	21% of Site MOL

PARKING:

Existing:	30; including 2 handicapped spaces
Proposed:	65; including 3 handicapped spaces
Required	33; including 2 handicapped spaces

BUILDING HEIGHT:

Existing:	20 feet from grade; N/A
Proposed:	204 feet from grade; 224 above mean sea level (Above Mean Sea Level (AMSL)
Permitted:	300 feet from grade; 158 above mean sea level (Above Mean Sea Level (AMSL)

APPLICATION REVIEW:

I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-3 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

Request:
The applicant seeks approval of a site plan to construct an 18-story, 30-unit multi-family development. The applicant is requesting a floor area ratio bonus and a variance to the Albert Whitted Airport Overlay Height Standards. The subject property is located on the south side of 4th Avenue Northeast in between Beach Drive Northeast and 1st Street North.

Proposal:
The existing property is developed with a 2,380 square foot commercial building and a 30 space surface parking lot. Ingress to the parking lot is from 4th Avenue Northeast and egress is to the existing north-south alley located on the east side of the subject property. The applicant proposes to demolish the existing commercial building and surface parking lot and construct an 18-story residential tower and a 4-story parking garage.

The residential tower will be located along the front of the subject property and the parking garage will be located along the rear of the subject property. The building will be set back off of

the front property line to allow landscaping and green space between the building and the public sidewalk along 4th Avenue Northeast. A private outdoor court yard will be located on the west side of the building.

The ground floor of the residential tower will consist of a lobby and retail space. Floors two through four will have one (1) residential unit per floor. Floors five through 17 will have two (2) residential units per floor. The 18th floor will have a common area with a roof-top terrace and one residential unit. Vehicular access to the first level of the parking garage will be from an existing 15-foot wide north-south alley that is located along the east side of the subject property. The existing north-south alley connects to 4th Avenue Northeast and an existing east-west alley. The first level of the parking garage will have nine (9) parking spaces, owner storage, dumpster room and bicycle parking. Vehicular access to the second through fourth levels of the parking garage will be from an existing 20-foot wide east-west alley (Fareham Avenue NE) at the rear of the subject property. The second through fourth levels of parking will have 18 parking spaces per floor for a total of 54 parking spaces. Access to the upper levels of parking will be from two automobile elevators, instead of a traditional ramp. The applicant will be widening the existing north-south alley to 20-feet to improve vehicular access within the alley system. Pedestrian access to the building will be from the public sidewalk along 4th Avenue Northeast.

The City is fortunate to have created and maintained a strong pedestrian-oriented streetscape that is a key asset in the downtown. Development should reinforce the pedestrian scale by protecting the right-of-way through selection and location of pedestrian-oriented businesses at the street level and restricting vehicular access. The City Code encourages and in some cases requires access to parking from an alley. Since the proposed parking garage provides parking for more than 25 parking spaces, City Code requires vehicular ingress and egress from the alley or a secondary street. 4th Avenue Northeast is a primary street. Further, not having ingress and egress from 4th Avenue Northeast is good urban design because it 1) promotes a walkable, pedestrian friendly sidewalk system, and 2) allows for a pedestrian oriented commercial tenant space on 4th Avenue Northeast. The commercial tenant space will have an active use that will engage the pedestrian along the street and reinforce the purpose and intent of the City Code.

The applicant hired Kimley-Horn and Associates to prepare a trip generation study. According to the study dated August 7, 2014, the proposed condominium development is projected to generate 22 two-way, trip-ends (15 entering/7 exiting) in the PM peak hour during the 4:00 to 6:00 PM time period and 20 two-way trip ends (3 entering/17 exiting) in the AM peak hour during the 7:00 AM to 9:00 AM time period. The City's Transportation and Parking Management Department concurs with the transportation consultant's findings. The projected number of trips will have a minimal impact on Fareham Avenue NE, since the development will generate approximately one trip every three minutes in the PM and AM peak hours. Two waiting spaces are proposed for vehicles waiting to use the car elevators. Both the car elevators and two waiting spaces are on the proposed development's property. Consequently, the waiting spaces will further reduce the impact of the development on the alley since vehicles will not need to stop and wait in the alley for the elevators to become available.

The existing north-south alley is 15-feet wide. As discussed above, the applicant will widen the alley to 20-feet to improve vehicular access. Fareham Avenue NE is 20-feet wide. The north side of Fareham Avenue NE is signed no parking and the south side permits temporary parking for loading and unloading of vehicles. Access to the parking garage of Parkshore Tower is from Fareham Avenue NE.

The proposed architectural style of the building will be contemporary. The base of the tower will have ample amount of glazing and will be oriented towards 4th Avenue Northeast. The upper portion of the tower will be oriented towards the east to take advantage of the water views. The majority of the eastern façade above the fourth floor will be glass. The applicant will integrate projecting balconies along the 4th Avenue Northeast and the eastern façade. The balconies help break down the mass of the building. The applicant proposes an architectural feature on the north facade that helps define the top of the building. The architectural feature is a window surround and encroaches into the setback by two (2) feet. The architectural feature most closely resembles a bay window, which is allowed to encroach into the setback by three (3) feet.

FLOOR AREA RATIO BONUSES:
The base Floor Area Ratio (FAR) within the DC-3 district is 2.0. The applicant is requesting a bonus of 2.0 FAR for a total FAR of 4.0, which can only be granted by the Development Review Commission (DRC) upon demonstration that the project qualifies for the bonuses.

The applicant is requesting approval of the following bonus:

1. **0.5 FAR - Provide financial support to the City's Housing Capital Improvements Projects (HCIP) Trust Fund or its successor fund equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. The total construction cost of the project is approximately 30 million dollars. Since the applicant is seeking to utilize this bonus to achieve a bonus of 0.5, the applicant will be required to provide one quarter of one percent of the total construction cost to the HCIP Trust Fund. Based on the estimated construction cost, a minimum of $75,000 shall be paid to the HCIP Trust Fund. The applicant shall provide the funds to the City prior to the release of building permits. A condition has been added to this report to address this.

2. **0.5 FAR – Use transfer of development rights from a locally designated landmark or landmark site.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to purchase 10,010 square feet of transfer of development rights (TDRs) from a locally designated landmark or landmark site who have TDRs available. Currently, there are five landmarks that the applicant can purchase TDRs from. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

3. **1.0 FAR - Make structured parking not visible to the streets with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base to create an attractive and architectural screen to structured parking.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 1.0. To qualify for the bonus, the applicant will be required to screen the first two stories of the parking garage along 4th Avenue Northeast with a liner building and an architecturally compatible design above the second floor. The entire four story garage is screened from 4th Avenue Northeast by the proposed 18 story tower. The criterion has been satisfied.

Variance:

Airport Zoning Overlay Height Standards

Required:	**158 AMSL**
Proposed:	**224 AMSL**
Variance:	**40 AMSL**

The DC-3 zoning district has a maximum building height of 300 feet, measured from grade. The Albert Whitted Airport Zoning Ordinance permits a maximum building height of 158 feet AMSL by right. The proposed building will be 204 feet from grade and 224 AMSL. The applicant is requesting a variance to allow for a height of 224 feet AMSL. The applicant has submitted an application to the Federal Aviation Administration requesting approval of the height encroachment. The FAA issued a Notice of No Hazard to Air Navigation on September 19, 2014, for a building of 224 feet AMSL. The applicant has secured FAA approval and provided sufficient responses to each of the review criteria required by the Code. The DRC has granted a number of variances for similar projects elsewhere in the downtown area. To promote an urban downtown and urban form, variances to the airport zoning restrictions are appropriate where no safety concerns are identifiable related to airport operations. Given these considerations, Staff recommends approval of the variance.

Public Comments:

Staff has heard from residents of Parkshore Plaza, which is located directly south of the proposed project. Some residents have expressed concerns and some have expressed support. Concerns that were expressed by the residents have to do with the parking garage being accessed off of the alley, increased traffic congestion in the alley, and potential for vehicular accidents.

III RECOMMENDATION:

A. Staff recommends the following:

1. **APPROVAL of the floor area ratio bonuses.**
2. **APPROVAL of the variance to the Airport Zoning Overlay Height Standards.**
3. **APPROVAL of the site plan, subject to the conditions in the staff report.**

B. SPECIAL CONDITIONS OF APPROVAL:

1. **The project shall be subject to final review and approval by the Community Redevelopment Agency.**
2. **The structured parking shall be screened from 4th Avenue Northeast with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.**
3. **The applicant shall provide one-quarter of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
4. **City Staff shall approval the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
5. **The public sidewalk abutting the subject property shall be widened to a minimum of 8-feet.**

6. **The surface parking spaces along the east side of the subject property shall be revised to provide the required back-out space of 24 feet.**
7. **The proposed wall along the north side of the outdoor courtyard shall be finished to match the building.**
8. **Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.**
9. **The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.**
10. **Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.**
11. **Bicycle parking shall be provided as required by Section 16.40.090.**
12. **Exterior lighting shall comply with Section 16.40.070.**
13. **Mechanical equipment shall be screened from the abutting rights-of-way.**
14. **Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.**
15. **The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated July 9, 2014.**

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The use/proposal shall be consistent with Concurrency Certificate No. **6458**.
2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.

3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).

4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.

5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.

2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.

3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.

4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.

5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

D. ~~Location and relationship of off-street parking, bicycle parking, and off-street~~ loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

~~P. Availability of hurricane evacuation facilities for developments located in the~~ hurricane vulnerability zones;

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
b. Sewer.
c. Sanitation.
d. Parks and recreation.
e. Drainage.
f. Mass transit.
g. School Concurrency.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North:	**Central Business District**
South:	**Central Business District**
East	**Central Business District**
West:	**Central Business District**

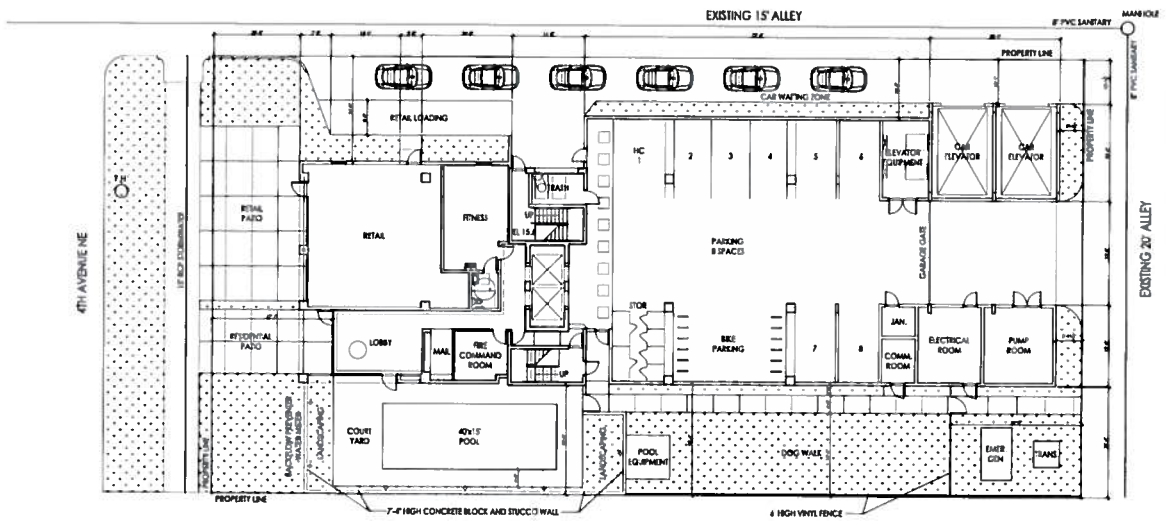
REPORT PREPARED BY:

Corey Malyszka

Corey Malyszka, Interim Zoning Official

9/25/14

DATE



N Site Plan

Vicinity Plan

SCALE: NOT TO SCALE

mesh ARCHITECTURE

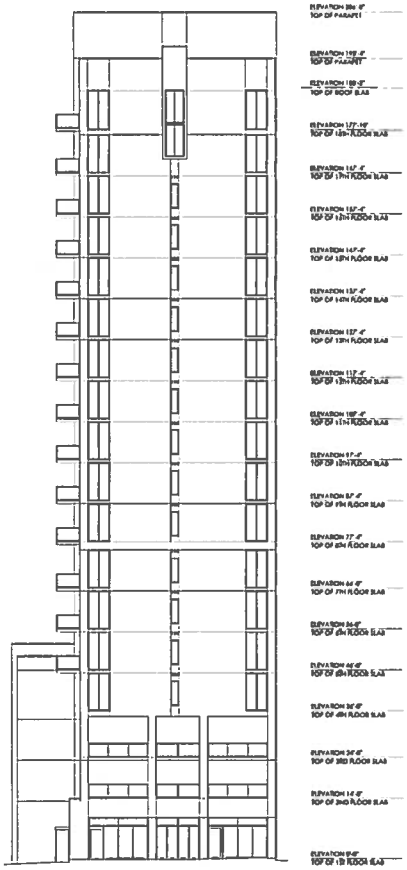
33 4th Street S #200
St. Petersburg, FL 33701
P | 727 321 1300
F | 727 822 3747
www.mesh.ws
AA# 26002337

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

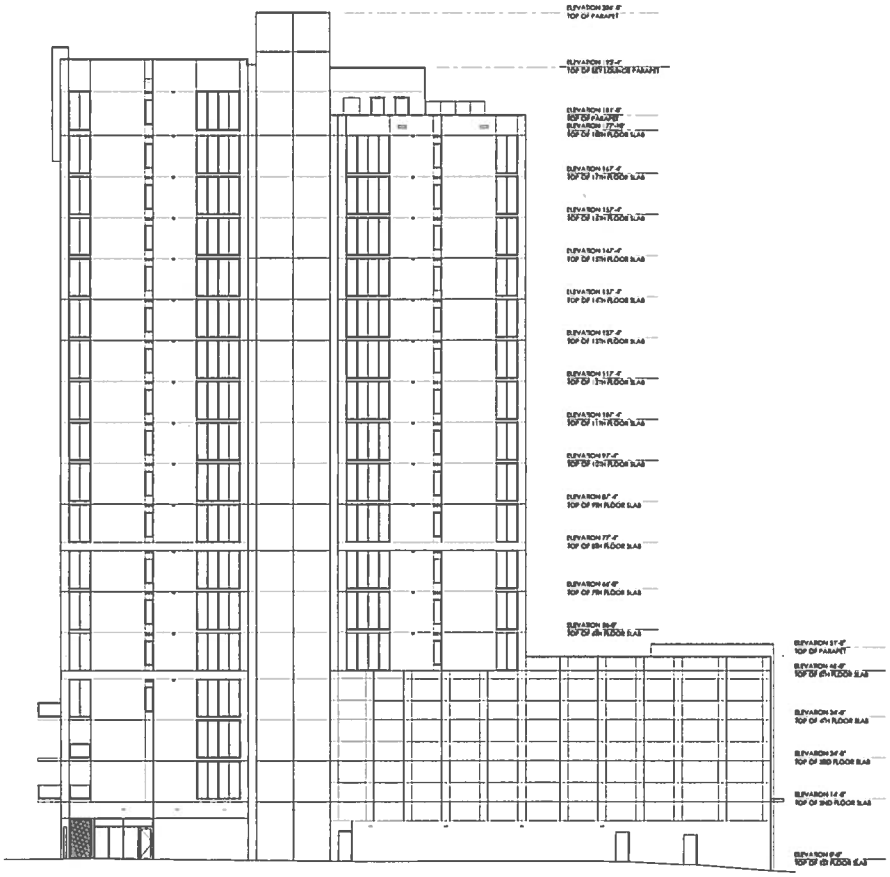
DATE	1/23/15
REVISION	
DRAWN BY	MD
CHECKED BY	TC

CONSTRUCTION DOCUMENTS

This drawing is not for construction, it has been issued for governmental review only



2 North Elevation
SCALE: 3/32" = 1'-0"



1 West Elevation
SCALE: 3/32" = 1'-0"

mesh
ARCHITECTURE
33 6th Street S #400
St. Petersburg, FL 33701
T| 727.391.6980
F| 727.822.3747
www.meshfl.com
AAR 26002337

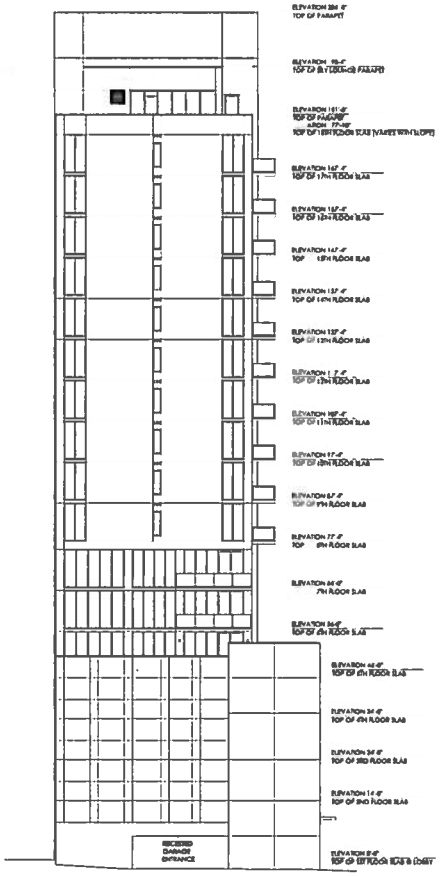
bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE:	1/23/13
REVISION:	
DRAWN BY:	MD
CHECKED BY:	TC

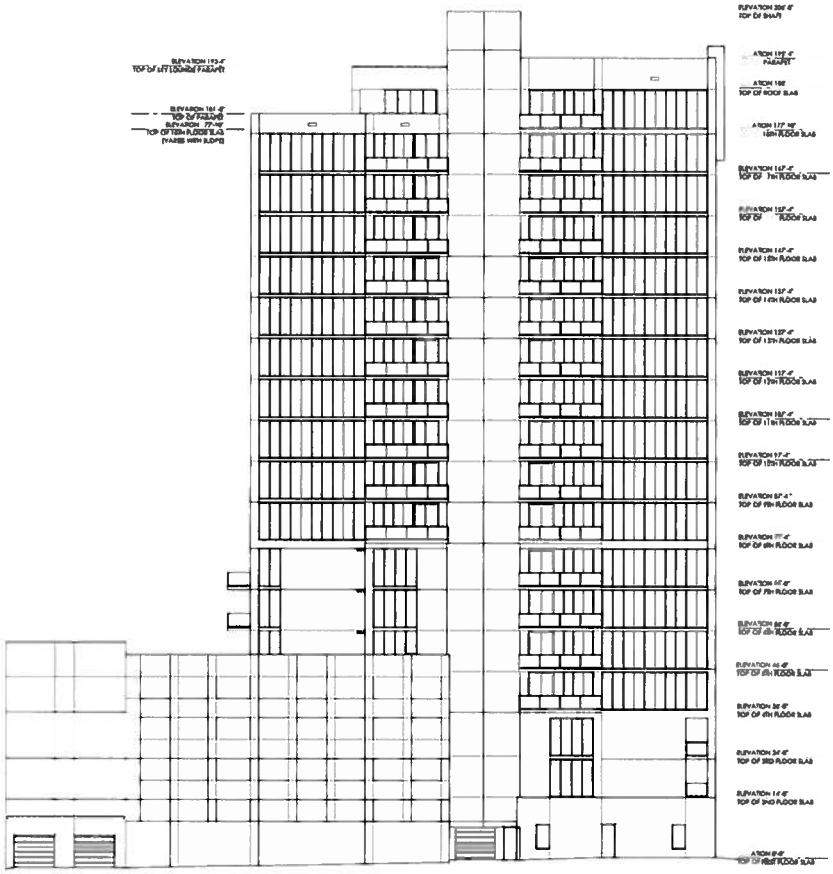
CONSTRUCTION DOCUMENTS

This drawing is not for construction, it has been issued for governmental review only

N-W ELEVATION



2 South Elevation
SCALE: 3/32" = 1'-0"



1 East Elevation
SCALE 3/32" 1'-0"

mesh
ARCHITECTURE
33 4th Street S e
St Petersburg, FL 33701
T 727 399 4980
F 727 822 3747
www.meshwd
AAB 26002337

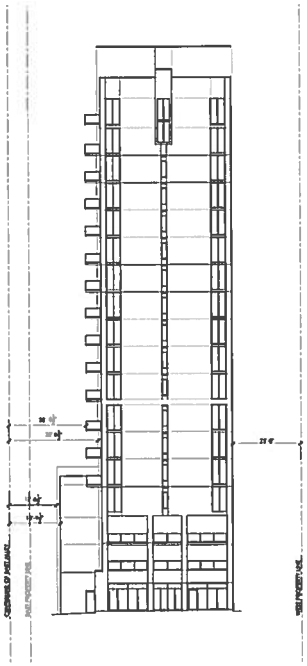
bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE:	1/23/18
REVISION	
DRAWN BY:	MD
CHECKED BY:	TC

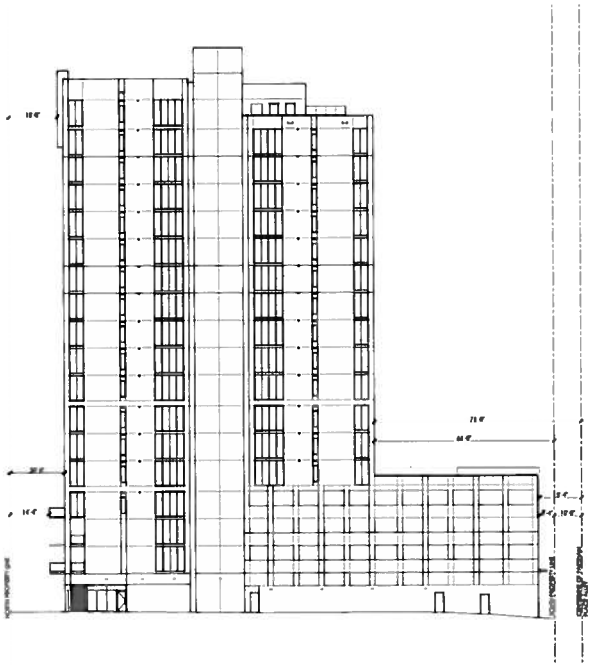
CONSTRUCTION DOCUMENTS

This drawing is not for construction, it has been issued for governmental review only

S-E ELEVATION



2 Setback Diagram-
North Elevation
SCALE: 1/16" = 1'-0"



1 Setback Diagram-
West Elevation
SCALE: 3/32" = 1'-0"

mesh
ARCHITECTURE
33 6th Street S #400
St. Petersburg, FL 33701
T | 727.599.6980
F | 727.822.3747
www.meshfirm.com
AA# 26002337

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE:	1/22/15
REVISION:	
DRAWN BY:	MD
CHECKED BY:	TC

CONSTRUCTION DOCUMENTS

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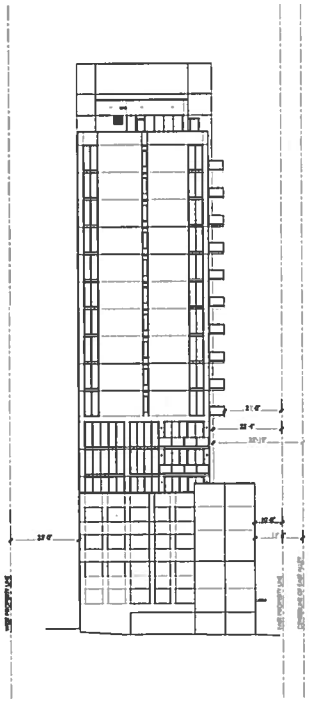
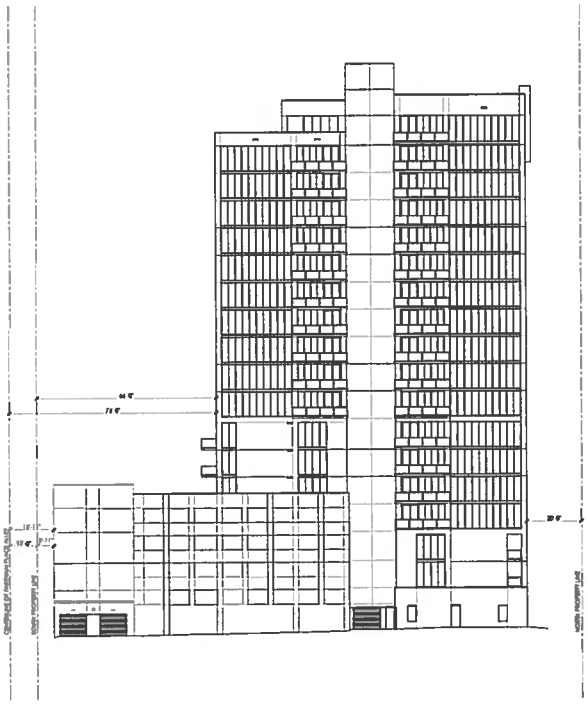
N-W ELEVATION



2 Setback Diagram-
South Elevation
SCALE: 1/16" = 1'-0"



1 Setback Diagram-
East Elevation
SCALE: 1/16" = 1'-0"

mesh
ARCHITECTURE
33 6th Street S #400
St. Petersburg, FL 33701
T | 727.399.6900
F | 727.822.3747
www.meshfl.com
AA# 26003337

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE:	1/23/16
REVISION	
DRAWN BY:	MD
CHECKED BY:	PC

CONSTRUCTION DOCUMENTS

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S-E ELEVATION

© mesh architecture

Condominium Building - Schematic Design
176 4th Avenue NE
Building Analysis - with additional 1st floor spaces
January 27, 2015

Floor	Gross AC Area	Exemption FAR	FAR Area	No. of Units	Parking Spaces	Garage	Balcony
1	3,739	1,870	1,870		8	6,057	
2	2,682	671	2,012	1	18	6,871	350
3	2,682	671	2,012	1	18	6,871	350
4	2,971	743	2,228	1	18	6,871	138
5	5,298		5,298	2			3,268
6	5,298		5,298	2			268
7	5,298		5,298	2			268
8	5,299		5,299	2			276
9	5,299		5,299	2			276
10	5,299		5,299	2			276
11	5,299		5,299	2			276
12	5,299		5,299	2			276
13	5,299		5,299	2			276
14	5,299		5,299	2			276
15	5,299		5,299	2			276
16	5,299		5,299	2			276
17	5,299		5,299	2			276
18	3,048		3,048	0			1,484
Total	84,006	3,953	80,053	29	62	26,670	8,886

Exhibit "C" - Sheet 2

ST. PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: **City File: LDR 2014-07:** City-initiated application proposing amendments to Section 16.30.070 titled "Historic and Archaeological Preservation Overlay" and other historic and archaeological preservation related amendments in Section 12-6(8) and Section 16.70, Chapter 16 (Land Development Regulations), St. Petersburg City Code. A detailed analysis of the request is provided in the attached staff report.

REQUEST: First reading of the attached *Ordinance* and substitute *Resolutions*. The application includes:

(A) ORDINANCE _____ amending Section 12-6(8), Section 16.30.070, and Section 16.70, Chapter 16 (Land Development Regulations), St. Petersburg City Code.

(B) RESOLUTION _____ (Resolution "A") proposes an alternative recommendation pertaining to the pre-requisite for initiating an application to designate a local landmark district. Whereas the draft ordinance requires 50 percent (%) plus one (1) of the affected tax parcels, the alternative recommendation requires 50 percent (%) plus one (1) of returned ballots. The City Council may substitute the Resolution's alternative language into the final Ordinance, thereby replacing the requirement for 50 percent (%) plus one (1) of the affected tax parcels.

(C) RESOLUTION _____ (Resolution "C") proposes to create an exemption for window replacement, when such replacement is proposing to use impact resistant glass, is Energy Star qualified for southern climate zones, and matches existing visual qualities including: dimensions, profiles, and placement. The City Council may insert the Resolution's language into the final Ordinance.

SPECIAL NOTE:

The attached staff report, which was prepared for the City's Community Planning and Preservation Commission (CPPC), includes reference to Resolution "B" modifying the Certificate of Appropriateness ("COA") Approval Matrix. The CPPC is authorized to approve changes to the COA Approval Matrix and voted unanimously (7-0) to approve the Resolution. The vote was final and does not require additional action by the City Council. The approved Resolution will help mitigate the potential impacts of approving Resolution _____ (Resolution "A"), and it will help improve efficiencies within the COA program described later in the report.

RECOMMENDATION:

Administration: The Administration recommends:

1. APPROVAL: Ordinance _____
2. APPROVAL: Resolution ___("A")
3. DEFERRAL: Resolution ___("C")

Community Planning & Preservation Commission (CPPC): On February 10, 2015, the CPPC conducted a public hearing regarding these amendments and made a finding of consistency, voting:

1. ORDINANCE _____: Affirmed 6-to-1
2. RESOLUTION ___("A"): Affirmed 5-to-2
3. RESOLUTION ___("C"): Denied 7-to-0

The prevailing justification to deny Resolution ____("C") was a general concern about the impact on St. Petersburg's status as a "Certified Local Government (CLG)." A workshop on this subject, separate from the body of the Ordinance, was recommended. This solution would allow the Ordinance to receive a final vote, while staff researches the impact of any pre-emption to the review criteria. The attached Resolution ____("C") includes additional literature and information to assist your understanding of the request.

Recommended City Council Action:

1. CONDUCT the first reading of the proposed Ordinance and Resolutions; and
2. SET the second reading and adoption public hearing for April 16, 2015.

Attachments:

1. Ordinance
2. Resolutions
3. CPPC Minutes
4. CPPC Staff Report and Attachments

ATTACHMENT

HISTORIC PRESERVATION ORDINANCE

AN ORDINANCE AMENDING THE HISTORIC AND ARCHAEOLOGICAL PRESERVATION OVERLAY SECTION OF THE ST. PETERSBURG CITY CODE; PROVIDING FOR SUBSTANTIAL INCREASES IN THE REQUIREMENTS OF MANY ASPECTS OF HISTORIC PRESERVATION; DECREASING THE REQUIREMENTS FOR DESIGNATION OF AN HISTORIC DISTRICT; ADDING NOTIFICATION REQUIREMENTS FOR NON-OWNER INITIATED APPLICATIONS; PROVIDING FOR ADDITIONAL CONSIDERATION OF THE SEVEN FACTORS OF INTEGRITY; PROVIDING FOR DESIGNATION OF SPECIAL PROPERTIES; PROVIDING FOR A PROCESS TO MODIFY HISTORIC DISTRICTS; PROVIDING FOR ADDITIONAL REQUIREMENTS BEFORE ALLOWING THE DEMOLITION OF EXISTING STRUCTURES; PROVIDING FOR ADDITIONAL REQUIREMENTS FOR GROUND DISTURBING ACTIVITY AT ARCHAEOLOGICAL SITES; REQUIRING A CERTIFICATE TO DIG FOR POSSIBLE ARCHAEOLOGICAL SITES; PROVIDING FOR PROHIBITED PRACTICES AT ARCHAEOLOGICAL SITES; MODIFYING PROCEDURES AND REQUIREMENTS TO OBTAIN AD VALOREM TAX EXEMPTIONS; AMENDING DEFINITIONS AND PROVIDING FOR NEW DEFINITIONS; MODIFYING PROCEDURES AND REQUIREMENTS FOR TRANSFERS OF DEVELOPMENT RIGHTS FOR HISTORIC PROPERTIES; PROVIDING FOR FEES; PROVIDING FOR PENALTIES; PROVIDING FOR CLARIFICATION OF EXISTING LANGUAGE; CORRECTING TYPOGRAPHICAL INCONSISTENCIES; PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Section 16.30.070 of the St. Petersburg City Code is hereby amended to read as follows:

SECTION 16.30.070. HISTORIC AND ARCHAEOLOGICAL PRESERVATION OVERLAY

16.30.070.1. Generally

A. The City Council declares as a matter of public policy that the preservation, protection, perpetuation and use of local landmarks~~, landmark sites and historic districts~~ is a public necessity because they have a special historic, architectural, archaeological, aesthetic or

cultural interest and value and thus serve as visible and tangible reminders of the history and heritage of this ~~c~~City, the state and nation. The ~~c~~Council finds that this section benefits the City's residents and property owners and declares as a matter of public policy that this section is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people.

B. The purpose of this section is to:

1. Effect and accomplish the preservation, protection, perpetuation and use of local landmarks~~, landmark sites, thematic groupings and historic districts~~ having a special historic, architectural, archaeological, aesthetic or cultural interest and value to this ~~c~~City, the state and nation;

2. Promote the educational, cultural, economic and general welfare of the people and to safeguard the City's history and heritage as embodied and reflected in such local landmarks~~, sites and districts~~;

3. Stabilize and improve property values in historic districts and in the City as a whole;

4. Foster civic pride in the value of notable accomplishments of the past;

5. Strengthen the economy of the City;

6. Protect and enhance the City's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry;

7. Enhance the visual and aesthetic character, diversity and interest of the City;

8. Provide for incentives to renovate or rehabilitate historic structures by implementing State law (currently F.S. §§ 196.1997 and 196.1998) relating to exemption of certain ad valorem taxes for historic properties.

16.30.070.2.2. Definitions.

Definitions shall be as provided in the rules of interpretation and definitions section and Chapter 1.

16.30.070.2.3. Designation of Community Planning and Preservation Commission.

It is hereby established that the Community Planning and Preservation Commission shall serve as the Commission responsible for matters pertaining to historic and archaeological preservation as provided in this overlay section. It is the City Council's intent that this Commission shall meet the requirements of the state and federal ~~e~~Certified ~~l~~Local ~~g~~Government program. When a new member is appointed by the Mayor and confirmed by City Council, the professional education and qualifications of the new member should be considered to ensure that the requirements of the ~~e~~Certified ~~l~~Local ~~g~~Government program are met. When necessary, persons serving on the Commission shall attend educational meetings to develop a special interest, experience or knowledge in history, architecture, or related disciplines.

16.30.070.2.4. Powers and duties of the Commission.

A. In addition to the powers and duties stated elsewhere, the Commission shall take action necessary and appropriate to accomplish the purposes of this section. These actions may include, but are not limited to:

1. Continuing the survey and inventory of historic buildings and areas and archaeological sites and the plan for their preservation;

2. Recommending the designation of ~~historic and thematic districts and individual~~ local landmarks ~~and landmark sites~~;

3. Regulating alterations, demolitions, relocations, and new construction to local landmarks ~~designated property~~;

4. Recommending specific design review criteria for local landmarks ~~designated property~~;

5. Working with and advising the federal, state and county governments and other departments or commissions of the City ~~city government~~;

6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;

7. Initiating plans for the preservation and rehabilitation of individual historic buildings; and

8. Undertaking educational programs including the preparation of publications and placing of historic markers.

B. The Commission shall review all nominations of a local property to the National Register of Historic Places (NRHP) following the regulations of the Florida Division of Historical Resources ~~state division of historical resources of the department of state~~. The Commission shall also ask the Mayor and the chairman of the board of county commissioners for their written opinion as to whether or not each property should be nominated to the NRHP ~~National Register~~. The Commission shall conduct a public hearing to consider the nomination and publish and mail notice as provided in the supplemental notice section of the application and procedures ~~appeals~~ section. When necessary, the Commission shall seek expert advice before evaluating the nomination. The Commission shall forward to the state historic preservation officer its action on the nomination and the recommendations of the local officials.

When a property owner objects to having their property nominated to the National Register, a notarized written statement from the property owner must be requested by the POD ~~submitted to the Commission~~ before the nomination is considered. The Commission may then continue its review, forwarding its recommendation to the state historic preservation officer noting the property owner's objection or it may cease any further review process and notify the state historic preservation officer of the property owner's objection to the proposed listing.

C. In the development of the certified local government program, the City Council may ask the Commission to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

D. The Commission shall conduct at least four public hearings a year to consider historic preservation issues. ~~Applicants shall be given written notification of the Commission's decisions.~~ The Commission shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.

E. The Commission shall receive assistance in the performance of its historic preservation responsibilities from the POD who ~~which~~ shall provide expertise in historic preservation or a closely related field. Other ~~c~~City staff members may be asked to assist the Commission by providing technical advice or helping in the administration of this section.

16.30.070.2.5. Designation of local landmarks~~, landmark sites and historic districts and thematic groupings~~.

A. *Generally*. Upon recommendation of the Commission, the City Council shall consider local landmark designation by ordinance of individual buildings, structures, objects, ~~landmarks, landmark~~ archaeological sites, ~~thematic groupings and~~ local historic districts and multiple property landmarks. An application for the creation of TDR, H credits and/or for a historic ad valorem tax exemption may be processed simultaneously with an application for designation. ~~Each designation of a landmark shall include a designation of a landmark site. When an owner objects to an application involving designation of their property, other than a historic district, approval by the Commission and City Council shall require a super majority vote.~~

B. *Application requirements*. Consideration of the designation of a local landmark ~~and landmark site, thematic grouping or a historic district~~ shall be initiated by the filing of an application for designation by the property owner, any resident of the City or any organization in the City, including the City. The City shall charge a fee for each application. ~~which reflects processing costs for the application except that such~~ Such fee shall be waived for ~~e~~City-initiated applications and properties listed in, or, upon demonstration of a pending application, proposed to be listed in the NRHP. The POD shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

1. Generally. The applicant shall complete an application form provided by the POD which shall include:

~~1~~a. A written description of the architectural, historical, or archaeological significance of the proposed local landmark ~~and landmark site or structures in the proposed thematic grouping or historic district and~~ specifically addressing and documenting those related points contained in the criteria of this section;

~~2~~b. The date ~~Date~~ of construction of each of the structures on the property;

~~3~~c. Photographs of the property; and

~~4~~d. The ~~L~~legal description and a map of the property to be designated as a local landmark or upon which the local landmark is located~~, landmark site, thematic grouping or historic district~~.

2. Additional requirements for historic districts. On applications for the designation of historic districts, the applicant shall also submit:

~~1~~a. Evidence of the support of the historic district from the owners of fifty percent plus one tax parcel (50%+1) (e.g. if there are 201 tax parcels, 50% = 100 ½ tax parcels, plus one would equal 101 ½ which would mean 102 tax parcels must vote in favor), ~~two-thirds~~ of the ~~properties~~ tax parcels except for ~~e~~City initiated applications. Such evidence shall be obtained in the following manner: the applicant shall mail or hand deliver to all property owners of each tax parcel within the proposed historic district, as listed in the Public Records of Pinellas County, a City issued ballot requesting the owner to return by mail or hand delivery a signed ballot showing support or opposition/nonsupport for the application; the applicant shall provide the POD with a certificate of mailing within ten (10) days of the date of the mailing, or for hand delivery an affidavit of the deliverer which includes the addresses to which the ballot was delivered, and only City issued ballots that have a postmark within 180 days of the date of mailing, or have been physically received by the POD within 180 days the date of mailing and have been date stamped, shall be counted; the response for each tax parcel shall be counted as one vote, if more than one owner of a tax parcel responds and one or more owners show opposition/nonsupport then the property shall not be found to support the application; each tax parcel (which may be more than one lot) shall be a 'property'; City owned tax parcels shall not have a vote and shall not be counted toward the total number of tax parcels; the POD shall not accept an application which does not meet this requirement; once a signed ballot is received by the City, the signors position may not be changed for the purposes of meeting the requirements of the application minimum (such persons may express any change of opinion or vote in any other legal manner);

~~2~~b. Justification for the formation of the historic district based on the criteria for designation;

c. A written description of the boundaries of the district which shall include a map; and

~~3~~d. A list of contributing and noncontributing resources.

~~The POD shall determine when an application is complete and may request additional information when such application is determined to be incomplete.~~

C. *Additional requirements.*

1. When an owner objects to an application involving designation of their property, other than when in a local historic district, approval by the Commission and City Council shall require a super majority vote.

2. A designation application made by a nonowner shall not be made or accepted for a property with an unexpired site plan approval.

3. If a designation application for an individual property has been made by a nonowner and has been denied, no application to designate the same property (unless it is part of a local historic district designation application) shall be accepted by the POD for five (5) years from the date of the final public hearing unless initiated by the property owner.

4. One complete copy of a nonowner initiated designation application for an individual property shall be provided by the applicant to each property owner (and may be made to any legal person of interest) as shown in the Public Records of Pinellas County, by certified mail. The application shall not be complete until proof of mailing has been provided to the POD and the POD shall not process the application until complete. The applicant of a nonowner initiated designation application for an individual property shall mail notice of each public hearing at least thirty (30) days prior to each public hearing, to each property owner as shown in the Public Records of Pinellas County by regular mail. The applicant shall provide proof of mailing to the POD at least fourteen (14) days prior to the public hearing.

~~Public hearings for designations. The Commission shall schedule a public hearing on the proposed designation within 60 days of the submission of a completed application. Notice of the public hearing and notice to the owner shall state clearly the boundaries for the proposed historic district or the proposed landmark and landmark site.~~

D. *Criteria for designation of property.*

1. The Commission shall recommend the designation of property as a local landmark~~, landmark site, thematic grouping or historic district~~ after the public hearing ~~based upon~~ if the principal structure is at least fifty (50) years old and it meets one or more of the following criteria:

   ~~1~~a. Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;

~~2~~b. Its location is a site of a significant local, state, or national event;

~~3~~c. It is identified with a person who significantly contributed to the development of the City, state, or nation;

~~4~~d. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, state, or nation;

~~5~~e. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;

~~6~~f. It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;

~~7~~g. Its character is a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development;

~~8~~h. Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development; or

~~9~~i. It has contributed, or is likely to contribute, information important to the prehistory or history of the City, state, or nation.

2. If a property meets the criteria for designation set forth in paragraph (1) above, then the Commission shall also consider the following seven (7) factors of integrity as they apply to the property:

   a. Location - the place where the historic property was constructed or the place where the historic event occurred.
   b. Design - the combination of elements that create the form, plan, space, structure, and style of a property.

   c. Setting - the physical environment of a historic property.

   d. Materials - the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

   e. Workmanship - the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

f. Feeling - the property's expression of the aesthetic or historic sense of a particular period of time.

g. Association - the direct link between an important historic event or person and a historic property.

In order to be designated as a local landmark, a property shall meet at least one (1) of the foregoing factors of integrity; however, feeling and association, without meeting at least one other factor, are insufficient to support designation.

3. Special Properties: Cemeteries, birthplaces, or graves of historical figures, structures that have been moved from their original locations, reconstructions of historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for designation unless it is an integral part of a historic district that meets the criteria above or if it falls within the following categories;

a. A cemetery which derives its primary significance from graves of persons of significance either from its age, from its distinctive design features, or from its association with historic events;

b. A birthplace or grave of a historical figure of significance if there is not an appropriate building or site directly associated with the historical figure's life;

c. A building or structure removed from its original location but which is significant primarily for its architectural value or which is the surviving structure most importantly associated with a historic person or event;

d. An accurate reconstruction of an historic building or structure which was destroyed by catastrophic causes, located in an environment which is compatible with its historic location, presented in an academic manner, and no other building or structure with the same historic significance has survived;

e. A property primarily commemorative in intent if its design, age, tradition, or symbolic value has created its own exceptional significance; or

f. A property achieving significance within the past fifty (50) years if it is of exceptional importance and meets one or more of the general criteria.

~~E.~~ 4. Additional criteria for designation of hexagon block sidewalk preservation areas.

~~1~~a. Evidence of approval of the property owners of ~~51~~ greater than 50 percent of the linear ~~lineal~~ front footage of property abutting the sidewalks (right-of-way) within the area designated in the application at the time the application is submitted to the POD. For the purposes of this subsection and unless otherwise directed by

City Council, the City shall be presumed to approve of the application for designation of hexagon block sidewalk preservation areas for all ~~e~~City owned property, excluding rights-of-way, within an area designated in the application. This presumption shall not affect the power of City Council to deny an application. City Council may initiate the designation of a hexagon block sidewalk preservation area without the approval of any owners.

~~2~~b. The hexagon block sidewalk preservation area contributes an aesthetic or cultural interest and value which enhances the character of the City.

~~3~~c. A proposed hexagon block sidewalk preservation area shall contain a minimum of four abutting city blocks or a minimum of 1,500 linear ~~lineal~~ feet of sidewalk. Preservation areas should contain at least 66 percent of the total linear ~~lineal~~ feet in hexagon block sidewalk after measuring all sidewalks along the streets within the proposed district.

E. *Updating and modifying historic districts.*

1. The status of properties as either contributing or non-contributing resources within a historic district may be changed by following the same process as required for the initial designation.

2. The boundaries of a historic district may be expanded to include (an) adjoining property(ies) at the request of the property owner if the property(ies) meet(s) the designation criteria.

3. The boundaries of a historic district may be contracted to exclude (a) property(ies) if the property(ies) no longer meet(s) the criteria for designation and if the contraction does not create an 'enclave' within the historic district or make any portion of the historic district noncontiguous with the remainder of the historic district.

4. Approval of the expanded or contracted boundaries shall follow the same process as required for the initial designation, as described in this section. The Commission and City Council shall only consider the properties to be added or removed and shall not re-evaluate the designation of the entire historic district or other properties which are not included in the request.

F. *Public hearings for designations.* The Commission shall schedule a public hearing on the proposed designation within sixty (60) days of the submission of a completed application. Notice of the public hearing and notice to the owner(s) shall clearly state the boundaries for the proposed local landmark and notice shall include mailed notice to the owner, and written and posted notice as provided in the applications and procedures section except that no posted notice for an application for a historic district shall be required.

G. *Commission recommendation* ~~*decision*~~. After evaluating the testimony, evidence, ~~survey information~~ and other material presented to the Commission ~~at the public hearing~~, the Commission shall:

1. Recommend approval, denial or approval with modifications of ~~approve, modify, defer or deny~~ the application within sixty (60) days. ~~The Commission may consider the relationship of the proposed designation to the existing and future plans for the development of the City. The~~

2. Within this sixty (60) day period, the Commission may vote to defer its recommendation ~~decision~~ if adequate information is not available to make a recommendation ~~decision~~ but shall reconsider the application at the earliest opportunity after adequate information is made available.

3. A written report to the City Council on the Commission's recommendation shall be sent for Council's ~~their~~ review and action. If the Commission recommends a designation, it shall explain how the proposed local landmark~~, thematic grouping or historic district~~ qualifies for designation under the criteria contained in this section. This evaluation may include references to other buildings and areas in the City and shall identify the significant features of the proposed local landmark ~~and landmark site, thematic grouping or historic district~~. The report shall include a discussion of ~~on~~ the relationship between the proposed designation and existing and future plans for the development of the City. The POD shall promptly notify the applicant and the property owner of the Commission recommendation ~~decision~~.

~~G~~H. *Permit issuance.* ~~If the Commission recommends designation,~~ When a complete (as determined by the POD) application for designation of a local landmark has been submitted, no permits shall be issued for any exterior alteration, new construction, demolition, or relocation on the property which is the subject of the recommendation until one ~~or~~ of the following has occurred:

1. City ~~c~~Council designates the property and a certificate of appropriateness is issued; ~~or~~

2. The application is withdrawn; or

3. The designation is denied by City Council.

4. This prohibition shall not apply to a noncontributing resource within the boundaries of an application for local landmark designation for a local historic district nor shall it

apply to permits for ordinary repair and maintenance of contributing resources, as determined by the POD.

~~H~~I. *City Council review and designation.* The City Council shall schedule a public hearing on the proposed designation within sixty (60) days of the Commission recommendation. Notice of the public hearing and notice to the owner(s) shall clearly state the boundaries for the proposed local landmark and notice shall include mailed notice to the owner, and written and posted notice as provided in the applications and procedures section except that no posted notice for an application for a historic district shall be required. After evaluating the testimony, evidence, and other material presented to the Council, and considering the criteria for designation, the Council shall:

1. Approve, deny or approve with modifications of the Commission recommendation.

2. Within this sixty (60) day period, the Council may vote to defer its decision if adequate information is not available to make a decision, but shall reconsider the application at the earliest opportunity after adequate information is made available.

3. In addition to the criteria for designation, Council may also consider the relationship of the proposed designation to the existing and future plans for the development of the City.

~~The City Council shall approve, modify conditions and/or the designation application, defer or disapprove the proposed designation within 60 days of the Commission recommendation. The City Council may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the Commission recommendation at the earliest opportunity after adequate information is made available.~~

4. A decision to reverse a ~~c~~Commission recommendation, or to approve the designation over an owner objection shall be by a super majority vote. Modification of the boundaries of a proposed local landmark is not a reversal of a Commission recommendation so long as a substantial portion of the recommended area is approved.

5. If a designation is made, the Comprehensive Plan including the land use map shall automatically be amended to show ~~contain~~ the designation with no further action by City Council necessary.

6. The POD shall notify the ~~each~~ applicant and property owner of the decision relating to the ~~his~~ property and shall arrange that notice of the designation of a property as a

local landmark or as a part of a historic district is provided to the property appraiser and tax collector so that they may include this information in their public records ~~recorded in the official record books of the county~~ and with the City Clerk.

J. *Amendments and rescissions.* The designation of any local landmark ~~and landmark site, thematic grouping or thematic district~~ may be amended or rescinded through the same procedure utilized for the original designation. Where a physical portion of a local landmark remains, the Commission may consider whether the local landmark has lost its significance as a result of the approval of a COA which required the retention of a portion of the original local landmark.

16.30.070.2.6. Approval of changes to local landmarks~~, landmark sites, and property in historic districts~~.

A. *Certificate of appropriateness (COA).* No person may undertake any of the following actions affecting a local ~~designated~~ landmark~~, a designated landmark site or a property in a designated thematic grouping or in a designated historic district~~ without first obtaining a COA ~~certificate of appropriateness~~:

1. Alteration of a designated archaeological site;

2. Alteration to the exterior part of a building, structure or object within the designated boundary of a local landmark ~~site~~;

3. New construction;

4. Demolition; or

5. Relocation, including the relocation of a building into a historic district.

Review of new construction and alterations to designated buildings and structures shall be limited to exterior changes. Whenever any alteration, new construction, demolition or relocation is undertaken on a local ~~designated~~ landmark~~, a designated landmark site or property in a designated thematic grouping or in a designated historic district~~ without a COA ~~certificate of appropriateness~~, the ~~POD~~ Building Official is authorized to issue a stop work order.

A COA ~~certificate of appropriateness~~ shall be in addition to any other building permits required by law. The issuance of a COA ~~certificate of appropriateness~~ shall not relieve

the property owner of the duty to comply with other federal, state and local laws and regulations.

Ordinary repair and maintenance that is otherwise permitted by law may be undertaken without a COA ~~certificate of appropriateness~~. The final determination of what work ~~that~~ is considered ordinary repair and maintenance shall be made by the POD. Property owners may request the POD to review any scope of work to determine if a COA is required at no charge.

Owners of properties which are subject to a COA ~~certificate of appropriateness~~ review shall ~~will~~ make all artifacts from archaeological sites available to the investigating archaeologists for purposes of analysis and for the reasonable period of time needed for the analysis.

No COA ~~certificate of appropriateness~~ approved by the Commission shall be effective for a period of ten days from the date of approval. If during that ten-day period an appeal is made, the decision shall automatically be stayed during the appeal.

B. *Application procedures for a COA ~~certificates for appropriateness~~*. Each application for a COA ~~certificate of appropriateness~~ shall be accompanied by the required fee. No permits shall be issued for an alteration, new construction, demolition or relocation affecting a local ~~designated~~ landmark~~, a designated landmark site, a property in a designated thematic grouping, or a property in a designated historic district~~ without first directing the applicant to the POD to determine if a COA ~~certificate of appropriateness~~ is required. The applicant shall complete an application form provided by the POD ~~City~~ which shall includes the following information:

1. Drawings of the proposed work;

2. Photographs of the existing building or structure and adjacent properties;

3. A complete written description of the proposed work which clearly describes ~~shall include information about~~ the building materials to be used;

4. In the case of archaeological sites, a site plan that illustrates the archaeological site boundary and clearly describes any potential impacts or disturbances to the site.

5. The POD shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

6. For relocations, a written statement from the applicant shall be included in the application addressing:

   a. How the proposed relocation of the local landmark will impact the NRHP seven (7) factors of integrity which contribute to its; and
   b. Why the relocation is necessary.

C. *Review of a COA* ~~*certificates of appropriateness for new construction*~~.

1. The Commission shall hold a public hearing and approve, by resolution, a COA ~~certificate of appropriateness~~ approval matrix for local landmarks and archaeological sites ~~designated buildings, structures, sites and contributing and non-contributing structures in a thematic grouping or a historic district~~. The matrix shall identify which approvals shall be made by the POD and which shall be made by the Commission. Changes to the matrix shall be made in the same manner. Approval of any action which is not specifically identified on the matrix shall be made by the Commission.

2. The decision to approve, approve with conditions, or deny any ~~disapprove each~~ application, shall be based on the criteria contained in this section.

3. The Commission shall hold a public hearing after providing mailed and posted notice as required in the application and procedures section for each COA request requiring Commission approval. The Commission may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application at the earliest opportunity after adequate information is made available. The Commission shall act within sixty (60) days after the close of the public hearing unless an extension is agreed to by the property owner.

4. The decision by the POD to approve, approve with conditions, or deny any application shall be provided to the owner, and the applicant, if different than the owner. The POD's decision shall be in writing and shall state the reasons for such approval. The POD's decision may be appealed to the Commission by following the procedures for appeals in the Applications and Procedures section, however, only the owner may appeal the POD's decision under this paragraph. The POD shall provide mailed notice to the owner as required in the Application and Procedures Section for each COA request requiring POD approval at least ten days before making a decision unless this time frame is waived by the owner.

D. *Modifications to a COA ~~certificates of appropriateness~~*. Modifications to a COA ~~certificates of appropriateness~~ shall be made only by the Commission or POD, based on the approval matrix, after receipt of a completed application by following the procedures for approval of a COA ~~approving authority~~. The POD shall determine when an action affects a local ~~designated~~ landmark~~, designated landmark site, or a property in a designated thematic grouping or in a designated historic district~~. Modification to any work or materials approved by the COA or any condition of the COA is prohibited without receipt of an approval as set forth herein. Fees for review of a COA ~~certificate of appropriateness~~ shall be established by the City Council.

E. *General criteria for granting a COA ~~certificates of appropriateness~~*. In approving or denying applications for a COA ~~certificates of appropriateness~~ for alterations, new construction, demolition, or relocation, the Commission and the POD shall evaluate the following:

1. The effect of the proposed work on the local landmark ~~or the property upon which such work is to be done~~;

2. The relationship between such work and other structures on the property ~~landmark site~~ or, if within a historic district, other property in the historic district;

3. The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the local landmark or the property will be affected;

4. Whether the denial of a COA ~~certificate of appropriateness~~ would deprive the property owner of reasonable beneficial use of the ~~his~~ property;

5. Whether the plans may be reasonably carried out by the applicant;

6. A COA ~~Certificates of appropriateness~~ for a noncontributing structure~~s~~ in a historic district shall be reviewed to determine whether the proposed work would negatively impact a contributing structure or the historic integrity of the district. Approval of a COA ~~certificate~~ shall include any conditions necessary to mitigate or eliminate the negative impacts.

F. *Additional guidelines for alterations*. In approving or denying applications for a COA ~~certificates of appropriateness~~ for alterations, the Commission and the POD shall also use the following additional guidelines which are based on the United States Secretary of the Interior's Standards for the Treatment of Historic Properties:

1. A local landmark ~~property~~ should 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.

2. The distinguishing historic qualities or character of a building, structure, or site and its environment shall be preserved. The removal or alteration of any historic material or distinctive architectural features shall be avoided when reasonable ~~possible~~.

3. 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.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;

6. 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 reasonable ~~possible~~, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. 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.

8. Significant archaeological resources affected by a project shall be protected and preserved if designated pursuant to this section. If such resources must be disturbed, mitigation measures shall be undertaken.

G. *Additional guidelines for new construction.* In approving or denying applications for a COA ~~certificates of appropriateness~~ for new construction (which includes additions to an existing structure), the Commission and the POD shall also use the following additional guidelines:

1. The height of the proposed new construction ~~building~~ shall be visually compatible with contributing resources in the district.

2. The relationship of the width of the new construction ~~building~~ to the height of the front elevation shall be visually compatible with contributing resources in the district.

3. The relationship of the width of the windows to the height of the windows in ~~a~~ the new construction ~~building~~ shall be visually compatible with contributing resources in the district.

4. The relationship of solids and voids (which is the pattern or rhythm created by wall recesses, projections, and openings) in the front facade of a building shall be visually compatible with contributing resources in the district.

5. The relationship of the new construction ~~building~~ to open space between it and adjoining buildings shall be visually compatible with contributing resources in the district.

6. The relationship of the entrance and porch projections to sidewalks of the new construction ~~a building~~ shall be visually compatible with contributing resources in the district.

7. The relationship of the materials, texture and color of the facade of the new construction ~~a building~~ shall be visually compatible with the predominant materials used in contributing resources in the district.

8. The roof shape of the new construction ~~a building~~ shall be visually compatible with contributing resources in the district.

9. Appurtenances of the new construction ~~a building~~ such as walls, wrought iron, fences, evergreen, landscape masses, building facades, shall, if necessary, form cohesive walls of enclosures along a street, to ensure visual compatibility of the new construction ~~building~~ with contributing resources in the district.

10. The size of the new construction ~~a building~~, the mass of the new construction ~~a building~~ in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with contributing resources in the district.

11. The new construction ~~A building~~ shall be visually compatible with contributing resources in the district in its directional character, whether this ~~be~~ is the vertical character, horizontal character or nondirectional character.

12. New construction shall not destroy historic materials that characterize the local landmark ~~property~~. The new construction should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the local landmark ~~property~~ and its environment.

13. New construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the local landmark ~~historic property~~ and its environment would be unimpaired.

H. *Additional requirements for demolition.* In approving or denying applications for a COA ~~certificates of appropriateness~~ for demolition, the Commission and the POD shall also use the following additional guidelines:

1. The purpose and intent of these additional requirements is to determine that no other feasible alternative to demolition of the local landmark ~~historic structure~~ can be found.

2. No COA ~~certificate of appropriateness~~ for demolition shall be issued by the Commission until the applicant has demonstrated that there is no reasonable beneficial use of the property or the applicant cannot receive a reasonable return on a commercial or income-producing property.

The Commission may solicit expert testimony and should request that the applicant furnish such additional information believed to be necessary and relevant in the determination of whether there is a reasonable beneficial use or a reasonable return. The information to be submitted by a property owner should include, but not be limited to, the following information:

a. A report from a licensed architect or engineer who shall have demonstrated experience in structural rehabilitation concerning the structural soundness of the building and its suitability for rehabilitation including an estimated cost to rehabilitate the property.

b. A report from a qualified architect, real estate professional, or developer, with demonstrated experience in rehabilitation, or the owner as to the economic feasibility of rehabilitation or reuse of the property. The report should explore various alternative uses for the property and include, but not be limited to, the following information:

i. The amount paid for the property, date of purchase, remaining mortgage amount (including other existing liens) and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

ii. The most recent assessed value of the property.

iii. Photographs of the property and description of its condition.

iv. Annual debt service or mortgage payment.

v. Real estate property taxes for the current year and the previous two years.

vi. An appraisal of the property conducted within the last two years. The City may hire an appraiser to evaluate any appraisals. All appraisals shall include the professional credentials of the appraiser.

vii. Estimated market value of the property in its current condition; estimated market value after completion of the proposed demolition; and estimated market value after rehabilitation of the existing local landmark for continued use.

viii. Evidence of attempts to sell or rent the property, including the price asked within the last two years and any offers received.

ix. Cost of rehabilitation for various use alternatives. Provide specific examples of the infeasibility of rehabilitation or alternative uses which could earn a reasonable return for the property.

x. If the property is income-producing, submit the annual gross income from the property for the previous two years as well as annual cash flow before and after debt service and expenses, itemized operating and maintenance expenses for the previous two years, and depreciation deduction and projected five year cash flow after rehabilitation.

xi. If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition.

xii. Evidence that the building can or cannot be relocated.

c. The Commission may request that ~~require~~ the applicant ~~to~~ provide additional information to be used in making the~~se~~ determinations of reasonable beneficial use and reasonable return.

d. If the applicant does not provide the requested information, the applicant shall submit a statement to the Commission detailing the reasons why the requested information was not provided.

3. The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition.

4. The Commission shall review the evidence provided ~~study the question of economic hardship for the applicant~~ and shall determine whether the property can be put to a reasonable beneficial use or the applicant can receive a reasonable return without the approval of the demolition application. The applicant has the burden of proving that there is no reasonable beneficial use of the property or that the owner cannot receive a reasonable return. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the Commission shall deny the demolition application except as provided below.

5. The Commission may condition any demolition approval upon the receipt of plans and building permits for any new structure and submission of evidence of financing in order to ensure that the site does not remain vacant after demolition.

6. The Commission may grant a COA ~~certificate of appropriateness~~ for demolition even though the local ~~designated~~ landmark, ~~designated landmark site,~~ or property within a local ~~the designated~~ historic district has reasonable beneficial use or receives a reasonable return if:

   a. The Commission determines that the property no longer contributes to a local historic district or no longer has significance as a historic, architectural or archaeological local landmark; or

   b. The Commission determines that the demolition of the designated property is necessary to achieve the purposes of a community redevelopment plan or the Comprehensive Plan.

7. The Commission may, at the owner's expense, require the recording of the property for archival purposes prior to demolition. The recording may include, but shall not be limited to, video recording, photographic documentation with negatives and measured architectural drawings.

I. *Additional guidelines for relocation.* In approving or denying applications for a COA ~~When an applicant requests a certificate of appropriateness~~ for the relocation of a local landmark~~, a building or structure on a landmark site, or a building or structure in a~~

~~historic district~~ or to relocate a building or structure to a ~~landmark site or to a~~ property in historic district, the Commission and the POD shall also use ~~consider~~ the following additional guidelines:

1. The contribution the local landmark ~~designated building or structure~~ makes to its present setting;

2. Whether there are definite plans for the property the local landmark ~~designated structure~~ is being moved from;

3. Whether the local landmark ~~designated building or structure~~ can be moved without significant damage to its physical integrity; and

4. The compatibility of the local landmark ~~building or structure~~ to its proposed site and adjacent properties ~~in the historic district~~.

5. If the structure is a noncontributing resource, the compatibility and impact of the noncontributing resource on abutting contributing resources and the historic district.

6. The property owner may be required to obtain an approved site plan before permits may be issued to relocate a local landmark.

J. *Additional guidelines for construction in hexagon block sidewalk preservation areas.* In approving or denying applications for a COA for construction in hexagon block sidewalk preservation areas, the Commission and the POD shall also use the following additional guidelines:

1. The responsibility for proper repair of hexagon block sidewalks within a preservation area shall be governed by ~~c~~City policies and ordinances.

2. All construction shall be done in accordance with ~~c~~City sidewalk specifications and shall be inspected by the POD.

3. All construction must obtain all required permits.

4. The replacement and/or repair of existing hexagon block sidewalks shall be made with hexagon block.

5. The replacement and/or repair of existing concrete sidewalks shall be made with hexagon block.

6. All new sidewalk construction shall be made with hexagon block.

7. The abutting property owner shall be responsible for the expenses associated with the construction and repair of hexagon block sidewalks as set forth in city policies concerning sidewalk assessments.

K. *Additional guidelines for archaeological sites.* In approving or denying applications for a COA for activity on archaeological sites, the Commission and the POD shall also use the following additional guidelines which are based on the United States Secretary of the Interior's Standards for the Treatment of Historic Properties:

1. Any ground disturbing activity requires approval of a COA. Archaeological resources should be left undisturbed. The existing form, integrity, and materials of the archaeological site should be retained. Ground disturbing activity should be located to avoid known archaeological sites. Where avoidance of ground disturbing activity on or near the archaeological site is not possible, projects shall be designed to avoid or minimize ground disturbance.

2. Stabilization of an archaeological site to arrest and inhibit deterioration is recommended and should be done in such a way as to detract as little as possible from its appearance and significance and not adversely affect its research potential unless adequate data recovery has occurred. Stabilization by vegetation, installation of rip rap or landscape netting, burial, or other alteration will be undertaken only after sufficient research or experimentation to determine the probable effectiveness of the action and only after existing conditions are fully documented. A complete record of stabilization work shall be provided to the City.

3. Ground disturbing activities should be employed only when necessary to provide sufficient information for research, interpretation, and management needs. Excavated areas should be backfilled or otherwise stabilized.

4. The use of heavy machinery or equipment is discouraged and such equipment shall be used in a manner to reduce the impact to known archaeological resources on an archaeological site. The applicant shall provide justification for their use when necessary and their use will be subject to conditions of approval to minimize the impact on known archaeological resources on an archaeological site.

5. For a major disturbance which occurs when preservation of significant archaeological resources in place is not reasonable, a professional archaeologist shall be used to survey the site to determine the potential impact and exact location of significant archaeological resources prior to any ground disturbing activities. If avoidance of an impact is not possible, a professional archaeologist

shall document the site, shall monitor construction activities, and shall be given an opportunity to excavate and preserve any archaeological resources. Such work shall be performed by a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR pt. 61).

6. For a minor disturbance which occurs when preservation of significant archaeological resources in place is reasonable but ground disturbing activities will occur on the site, a professional archaeologist or individuals certified by the Florida Department of State, Bureau of Archaeological Research, Archaeological Resource Management Training shall monitor construction activities.

7. Recovered archaeological resources shall be recorded, cataloged, and curated or reinterred on site when possible. A complete record as to their original location, location to be stored or reinterred, and the stabilization of the site shall be provided to the City.

8. Significant archaeological resources affected by ground disturbing activity shall be protected and preserved.

L. *Emergency conditions; designated properties*. In any case where the Building Official ~~POD~~ determines that there are emergency conditions dangerous to life, health or property affecting a local landmark~~, a landmark site,~~ or a property in a ~~thematic or~~ historic district, the Building Official ~~POD~~ may order the remedying of these conditions (including demolition) without the approval of the Commission or issuance of a required COA ~~certificate of appropriateness~~. The POD shall promptly notify the ~~chairman of the~~ Commission ~~and the staff liaison for the Commission~~ of the action being taken.

16.30.070.2.7. Appeals.

Decisions of the POD may be appealed to the Commission. Decisions of the Commission may be appealed to City Council.

16.30.070.2.8 ~~9~~. Conformity with the COA ~~certificate of appropriateness~~.

All work performed pursuant to a COA ~~certificate of appropriateness~~ shall conform to all provisions of such COA ~~certificate~~. The POD may inspect any work being performed to ensure such compliance. In the event work is not in compliance with such COA ~~certificate,~~ the Building Official ~~POD~~ may issue a stop work order. No additional work shall be undertaken as long as such stop work order is in effect.

16.30.070.2.9 ~~10~~. Maintenance and repair of local landmarks~~, landmark sites~~, and property in historic districts.

A. Every owner of a local landmark~~, a landmark site, or a property in a thematic grouping or a historic district~~ shall protect the local landmark against any fault, defect, or condition of the local landmark which renders it structurally unsafe or not watertight and shall keep it in good repair including:

1. All of the exterior portions of such buildings or structures including but not limited to all roofing materials and roof components, window glass, window frames and sashes, exterior doors and door frames;

2. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and

3. In addition, where the landmark is ~~an~~ a designated archaeological site, the owner shall ~~be required to~~ maintain the property in such a manner so as not to adversely affect the archaeological integrity of the site.

B. ~~The Commission may refer violations of this section to the POD for enforcement proceedings on any designated building or structure so that such building or structure shall be preserved in accordance with the purposes of this section.~~

Compliance. The property owner and any other person having possession or control of a local landmark shall comply with the City's minimum building standards and repair the local landmark if it is found to have any of the defects listed above. In addition, the property owner and any other person having possession or control of the local landmark shall keep all property, including vacant property, clear of all fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City's minimum building codes and ordinances. The provisions of this section shall be supplemental to any other laws requiring buildings and structures to be kept in good repair.

C. ~~The provisions of this section shall be in supplemental to any other laws requiring buildings and structures to be kept in good repair.~~

Enforcement.

1. The POD and the Commission may work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.

2. The POD or the Commission may file a complaint with the POD performing code

enforcement requesting that the POD issue a citation to require repairs to any local landmark so that the local landmark shall be preserved and protected in accordance with this section.

16.30.070.2.8 10. ~~Emergency~~ Expedited actions; stop work order; nondesignated properties.

A. The City Council may call a special ~~an emergency~~ meeting to review a threat to property that has not yet been designated by the City.

B. The POD may issue a temporary stop work order for a maximum of 15 days or until City Council conducts the special ~~emergency~~ meeting or discusses the property at a regular City Council session within that period. The City Council may ~~then~~ request that a stop work order be issued for up to 120 days to provide time to negotiate with the property owner to remove the threat to the property.

C. During the stop work order period the City Council may initiate steps to designate the property. ~~The City Council may issue a stop work order for up to 120 days.~~ Within the stop work order period the Commission shall meet and seek alternatives that may remove the threat to the property, determine if the property should be designated and make a recommendation to City Council.

D. If a stop work order is requested by an individual or group and the City Council issues a stop work order, the requesting individual or group shall submit a completed designation application form and fee within 30 days from the date the City Council stop work order is issued. If the City Council or ~~c~~Commission does not receive adequate information and documentation concerning the property or if a completed application and fees are not filed within this period, the City Council may lift the stop work order or allow it to expire without taking further action.

16.30.070.2.11. ~~Demolition of historic resources~~ Identification of potentially eligible landmarks which are not locally designated.

In order to protect and preserve the City's historic resources, the City shall discourage the demolition of historic resources which are listed or eligible for listing on the NRHP or ~~National~~ the St. Petersburg Register of Historic Places ~~or as a local landmark~~.

1. The property records and planning and permitting database should identify all properties listed individually or as a contributing resource ~~in a historic district or on the National~~ on the St. Petersburg Register of Historic Places or the NRHP. The property records and planning and permitting database should also identify all properties which are potentially eligible for designation as a ~~an individual~~ local landmark ~~or eligible for individual listing on the National Register of Historic Places. The POD shall notify the property owner when a property is identified as eligible for designation as an individual~~

~~local landmark or eligible for individual listing on the National Register of Historic Places.~~

2. Upon receipt of a complete application (or substantially complete as determined by the POD) for demolition, the POD shall delay the issuance of a permit for the demolition of a property ~~building or site,~~ which is potentially eligible for designation as an individual local landmark ~~or eligible for individual listing on the National Register of Historic Places~~ and which is identified as such in the property records and planning and permitting database, for 30 ~~business~~ days.

3. The City will notify by e-mail or letter mailed first class mail to the members of the ~~Community Preservation~~ Commission and any resident or community group who annually files their name with the POD ~~development services department~~ requesting notice of any applications for a demolition permit for a property ~~building or site~~ which is potentially eligible for designation as an individual local landmark ~~or eligible for individual listing on the National Register of Historic Places~~ and which is identified as such in the property records and planning and permitting database.

4. The requirement for delay and notice set forth in subsections 1 through 3 of this section shall not apply when:

   a. The Building Official or Fire Chief determines that it is necessary to demolish all or part of a building to protect the safety of the public;

   b. The Building Official determines that the building is structurally unsafe;

   c. The property ~~building or site~~ has been the subject of an application for historic designation which has been denied and which is not on appeal; and

   d. The property ~~building or site~~ has been the subject of an application for a site plan which has been approved and which is not on appeal, and the site plan approval has not expired or been withdrawn.

16.30.070.3. Archaeological protection and preservation.

In order to protect and preserve the City's historical resources, the City discourages the destruction of any archaeological resources. The POD may authorize archaeological investigations including, but not limited to, survey of archaeological site boundaries, survey of specified properties in order to locate any previously unrecorded sites, site assessment in order to determine landmark status, and mitigation of archaeological resources in cases where

preservation of a resource is determined by the Commission to be infeasible. These investigations may be in conjunction with existing or proposed designations or COA ~~certificate of appropriateness~~ applications. Public records requests made of the City regarding the location of archaeological sites may be subject to F.S. Sec. 267.135, as it may be amended from time to time.

16.30.070.3.1. Certificate to Dig on property which has not been designated ~~Demolition of archaeological resources.~~

The purpose for requiring a Certificate to Dig on property which has not been designated as an archaeological site is to assist in identifying archaeological resources before they are disturbed, and if necessary, to allow sufficient time to conduct any investigations to determine the location, to evaluate the significance of, and to protect significant archaeological sites and resources in areas identified as potentially having such sites.

1. Any project that obtains a site plan or building permit which will include ground disturbing activity in a Sensitivity Zone is required to obtain a Certificate to Dig if it is on property which has not been designated or is not required to obtain a COA. ~~Sites with a sensitivity level 1, as determined by the archaeological resources management plan, which includes those determined landmark eligible or potentially eligible, and sites with a sensitivity level 2, which includes sites which have not been completely evaluated but with a high probability of landmark eligibility, shall be identified in the property records and planning and permitting database.~~

2. An application for a Certificate to Dig shall be on the form required by the POD which shall include an aerial, a site plan, a description and the location on the site of all proposed ground disturbing activity, and the fee established by City Council. An application for a commercial property or a three or more unit residential property shall not be considered complete unless it includes a report from a professional archaeologist identifying the boundaries of the site, the significance of the site, an analysis of the impact of the proposed activity on the archaeological resources on the site (if any), and recommendations concerning avoidance of adverse impacts or mitigation. Such work shall be performed by a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR pt. 61).Upon receipt of a complete application (or substantially complete as determined by the POD) ~~for a development permit with a sensitivity level 1 or 2 site~~, the POD may delay issuance of the certificate ~~permit~~ for up to 30 days to allow a local landmark designation application to be filed. ~~An application shall not be considered complete unless it includes a report from a~~

~~professional archaeologist identifying the boundaries of the site, the significance of the site, and recommendations concerning mitigation or curation of artifacts.~~

3. If a local landmark designation application has not been filed within 30 days, or has been filed and denied, the Certificate to Dig shall be issued which may ~~any development permit which is issued shall~~ contain conditions providing for the curation of any recovered artifacts and, where the archaeological site, or any portion thereof, is not being developed, the avoidance or reduction of ground disturbing activities. ~~Such work~~ The curation of any recovered artifacts should be performed by a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR pt. 61).

4. Decisions to deny, approve, or approve with conditions Certificate to Dig shall be made by the POD. Decisions of the POD require at least ten days public notice to the applicant prior to the decision but shall not require notice to any other person. Appeals of POD decisions shall be made to the Commission, may be made only by the applicant, and shall follow the procedure for appeals set forth in the Application and Procedures Section.

5. The POD shall inspect any work being performed to ensure compliance with the Certificate to Dig. In the event work is not in compliance with such certificate, the Building Official may issue a stop work order. No additional work shall be undertaken as long as such stop work order is in effect. The POD may refer violations of this section to the POD for code enforcement for citation.

16.30.070.3.2. Human remains.

If human skeletal remains are found, the property owner, person in possession, or applicant for any permit or certificate shall notify the POD and comply with all relevant State Laws (currently see F.S. Sec. 872.05).

16.30.070.3.3. Prohibited practices and penalties.

Any person who conducts removes or attempts to remove, or defaces, destroys, or otherwise alters any archaeological site or archaeological resource located upon, any land owned or controlled by the City or within the boundaries of a local landmark or Sensitivity Zone, except in the course of activities allowed under an approved COA or an approved Certificate to Dig is subject to a $500 per day fine for each violation and, in addition, shall forfeit to the City all archaelogical resources collected, together with all photographs and records relating to such material. No individual shall be allowed to use a probe, metal detector, or any other device to search or excavate for archaeological resources on public property without the written permission of the City.

16.30.070.4. Procedure for ad valorem tax exemption for historic properties.

A. *Generally*. State statutes (currently F.S. Sections 196.1997 and 196.1998) authorize the City to adopt an ordinance allowing certain ad valorem tax exemptions under the state Constitution for historic properties which meet certain requirements.

B. *Definitions*. For the purposes of this section, the following words shall have the following meanings:

Assessed value means the total value of a tax parcel (including the structures, land and any other rights appurtenant thereto) as determined by the county property appraiser and shown on the property tax bill sent to the owner of record by the county.

Covenant means the Historic Preservation Property Tax Exemption Covenant required to be recorded to obtain an exemption pursuant to this chapter.

Exemption means the ad valorem tax exemption for historic properties authorized pursuant to this chapter.

Qualifying improvement means:

1. Any change in the condition of a qualifying property which is sympathetic to the architectural and/or historical integrity of the structure as determined by a review for a COA ~~certificate of appropriateness~~ which may include additions and accessory structures (e.g., a garage, cabana, guest cottage, storage/utility structure) so long as the new construction is compatible with the historic character of the building and site in terms of size, scale, massing, design, and materials and preserves the historic relationship between a building or buildings, landscape features and open spaces; and

2. Which occurs as a result of the expenditure of money on labor or materials for the restoration, renovation or rehabilitation of such property; and

3. Which expenditures the property owner can document to the satisfaction of the City; and

4. Which improvements were made on or after the original adoption of this section, July 21, 1994; and

5. That the total expenditure on the qualifying improvement was paid within the two years prior to the date of submission of the request for review of completed work; and

6. That the total expenditure equals or exceeds ten percent of the assessed value of the property in the year in which the qualifying improvement was initiated (expenditures for interior and exterior work, including construction of additions but excluding all recreational facilities, shall be included in the meaning of improvement for purposes of this section); and

7. That the qualifying improvement complies with the COA ~~City's certificate of appropriateness~~ criteria and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1990) U.S. Department of Interior, National Park Service and F.A.C. ch. 1A-38.

Qualifying property means real property which is:

1. Property designated as a local landmark or part of a multiple property landmark ~~thematic grouping~~;

2. A contributing resource to a local historic district;

3. A property listed in ~~on~~ the NRHP ~~National Register of Historic Places~~;

4. A contributing resource in a historic district listed in ~~on~~ the NRHP ~~National Register of Historic Places~~; or

5. A property proposed for listing as an individual or contributing resource on either historic register. "Proposed" in this instance means that a ~~city~~ local landmark application or NRHP ~~National Register~~ nomination ~~designation~~ report has been submitted to the City for review or an agreement has been signed by the City or other parties to prepare the local landmark application or NRHP ~~National Register~~ nomination. A property must be officially designated as a local ~~historic~~ landmark or contributing resource by the City or by the federal government's keeper of the NRHP ~~National Register~~ before the City Council will approve the ad valorem tax exemption request.

C. *Ad valorem tax exemption for historic properties.* A qualifying property that has completed a qualifying improvement may be granted an exemption from that portion of the ad valorem taxation levied by the City on 100 percent of the assessed value of the qualifying improvement. ~~This exemption shall not be allowed for that portion of the assessed value of a qualifying improvement which exceeds $100,000.00 for single-family residential properties and $1,000,000.00 for other properties unless City Council, after hearing the evidence and testimony of the applicant and the POD, finds:~~

~~1. That the qualifying property is of great significance based on the criteria met for historic designation and the historic significance, value, character and contribution of the property and the qualifying improvement to the City and that the assessed value of the qualifying improvement is equal to or exceeds 25 percent of the total assessed value of the property as improved;~~

~~2. That the additional exemption is necessary to save the property from destruction and to ensure the rehabilitation, renovation or restoration of the property; or~~

~~3. That the additional exemption is necessary to meet city, state or federal Florida Building Code requirements to ensure the rehabilitation, renovation or restoration of the property.~~

This exemption shall not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of electors pursuant to section 9(b) or section 12, article VII of the state Constitution.

D. *Ad valorem tax exemption period.* Any exemption granted shall remain in effect for up to ten years, with the effective date being January 1 of the year following substantial completion of the qualifying improvement. The exemption shall continue in force if the authority of the City to grant exemptions changes (unless the City is preempted by state law) or if ownership of the property changes (including any change from a tax exempt entity to a tax paying entity except as set forth in the following subsection).

E. *Ad valorem tax exemptions for historic properties open to the public.* If a qualifying improvement is for a qualifying property that is used for non-profit or governmental purposes and is regularly and frequently open for the public's visitation, use and benefit, the City may exempt 100 percent of the assessed value of the property as improved from ad valorem taxes levied by the City provided that the assessed value of the qualifying improvement must be equal to at least 50 percent of the total assessed value of the property as improved. This subsection applies only if the qualifying improvements are made by or for the use of the existing property owner. A qualifying property is considered used for non-profit or governmental purposes if the occupant or user of at least 65 percent of the useable space of the building is an agency of the federal, state or local government or a non-profit corporation whose articles of incorporation have been filed by the Department of State in accordance with F.S. § 617.0125. Useable space means that portion of the space within a building which is available for assignment or rental to an occupant. A property is considered regularly and frequently opened to the public if public access to the property is provided not less than 52 days a year on an equitably spaced basis, and at other times by appointment. This exemption does not prohibit the owner from charging a reasonable nondiscriminatory admission fee. If a

property that qualifies for this exemption is no longer used for non-profit or governmental purposes or is no longer regularly and frequently open to the public or if ownership is transferred then this exemption shall be revoked.

F. *Application process.*

1. *Preconstruction application.* Consideration of the exemption shall be initiated by the filing of a preconstruction application by the property owner on the form provided by the City prior to the initiation of any work on a qualifying improvement. Qualifying improvements or any portion thereof initiated prior to approval of the preconstruction application shall not be eligible for the exemption.

   a. The property owner shall also provide all information required for a COA ~~certificate of appropriateness~~ review, the proposed cost of the qualifying improvement based on a licensed contractor's price estimates or other city approved cost estimate method, and a copy of the most recent tax assessment and bill for the property.

   b. The POD shall review and approve or deny the preconstruction application and shall follow the review and appeal procedures for a COA ~~certificate of appropriateness~~. ~~In addition to the foregoing,~~ After such review, the POD shall notify the property owner in writing of the following ~~within 21 days of receipt of a completed preconstruction application~~:

      (1) Whether the proposed work is a qualifying improvement;

      (2) Whether the work, as proposed, is consistent with the criteria for the certificate of appropriateness and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1990) U.S. Department of Interior, National Park Service and F.A.C. ch. 1A-38 ~~and any additional criteria required by the codes and ordinances of the City~~; and

      (3) Making recommendations for correction of work which is not consistent with the foregoing.

   c. Any changes made to the qualifying improvement after approval of the preconstruction application must receive prior approval by the POD or the Commission to ensure compliance with the criteria set forth herein. Failure to obtain prior approval may result in denial of the exemption.

d. The property owner must complete the qualifying improvement within two years following the date of approval of a preconstruction application. A preconstruction application approval shall automatically be revoked if the property owner has not submitted a request for review of completed work within two years following the date of approval of a preconstruction application. The POD may grant an extension to this provision for up to six months if such request is made in writing prior to the expiration of the initial period. Any other extensions must be approved by the Commission and shall require a public hearing and notification as set forth for appeal of a COA decision ~~certificate of appropriateness determination~~.

2. *Request for review of completed work.* A request for review of completed work (post construction application) shall be submitted to the POD by January 15 for work completed by December 31 of the prior year ~~upon completion of the qualifying improvement and~~ The request for review of the completed work shall include documentation acceptable to the City showing the total cost of, and an itemized list of expenses for, the qualifying improvement. Appropriate documentation may include paid contractor's bills, canceled checks, an approved building permit application listing cost of work to be performed and any other information required by the POD. The POD may inspect the qualifying improvement to determine compliance with this section. ~~Within 21 days following submission of a properly completed request for review of completed work~~ Following the Property Appraiser's established time frames, the POD shall recommend that City Council grant or deny the exemption and shall notify the property owner in writing of the recommendation and the date which the City Council shall consider the exemption.

a. If the completed qualifying improvement complies with the requirements set forth in the preconstruction application approval, as amended, this section, the COA ~~certificate of appropriateness~~, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and any additional conditions required by the City, then the POD shall recommend that City Council grant the exemption.

b. If the completed qualifying improvement does not comply with the requirements of ~~subsection F2a of~~ this section, then the POD shall provide a written summary of the reasons for that determination, including recommendations to the property owner concerning changes to the

proposed work necessary to comply and shall recommend that City Council deny the exemption.

c. If the property owner is notified that the improvement does not comply with the requirements of ~~subsection F2a of~~ this section, the property owner shall have fifteen ~~ten~~ (15) days from the date of the POD's notification to respond in writing describing the specific actions to be taken by the property owner to comply. If the POD receives a written response within fifteen ~~ten~~ (15) days, the property owner shall have thirty (30) ~~60~~ days from receipt of the written response to comply with the requirements of ~~subsection F2a of~~ this section. The POD may grant an extension to this provision for up to an additional sixty (60) ~~30~~ days if such request is made prior to the expiration of the initial period. At the end of this period ~~and any extension thereof~~ the POD shall review the qualifying improvement and make a recommendation to City Council to grant or deny the exemption based on the requirements of this section.

3. *Historic preservation property tax exemption covenant.* A covenant in the form approved by the City Attorney must be executed by the property owner for the term of the exemption before an exemption is approved by the City Council. The covenant shall provide that the property owner shall maintain and repair the property so as to preserve and maintain the historic architectural qualities or historical or archaeological integrity of the qualifying property for which an exemption was granted. If the exemption is granted, the property owner shall have the covenant recorded with the deed for the property in the official records of the county prior to the effective date of the exemption which shall be binding on the property owner, transferees, and their heirs, successors or assigns.

The applicant shall provide a certified copy of the recorded covenant to the POD by June 15 ~~within 30 days of the City Council approval of the exemption~~ or said approval by the City Council shall be void.

If the property changes ownership during the exemption period, the requirements of the covenant must be transferred to the new owner. The property owner may sign a waiver which discontinues the exemption on the property. The exemption will be discontinued beginning with the tax year in which the waiver was received with no penalty to the property owner. The exemption may not be reinstated after the waiver has been delivered to the POD.

4. *City council review and approval of the request for review for completion of work.* The City Council shall approve, modify, defer or deny the exemption by resolution within sixty (60) ~~30~~ days of the POD's recommendation. If approved the resolution shall include but not be limited to the following: the period of time the exemption shall be in effect and the expiration date of that period, approval of the covenant, any conditions of approval, the name of the owner and address of the property for which the exemption is granted and a finding that the property meets the requirements of F.S. § 196.1997. Said approval shall be conditioned upon receipt by the POD of a certified copy of the recorded covenant.

5. *Reapplication.* A property owner previously granted an exemption may undertake additional qualifying improvements during this period or apply for additional exemptions for qualifying improvements following its expiration. A property owner may not reapply for an exemption for a qualifying improvement which has been denied by City Council.

6. *Notice to property appraiser.* Within fifteen ~~ten~~ (15) ~~business~~ days following receipt of a certified copy of the recorded covenant, the POD shall transmit a copy of the approved request for review of completed work to the county property appraiser. The property appraiser shall implement the exemption as provided by state law.

7. *Revocation proceedings.* The City Council may revoke an exemption at any time in the event that the property owner, or any subsequent owner or successor in interest to the property, violates the covenant, fails to maintain the qualifying property according to the terms, conditions and standards of the covenant, the historic character of the property and improvements which qualified the property for the exemption are not maintained or if the qualifying property has been damaged by accidental or natural causes to the extent that the historic integrity of the features, materials, appearances, workmanship and environment, or archeological integrity which made it eligible for listing or designation have been lost or damaged so that restoration is not possible. The POD shall provide written notice of such proceedings to the owner of record of the qualifying property at least ten (10) days before the public hearing. The City Council shall hold a public hearing and determine whether or not the exemption shall be revoked. The POD shall provide written notice of the decision to the owner of record and the county property appraiser.

8. *Civil penalties.* If an exemption is revoked for violation of the covenant required hereby, the property owner shall pay an amount equal to the total amount of taxes

that would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption, less the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3). This payment shall be made to the City within thirty (30) days of the effective date of the revocation. If the City initiates an action in any court to enforce this provision, the property owner shall be liable for all administrative expenses, attorneys' fees and all other costs associated with such action.

16.30.070.5. Civil penalties.

~~A.~~ In addition to any other penalties, any person who violates any provision of this section shall forfeit and pay to the City civil penalties equal to the fair market value of any property demolished or destroyed in violation of this section or the cost to repair or rehabilitate any property that is altered in violation of this section. In lieu of a monetary penalty, any person altering property in violation of the provisions of this section may be required to repair or restore any such property.

~~B. If an exemption is revoked for violation of the covenant required hereby, the property owner shall pay an amount equal to the total amount of taxes that would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption, less the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3). This payment shall be made to the City within 30 days of the effective date of the revocation. If the City initiates an action in any court to enforce this provision, the property owner shall be liable for all administrative expenses, attorneys' fees and all other costs associated with such action.~~

Section 2. The following definitions in Section 16.90.020.3, Definitions, of the St. Petersburg City Code are hereby amended to read as follows:

Archaeological site means a property or location which has yielded or may yield information on the City's history or prehistory designated pursuant to the requirements in the historic and archaeological preservation overlay section. Archaeological sites may be found within archaeological sensitivity zones, historic sites, historic districts, and on any private or public property. Archaeological sites are evidenced by the presence of archaeological resources.

~~the land on or under which prehistoric or historic artifacts and features are located.~~

Certificate of appropriateness or COA means, with respect to historic and archaeological preservation, a certificate issued for any exterior alteration to a designated local landmark~~,~~ ~~landmark site~~ or property in a ~~designated thematic grouping or~~ local historic district for the

purpose of protecting the integrity and character of the local landmark~~, landmark site, thematic grouping~~ or historic district.

~~*Contributing element* means any portion of a structure or other physical/visual element located on or within a landmark, landmark site, thematic grouping or designated historic district which by its physical/visual character, architectural character and/or quality, and/or historic importance is a significant element to the historic integrity of the landmark, landmark site, thematic grouping or historic district.~~

Contributing resource means a building, landscape feature, site, structure, object or archaeological resource that adds to the historic importance, architectural qualities, historic associations, or archaeological significance for which a local landmark ~~site or object in a historic district which adds to the historical/architectural qualities, historic associations or archaeological values for which a historic district~~ is significant because:

(1) It was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time;

(2) It is capable of yielding important information about the period; or

(3) It independently meets the National Register of Historic Places criteria for evaluation set forth in 36 CFR 60.4, and as the same may be amended;

(4) It possesses historic integrity, reflecting its character at that time; or it is capable of providing important information about the period.

Designation means the process by which a building, structure, site, object, multiple property ~~thematic grouping~~ or local historic district is formally recognized by the City as a historically, architecturally and/or archaeologically significant local landmark.

Local historic ~~*Historic*~~ *district* means ~~an~~ a geographically defined area designated pursuant to the requirements in the historic and archaeological preservation overlay section.

Local Landmark means a building, structure, object, archaeological ~~or historical~~ site, or local historic district or multiple property landmark designated pursuant to the requirements in the historic and archaeological preservation overlay section. A "local landmark" may include the location of significant archaeological features or of a historical event and shall include hexagon block sidewalk preservation areas designated under this chapter. The designation ordinance shall include a geographic description of the area included in the designation.

~~*Landmark site* means the land on which a landmark and related structures, or archaeological features and artifacts are located and the land that provides the grounds, the premises or the setting for the landmark.~~

Ordinary repair and maintenance means work on a ~~designated~~ local landmark~~, landmark site,~~ or a property located in a local ~~designated thematic grouping or~~ historic district, that is otherwise permitted by law, and does not alter the exterior appearance of the structure, does not disturb the contents of an archaeological site, and does not alter elements significant to its architectural, historical or archaeological integrity, including, but not limited to~~:~~ the replacement of windows, siding, or roof, with the same material and style as exists presently (any change in material or style would require a COA or the use of the original materials or style). Ordinary repair and maintenance in a hexagon block sidewalk preservation area shall mean sidewalk repair or replacement that is consistent with the established pattern and width presently existing within the designated area.

~~*Thematic grouping* means a multiple listing of historic properties bound together by a particular historic theme or context rather than geographically.~~

Section 3. The St. Petersburg City Code is hereby amended by adding the following definitions in Section 16.90.020.3, Definitions, in the appropriate alphabetical order, to read as follows:

Archaeological Monitoring means the observation, after the start of construction, to determine if archaeological resources exist in an area or, when such resources are known to exist, the observation, recording and incidental recovery of site features and materials to preserve a record of the affected portion of the site. Only a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR pt. 61) or individuals certified by the Florida Department of State, Bureau of Archaeological Research, Archaeological Resource Management (ARM) Training shall monitor construction activities for archaeological resources.

Archaeological resources means artifacts or features below the ground surface that indicate the past use of a location by people.

Archaeological Resources Management Plan means the plan titled *City of St. Petersburg Archaeological Resources Management Plan* prepared for the Planning Department of the City of St. Petersburg, Florida by Piper Archaeological Research Inc. in May, 1991, as amended.

Archaeological Testing means the limited subsurface excavation or remote sensing of a proposed disturbance (or a portion thereof) to determine the potential, type, or extent of the archaeological site. Testing may include augering and establishing archaeological excavation units and can include the screening of excavated material for artifact recovery.

Building means a walled and roofed structure created principally to shelter any form of human activity.

Certificate to Dig means a written document permitting certain ground disturbing activities that may involve the discovery of as yet unknown or known archaeological sites within a Sensitivity Zone as identified on the Archaeological Sensitivity Zones Map included in the Archaeological Resources Management Plan, as amended.

Ground disturbing activity means any excavation, filling, digging, removal of vegetation and/or trees, or any other activity that may alter or reveal an archaeological site and may include, but is not limited to, excavating soil for the placement or removal of pilings, posts, footers, power poles, fence posts, large trees or plants, septic tanks, in ground water features, ponds, swimming pools, hot tubs, water and sewer lines, drainage ditches, and the extensive grading of virgin soil.

Landscape feature means any improvement or vegetation on a site. Examples of landscape features include, but are not limited to, outbuildings, walls, courtyards, fences, fountains, ponds, shrubbery, trees, sidewalks, curbs, planters, plantings, gates, private streets or vehicular use areas, and exterior lighting.

Major disturbance means a ground disturbing activity that occurs on a commercial property or a three or more unit_residential property, which requires penetration into the ground of more than three inches, and encompasses an area of two hundred fifty (250) or more square feet.

Minor disturbance means a ground disturbing activity that occurs on a commercial property or a three or more unit residential property, which requires penetration into the ground of more than three inches, and encompasses an area between one hundred (100) and two hundred fifty (250) square feet.

Multiple property landmark means a group of local landmarks or an application for a group of local landmarks related by common theme and period of time, not geographical area. Multiple property landmarks do not form a contiguous district or cohesive cluster and are also known as a "thematic grouping."

Non-contributing resource means a building, landscape feature, site, structure, object or archaeological resource that does not add to the historic architectural qualities, historic associations, or archaeological values for which a landmark or district is significant because:

1. It was not present during the period of significance of the district;

2. Due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity reflecting its character at that time, or is incapable of yielding important information about the period.

Non-ground disturbing activity means any activity that will not impact an archaeological site. Examples may include, but are not limited to, slab on grade construction, driveway

placement, shed installation, sprinkler irrigation systems, on grade patios, above ground pools, landscaping (shrubbery, seedlings, or plugs) except as identified as ground disturbing activity, placement of fill soil, placement of underground conduit two inches in diameter or less, and building on an existing foundation.

Object shall mean those structures that are primarily artistic in nature or are relatively small in scale and simply constructed. Although an object may be movable, by nature or design, it shall be associated with a specific setting or environment. Objects should be located in a setting appropriate to their significant historic use, roles, or character. Small objects not designed for a specific location are normally not eligible for local landmark status. Such works include transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place. Objects relocated to a museum are not eligible for local landmark status.

Sensitivity zone means a geographical area which has or may reasonably be expected to yield information on local history or prehistory based upon broad prehistoric or historic settlement patterns and existing archaeological knowledge as identified on the Archaeological Sensitivity Zones Map (Sensitivity Level 1 and Level 2) within the Archaeological Resources Management Plan, as amended.

St. Petersburg Register of Historic Places means the list of local landmarks and archaeological sites that have met the criteria for significance and have been designated by the pursuant to the provisions in the Historic and Archaeological Preservation Overlay Section.

Structure means a functional built item made for purposes other than creating human shelter. Examples include bridges, roadways, railroads, and gazebos.

Section 4. Sections 16.70.060.2 through 4 of the St. Petersburg City Code are hereby amended and renumbered to read as follows:

16.70.060.~~2~~ 1. Historic designation of property.

A. *Applicability.* Designation of ~~individual~~ local landmarks~~, landmark sites, thematic groupings~~ and local historic districts shall be reviewed by the commission designated in Section 16.70.15.

B. *Application.* Applications for designation of property shall be submitted in a form promulgated by the POD.

C. *Procedures.* Applications for designation of property shall be processed in accordance with the historic and archaeological preservation overlay section.

16.70.060.~~3~~2. Certificate of appropriateness for historically designated property.

A. *Applicability.* No person may undertake certain work, identified in the historic and archaeological preservation overlay section, without having first obtained a certificate of appropriateness.

B. *Application.* Applications for a certificate of appropriateness shall be submitted in a form promulgated by the POD.

C. *Procedures.* Applications for certificate of appropriateness shall be processed in accordance with the historic and archaeological preservation overlay section.

16.70.060.4~~4~~5. Ad valorem tax exemption for historically designated property.

A. *Applicability.* Ad valorem tax exemptions for ~~designated~~ qualifying historic properties may be granted for qualifying improvements.

B. *Application.* Applications for ad valorem tax exemption shall be submitted in a form promulgated by the POD.

C. *Procedures.* Applications for ad valorem tax exemption shall be processed in accordance with the historical and archaeological preservation overlay section.

Section 5. Section 16.70.040.1.17 of the St. Petersburg City Code is hereby amended to read as follows:

16.70.040.1.17. Transfer of development rights, historic.

A. *Purpose and intent.* Transfer of development rights, historic (TDR, H) for local landmarks ~~locally designated historic structures and sites~~ is an economic development incentive intended to help preserve historically significant buildings within our community. The City recognizes that ~~locally significant~~ local landmarks exist on sites which have potential for larger development to occur. For this reason these buildings are under constant threat of being demolished and replaced with larger structures. The TDR program allows local landmark ~~historic property~~ owners to benefit from the development potential by allowing the sale of the development rights with the condition that the local landmark ~~building or site~~ be restored and retained. The TDR program is not applicable to contributing or non-contributing properties in a historic district.

B. *Applicability.* Transfers of development rights, historic, are allowed from any ~~locally designated~~ individually designated local landmark ~~or landmark site~~ as part of an overall plan to preserve the historic resource but may not be transferred from any property ~~contributing resources~~ (other than a local landmark ~~or landmark site~~) in a historic district or a hexagon preservation district. TDR, H credits may only be transferred to property located within the DC (downtown center) and CCS (corridor commercial suburban) districts. TDR, H credits may not be transferred from any government owned property.

C. *Application.* An application to establish, or transfer, development rights from a local landmark ~~or landmark site~~ shall include the information the POD generally requires for a planning and zoning decision and shall include a current title commitment, ownership and encumbrance report, or other sufficient evidence, acceptable to the POD, of all persons with a property interest (e.g., mortgagor, lienholder, joint owner, etc.) in the property. ~~If the application involves work to a landmark or landmark site, then an application for a COA certificate of appropriateness for the work shall be submitted and processed simultaneously. The property owner shall provide access to the site for both an internal and external inspection by the POD to determine the condition of the property.~~ The establishment and transfer of TDR, H credits may occur at separate times, but each action shall be required to be approved following this procedure.

D. *Procedure.* The procedure to establish and transfer TDR, H credits shall be as follows:

1. ~~After the POD has reviewed the application and completed the inspection, the POD shall establish an historic preservation plan for the property which shall identify any work that must occur in order to adequately preserve and rehabilitate the exterior of the landmark or landmark site which shall be based on the Secretary of the Interior's Standards for Preservation and Rehabilitation. The plan shall also establish a maintenance program for the landmark or landmark site.~~

~~2.~~ The POD shall approve, approve with conditions or deny the requested credits based on compliance with this section. ~~An historic preservation plan shall be required for each landmark or landmark site. Each landmark or landmark site shall be required to complete any restoration or rehabilitation work required by the plan. The POD may require a release, or other documentation determined to be sufficient by the POD, from any person with a property interest in the landmark or landmark site.~~

3. ~~Simultaneous consideration for historic designation.~~ Applications for local landmark historic designation and TDR, H credits may be processed simultaneously; however, no TDR, H credits shall ~~can~~ be issued ~~transferred~~ until the property is historically designated.

4. Issuance of TDR, H credits certificate. Upon approval by the POD ~~and compliance with any requirements, conditions and restrictions that may have been imposed~~, a TDR, H credits certificate indicating the approved number of units or amount of FAR shall be issued by the POD ~~City~~. Once TDR, H credits are established, the local landmark ~~or landmark site~~ from which the credits are established shall not be developed or the structure expanded except as allowed in this section.

5. Sale, transfer or conveyance of development credits.

a. An owner of TDR, H credits who is properly registered as an owner with the City and who wishes to use the credits to transfer density or intensity to a parcel of land shall apply

for such transfer and use of development rights in accordance with the zoning district and other city codes.

b. The ~~the~~ POD, may require a release, or other documentation determined to be sufficient by the POD, from any person with a property interest in the local landmark ~~or landmark site~~.

c. The owner of the receiving site must have the approval of a site plan for the parcel before credits may be transferred to the receiving site. Evidence of all sales shall be recorded with the POD. ~~If the transfer of TDR, H credits is conditioned on work to be performed on a landmark or landmark site, no development on the receiving site shall receive a certificate of occupancy (either partial or final) until a certificate of occupancy is issued or a final inspection has been approved for the restoration or rehabilitation work required by the plan on the landmark or landmark site.~~

E. *Calculating the amount of TDR, H credits.* In reviewing the application for TDR. H credits, the POD shall determine the amount of development potential existing on the site.

1. For a local landmark, the amount of transferable floor area will be determined by ~~multiplying the gross floor area of the structure, by ten (this multiplier shall be twenty for structures constructed before 1901) or by~~ subtracting the gross floor area of the entire local landmark ~~structure~~ from the maximum buildable square footage~~, whichever is greater~~. ~~For the purposes of this section, the term "landmark" shall only include the existing historically designated building on a property and~~ Only existing floor area shall be eligible for calculating the amount of TDR, H credits.

2. The ~~the~~ term "maximum buildable square footage," in the DC zoning districts, shall be the base density and shall not include any bonus FAR. A local landmark which has received a ~~certificate of appropriateness~~ COA for a partial demolition, the amount of transferable floor area shall be determined by subtracting the remaining gross floor area of the local landmark from the maximum buildable square footage. ~~shall only be eligible to transfer density from the remaining portion of the structure.~~

3. TDR,H credits shall not be approved if there are outstanding code violations for which the owner has received written notice.

~~2. For a landmark site, the amount of transferable floor area will be determined by taking the gross square footage of the landmark site and multiplying that square footage by five. For the purposes of this section, the term "landmark site" shall only include those historically designated properties which do not have a landmark building (i.e., a cemetery, archaeological site, etc. and which shall include such things as a memorial garden which have historically been a part of the landmark site) and shall not include hexagon block sidewalk preservation areas.~~

F. *Protective covenant, releases and other requirements.*

1. At the time of transfer, the owner shall execute and record a declaration of covenants and restrictions, or a similar instrument acceptable and approved by the City Attorney, that:

a. Restricts the development potential on the property to the size of the local landmark ~~or landmark site~~ and any development rights not established or transferred; and

b. Runs with the land, binding the property owner and all future owners.

2. ~~Financial support shall be made to the City's historic preservation grant program in the amount of $0.50 for each square foot of development credit transferred. The cost of any required restoration or rehabilitation work that has been completed shall be credited as part of the financial support for the City's historic preservation grant program.~~

~~3. The owner shall apply for a certificate of appropriateness for any restoration or rehabilitation work identified by the POD and shall obtain all required permits for such work within 90 days from the date that the TDR, H credits are transferred.~~

~~4.~~ If the local landmark is removed, any new development on the property may only be constructed up to the size of the local landmark and any TDR, H credits not transferred.

~~5~~3. If the allowable density or intensity of the site increases (e.g., change in zoning or development rights established by ode), any additional development rights may be used on site, or additional TDR, H credits may be created by applying as provided in this section.

G. *Expiration and cancellation.* TDR, H credit certificates do not expire and may be sold immediately or retained for future sale. Sales of some credits are allowed and owners are not required to sell all rights to one entity. Unused TDR, H credits may be cancelled and the development rights returned to the local landmark ~~or landmark site~~ by following the procedures for the establishment of the credits.

H. ~~*Failure to comply.* Failure to comply with the restoration or rehabilitation work or the maintenance program for the landmark or landmark site which is required by the historic preservation plan shall be a violation of this section.~~

I. *Appeals.* Decisions of the POD may be appealed to the commission designated in the Decisions and Appeals Table and decisions of the commission designated in the Decisions and Appeals Table may be appealed to the City Council.

J. *Record keeping.* A registry of TDR, H credit certificates shall be kept by the POD.

Section 6. Section 16.70.010.B.5. of the St. Petersburg City Code is hereby amended and renumbered to read as follows:

Complete copy of application. One complete copy of each application to the Development Review Commission (DRC) and Community Planning and Preservation Commission (CPPC) shall be provided by the applicant to the neighborhood and business association representatives listed by the POD. ~~One complete copy of a nonowner or noncity initiated historic designation shall be provided by the applicant to the owner of the property.~~ The term, "complete" includes one copy of the information required and any additional information (including studies) required by the POD to review the request. The application shall be either delivered or mailed by U.S. mail with a U.S. Postal Service Certificate of Mailing returned to the POD. Proof that a copy of the application was mailed or delivered shall be delivered to the POD within seven days of application submittal. The POD shall not process the application until receipt of such proof of mail or delivery.

Section 7. The St. Petersburg City Code is hereby amended to add new fee for a 'certificate to dig' at the end of the 'Historic Preservation' subsection of Section 12-6(8) to read as follows:

Certificate to Dig.....50.00

Section 8. As used in this ordinance, language appearing in ~~struck through~~ type is language in the City Code to be deleted, and <u>underlined</u> language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

Section 9. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

Section 10. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)

ATTACHMENT

RESOLUTION ___("A")

ALTERNATIVE LANGUAGE FOR INITIATING DISTRICT DESIGNATION

RESOLUTION No. _____

A RESOLUTION OF THE COMMUNITY PLANNING AND PRESERVATION COMMISSION (CPPC) OF THE CITY OF ST. PETERSBURG, FLORIDA, RECOMMENDING THAT THE ST. PETERSBURG CITY COUNCIL ADOPT LANGUAGE RELATED TO INITIATING A DESIGNATION APPLICATION FOR THE PURPOSE OF ESTABLISHING A LOCAL LANDMARK DISTRICT; AND PROVIDING AN EFECTIVE DATE.

WHEREAS, on April 14, 2010, the Community Planning and Preservation Commission (CPPC) voted to establish the Historic Preservation Committee for the purpose of conducting a comprehensive evaluation of the Historic and Archaeological Preservation Overlay section (16.30.070) of the City of St. Petersburg Land Development Regulations (LDRs); and

WHEREAS, the Historic Preservation Committee recommended that in order to initiate an application to designate a local landmark district, an affirmative response rate of 50 percent (%) plus one (1) of *returned ballots* would be required; and

WHEREAS, the Community Preservation Commission (now known as the CPPC), upon considering the Committee's recommendation, voted on October 18, 2012, to formally recommend that an affirmative response rate of 50 percent (%) plus one (1) of all affected *property owners* shall be required; and

WHEREAS, the Community Planning and Preservation Commission reconsidered the question at a public workshop on December 9, 2014 and unanimously voted to maintain the current recommendation that an affirmative response rate of 50 percent (%) plus one (1) of all affected *property owners* shall be required; and

WHEREAS, a subsequent meeting between the Mayor, City staff and representatives of the preservation community resulted in mutual agreement to strongly support an alternative resolution that an affirmative response rate of 50 percent (%) plus one (1) of *returned ballots* be required.

NOW THEREFORE, BE IT RESOLVED, BY the Community Planning and Preservation Commission (CPPC) of the City of St. Petersburg, Florida, that alternative language requiring an affirmative response rate of 50 percent (%) plus one (1) of returned ballots be required to initiate a historic district designation application shall be substituted in Section 16.30.070.2.5.B.2. in the proposed ordinance under consideration as City File No. 2014-07.

This resolution shall become effective immediately upon its adoption.

Legal:

City Attorney (Designee)

ATTACHMENT

RESOLUTION ___("C")

WINDOW REPLACEMENT

RESOLUTION No. _____

A RESOLUTION OF THE COMMUNITY PLANNING AND PRESERVATION COMMISSION (CPPC) OF THE CITY OF ST. PETERSBURG, FLORIDA, RECOMMENDING THAT THE ST. PETERSBURG CITY COUNCIL ADOPT LANGUAGE CREATING AN EXEMPTION FOR CERTAIN WINDOW REPLACEMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Community Planning and Preservation Commission (CPPC) voted to establish the Historic Preservation Committee for the purpose of conducting a comprehensive evaluation of the Historic and Archaeological Preservation Overlay Section (Section 16.30.070) of the City Code; and

WHEREAS, the CPPC, after considering the Committee's recommendations, public comments, City Council comments (at workshops) and discussion at the CPPC's workshop and meetings, has voted to recommend the approval of amendments to the Historic and Archaeological Preservation Overlay Section; and

WHEREAS, after the finalization of this very lengthy process, an additional suggestion has been proposed to create an exemption for window replacements, when such replacement window is proposed to use impact resistant glass, is Energy Star qualified for *southern* climate zones, and matches, to the greatest extent practicable, the existing visual qualities including dimensions, profiles, finish, and placement of a window sought to be replaced; and

WHEREAS, the CPPC supports this exemption.

NOW THEREFORE, BE IT RESOLVED, BY the Community Planning and Preservation Commission (CPPC) of the City of St. Petersburg, Florida, that the CPPC recommends that City Council add additional language to the ordinance, under the certificate of appropriateness criteria, which creates an exemption for window replacement when such replacement window is proposed to use impact resistant glass, is Energy Star qualified for *southern* climate zones, and matches, to the greatest extent practicable, the existing visual qualities including dimensions, profiles, finish, and placement of a window sought to be replaced.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:

_____

City Attorney (Designee)

Planning Successful Rehabilitation Projects

Windows

Evaluating Historic Windows for Repair or Replacement

Replacement Windows that Meet the Standards

Documentation Requirements for Proposed Window Replacement

Interior treatments

Identifying Primary and Secondary Interior Spaces in Historic Buildings

Changing Secondary Interior Spaces in Historic Buildings

Subdividing Assembly Spaces in Historic Buildings

Retaining Corridors and Other Circulation Spaces in Historic Buildings

New additions and related new construction

New Additions to Historic Buildings

New Construction within the Boundaries of Historic Properties

Modern requirements and new technologies and materials

Codes and Regulatory Requirements for Rehabilitating Historic Buildings

Energy Efficiency, Sustainability, and Green Building Practices in Historic Buildings

Evaluating Substitute Materials in Historic Buildings

Evaluating Historic Windows for Repair or Replacement

Determinations concerning the treatment of historic windows begin with Standard 6 of the Secretary of the Interior's Standards for Rehabilitation: "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."

Repair should be the first option considered. Repair can include renewal of finishes, material repair using epoxies, replacement of component parts and additions such as weather stripping. While it may be possible to repair even severely deteriorated windows, repair of deterioration beyond a certain level is not practical or reasonable and replacement becomes the appropriate treatment.

The Standards also require, "The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided." While most windows are significant to the character of a property, every window on all properties is not, and it is in these cases that considerations beyond deterioration as described below are appropriate.

Documentation of deterioration

Determination as to when deterioration is sufficiently severe to justify replacement must be based on documentation of the condition of the windows. What constitutes effective documentation may vary with the circumstances of the project, but at minimum must include enough good quality photographs to clearly depict the full range of conditions. When a project involves a great many deteriorated windows, general quantification of the specific aspects of the deterioration may substitute for photographs and descriptions of every window. A full window survey should only be needed in limited instances.

Questions about the feasibility of repair or the quality of the repaired window can usually be best answered by doing a sample repair. The appearance, the cost of the repair, and other factors may be considered. Where particular performance levels are critical, testing of the repaired window may provide information useful in evaluating the viability of repair.

Considerations beyond deterioration

While condition is the primary determinant in decisions regarding the treatment of historic windows, the importance of the windows to the historic character of the building can also be taken into account. The design and location of windows and their relationship to the design of the building can affect their role in the character of a building. Windows that are distinctive features or exemplify fine craftsmanship are more critical to retain and repair than those that play a lesser supporting role in the design of the building or are simple manufactured units. The more important the elevation, feature or space of which the windows are a part, the more important it is to retain the historic windows.

While factors including occupant operation, presence of hazardous materials, code requirements, or energy performance, if taken individually, are not reasons to replace windows, they may be issues to consider in conjunction with deterioration in establishing a need for window replacement. In many cases these requirements can be met without losing the historic windows. For example, studies have shown that the energy performance of historic windows can be significantly improved by adding storm windows and weatherstripping or by replacing the glazing or the sash.

The number of windows being replaced is a consideration that may allow for window replacement that does not depend on deterioration. It may be possible that the replacement of a few windows may have only an inconsequential effect on the character of an elevation with many windows. Thus, where a need such as egress can be achieved with little change to the appearance of the building, a few windows may be replaced irrespective of their condition.

Some areas have code requirements in response to severe weather conditions. Mandates such as impact resistance may make it impossible for a building to have any compliant occupancy with the historic windows in place, particularly on taller buildings. In these cases, replacement of the historic windows will not be dependent on documentation of deterioration.

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CITY OF ST. PETERSBURG
COMMUNITY PLANNING & PRESERVATION COMMISSION
PUBLIC HEARING
February 10, 2015

Approved as amended 3/10/15*

PUBLIC HEARING

A. LDR 2014-07 **Contact Person: Derek Kilborn, 893-7872**

Request: This is a City-initiated request to amend the Land Development Regulations ("LDRs"), Chapter 16, Section 16.30.070, City Code of Ordinances pertaining to the Historic Preservation Ordinance. *Note: The following item (LDR 2014-07) was deferred from the 10/14/14 and 11/18/14 meetings. A subsequent workshop was conducted on December 9, 2014.*

Staff Presentation

Derek Kilborn gave a PowerPoint presentation in based on the staff report.

Commissioner Wannemacher, at the Chair's request, read into the record the two e-mails and one letter received after the distribution of the staff report.

Public Hearing

Monica Kile, representing St. Petersburg Preservation, gave a PowerPoint presentation; supports the overall amendments to the ordinance; supports Resolutions "A" and "B"; strongly opposed to Resolution "C" which contradicts the Secretary of Interior Standards and would place the City's status of a Certified Local Government in jeopardy as well as the ability to receive grants from the Florida Division of Historical Resources amongst others. Ms. Kile suggested adding an additional resolution directing the City to apply for a State Division of Historical Resources grant to conduct a City-wide historical survey for potentially eligible landmarks. The application period begins in April and does not require a match from the City but will like change in the future. This survey should be done by a cultural resource management company.

Ryan Cobin, 7000 – 14th St S, spoke in opposition of Resolution "A".

Brenda Gordon, 2934 Burlington Ave N, spoke in support of Resolution "A".

Emily Elwyn, representing St. Petersburg Preservation, spoke in opposition of Resolution "C".

Dan Harvey, Jr., 1425 Central Ave, spoke in opposition of Resolution "A"; against a third party designation application; and concerned that the public does not understand the worth of TDR credits.

Peter Belmont, representing St. Petersburg Preservation, spoke about concerns with the site plan approval issues and what it means regarding a landmark application; notice of site plan applications should be given before approval; put in place the same process as with demolition permit applications.

Jeff Danner, representing St. Petersburg Preservation, spoke in support of Resolutions "A" and "B", and asked the Commission not take a position at this time on Resolution "C" allowing City Council to decide to take further.

Gene Smith, 1023 Locust St NE, spoke in ~~support~~ *opposition** of the ordinance.

Travis Norton, representing the St. Petersburg Chamber of Commerce, made the following suggestions: (1) sunset the potentially eligible designation list; (2) no third party designation applications after a site plan has been submitted to the City; or (3) increase the application fee to $1,000 if the third party application process is not changed.

Robin Reed, representing St. Petersburg Preservation and the Historical Old Northeast NA, spoke in support of Resolution "A".

Jennie Stratton, 2180 Serpentine Circle S, spoke in support of Resolution "A".

Susan Rebillot, representing the Historic Old Northeast NA, spoke in support of Resolution "A".

Neverne Covington, 236 – 7th Ave N, spoke in support of Resolution "A".

Executive Session

Commissioner Rogo commented how Resolution "A" is significantly different from the ordinance as well as from the consensus the Commission reached during the ordinance workshop and asked if this should be addressed as an amendment. Mr. Kilborn stated that instead of presenting an amendment to the ordinance, it is being presented as a stand-alone item that can be denied or approved by City Council.

Commissioner Rogo asked if staff is now supporting Resolution "A" as opposed to the language in the ordinance. Mr. Kilborn replied, yes. Following the discussion that had occurred between the Mayor's office, City staff and St. Petersburg Preservation, we are all recommending strong support for 50% plus 1 of the ballots received as opposed to 50% plus 1 of the tax parcels (language in the ordinance).

Commissioner Rogo asked for consideration of a workshop pertaining to demolition by neglect. Mr. Kilborn agreed and is aware of this issue being of particular concern to this Commission, St. Petersburg Preservation, and to Codes Compliance. Mr. Kilborn went on to say that in the interest of keeping this ordinance moving forward, staff has committed to continuing this discussion after the ordinance goes through.

Commissioner Rogo asked about jeopardizing the City's status as a Local Certified Government if Resolution "C" is approved. Mr. Kilborn stated that there is a concern if Resolution "C" were approved and staff will continue to research that question with the state to come to some kind of detailed analysis of what the complications may be.

Commission Chair Carter explained that at a joint workshop with City Council, Councilmember Nurse voiced his concerns with weatherization and monetary hardship pertaining to the replacement of windows as it is now written in the ordinance, and this is the reason Resolution "C" is included in the package.

Commissioner Michaels asked for confirmation about the potential eligible properties language being restored to the original verbiage, to which Mr. Kilborn replied that was correct.

Commissioner Michaels asked if the language pertaining to the notice to property owners is being restored as well. Mr. Kilborn replied that the notice to property owners is related to when properties are identified for addition to the potentially eligible database of properties. However, this does not take away the notification requirement when a demolition application is received.

Commissioner Michaels asked what criteria the Commission would use to determine the lack of historic significance in a case of a demolition where there is still a beneficial use but the property no longer has historic significance. Mr. Kilborn recited the following verbiage from page 21, 6b of the proposed ordinance addressing this question: *"The Commission may grant a COA for demolition even though the local landmark or property within a local historic district has reasonable beneficial use or receives a reasonable return if the Commission determines that the property no longer contributes to a local historic district or no longer has significance as a historic architectural or archeological local landmark."* Mr. Kilborn went on to say that Commissioner Michaels had submitted a request to add the following sentence at that point: "The Commission will apply the criteria for designation of property in making its determination." Mr. Kilborn stated that this is standard practice today and staff is already doing.

Commissioner Michaels asked for clarification that the proposed ordinance may not meet every element of the Comprehensive Plan but does meet an overwhelming majority of the elements relating to historic preservation, to which Mr. Kilborn replied, that's correct. Mr. Kilborn went on to say that some updating needs to be done and staff has some draft language prepared to follow this application, and if this advances to final approval staff will come behind to make corrections to the Comprehensive Plan.

Commissioner Wannemacher stated that in term of preservation she would not be comfortable supporting Resolution "C" even though she understands the concerns of Councilmember Nurse; need to listen to the experts and to defer to their expertise. Her only concern with Resolution "A" is ensuring that the property owners are properly educated, both before and after; glad to see the increase of the length of time to 180 days for receipt of the ballots; supports Resolution "A" as it has been amended.

Commissioner Wolf voiced his support of Resolution "A"; concerned about Resolution "C" and the possible loss of the Certified Local Government status and would like to have this deferred until further studies could be done.

Commissioner Montanari voiced the following concerns with the proposed ordinance: (1) does not provide the balance between historic preservation and plans sustainable development; leans too far to the historic preservation side; wonder what the longer term implications would be for developing certain parts of the City; (2) property owners rights and costs property owners may encumber pertaining to some of the provisions in the ordinance; (3) cost to the City and who is going to pick up the tab for the changes enacted in this ordinances; parts of the ordinance are very cumbersome and bureaucratic to enforce; (4) makes certain organizations within the City as well as individuals within City staff very powerful; and (5) creates the potential for retribution. Commissioner Montanari went on to state his concern with Resolution "A" pertaining to the owners property rights; Objective HP2.7 of the Comprehensive Plan is very black and white and is concerned about getting the cart before the horse – should the Comprehensive Plan be changed before the ordinance? Mr. Kilborn replied, not necessarily; the City's Attorney's Office reviewed and this was carefully outlined in today's presentation

explaining exactly how the process would work. Ultimately, at the Council level if there is concern about taking final action, they could condition their final decision on completion of the Comprehensive Plan text amendment; the issue of the Comprehensive Plan language will definitely be outlined for City Council.

Commissioner Montanari asked if there are other objectives or parts of the Comprehensive Plan that are not in compliance with the proposed ordinance. Mr. Kilborn stated that, as Commissioner Montanari pointed out, this was the one line item that is clearly black and white in terms of what it states and how it compares to the proposed ordinance needing an amendment following this process. Some of the other sections are vaguer and open to interpretation.

Commissioner Montanari asked about the burden of the applicant proving that there is no reasonable beneficial use of the property or that the owner cannot receive a reasonable return referenced on page 21, #4 of the ordinance; and asked if this could be a third party applicant. Mr. Dema stated that this is for an applicant for a COA for demolition, so the applicant in this case would only be the owner.

Commissioner Montanari asked if it was necessary and appropriate for the all of the disclosures (e.g. amount paid for the property, value of the property, photos, etc) needed from the homeowner applying for a demolition permit; feels it is very burdensome on the homeowner. Mr. Kilborn stated that this information is provided to the homeowner as a guide for their initial presentation but it is also at the discretion of the Commission to determine what they need to see from the list; it is not typically required by right but additional detail may be necessary in making a decision. Mr. Kilborn went on to say for clarification that this only applies to registered local landmarks.

Mr. Dema addressed the prior comments pertaining to HP2.7 of the Comprehensive Plan stating the City's Attorney's office share the same concerns but wanted the Commission to know that the City puts together a Comprehensive Plan Amendment bundle once or twice a year which makes it easier to send to the state for final approval, and the noted amendments, along with others, will be included in the upcoming bundle.

Commissioner Whiteman stated his agreement with the remarks from Commissioner Montanari and feels that the St. Petersburg Chamber of Commerce has a valid point pertaining to the third party designation after a site plan has been submitted. He feels that Resolution "A" is too loose and will not support. Mr. Kilborn stated that the administration's position on this has evolved over time and is continually assessing staff's ability to process local landmark designations and the COA program. In response to this particular movement on Resolution "A", Resolution "B" is being proposed by staff which would modify the COA review process to help staff manage a potential increase in COA applications (process in-house with less public hearings resulting in less of a burden on the homeowner and the homeowner retaining the appeal rights bringing before the Commission if they disagree with the review decision.)

Commission Chair Carter encouraged all to attend City Council when this comes forward for approval; thanked the staff for their hard work over the years on this recommendation as well as the community for their input; and this plan is very consistent with other cities of similar size in the United States.

MOTION #1: ***Commissioner Wolf moved and Commissioner Michaels seconded a motion finding on balance that the ordinance is consistent with the Comprehensive Plan and to refer to City Council.***

VOTE: *YES – Burke, Michaels, Wannemacher, Wolf, Carter, Whiteman*
NO - Montanari

Motion was approved by a vote of 6 - 1.

MOTION #2: *Commissioner Wolf moved and Commissioner Michaels seconded a motion finding Resolution "A" to be on balance and consistent with the Comprehensive Plan, and to refer to City Council.*

VOTE: *YES – Burke, Michaels, Wannemacher, Wolf, Carter*
NO - Montanari, Whiteman

Motion was approved by a vote of 5 - 2.

MOTION #3: *Commissioner Wolf moved and Commissioner Michaels seconded a motion approving Resolution "B", the revisions to the COA matrix.*

VOTE: *YES – Burke, Michaels, Montanari, Wannemacher, Wolf, Carter, Whiteman*
NO - 7 - 0

Motion was approved by a vote of 7 - 0.

MOTION #4: *Commissioner Wolf moved and Commissioner Whiteman seconded a motion approving Resolution "C" and forward to City Council.*

VOTE: *YES – None*
NO - Burke, Michaels, Montanari, Wannemacher, Wolf, Carter, Whiteman

Motion was denied by a vote of 7 - 0.

Commissioner Rogo asked about the St. Petersburg Preservation resolution pertaining to the State of Florida grant for the Commission's consideration of which copies were distributed to the Commissioners. Mr. Dema stated that this will be handled as a new business item.

Commission Chair Carter suggested returning the resolution back to Administration for further review and to see what their recommendation would be to the Commission. Mr. Kilborn stated his agreement and went on to say that Administration has identified in the material as important to supporting a potentially eligible database and having a technical evaluation about what properties may qualify to be local landmarked or individually listed on the National Register. Staff will evaluate their ability to put together a grant by the April application period (June deadline); ascertain the requirements as well as consult with the Grant office for assistance.

Commissioner Wannamacher asked if a resolution from the CPPC is needed to initiate the process. Both Mr. Dema and Mr. Kilborn replied, no. Mr. Kilborn assured the Commission that the Administration will follow through with the evaluation of staff's ability to respond by the deadline.

PUBLIC HEARING

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COMMUNITY PLANNING and PRESERVATION COMMISSION

Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing on Tuesday, February 10, 2015
at 3:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

Application: **CITY FILE LDR 2014-07**: Amendments to update Section 12-6(8), Section 16.30.070, 16.70.040, 16.70.060 and 16.90, Land Development Regulations ("LDRs"), Chapter 16, City Code of Ordinances.

Subject: **HISTORIC AND ARCHAEOLOGICAL PRESERVATION ORDINANCE**

Applicant: City of St. Petersburg
275 5th Street North
St. Petersburg, Florida 33701

Request: Staff recommends that the Community Planning and Preservation Commission ("CPPC"), in its capacity as the Land Development Regulation Commission ("LDRC"), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the City Code, Chapter 16, text amendments described in the attached ordinance.

Special Note: Matters pertaining to the Historic and Archaeological Preservation Overlay Section are managed by the Urban Planning and Historic Preservation Division and where required, processed by the CPPC. The CPPC was formerly known as the Community Preservation Commission ("CPC") and before that, the Historic Preservation Commission ("HPC"). All three (3) terms are used in the following staff report and attachments, but each are referring to the same Commission in its various forms throughout this process.

Authority: Pursuant to Section 16.80.030.1 of the City Code of Ordinances, the CPPC, acting as the LDRC for the purposes of and as required by the Local Government Comprehensive Planning and Land Development Regulation Act to review and evaluate proposed modifications to the LDRs related to historic and archaeological preservation, to review and evaluate proposed historic designations, certificates of appropriateness and any other action to be performed pursuant to the Historic and Archaeological Preservation Overlay Section (currently Sec. 16.30.070)

Required Action: This application now includes one (1) ordinance and three (3) resolutions: The City Attorney's office and City staff noted at the most recent workshop that any new, substantive changes would be presented in the form of a Resolution that could then be substituted into the proposed ordinance by City Council. The purpose of presenting new, substantive changes in the form of a Resolution is to clearly distinguish new proposals that were not originally presented at the opening of this public hearing item in November 2014:

Ordinance _: The ordinance closely resembles what was first introduced to the CPPC at the opening of this public hearing and again at a public workshop in December 2014. The CPPC is required to make a finding of consistency with the Comprehensive Plan.

Resolution A: Resolution A proposes an alternative recommendation pertaining to the pre-requisite for initiating an application to designate a local landmark district. The CPPC should conduct a separate vote and finding of consistency with the Comprehensive Plan. If found consistent, the Resolution will be presented as an alternative recommendation to the City Council, who may then vote to substitute the Resolution's alternative language into the final Historic Preservation ordinance.

Resolution B: Resolution B proposes modifications to the Certificate of Appropriateness ("COA") Approval Matrix. This change will help mitigate the potential impacts of approving Resolution A, but they will also help improve efficiencies within the COA program described later in the report. The CPPC is authorized to approve changes to the COA Approval Matrix. The CPPC should conduct a separate vote, which is final, to approve the amended COA Approval Matrix.

Resolution C: Resolution C proposes to create an exemption for window replacement, when such replacement is proposing to use impact resistant glass, is Energy Star qualified for *southern* climate zones, and matches existing visual qualities including: dimensions, profiles, and placement. If found consistent, the Resolution will be presented to the City Council, who may then vote to insert the Resolution's language into the final Historic Preservation ordinance.

Background: In January 2010, the Council's PS&I Committee received a presentation from City staff pertaining to local historic landmark designation applications filed without the property owner's consent. Following the presentation and discussion, the PS&I members decided that a comprehensive review of the Historic and Archaeological Preservation Overlay section of the land development regulations (LDRs) would be appropriate to not only examine "third-party" designation applications, but also the Transfer of Development Rights ("TDR") program associated with historic properties, the COA process, and generally to review the processes and procedures related to historic preservation. The overall objective was to review and update, where needed, the LDRs associated with historic preservation, as well as clarify and possibly enhance the historic preservation duties and responsibilities of the CPPC, then known as the Community Preservation Commission ("CPC"). Process milestones include the following:

- April 14, 2010. At City Council's request, the CPC voted to establish the Historic Preservation Committee. Subcommittees were formed to focus on the following issue areas: Education & Outreach; Process; Economic Incentives; Zoning and Design; and Archaeology.

- Starting May 2010. The subcommittees began meeting in May 2010 and on two (2) occasions reconvened as the larger Committee to share their research and discuss their recommendations.

- April 15, 2011. At a meeting held on April 15, 2011, Commission members were provided with a master table that outlined the original committee recommendations, followed by City staff recommendations. The CPC then voted on each recommendation. A majority of the committee's recommendations were supported by the CPC as well as City staff. The items were then scheduled to be forwarded to the City Council's PS&I Committee as an update item, and the Development Review Commission for consideration as amendments to City Code, Chapter 16 (Land Development Regulations). (*On December 19, 2013, City Council approved Ordinance 100-H that consolidated the Planning and Visioning Commission ("PVC") with the CPC. As part of the consolidation, text amendments to Section 16.30.070 titled "Historic and Archaeological Preservation" were re-assigned to the newly formed CPPC.*)

- July 28, 2011. The City Council held a workshop to discuss and consider the nearly 100 recommendations made by the CPC and the Historic Preservation Committee pertaining to the City's historic preservation program and related activities. There was consensus on a majority of the recommendations; however, the City Council directed staff to research and report back on several, specific items.

- October 18, 2012. The City Council and CPC held a joint workshop to discuss and consider the remaining items requested at the conclusion of the July 28, 2011 workshop. The outstanding issues were discussed and City staff subsequently worked to finalize the amended language.

- On October 6, 2014. The Division first received a memorandum prepared by Dr. Will Michaels, resident, author and member of the CPPC. The memorandum was distributed in advance of the joint information session. The memorandum was later updated and resubmitted on November 12, 2014.

- October 9, 2014. The City Council and CPPC attended a joint information session hosted by Division staff. The purpose of the information session was to preview the draft ordinance and receive any remaining concerns or comments. Immediately following the joint information session, Division staff met with Dr. Michaels and other attending members of St. Petersburg Preservation, Inc. ("SPPI") to further discuss their questions, comments and recommendations.

- October 14, 2014. In accordance with a recommendation at the joint information session to delay the scheduled public hearing, the CPPC unanimously voted to delay consideration to November 18, 2014 thereby allowing additional time for review.

- October 22, 2014. Division staff met with representatives from SPPI. On this date, the Division also received a memorandum prepared by SPPI. The memorandum was later updated and resubmitted on November 14, 2014.

- November 18, 2014. The CPPC opened a public hearing to discuss the subject application. Following a presentation by City staff, the CPPC voted to refer the application for further discussion at a workshop, which was subsequently conducted on Tuesday, December 9, 2014.

- December 9, 2014. The CPPC conducted a public workshop and made determinations on a number of subjects relating to memorandums submitted independently by Commissioner Will Michaels and SPPI.

- January 15, 2015. Mayor Rick Kriseman, Division staff, and representatives from SPPI met jointly to discuss the subject of designation of a local landmark district. As a result of the meeting, a separate resolution is presented offering substitute language requiring only 50 percent (%) plus one (1) of respondents to initiate a local landmark district designation application. A second resolution is presented amending the Certificate of Appropriateness Matrix thereby removing several items from public hearing review and qualifying them for staff review. Many forms of new construction, additions, demolition and relocation will continue to require public hearing review.

- January 23, 2015. Division staffs met with representatives from the St. Petersburg Area Chamber of Commerce to answer questions, discuss, and clarify their concerns.

Analysis:

The City of St. Petersburg is a Certified Local Government ("CLG"). The CLG programs link three (3) levels of government (federal, state and local) into a preservation partnership for the identification, evaluation and protection of historic properties. The program was first enacted on the federal level as part of the National Historic Preservation Act Amendments of 1980. On the state and local level, Florida's CLG program and the City of St. Petersburg's CLG designation were both established in 1986. Since that time, the CLG program has assisted in the survey, designation and preservation of historic and cultural resources citywide and helped to increase the public awareness of historic preservation.

In accordance with the conditions of its CLG designation, St. Petersburg makes historic preservation a public policy through maintenance of a historic and archaeological preservation ordinance. The purpose of this application is to implement improvements to the City's historic preservation program through a number of LDR text amendments.

The history of these amendments are generally described in the *Background* section of this report and itemized in the attached document titled "Master Table: Recommended Actions for Furthering the Activities of the CPC." In order to assist with the evaluation of the proposed changes, this staff report will present what are expected to be the key areas of discussion and consideration through the public hearing review process.

LOCAL LANDMARK DISTRICT DESIGNATION: APPLICATION

See page 5 of the attached ordinance, Section 16.30.070.2.5.B.2

The City Council has final authority in determining whether to establish a local landmark district, and the City Council may independently initiate a district designation application. At present, the pre-requisite for *initiating* a private district designation application requires 66.6% approval of the affected property owners.

Past efforts to achieve the 66.6 percent (%) approval threshold have failed to even achieve a 66.6 percent (%) rate of response. Understanding this challenge, the Subcommittee recommended *counting only the returned ballots* instead of the total number of affected property owners. Of the ballots returned, the Subcommittee suggested an affirmative response rate of 50% plus one (1) to initiate the designation process. The CPC eventually recommended that 50% plus one (1) of all affected property owners (not just those who returned ballots) within the proposed district boundary must support the designation for the

application to proceed. City staff originally recommended retaining the current standard, and more recently expressed support for the reduced 50% plus one (1) affirmative response rate of all affected tax parcels.

There are currently, two (2) options presented for your consideration:

1) The Draft Ordinance

   The draft ordinance requires 50% plus one (1) approval of all affected tax parcels within the proposed district boundary to initiate the designation. Each tax parcel counts as one (1) vote, regardless of the number of owners. Where multiple owners control a single tax parcel, one (1) "no" vote from any of the multiple owners shall be tallied as a single "no" vote for the tax parcel.

2) Resolution A

   Resolution A requires a separate vote of the CPPC and is presented as a substitute option. Resolution A requires support from 50% plus one (1) of returned ballots only, meaning that a non-response is excluded from the final tally. Each tax parcel counts as one (1) vote, regardless of the number of owners. Where multiple owners control a single tax parcel, and the returned ballots show a split vote or disagreement among two (2) or more of the owners, the tax parcel will be excluded from the final tally.

Final Staff Recommendation

With strong support from the Mayor's office, Division staff recommends approval of Resolution A, thereby substituting language in the draft ordinance. The effect of approving Resolution A will require the following:

- The pre-requisite for *initiating* a private district designation application will require support from 50% plus one (1) of returned ballots only;

- The response for each tax parcel shall be counted as one (1) vote; if the returned ballots show a split vote or disagreement among two (2) or more of the owners, the tax parcel will be excluded and shall not be counted toward the total number of tax parcels;

- City-owned tax parcels shall not have a vote and shall not be counted toward the total number of tax parcels.

An affirmative vote for Resolution A means that Resolution A will be presented to the City Council for their consideration and substitution into the final ordinance.

DEMOLITION OF POTENTIALLY ELIGIBLE LOCAL LANDMARKS

See page 26 of the attached ordinance, Section 16.30.070.2.11

Safeguards are currently in place to delay the demolition of a *potentially eligible* local landmark. The purpose of the original *potentially eligible* local landmark inventory was to identify properties that are considered eligible for local landmark designation but were not yet designated. The inventory was first presented by the Mayor's Office on July 14, 2005, subsequently presented to the Historic Preservation Commission on December 6, 2005 and

received final approval by the Mayor's Office on January 3, 2006. Since creation of the original inventory, which included a total of 55 properties, 10 properties have been designated, one (1) additional application was processed but eventually denied, and four (4) are in process. The inventory is incomplete and should not be interpreted to be an inventory of *all* potentially eligible properties citywide; a citywide historic survey would be required for such a technical determination.

Currently, when an application for a demolition permit is received for a historic property on identified as potentially eligible within the property records and planning and permitting database, the issuance of the demolition permit is delayed for 30 business days and written notification is provided to members of the CPPC and any resident or community group who annually files their name with the Division. If a third-party application to designate is received within the advertised window of 30 business days, a temporary hold is placed on the demolition permit pending a final decision by City Council regarding designation.

With regard to a structure that is potentially eligible to be designated but without an active landmark designation application, the Subcommittee previously recommended that a list of potentially eligible properties be provided to the CPC annually and, if approved, a 60-day stay of demolition would be granted for all structures on the list. City staff supported a 30-day stay of demolition, which is the current rule in effect. The CPC supported the City staff recommendation with the clarification that the stay of demolition begins at the time a permit application for demolition is submitted and the list of potential landmarks will be sent to City Council for approval by Resolution upon the recommendation of the CPC.

The draft ordinance recommends continued use of a *potentially eligible* designation within the property records and planning and permitting database. Using a *potentially eligible* designation provides transparency, and more clearly sets expectations within the real estate and development community for either acquisition or permitting procedures to redevelop property.

Staff acknowledges however, the potential consequences of using a *potentially eligible* inventory and notes the following for future consideration. The current inventory was initially created by Division staff using information from the 2005/2006 meetings, and later evaluated to confirm each property's eligibility status. Since the inventory was created without the benefit of a historic survey to ascertain what properties citywide meet the technical requirements for becoming a local landmark, many properties of historic importance were excluded from the original inventory. Not including a property on the inventory may reinforce opinions about its historic importance independent from the technical evaluation of whether or not it actually complies with the criteria for designation. For example, "This resource must not be important because it is not identified as *potentially eligible* within the property records and planning and permitting database," when in fact the property wasn't included in the inventory because it was never part of a historic survey or technical evaluation to determine its status.

TRANSFER OF DEVELOPMENT RIGHTS

See page 42 of the attached ordinance, Section 16.70.040.1.17

Transfer of development rights for historic properties ("TDR,H") is an economic development incentive intended to help preserve historically significant buildings within the community. Under the current regulations, there are two (2) considerations, the first relating to the amount of transferable floor area and the second relating to the development bonuses

that are offered through the city's Downtown Center ("DC") zoning regulations.

Regarding the first consideration under the current regulations, the total amount of TDR,H is determined by taking the gross square footage of the landmark site and multiplying that square footage by 10 (this multiplier shall be 20 for structures constructed before 1901). The original intent of the multiplier was to provide financial incentive to local landmarks making historic preservation a competitive alternative to redevelopment. According to Division records, there is currently 2,394,810 square feet qualified for transfer under the TDR,H program.

In order to resolve this current imbalance between supply and demand, the draft ordinance proposes elimination of the multiplier. Under the proposed amendments, the amount of transferable floor area shall be determined by subtracting the gross floor area of the existing local landmark from the maximum buildable square footage for the subject property.

The second consideration relates to development bonuses that are offered through the city's Downtown Center ("DC") zoning regulations. On October 23, 2014, the City Council conducted a Committee of the Whole to discuss floor area ratio ("FAR") bonuses within the DC zoning classifications. Suggestions to prioritize historic preservation development bonuses when local landmark or National Register properties are impacted will be considered as future text amendments to the LDRs, but are not part of this ordinance.

CERTIFICATE OF APPROPRIATENESS: COA MATRIX

See page 15 of the attached ordinance, Section 16.30.070.2.6.C

City Code Section 16.30.070, requires issuance of a Certificate of Appropriateness ("COA") prior to any exterior alteration to a designated local landmark. Exterior alterations include, but are not limited to: new construction; relocation; demolition; and modifications to roofs and wall openings, such as windows and doors. The review procedures prescribed for various types of exterior alterations are included in the COA Approval Matrix. Review procedures require either no review, staff review, or public hearing review.

While considering changes to the district designation procedures outlined in Resolution A, the Mayor's office and Division staff also contemplated the impact of such a change upon current staffing levels, processing times and cost. The increase in volume of COA applications resulting from the designation of addition local landmark districts would negatively impact the City's ability to process a potentially higher number of public hearing cases. Consequently, Division staff looked for opportunities to modify certain activities from a public hearing review to a staff review. Resolution B proposes to achieve this objective, while maintaining the public hearing requirement for critical, character defining changes that occur through new construction, additions, relocations, demolitions and changes in openings, materials or styles.

Final Staff Recommendation

With strong support from the Mayor's office, Division staff recommends approval of Resolution B, thereby amending certain procedures in the COA Approval Matrix from a public hearing review to a staff review. Division staff believes this is an important complement to passage of Resolution A. Furthermore, Division staff believes that the changes recommended by Resolution B are important regardless of whether Resolution A is ultimately approved and substituted into the final ordinance.

CERTIFICATE OF APPROPRIATENESS: WINDOW ALTERATIONS

See page 16 of the attached ordinance, Section 16.30.070.2.6.F

Council Member Karl Nurse has submitted a recommendation that the Historic Preservation ordinance be amended to include a ninth criterion permitting replacement of windows that are presumed to be more energy efficient, meet the hurricane code and are compatible with the appearance of the original windows.

Resolution C is included for your consideration. Specifically, Resolution C would create an exemption for window replacement, when such replacement is proposing to use impact resistant glass, is Energy Star qualified for *southern* climate zones, and matches existing visual qualities including: dimensions, profiles, and placement.

CERTIFICATE OF APPROPRIATENESS: ARCHAEOLOGICAL SITES

See page 23 of the attached ordinance, Section 16.30.070.2.6.K

The current code does not include COA guidelines for reviewing archaeological-based local landmarks. This omission will be corrected by the insertion of COA guidelines that are specific to archaeological concerns and are based on the United States Secretary of the Interior Standards for the Treatment of Historic Properties.

CERTIFICATE TO DIG

See page 28 of the attached ordinance, Section 16.30.070.3.1

A *Certificate to Dig* is proposed to be required for any ground disturbing activity within a Sensitivity Zone, as identified on the Archaeological Sensitivity Zones Map included in the Archaeological Resources Management Plan. The purpose of a *Certificate to Dig* is to review certain ground disturbing activities defined by the ordinance.

OTHER

Division staff has previously noted that it shall continue to evaluate recommendations made throughout this process and within recent memorandums submitted by Commissioner Will Michaels, St. Petersburg Preservation, Inc. and other interested entities. These items include the subjects of demolition-by-neglect, evaluating properties for inclusion on the *Potential Eligible List*, residential building heights, and other administrative and programming adjustments.

Compliance with the Comprehensive Plan:

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposed amendments:

Objective HP1: To continue to promote the preservation of resources through the commitment to conduct historic and archaeological resource surveys and the continued development of ordinances, guidelines and databases.

Objective HP2: To continue to develop programs and policies to protect and preserve the City's historic resources.

Objective HP3: To support the programs and incentives provided by local, state and national preservation organizations.

> ***Policy HP3.5:*** The City will continue to review its land use and Land Development Regulations and consider initiating amendments to such regulations to remove unnecessary disincentives to the reuse and redevelopment of historic landmarks. The City will solicit input from appropriate local and state organizations and interest groups.

Objective HP5: Utilize the historic preservation ordinance and other available programs to preserve significant archaeological resources located in the City.

> ***Policy HP5.5:*** In order to protect and preserve the City's archaeological resources, the City has adopted Land Development Regulations which discourage adverse impacts or the demolition of sites which are listed, or eligible for listing, in the National Register of Historic Places or the local register.
>
> ***Policy HP5.6:*** The City, in conjunction with professional archaeologists, shall develop guidelines and procedures for ground disturbing activities on, or in the vicinity of, known or suspected archaeological sites.

Objective LU7: The City will continue to revise and amend the land development regulations, as necessary, to ensure compliance with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C][1]. The City will amend its land development regulations consistent with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C.] so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

> ***Policy LU7.1:*** Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-24 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

Objective LU20: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

> ***Policy LU20.1:*** The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

Housing Statement: The proposed amendments will have a minimal impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

Attachments:

1. Ordinance to Amend the LDRs
2. Resolution A: Alternative Language for Initiating District Designation
3. Resolution B: COA Matrix
4. Resolution C: Window Replacement

[1] Chapter 9J-24 F.A.C. is no longer a valid reference in State statute. As of this writing, the city's Comprehensive Plan has not been updated to reflect this legislative change.

5. Master Table: "Recommended Actions for Furthering the Activities of the CPC"
6. List of Potentially Eligible Properties
7. Housing Affordability Impact Statement
8. Email City Council Member Karl Nurse, October 2, 2014
9. Letter from SPP, Inc.

ATTACHMENT 1

HISTORIC PRESERVATION ORDINANCE

ATTACHMENT 2

RESOLUTION A

ALTERNATIVE LANGUAGE FOR INITIATING DISTRICT DESIGNATION

ATTACHMENT 3

RESOLUTION B

COA APPROVAL MATRIX

RESOLUTION No. _____

A RESOLUTION OF THE COMMUNITY PLANNING AND PRESERVATION COMMISSION (CPPC) OF THE CITY OF ST. PETERSBURG, FLORIDA, APPROVING THE CITY'S NEW AMENDED CERTIFICATE OF APPROPRIATENESS (COA) APPROVAL MATRIX; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Historic and Archaeological Preservation Overlay Section (16.30.070.) of the City of St. Petersburg Land Development Regulations (LDRs) requires owners performing exterior alterations to a property located within a local historic district or an individually designated local landmark to apply for a Certificate of Appropriateness (COA); and

WHEREAS, Section 16.30.070.2.6. of the LDRs was amended to establish new COA review procedures and to authorize a COA Administrative Approval Matrix; and

WHEREAS, this amendment is proposed to maintain current expectations for the Historic and Archaeological Preservation Overlay Section, while also improving efficiencies by minimizing review times and preserving the public hearing requirement for only those actions that are most impactful on the character-defining features of a local landmark; and

WHEREAS, any administrative approval may be appealed to the Community Planning and Preservation Commission.

NOW THEREFORE, BE IT RESOLVED, BY the Community Planning and Preservation Commission of the City of St. Petersburg, Florida, that a new amended Certificate of Appropriateness Approval Matrix is approved as shown on Attachment "A."

This resolution shall become effective immediately upon its adoption.

Legal:

_____

City Attorney (Designee)

st.petersburg
www.stpete.org

Certificate of Appropriateness Approval Matrix

(City code section 16.30.0070.2.6, updated February 10, 2015)

ACTION	CONTRIBUTING and INDIVIDUAL LANDMARKS			NON-CONTRIBUTING		
	Staff	**CPPC**	**No Review**	**Staff**	**CPPC**	**No Review**
ADDITIONS						
All		X			X	
ARCHAEOLOGY						
Ground disturbing activities (digging, planting, use of heavy machinery, excavation, vegetation removal)	X	X				X
CANVAS AWNINGS						
Installation, removal, or alterations	X			X		
CLEANING						
1. Pressure washing, less than 100 psi			X			X
2. Other methods and applications	X			X		
CARPORTS and PORTE COCHERES						
All alterations		X		X		
DECKS, PATIOS, ~~PERGOLAS~~						
1. With a roof		X		X		
2. Without a roof	X			X		
DEMOLITIONS						
1. Primary structures		X			X	
2. Accessory structures, historic		X		X	X	
3. Accessory structures, non-historic	X			X		
4. Historic additions		X			X	
5. Non-historic additions	X			X		
DOORS, ENTRIES, AND GARAGE DOORS						
1. Same materials, style, and size	X			X		
2. Change in materials or style		X		X	X	
3. Change in openings		X		X	X	
4. Entry features	X			X		
5. ADA requirements	X			X		
6. Other alterations	X			X		
DRIVEWAYS						
1, Change in materials	X			X		
2. Change in size or configuration	X	X		X	X	
3. New or relocated driveway	X	X		X	X	
EXTERIOR WALL FINISH						
1. Removal of non-historic material	X			X		
2. All other finishes (including painting of an originally unpainted surface)	X	X		X		
3. Waterproofing	X			X		
FOUNDATIONS						
1. Same material, style, and size	X			X		
2. Change in material, style, or size		X		X		
3. Sidewalk vault lights	X	X		X	X	
INTERIOR ALTERATIONS						
Ad Valorem Tax Exemption Applications ONLY	X					X
LANDSCAPE FEATURES						
1. Arbors, pergolas, and gazebos	X	X		X		
2. Permanent water features	X			X		
3. Lighting	X			X		
4. Sidewalks	X			X		
5. Walkways	X			X		
6. Planting or removal, non-historic vegetation			X			X
7. Alteraton, planting, removal, historic vegetation	X			X		
8. Other	X			X		

Certificate of Appropriateness Approval Matrix

(City code section 16.30.0070.2.6)

ACTION	CONTRIBUTING and INDIVIDUAL LANDMARKS			NON-CONTRIBUTING		
	Staff	**CPPC**	**No Review**	**Staff**	**CPPC**	**No Review**
MECHANICAL SYSTEMS						
1. Electrical, plumbing, pool equipment	X			X		
2. HVAC ~~- visible from ROW~~	X	~~X~~		X	~~X~~	
~~3. HVAC - non visible from ROW~~	~~X~~			~~X~~		
~~4.~~ 3. Solar Panels ~~- visible from ROW~~	X	~~X~~		X	~~X~~	
~~5. Solar Panels - non visible from ROW~~	~~X~~			~~X~~		
~~6.~~ 4. Other	X	~~X~~		X	~~X~~	
NEW CONSTRUCTION						
All		X			X	
PAINTING						
1. Painting previously painted surfaces			X			X
2. Changes in paint color			X			X
PLAQUES AND MARKERS						
All	X			X		
POOLS						
1. Above ground pools		X		X	~~X~~	
2. In ground pools	X			X		
3. Pool screen enclosures	X	~~X~~		X	~~X~~	
PORCHES AND BALCONIES						
1. Open an enclosed porch	X			X		
2. Enclose a porch		X		X	~~X~~	
3. Alterations		X		X	~~X~~	
RELOCATION						
~~All~~		~~X~~			~~X~~	
1. Into a Local Landmark district		X			X	
2. Other		X		X		
RESTORATION (A return to the original based on historic evidence as originally designed and constructed.)						
All	X			X		
ROOF and CHIMNEYS						
1. Same materials and shape	X			X		
2. Change in materials		X		X	~~X~~	
3. Change in shape		X		X	~~X~~	
4. Other alterations		X		X	~~X~~	
SIGNS						
All signage	X			X		
Street numbers			X			X
SHEDS						
Less than 100 sq. ft.	X			X		
SHUTTERS						
1. Removable shutters	X			X		
2. Permanent shutters	X			X		
SITE WALLS AND FENCES						
1. Walls or fences behind the front façade	X			X		
2. Walls or fences in front of or equal to front façade		X		X	~~X~~	
3. Retaining walls	X			X		
4. Demolition, historic		X		X		
5. Sea walls	X			X		
WINDOWS						
1. Same materials, style, and size	X			X		
2. Change in materials or style		X		X	~~X~~	
3. Change in openings		X		X	~~X~~	

NOTES:

Any formal appeal of a City staff determination shall be acted upon first by the City's Community Planning and Preservation Commission ("CPPC").
Any formal appeal of a CPPC determination shall be acted upon in accordance with Section 16.70.015 titled, "Decisions and Appeals Table."

The POD may refer a COA application for public hearing review where the request is not substantially similar to another action already listed, or if the request is non-traditional, may set precedent and therefore requires the benefit of public deliberation and a CPPC decision.

ATTACHMENT 4

RESOLUTION C

WINDOW REPLACEMENT

ATTACHMENT 5

MASTER TABLE

RECOMMENDED ACTIONS FURTHERING THE ACTIVITIES OF THE CPPC (THEN KNOWN AS THE CPC)

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
*** Designation Ordinance Revision (16.30.070.2.5), Items #1-8**					
1	Add that an individual property should be 50 years of age or older, or exceptionally significant if under 50 years of age.	City Historic Preservation Staff	Matches National Register of Historic Places criteria	Support	Supports Subcommittee
2	Reword ordinance to specifically allow for sites (landscapes, cemeteries, archaeological, etc.), structures (bridges, water towers, etc.), and objects (signs, ships, etc.) as well as buildings, districts, and multiple property submissions.	City Historic Preservation Staff	Matches National Register of Historic Places criteria	Supports	Supports Subcommittee
3	Landmark process for districts: (a) All property owners within a proposed district will be contacted by mail. (b) Of returned ballots, a positive property owner response rate of 51% is required to initiate the designation process. (c) The response period will be kept open for 90 business days. The nomination will then proceed based on the criteria. (d) City will consult with applicant on creation of ballots or petitions to ensure that forms are uniform, legal and comprehensive.	City Historic Preservation Staff	Designation should be an objective evaluation of whether the district meets the criteria in the ordinance. Most Certified Local Governments (CLGs) require a simple majority. The following cities do not require owner consent: Coral Gables, Tarpon Springs, Miami-Dade, Deland and Lakeland	(a) Supports (b) Does Not Support – No change to the current 66.6% requirement (c) Supports (d) Supports w/ change: City shall create the ballot and identify the process	(a) Supports Subcommittee (b) Recommend 51% of properties within the proposed district must support designation for application to proceed. (c) recommend change to 120 calendar days (d) Supports Subcommittee
4	Updating properties within a local historic district as to their contributing or non-contributing status would require Historic Preservation Staff recommendation with CPC approval.	City Historic Preservation Staff	Intent is to provide a tool in which a district or property can be updated under unique circumstances; for example, when a property that was excluded due to lack	Supports the concept of updating however, updates to district shall be approved by City Council after	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
			of integrity is rehabbed. After rehab, the property should be contributing and would then be eligible for tax benefits. Also, in situations in which the period of significance should be extended; e.g. Granada Terrace.	CPC recommendation.	
5	The boundaries of a locally designated district may be expanded to include adjoining properties if an owner wanted to be added to the district and the property meets the criteria.	City Historic Preservation Staff	See above	Supports the concept of updating however, updates to district shall be approved by City Council after CPC recommendation.	Supports Subcommittee
6	Identify a process to update local landmark historic district boundaries. Amending boundaries on a large scale basis needs to be through designation process addressing only the properties to be added (not re-designating entire district, only affected properties) to CPC and City Council	City Historic Preservation Staff	See above	Supports the concept of updating however, updates to district shall be approved by City Council after CPC recommendation.	Supports Subcommittee
7	**Local Landmark Designation Applications**: A hold on building/demo permits will be placed on the subject property at the time the application is received.	City Historic Preservation Staff		Support subject to designation procedures in the existing Code	Supports Subcommittee
8	** **Third Party Designations Without Owner-Consent**: (a) CPC may consider economic hardship; (b) Increase time frame for successive applications to 5 years (City Code 16.70.010.10) (c) No third party applications allowed for	City Historic Preservation Staff	** These recommendations are being made by City Administration. (b.) Currently the time limit is 18 months. Five year mark is based on the DC district site plan approval time frame.	Supports	(a) CPC recommends considering a process for including an economic hardship application. Staff should study Tampa's process for the CPC to utilize. Also see items 9-12.

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
	properties with approved and valid site plan approvals				(b) Supports (c) Supports
*** General Criteria for Granting Certificates of Appropriateness (COAs) Ordinance Revisions (16.30.070.2.6), Item # 9-10**					
9	Include Undue Economic Hardship standards in ordinance under whether the denial of a COA would deprive the property owner of reasonable beneficial use of his property. (a) The CPC shall require that an applicant furnish such additional information believed to be relevant in the determination of undue economic hardship and may provide, in appropriate instances, that such additional information be furnished under oath or seal. (b) In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file (with their affidavit) a statement stating the information that cannot be obtained and the reasons why such information cannot be reasonably obtained. (c) When such unobtainable information concerns require financial information,	City Historic Preservation Staff	Standard language provided by the State Historic Preservation Office.	(a) Supports (b) Supports (c) Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
	the property owner will submit a statement describing estimates that will be as accurate as are feasible.				
10	**Replace existing language in section 16.30.070.2.6.A paragraph 1 and 2, "…landmark, a designated landmark site, or a property in a designated thematic grouping or in a designated historic district…" with "building, structure, site, object and contributing and noncontributing resources in a thematic grouping or historic district."	City Historic Preservation Staff	** This recommendation is being made by City Administration.	Supports	Supports
*** COA For Demolition Ordinance Revisions (16.30.070.2.6), Items # 11-17**					
11	Add the "Additional Information Requirements for Demolition Applications" list as adopted by the Historic Preservation Commission (HPC) on May 25, 1989 to the ordinance.	City Historic Preservation Staff	See memo approved by the HPC May 25, 1989.	Supports	Supports Subcommittee
12	Require owners to specifically show the infeasibility of rehabilitation or alternative uses which could earn a reasonable economic return for the property.	City Historic Preservation Staff	At present, city only asks for estimated cost of rehabilitation. CPC should be able to review why other uses are not feasible.	Supports – will be addressed in update to HPC May 25, 1989 memo.	Supports Subcommittee
13	Remove section indicating that CPC may grant a COA for demolition if "the Commission determines that the demolition of the designated property is necessary to achieve the purposes of a Community Redevelopment Plan or the Comprehensive Plan."	City Historic Preservation Staff	It is consistent with protecting Historic resources, and the CRA Plan and Comp Plan should be consistent with protecting, not demolishing historic properties.	City staff does not support – this determination is relevant to the decision making process.	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Archaeological and Historic Preservation Overlay Changes					
	Subcommittee Recommendations (except as noted)**	**Responsible Agency**	**Notes**	**Staff Recommendation**	**CPC**
14	Require a property appraisal that is less than two years old to determine market value.	City Historic Preservation Staff	Presently it is optional.	Supports w/ changes: (a) City shall hire an objective appraiser to evaluate any appraisals. (b) Appraisals shall have been conducted within a time frame compliant with current accepted professional practices. (c) Professional credentials of appraiser shall be specified.	Supports staff changes
15	(a) Commission will condition any demolition approval upon the receipt of plans and building permits for a new structure and submission of evidence of financing in order to ensure that the site does not remain vacant after demolition. (b) The Commission shall also condition demolition approval upon whether the new plans are appropriate to the character of the historic site or district.	City Historic Preservation Staff	The CPC should consider whether the plans for the site after the demo/removal of a landmark are appropriate for the character of the historic site or the district. What will the effect of those plans be on the character of the surrounding area?	(a) Supports (b) Supports w/ change: Specify that this only occurs within local historic districts. Outside of local historic districts, City defaults to LDRs.	(a) Supports Subcommittee (b) Supports staff change
16	Add to the application requirements that the applicant must show evidence for why the building cannot be moved.	City Historic Preservation Staff	Evidence should be submitted by a person who meets the Professional Qualification Standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR Part 61).	Supports w/ changes. (1) Add to demolition requirements (2) Add requirement for evidence of attempt to sell property.	Supports staff changes

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
17	**(16.30.070.2.10)** Recommendation for demolition of a non-contributing property in local historic districts: Any non-contributing structure in a local historic district which is 35 years old or older and in a district which was designated more than five (5) years previously, must obtain an independent review to determine if the structure would qualify as contributing if the district were re-surveyed. If it would qualify as contributing now, then process COA as a contributing resource.	City Historic Preservation Staff		City staff does not support: This issue shall be addressed during the process to update the districts as previously discussed.	Supports staff
*** COA For Relocation Ordinance Revisions, Items # 18-19**					
18	The applicant must provide a written statement addressing why the relocation is necessary	City Historic Preservation Staff	Include in new relocation application	Supports	Supports Subcommittee
19	The applicant must provide a written statement addressing how relocation to the newly selected site(s) will impact the seven factors of integrity which contribute to its significance: location, design, setting, materials, workmanship, feeling, and association.	City Historic Preservation Staff	Include in new relocation application	Supports	Supports Subcommittee
*** Notification For Designation, Items # 20-22**					
20	For third party designation of an individual landmark, notifications should be sent by Planning staff to all individuals with an interest in the property via return receipt to verify that the	City Historic Preservation Staff		Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Archaeological and Historic Preservation Overlay Changes					
	Subcommittee Recommendations (except as noted)**	**Responsible Agency**	**Notes**	**Staff Recommendation**	**CPC**
	notification was received by the owner of the property.				
21	Owner-initiated local landmark designations shall not be required to notify surrounding property owners.	City Historic Preservation Staff and Applicant		Does not support	Supports staff
22	Send separate notices for CPC and City Council hearings to owners and surrounding properties.	City Historic Preservation Staff and Applicant		Supports	Supports Subcommittee
*** Ad Valorem Tax Exemption Program (16.30.070.4), Items # 23-26**					
23	Remove the cap limitation for both residential ($100,000) and other properties ($1,000,000).	City Economic Development Staff, Pinellas County Property Appraiser	Rationale: These limitations are unique to St. Petersburg and are a barrier to program participation. The long term advantages of incentivizing rehabilitation and reinvestment outweighs the short term impact to the tax base.	Supports	Supports Subcommittee
24	Separate outside work and inside work.	City Historic Preservation Staff		Does not support: Our reports currently separate the interior and exterior work to detail the work completed but the amount of exemption is based upon the difference in assessment by the Property Appraiser's Office from before the rehabilitation to after the rehabilitation. Many elements	Supports staff

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
				are both inside and outside elements; i.e. windows, and cannot be separated.	
25	Consider a percentage scale for authenticity or develop a tiered program: (a) A percentage scale for authenticity; e.g.: if the work is 100% authentic and restorative, the credit is 100%. If replicated work is done, a lesser percentage. (b) Tiered program – possibly: A - authentic, B – moderate; C – not appropriate	City Historic Preservation Staff		Does not support (a) or (b): City staff currently utilizes the Internal Revenue Code, 47, as a guide in determining qualifying expenditures. A qualifying improvement must meet the City's COA criteria and the Secretary of the Interior's Standards for Rehabilitation, not the Standards for Restoration. The amount of the exemption is based on the difference in assessment by the Property Appraiser's Office prior to and after the rehabilitation. A tiered or scaled program could not be administered fairly because individual projects vary so greatly.	Supports staff
	Develop clearly definable, minimum standards for the program: (a) Renovations: The building must be recognizable as the same house when work is complete (not significantly altered). Primary spaces within the interior must remain in the			(a) City staff does not support: HP staff (b) currently utilizes the Internal Revenue Code, 47, as a guide in determining qualifying expenditures and utilizes the	(a) Supports staff (b) Supports Subcommittee (c) Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Archaeological and Historic Preservation Overlay Changes					
	Subcommittee Recommendations (except as noted)**	**Responsible Agency**	**Notes**	**Staff Recommendation**	**CPC**
26	same configuration, maintain original features, the feel of an old building, but secondary spaces are less important and can be adjusted or altered. (b) Additions: Create minimum guidelines for additions, including requirements that additions are secondary to the original structure and are appropriate to the original style of the home. (c) Additions of garage apartments and outbuildings (when appropriate) must be of an appropriate scale and secondary to the primary structure. A back yard space must be maintained (see recommendations to zoning districts). Must match the architectural style and materials of the primary building. (d) Adaptive Reuse: Recognize this has more latitude because of the change of use, but the use must be compatible and original character must be maintained.	City Historic Preservation Staff		City's COA criteria and the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings in determining appropriate work. Although significant interior configuration, spaces and features are important to maintain, sometimes those elements were removed long ago and can be difficult to ascertain with the limited historic building plans which are available. Furthermore, this would limit the adaptive reuse of historic buildings and could be a disincentive for participation in the program. (c) Supports: Although not allowed for the Federal Tax Credit, additions are allowed by the State for the AVT exemption. Specific guidelines will be developed to meet the intent of the	

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
				program. (d) Supports	
*** Transfer Of Development Rights, Historic (16.70.040.1.17), Items # 27-30**					
27	Eliminate the rehab requirement for the TDR program.	City Urban Planning and Historic Preservation / Economic Development Staff	Rationale: The requirement for a developer or other purchaser (TDR "receiver") to be encumbered with the rehabilitation of the landmark property makes TDR, H as a FAR bonus option disproportionately if not wholly unattractive to the receiver as compared to other FAR options which carry no such contingent requirement. The $ 50 per TDR fee to the City upon transfer should be eliminated.	Supports	Supports Subcommittee
28	(a) New TDR,H applications will figure the amount of eligible TDRs based on the difference between the existing sq. ft. and what the LDRs allow. (b) Existing TDR,H owners will retain existing number of TDRs previously established. (c) Deadline for current local landmarks to apply under current multiplier will be 120 days after the City Council decision.	City Urban Planning and Historic Preservation / Economic Development Staff	Rationale: The multiplier creates an on-going overabundance of credits on the market, especially when they are not being sold in order to Supports the landmarks which carry the covenants they mandate.	(a) Supports: Clarify that this will be the base FAR allowed by LDRs. (b) Supports (c) Does not support: Staff proposes that the changes should go into effect upon approval by City Council	(a) Supports Subcommittee (b) Supports Subcommittee (c) Supports staff
29	Make TDR,H bonuses available in all zoning districts throughout the City per maximum density	City Urban Planning and Historic Preservation /	Rationale: The market opportunities for the use of TDR,H bonuses need to be expanded since the current applicable	Supports: Density shall be pursuant to limits set forth in the	Supports Subcommittee – the TDR, H bonus should be concentrated along corridors

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
	allowed by the countywide rules.	Economic Development Staff	zoning has limited development opportunity and, therefore, limited need for FAR bonuses.	Countywide Rules and other provisions of the City Code.	and activity centers as well as in the DC zoning district.
30	Use of TDR,H option to obtain development bonuses to be added as an alternative required use for the first .5 bonus (Section 16.20.120.6.2). Prioritize Historic Preservation in the top tier of the three tiers for FAR bonus contributions until the current pool of TDRs is diminished by at least 75% with a cutoff of TDRs established by December 31, 2009. • Tier 1 – Where development impacts a contributing resource in a National or Local Register District, or a Local or National Register Landmark through demolition or relocation the first .5 bonus shall come from TDR,H. In instances where a contributing resource is not affected preservation to share equally with Workforce Housing. • Tier 2 – Same as current code. • Tier 3 – Other	City Urban Planning and Historic Preservation / Economic Development Staff	Rationale: Preservation is a priority of the City. In order for this priority to be financially Supportsed the TDR,H financial incentive must be viable for TDR,H owners and potential receivers. With preservation in the top two tiers of options for FAR bonuses, the preservation priority is reflected by administrative process.	Supports w/ changes: 1. No quota on number of TDRs sold. 2. Tier 1 – Where development impacts a contributing resource in a National or Local Register District, or a Local or National Register Landmark through demolition or relocation the first 1.0 bonus shall come from TDR,H.	Supports Staff Changes
*** Archaeology, Items # 31-34**					
31	**16.30.070.3.1 Demolition of Archaeological Resource** Add purpose statement similar to statement from	City Historic		Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
	Section 16.30.070.2.11 concerning purpose to discourage demolition or historic resources.	Preservation Staff			
32	Limit demolition delay of 30 days to only Sensitivity Level 1 sites as determined by the Archaeological Survey and Management Plan.	City Historic Preservation Staff	Code presently includes Sensitivity Level 2 as well. Sensitivity Level 2 are sites which have not been completely evaluated but with a high probability of landmark eligibility. Archaeology Subcommittee recommended an update to the Archaeological Survey and Archaeological Management Plan for the City of St. Petersburg which would include further investigation of Level 2 sites to either place them in the Level 1 category or reduce them to Level 3 (known archaeological sites that have been assessed as having a low probability for landmark status).	City staff does not support – Current policy protects both Level 1 and Level 2 sites. A 30 day hold on demolition should be retained on Level 2 sites in the event that additional Level 2 sites are identified in the future.	Supports staff
33	Create attachment to application form for a Certificate for Appropriateness (Certificate to Dig) that deals specifically with landmarked archaeological sites.	City Historic Preservation Staff / Florida Public Archaeology Network	FPAN can work with City staff to create series of questions that better suits proposed affect to landmarked archaeological sites.	Supports	Supports Subcommittee
34	**16.30.070.3** Archaeological Protection and Preservation Change "POD may authorize archaeological investigations…" to "POD may require	City Historic Preservation Staff		Supports	Supports Subcommittee

Archaeological and Historic Preservation Overlay Changes

	Subcommittee Recommendations (**except as noted)	Responsible Agency	Notes	Staff Recommendation	CPC
	archaeological investigation.				
*** Markers and Monuments, Item # 35**					
35	Add Markers and Monuments process to the ordinance. Staff should review all plaques that are to be placed in public areas. A standard style should be used for historical markers. Markers should be clear to understand.	City Historic Preservation Staff		Supports with change: Separate Historic Markers and Monuments from Commemorative Markers and Monuments.	Supports Staff
*** National Register (NR) Properties, Item # 36**					
36	Demolition Applications: Individually designated NR landmarks will receive a 30 day stay of demolition once a demo application is received.	City Historic Preservation Staff	Currently only one (1) NR property is not also a local landmark (Jungle Prada Archeo. Site).	Supports	Supports Subcommittee
***Hex Blocks, Brick Streets, and Granite Curbs, Item # 37**					
37	Incorporate the applicable relevant resolutions into the Archeological and Historic Preservation Overlay. a) Clarify existing ordinance to require that in areas regulated by the existing resolution, historic hex block that is no longer extant will be replaced with hex block in the event of sidewalk/ROW improvements.	City Historic Preservation Staff	The replacement of modern materials with hex block must be predicated on pictorial or documentary evidence.	Supports	Supports Subcommittee
***Comprehensive Plan, Items # 38 – 391**					
38	** HP2.5 Language change: The City ~~shall~~ will endeavor to initiate and process a minimum of three (3) applications each year for properties identified on the				Supports recommendation with: (a) language that provides for the inclusion of updating local districts and

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Archaeological and Historic Preservation Overlay Changes					
	Subcommittee Recommendations (except as noted)**	**Responsible Agency**	**Notes**	**Staff Recommendation**	**CPC**
38 con't	historic and archaeological resource inventories to determine their eligibility for designation as a local landmark. The City will use the following selection criteria for City-initiated landmark designations: ▪ National Register or DOE status ▪ Prominence/importance related to the City ▪ Prominence/importance related to the neighborhood ▪ Degree of threat to the landmark ▪ Condition of the landmark ▪ Degree of owner Supports	City Historic Preservation Staff	** This recommendation is being made by City Administration	Supports	preparing National Register nominations. (b) add city owned property to the list of criteria.
39	** HP2.6: Language Change Decisions regarding the designation of historic resources shall be based on National Register eligibility criteria, the Historic Preservation Ordinance criteria and Comprehensive Plan policies. ~~The City will use the following selection criteria for City-initiated landmark designations as a guideline for staff recommendations to the Community Preservation Commission and City Council:~~ ~~▪ National Register or DOE status~~ ~~▪ Prominence/importance related to the~~	City Historic Preservation Staff	** This recommendation is being made by City Administration	Supports	Supports

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Archaeological and Historic Preservation Overlay Changes					
	Subcommittee Recommendations (except as noted)**	**Responsible Agency**	**Notes**	**Staff Recommendation**	**CPC**
	~~City~~ ~~• Prominence/importance related to the neighborhood~~ ~~• Degree of threat to the landmark~~ ~~• Condition of the landmark~~ ~~• Degree of owner Supports~~				
***Fees, Items # 40 – 41**					
40	**Designation applications: (a) Fees for applications submitted by a third party without owner consent shall be set at $1,000	City Historic Preservation Staff	** This recommendation is being made by City Administration	Supports	CPC recommends the following fee schedule for landmark designation applications: Residential - $100 Commercial - $200 3rd Party w/o owner consent - $500
41	**Certificates of Appropriateness: Fees for COAs are proposed to be modified.	City Historic Preservation Staff	** This recommendation is being made by City Administration	Supports	Supports (COA fees should be based on the scope of work not a dollar threshold.)
***Adaptive Reuse, Item # 42**					
42	**Amend the Reuse Chart (Sec. 16.30.020.4) to provide more flexibility regarding the types of uses that would be permitted in an existing landmark structure or a structure that is eligible for landmark designation.	City Planning Staff	** This recommendation is being made by City Administration	Supports	Supports

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Program Strengthening Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes	Staff Recommendations	CPC
*** Design Regulations, Items # 43-45**					
43	Develop design guidelines unique to the Granada Terrace district.	City Historic Preservation Staff	Design guidelines are typically not contained in the ordinance but are a stand-alone document.	Does not support- Primary focus will be updating the General Design Guidelines	Supports staff
44	Develop design guidelines unique to the Roser Park district.	City Historic Preservation Staff		See Above	Supports staff
45	Review the existing design guidelines for all other projects, making sure that they are the best practice standards.	City Historic Preservation Staff		Supports	Supports Subcommittee
*** Identify Potential Historic Districts, Item # 46**					
46	Survey all NT-2-4 zoning districts (not already surveyed) to determine if they would qualify as a local landmark district.	City Historic Preservation Staff		Supports: Pending staff and funding	Supports Subcommittee
*** Archaeology, Items # 47-50**					
47	Declare all archaeological sites listed within Sensitivity Level 1, found in *An Archaeological Survey for the City of St. Petersburg, FL* (Piper Research 1987; pgs 41-44), eligible for Local Landmark status (24 archaeological sites).	City Historic Preservation Staff		Supports: City will mark all property cards in Naviline database	Supports Subcommittee
48	Organization within the City will create and submit a thematic group designation of archaeological sites using the criteria for designation found in Section 16.30.070.2.5.D the City Code.	City Historic Preservation Staff / FPAN / St. Pete Preservation / CGCAS		Supports: Pending staff and funding	Supports Subcommittee
49	Possible field testing project for landmark eligible	FPAN / St. Pete	FPAN/St. Pete Preservation/CGCAS, for example, could work together to form a testing plan, conduct archaeological	Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Program Strengthening Recommendations					
	Subcommittee Recommendation	**Responsible Agency/Group**	**Status / Notes**	**Staff Recommendations**	**CPC**
	sites located on public property.	Preservation / CGCAS	assessment, and include data in thematic group designation.		
50	Update to Archaeological Survey and Archaeological Management Plan for City of St. Petersburg.	City Historic Preservation Staff	Especially important for publicly-owned lands with landmarked archaeological sites.	Supports: Pending staff and funding	Supports Subcommittee
***Demolition, Item # 51**					
51	If a demo permit is received for a property within a National Register District, an email or letter notification will be sent to the neighborhood association announcing the request.	City Historic Preservation Staff		Does not support: By the time notice is received, it is likely that the demolition will have been completed. Staff will consider utilizing a website where such information is listed.	Supports staff
*** Other, Items # 52-55**					
52	Submit list of potential designations to the CPC annually for approval. If approved, require **60-day** stay of demolition.	City Historic Preservation Staff		Does not support 60 day time frame. Staff does support a 30 day stay of demolition as would be consistent with ordinance	Supports staff with clarification that the stay of demolition begins at the time a permit application for demolition is submitted and the list of potential landmarks will be sent to City Council for approval upon the recommendation of the CPC.
53	Develop education/marketing material that would assist with restoration/relocation versus demolition.	City Historic Preservation Staff		Supports – City website has a wealth of educational material. We will continue to update the site as new information is available.	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Program Strengthening Recommendations					
	Subcommittee Recommendation	**Responsible Agency/Group**	**Status / Notes**	**Staff Recommendations**	**CPC**
54	Consider funding sources that would assist with relocation versus demolition.	St. Pete Pres.		Supports	Supports Subcommittee
55	Create separate COA applications for relocation and demolition of local landmarks and Certificate to Dig for archaeology landmarks.	City Historic Preservation Staff		Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Other Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes	Staff Recommendations	CPC
* Administrative, Items # 56-66					
56	Record TDR,H transactions directly with St. Petersburg Planning and Economic Development and post to a webpage on the City website (completed by City) which will include a "link" to a private website maintained by TDR owners (TDR exchange) that allows sellers and buyers to communicate directly.	City / TDR Owners	Rationale: This transaction posting to a webpage that is linked to the www.stpete.org website should be readily accessible by all City zoning professionals and others who may receive questions about TDR,H opportunities. This webpage would be maintained by existing TDR,H owners. A "buyer" and "purchaser" can then communicate directly based on updated available TDR,Hs and TDR,H transactions.	Supports. CITY SITE COMPLETED 9/2010	Supports Subcommittee
57	City will determine how best to alert landmark owners about changes in TDR,H program.	City Historic Preservation Staff	Send one letter to all TDR owners and Local Landmark owners indicating any changes to program.	Supports	Supports Subcommittee
58	Once a TDR,H transaction occurs, City will produce a letter to owner, post transaction which will also be attached to the parcel in Naviline.	City Historic Preservation Staff	See above.	Supports	Supports Subcommittee
59	Modify the Residential Building Guide for City of St. Petersburg.	City Construction Services	Add something like what they have for deed restricted communities on pg 8 of http://www.stpete.org/stpete.csp residential packet.pdf for historic neighborhoods.	Supports	Supports Subcommittee
60	City creates a map of historically designated areas that's interactive; clicking on an area would bring up information about it.	Planning & Economic Development Staff		Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Other Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes	Staff Recommendations	CPC
61	Prepare a map that shows locally designated historic areas and landmarks.	Planning & Economic Development Staff	Map would be included in CSP's "Residential Building Guide," similar to the Deed Restricted Neighborhood Map.	See #66 above	
62	On permit application, if "Historic Applicable" in the Zoning Use Only section is checked "yes," the applicant is notified that they need additional review and that property owners within 200 feet are notified and given time to comment.	City Construction Services		Supports: This is currently the process.	Supports Subcommittee
63	On permit applications, add line item "Certificate of Appropriateness (COA) required" with space to circle Y or N.	City Construction Services		Supports: Language will be modified for next printing	Supports Subcommittee
64	On permit applications - Zoning Use Only section, add line item under "Historic Applicable" that says, "If Y, has applicant been notified? Y N"	City Construction Services		Supports – property owner signature is already required on COAs	Supports Subcommittee
65	Add an alert to the electronic property card that says, "This property is located in a historic district and as such requires special…"	Planning and Economic Development Staff		Supports: Completed 10/20/10	Supports Subcommittee
66	Link CPC website to historic districts (two), landmarks (over 100), and websites (SPP, HONNA, CONA, Kenwood, Roser Park, etc.).	City Historic Preservation Staff		Supports: We already link to the historic preservation page. CPC does not link to individual organizations.	Supportss Subcommittee
*** Permitting and Fire Review Process, Item # 67**					
67	Train building review staff and inspectors in procedures, requirements AND Exemptions for existing buildings. (a) Adhere to the three categories of renovations (A, B & C) and recognize that years of deferred maintenance on a building does not constitute a Class C renovation.	City Construction		This item has been forwarded to the Building Official for review.	Supports Subcommittee – would like information to also be forwarded to the Fire Chief.

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Other Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes	Staff Recommendations	CPC
		Services and Permitting			
* Archaeology, Items # 68-70					
68	Incorporate Sensitivity Level 1 as overlay in the Property Records and Planning & Permitting database. Internal procedures based on recommendations 1, 2: (a) If ground disturbing activities are identified as part of a permit application for development that falls at landmarked sites; Section B of 16.30.070.2.6 City of St. Petersburg City Code directs applicants of the requirements to file a Certificate of Appropriateness (COA) application for review by POD and Commission.	FPAN will provide a summary of how to best derive at the finished product using the above mentioned survey as well as archaeological site information from the Florida Master Site File in Tallahassee. Planning and Economic Development Staff	Goal: Create a GIS layer for use as management tool using the spatial information found in An Archaeological Survey for the City of St. Petersburg, FL (Piper Research 1987).	Supports	Supports Subcommittee
69	Create archaeological resource training opportunities, internal and external, to raise awareness with specific focus on archaeological protection and preservation within St. Petersburg with respect to the City Code.	City Historic Preservation Staff/ FPAN / St. Pete Preservation	Goal: Create brochures and/or destination maps with archaeological resource information and Best Management Practices.	Supports: pending staff and funding	Supports Subcommittee
70	Connect with City marketing initiative and encourage education and promotion of archaeological preservation.	City His. Pres / Marketing		Supports. pending staff and funding	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Other Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes	Staff Recommendations	CPC
71	Tell people they are buying in a historical district.	Individual realtors and RE offices (MLS)		Supports: Staff will investigate recording properties within local landmark district boundaries as a public record.	Supports Subcommittee
72	Add to closing documents verbiage about abiding by restrictions or neighborhood; it's up to the seller to notify the realtor.	Governing realtor group like Pinellas Realtor Organization		City will forward recommendations to the appropriate groups.	Supports Subcommittee
73	Add historic districts to existing realtor maps.	Governing realtor group like Pinellas Realtor Organization		City will forward recommendations to the appropriate groups.	Supports Subcommittee
74	Add a field to MLS (like a checkbox) to designate if a property is in a historic district.	Governing realtor group like Pinellas Realtor Organization	On MLS page, add that the property is in a historical district or a local landmark, describe the area, etc.	City will forward recommendations to the appropriate groups.	Supports Subcommittee
75	Create a brochure that outlines living in an historical district (history of the area, restrictions and benefits).	Neighborhood Assoc / St. Pete Pres / CONA / Volunteers		City will forward recommendations to the appropriate groups.	Supports Subcommittee
76	Print and hand out brochures to potential buyers that lets them know what living in an historical district means – restrictions and benefits.	Individual realtors and RE offices		City will forward recommendations to the appropriate groups.	Supports Subcommittee
	Make presentations to Pinellas Realtor Organization and	Neighborhood		Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Other Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes	Staff Recommendations	CPC
77	approach realtors about need for historic information communication.	Associations / St. Pete Preservation / CONA / Volunteers			
78	Create information for potential residents like "Living in an Historic District" or "Owning and Renting in an Historic District."	Volunteers 1. Susie to send Mandy bullets to be turned into content.	• Start with "Congratulations" • "If you live in…there are certain approvals you must get before making changes or additions to your property." • Have opening paragraph and links to City site • Use the new historical map that the City is going to make • Get CPA, SPP, HONNA to add this to their sites and also link to City Code	City will forward recommendations to the appropriate groups.	Supports Subcommittee
79	Create an education campaign for residents of historic districts.	St. Pete Preservation / CONA		Supports: City will send annual letter to residents located within local landmark districts that describes the benefits and restrictions.	Supports Subcommittee – recommend including the COA matrix in annual letters.
80	Better and more descriptive signage at historic district entry points to let people know it's a historical district.	Neighborhood Associations	• Alternate idea: create permanent and significant markers like SPP's at William's Park • Verbiage could be something like, "Formed in 1926 by Perry Snell, Granada Terrace is designated a local	Supports	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC					
Other Recommendations					
	Subcommittee Recommendation	**Responsible Agency/Group**	**Status / Notes**	**Staff Recommendations**	**CPC**
			historic district. Its structures and residents benefit from the protections and restrictions associated with historical district designation." • Could be something like the Huntington has.		
81	Prepare an announcement in newsletters that goes in each issue about what living in the district means for property work.	Neighborhood Associations	Could direct people to website for details.	City will forward recommendations to the appropriate groups.	Supports Subcommittee

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Other Ordinance/Process/Policy Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes
*** Residential Zoning Issues Outside of Historic Districts, Items # 82-85**			
82	Currently in the traditional residential zoning districts (NT-1, 2, 3 & 4), height limits are capped at 24'-36' (standard.) (a) Consider lowering this to 20'-30' which is more compatible with the traditional context. (Winter Park has this regulation.)	City Urban Planning Staff / CONA / Traditional Neighborhoods	Because many traditional districts in the City are not yet historic (and may never become historic), their general character and charm is dependent on maintaining the balance between old and new. While the 2007 LDRs created many steps toward accomplishing this balance, a few items should be considered to better define redevelopment based on a number of cases that have recently come before the CPC.
83	Consider lowering the impervious surface ratio or breaking it down between building coverage and hard surfaces. Because there is no distinction currently buildings are being developed from buildable line to buildable line with little or no space devoted to yard space or outdoor recreational space. Further, a minimum outdoor space (other than a side yard) should be established and required.	City Urban Planning Staff	
84	Create better ways to articulate the overall mass so that larger buildings or additions to existing buildings do not create continual long side facades.	City Urban Planning Staff	
85	Address accessory features such as pools, pergolas, etc., on corner lot properties.	City Urban Planning Staff	
*** Commercial Zoning Issues Outside of Historic Districts (CRT and CCT zoning districts.), Item # 86**			
86	Consider redefining height requiring a setback above a height as in the case in the Downtown Districts. (a) Determine if store front design standards are working and redefine if not. (A number of remodels currently seem to be getting exceptions to the design standards or are not following rules for window coverage, etc.	City Urban Planning Staff	

Other Ordinance/Process/Policy Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes
	(b) Set sidewalk design standards that meet ADA regulations AND follow a traditional pattern of development (many of the new buildings along 4th Street and Central Avenue are ending up with suburban-style landscaping plans or sidewalk areas that are not looking traditional because of ADA and building elevation requirements.		
*** Waterfront Zoning Issues Where The Street Is Public (Coffee Pot, Sunset Drive, etc.), Items # 87-88**			
87	Consider developing a zoning district for this unique situation.	City Urban Planning Staff	Currently traditional regulations that guide development in these public settings are the same as those that regulate development within a private backyard.
88	Consider dock size, number of boats, merging of water lots, roof structures over boat docks, transparency of gates, utility connections, etc.	City Urban Planning Staff	
*** Utilities In Traditional Neighborhood Districts, Items # 89-94**			
89	Develop a policy that utility changes are reviewed when incorporated into all areas of the City when a change in appearance is created. Currently these policies are determined at the discretion of the utility agency often based on the focused needs of the agency, therefore, do not often consider such things as aesthetics; i.e., raising water meters out of the ground.	City Urban Planning Staff	While not within the purview of zoning or the HP ordinance, utilities are changing and need to be incorporated into traditional settings better than they currently are.
90	Require the use of alleyways for the location of new utility equipment, when present.	City Urban Planning Staff	
91	Consider setting a comprehensive policy to underground utilities either as projects are done or a certain percentage of the City each year.	City Urban Planning Staff	

RECOMMENDED ACTIONS FOR FURTHERING THE ACTIVITIES OF THE CPC

Other Ordinance/Process/Policy Recommendations

	Subcommittee Recommendation	Responsible Agency/Group	Status / Notes
*** Permitting and Fire Review Process, Items #87-89**			
92	Strengthen the current program and requirements for contractors who work in historic areas of the City to be respectful of the secondary resources such as granite curbing, brick streets and Hexagon sidewalks.	City Construction Services and Permitting / Fire	
93	Create a separate review process for existing building renovations versus new construction.	City Construction and Permitting/ Fire	
94	Consolidate the fire review process into the Building Dept. (possible charter change).	City Construction and Permitting / Fire	
*** Demolition, Item #95**			
95	Consider placing a 30-day hold on demolition for properties in the NT-2, NT-3 and NT-4 zoning categories.	City Urban Planning Staff	

ATTACHMENT 6

INVENTORY OF POTENTIALLY ELIGIBLE PROPERTIES

st.petersburg
www.stpete.org

TO: The Honorable James Kennedy, Chair, and Members of City Council

FROM: Dave Goodwin, Director, Planning & Economic Development Dept.

SUBJECT: List of Potential Historic Landmarks

DATE: January 27, 2011

During discussions about the Blocker House historic designation at the January 20, 2011 City Council meeting a "list of 100" properties that are potential historic landmarks was mentioned. We believe that the referenced list, which actually includes **55 properties**, is the list (attached and hereinafter referred to as "List") that was created for the June 2006 Historic Preservation Summit. Below is some additional background information on the List.

- The List, created at the request of Mayor Baker, was intended to identify properties that are considered eligible for local landmark designation but not yet designated.

- The List was presented to Mayor Baker on July 14, 2005 and to the Historic Preservation Commission on December 6, 2005 before final approval by the Mayor on January 3, 2006. The Mayor's direction was to host a Historic Preservation Summit to educate the public regarding the benefits, assistance, and responsibilities of landmark ownership. The owners of the existing landmarks as well as the potential landmarks were to be specifically invited along with the general public. Additionally, a walking tour of the downtown would be created for the Summit incorporating the existing and potential landmarks. The walking tour was subsequently created and can be found at: http://www.stpete.org/stpete/summit_booklet.pdf.

- To determine property owner interest in having their properties designated as historic landmarks, the owners were given written invitations to designate their properties in February 2006 that provided information pertaining to the historic designation process, including its benefits and potential financial incentives. These letters were followed by two subsequent invitations to the 2006 Historic Preservation Summit to existing and potential landmarks from Mayor Baker and Bob Jeffrey, then Assistant Director of the Development Services Department.

- Over 200 citizens attended and participated in the Summit resulting in 13 designations since the Summit was held. In spite of the interest, few positive responses to the designation invitations from the properties on the List were received. As a result, the City did not proceed with designation of any of the privately owned properties consistent with City Administration's policy to not **initiate** the landmark designation process unless owner support is demonstrated.

- Third party/non-owner initiated designations of List properties, as allowed by City Code, have resulted in applications for the designation of the Detroit Hotel (approved and currently being litigated) and the Mansion by the Bay/Blocker House (denied).

- The Sunset Hotel and St. Peter's Episcopal Cathedral applications (both approved) were the only owner initiated applications from the List. The City also designated the Crescent Lake Water Tower, Hangar 1 at Albert Whitted Airport, and Jordan Elementary School as City-owned properties on the List.

Please contact me by phone (893-7868) or e-mail if more information or clarification is needed.

cc: Mayor Foster
Tish Elston
Rick Mussett
Rick MacAulay
Eva Andujar

Properties Potentially Eligible for Local Landmark Designation Prepared 2005						
No.	Name	Other Name	Address	Address	Address	Address
Potential Landmarks in Downtown						
1	Detroit Hotel		201-215	Central	Avenue	
2	Central National Bank	Wachovia Bank	400	Central	Avenue	
3	Phell Hotel	Wachovia Bank	410	Central	Avenue	
4	Preston Hotel/Alden Hotel/McCrory's 5 & 10		425-45	Central	Avenue	
5	Florida Arcade		449	Central	Avenue	
6	Lerner Stores		465	Central	Avenue	
7	Suwannee Hotel		501	1st	Avenue	N
8	Grayl's Hotel	Lantern Lane Apartments	340	Beach	Drive	NE
9	St. Mary's Catholic Church		515	4th	Street	S
10	Unitarian Universalist Church		719	Arlington	Avenue	N
11	Trinity Lutheran Church		467	4th	Avenue	N
12	Christ United Methodist Church		451	1st	Avenue	N
13	St. Peter's Episcopal Church		140	4th	Street	N
14	Palladium Theater	First Church of Christ Scientist	253	5th	Avenue	N
15	YWCA	Endicott Funeral Home	655	2nd	Avenue	S
16	Waterfront Park Apartments Cooperative		483-99	1st	Street	S
17	Sarven Apartments		249	4th	Avenue	N
18	Heritage Hotel		234	3rd	Avenue	N
19	Mansion by the Bay	Blocker Residence	145	4th	Avenue	NE
20	Tomlinson Adult Education Center	Tomlinson Vocational School	296	Mirror Lake	Drive	N
21	Lyceum	Mirror Lake Christian Church	302	Grove	Street	N
22	Randolph Hotel		200	4th	Street	N
23	Orange Blossom Catering		220	4th	Street	N
24	Coburn Apartments		232	4th	Street	N
25	Poulsen Apartments		215	5th	Street	N
26	St. Charles Hotel		243-45	Central	Avenue	
27	St. James Hotel		235	Central	Avenue	
28	Jannus Landing		200	1st	Avenue	N
29	Tamiami Hotel		242	1st	Avenue	N

30	Bishop Hotel		256	1st	Avenue	N
31	Vinoy House		532	Beach	Drive	NE
32	Fire Station #1		128	3rd	St	S
33	Crislip House		205	4th	Avenue	N
34	Bussey House		211	4th	Avenue	N
35	Davenport House		259	4th	Avenue	N
36	Endicott House		233	3rd	Street	N
37	Mitchell Apartments	Stanton Apartments	211	3rd	Street	N
38	Victoria Apartments		341	3rd	Street	N
39	Williams Park and Bandshell		330	2nd	Avenue	N
40	Hangar 1, Albert Whitted Airport		107	8th	Avenue	SE
Potential Landmarks Outside Downtown						
41	Jungle Prado		1700	Park	Street	N
42	William and Mary Hotel	YWCA's Young Ladies Residence	811	Jackson	Street	N
43	Jordan Elementary School		2390	9th	Avenue	S
44	Euclid Elementary School		1015	10th	Avenue	N
45	Woodlawn Elementary School		1600	16th	Street	N
46	Free Clinic Building	Post Office Distribution Center	863	3rd	Avenue	N
47	George Gandy House	Mullet Farm	2700	Driftwood	Road	S
48	C. Perry Snell's 3rd Residence		375	Brightwaters	Blvd.	NE
49	C. Perry Snell's 4th Residence		360	Coffee Pot	Riviera	NE
50	Marbleside Building	St. Petersburg Federal Savings and Loan Assoc.	33	6th	Street	S
51	Snell Isle Apartments		222	Snell Isle	Blvd.	NE
52	Hegrado Apartments		200-210	22nd	Avenue	NE
53	Holiday Motel		2402-36	4th	Street	N
54	Water Tower		Crescent	Lake		
55	Sunset Hotel		7401	Central	Avenue	

ATTACHMENT 7

HOUSING AFFORDABILITY IMPACT STATEMENT

City of St. Petersburg
Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately $2 million dollars in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment,* and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City's Housing and Community Development Department.

I. **Initiating Department:** Planning and Economic Development

II. **Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2014-07).

III. **Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No __X__ (No further explanation required.)
Yes _____ Explanation:

If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be: $_____.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No __X__ (No further explanation required)
Yes ___ Explanation:

IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

CHECK ONE:

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required.(Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

_____ _____

Department Director (signature) Date

OR

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

_____ _____

Department Director (signature) Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development

ATTACHMENT 8

PUBLIC COMMENTS

Email from City Council Member Karl Nurse
Letter from St. Petersburg Preservation Inc.
St. Petersburg Area Chamber of Commerce

On 10/2/2014 at 1:03 PM, in message <542D8575.F03 : 135 : 48895>,
Karl Nurse <karl.nurse@stpete.org> wrote:

Derek,

I would like to propose an amendment to this ordinance to address the issues that renovators experience in their efforts to restore historic buildings while dealing with 21st century issues.

Under "F, additional guidelines for alteration...." I would like to add language which responds to the need to provide for windows that are efficient, meet the hurricane code and are compatible with the appearance of the original windows.

My interest is that restoring wooden windows, which I have done 100 times, still results in a window that is very inefficient, meets none of the hurricane codes, provides much less security, and results in higher insurance bills. It is possible to provide windows that visually match the wooden windows and have the other benefits. Currently, the historic preservation commission votes against allowing these choices.

Karl Nurse
Council member

SAINT PETERSBURG Preservation

P. O. Box 838
St. Petersburg, FL 33731
info@st.petepreservation.org

727/824-7802
www.stpetepreservation.org

February 3, 2015

Re: Amendments to the Historic Preservation Ordinance

Chairman Robert Carter and Commission Members
Community Planning & Preservation Commission
Delivered by email

Preface

As you are aware, St. Petersburg Preservation (SPP) has previously submitted detailed comments regarding the proposed amendments to the historic preservation ordinance, including a table of issues and recommendations. Within those comments, SPP identified three major issues. First were the requirements and procedures for historic district applications; second was protecting historic resources from demolition that have not yet been designated as landmarks; and, third was preventing demolition by neglect.

Regarding the first major issue, the requirements and procedures for historic district applications, SPP is pleased to have been able to work with Mayor Kriseman and staff since the last Commission workshop so as to reach a compromise providing for a fair process and set of procedures for how one applies for historic district designation. While SPP continues to believe that a specified percent of property owner approval should not be a requirement for application submittal, SPP supports Mayor Kriseman's position on the issue, including a property owner approval requirement as further explained below.

As to the issue of demolition by neglect, at the last Commission workshop on the ordinance, a number of Commission members expressed a desire to further discuss the issue and to identify ways to minimize the needless loss of historic resources resulting from demolition by neglect. It is SPP's understanding that staff is open to scheduling future workshops for this purpose. SPP looks forward to continuing to work with the Commission and staff in this important area.

As to the third major issue, better protecting non-designated historic resources from demolition, SPP notes there are several sub-topics within this issue. First, SPP assumes, as staff indicated at the last Commission workshop on the ordinance, that their recommendation will be "corrected" so the ordinance revisions do not weaken existing protections. Second, SPP recommends the Commission schedule future workshops to further discuss and to identify the best way of classifying properties not yet listed as local landmarks but that should be considered as potentially eligible for

designation (i.e., what properties will be included on the "potentially eligible" list). Finally, as further explained below, SPP asks the Commission to support recommending to Council an ordinance section providing for notice prior to site plan approval for buildings identified as historic resources. This addition to the ordinance becomes necessary assuming the Commission concurs with staff to recommend to Council approval of new ordinance provision barring landmark applications from being submitted for properties which have received site plan approval.

Detailed Comments

Historic District Application Procedures

SPP continues to maintain that property owner approval should not be a requirement for **submitting** a landmark district application. It is neither a legal requirement nor one followed by most other jurisdictions. However, after multiple meetings with Mayor Kriseman and staff, SPP supports the Mayor's position staff will be presenting to the Commission. That position is to maintain property owner approval as an application requirement but to require approval from a simple majority of **responding** property owners rather than requiring approval from a majority or super majority of **all** property owners in the proposed district. Additionally, the issues SPP has raised regarding the "details" that a property owner requirement entail (how to mail ballots; how to count multi-owner properties, how ballots can be returned, etc) have also been considered by Mayor Kriseman and staff and a resolution of those issues has also been found. SPP's understanding is that staff is drafting language to reflect what both SPP and Mayor Kriseman agree is a workable way to document property owner approval.[1]

As SPP has previously noted, historic district designation is good for neighborhoods and good for the city. Numerous reports have concluded that designated historic neighborhoods, through boom and bust economic cycles, maintain property values better than other neighborhoods. SPP thanks Mayor Kriseman and staff for their time in working through the district application issues and in finding a process protective of property owner interests while providing for a reasonable application process that will no longer discourage neighborhoods from seeking district designation. Allowing applications to be submitted is the one way to ensure neighborhood residents, owners and others can be fully heard regarding the merits of any particular neighborhood becoming a historic district. The process Mayor Kriseman and SPP is asking you to support does the right thing - it minimizes the opportunity for absentee owners to block consideration of a landmark district application supported by a majority of owners living in the neighborhood. And Council will retain its discretion to approve or deny a district application, regardless of the level of owner support.

Notice of Site Plan Applications

The preservation ordinance does not presently prohibit landmark applications from being submitted for properties with site plan approval, however, staff recommended changes would do so. While SPP is opposes the change, SPP believes if such a change is to be adopted that the Commission and interested parties should be able to receive notice of the submittal of a site plan application for

[1] As of the writing of this letter, SPP has not seen the final staff draft with language being recommended to the Commission for approval.

properties with historic resources. SPP suggests that a fair and transparent process would include a notice of site plan application requirement. Attached to these comments, SPP has drafted ordinance language providing for site plan application notice. The language is modeled after an existing preservation ordinance provision providing for demolition permit application notice. SPP asks the Commission to recommend to Council adaption of a notice provision.

SPP's recommendation for notice is a relatively straightforward and simple process with four parts. First, the City would be required to identify certain historic resources within city records (this is an existing ordinance requirement)[2]. Second, notice of receipt by the City of a complete application for site plan approval for those historic resources identified in city records would be provided to Commission members and to those individuals or groups requesting such notice. A similar notice requirement has been in place for many years for demolition permit applications. It is because of such a process that the Crislip Arcade and the 600 Block still remain, making downtown a better place, rather than the block having been demolished.[3] Third, a 45 day time period after notice would be provided allowing for review of the historic property and plans for the property and during which time site plan approval could not be issued. Finally, if a landmark application within the review period is submitted, site plan approval would be deferred until a determination is made on the landmark application. A similar process has been in place with demolition permit applications.

For projects with existing site plan approval for which no opportunity would henceforth be allowed for consideration of landmarking, SPP suggests the notice requirement outlined above be required if a developer submits a request for site plan approval extension or an application seeking to modify an existing site plan approval (other than for minor modifications).

Council Discretion to Approve or Deny a Landmark Application

Staff has not recommended amending the following and presently existing ordinance language regarding the authority of Council to disregard a Commission recommendation to landmark:

> In addition to the criteria for designation, Council may also consider the relationship of the proposed designation to the existing and future plans for the development of the City.

This provision and what it means was discussed and questioned by council members during the Council proceeding this past year to accept the Commission recommendation to landmark the North Ward School. It is clear the provision is confusing and difficult to understand as staff/legal were not able to explain to Council what the language meant. SPP contends the criteria to be used by Council in deciding whether to overturn a Commission recommendation to landmark a property should be clear and not leaving the decision makers and parties involved guessing and debating as to the criteria. Thus,

---

[2] Those resources required to be identified in city records would be all properties listed individually or as a contributing resource in a historic district or on the National Register of Historic Places and all properties which are eligible for designation as an individual local landmark or eligible for individual listing on the National Register of Historic Places.

[3] In 2008, after receiving notice of a demolition permit application, SPP submitted a landmark application for the Crislip Arcade. Subsequently, a resolution was passed by Council resolving the issues and SPP withdrew the application. Within a year, to much fanfare, the 600 block was "reopened" and has significantly contributed to the "awakening" of St. Petersburg.

the "in addition to" language noted above needs to be amended. SPP has attached to this letter recommended language that we believe allows Council the discretion it desires but still clarifies the existing and confusing ordinance language. SPP asks the Commission to recommend to Council adaption of SPP's clarifying language or for the section to otherwise be reviewed and clarified.

SPP thanks you for the consideration of these comments and the time the Commission has devoted to this process. SPP understand the ordinance review and amendment process has been a complicated one. SPP looks forward to continuing to work with the Commission on the issues that will require further workshop discussion. Ultimately preservation of the city's significant historic resources not only maintains the city's sense of place but leads to greater long term economic growth.

Sincerely,

/S/

Peter Belmont,
Vice President

SPP Proposed Ordinance Changes

I. SPP recommended language for notice of site plan application and opportunity to submit a landmark application for properties with a pending site plan application (all language is new language)

16.30.070.2.5___ - Notice of Site Plan or Development Approval Applications for Certain Historic Resources; Deferring Approval for Properties with a Pending Local Landmark Application

In order to protect and preserve the City's historic resources, the City shall provide notice of a complete site plan or development approval application for certain properties and allow for consideration of a local landmark application as set forth below:

1. **Provision of Notice** - The City will notify by e-mail or letter mailed first class mail to the members of the Community Preservation Commission and to any resident or community group who annually files their name with the Development Services Department requesting notice of applications for site plan approval in any district or development approval in a DC district for a property identified in section 16.30.070.2.11. The notice shall be provided after the POD has determined a complete application for site plan approval in any district or development approval in a DC district has been received.

2. **Approval of Applications Subject to Notice –** In order to allow for review of the historic significance of a property and for the consideration of the filing of a local landmark application, no application for site plan approval in any district or for development approval in a DC district shall be approved by the Development Review Commission or POD sooner than 45 days after issuance of the notice required in subsection (1). Notwithstanding any other provision in the City Code, no site plan application in any district or development approval in a DC district may be approved for a property for which a complete application for local landmark designation has been received until such time as the application has been denied by the Commission or by City Council if appealed to City Council or withdrawn.

II. SPP recommended language for notice of request for site plan approval extension and for application for site plan modification, except minor modifications (<u>underlined language</u> is SPP recommended language).

Sec. 16.30.070.2.5.C.2.

A designation application made by a nonowner shall not be made or accepted for a property with an unexpired site plan approval unless the application is made for a property <u>as provided below</u>.

<u>a. For those properties for which site plan approval was granted on or before April, 2015, notice of a request for site plan approval extension or application to modify a site plan approval, other than for a minor modification, shall be made by e-mail or letter mailed first class mail to the members of the Community Preservation Commission and to any resident or community group who annually files their name with the Development Services Department requesting notice of applications for site plan</u>

approval for any property identified in the City's property records and planning and permitting database in accord with sec. 16.30.070.2.11.

b. No request for extension of a site plan approval or application to modify a site plan 3approval, other than for a minor modification, shall be approved until 45 days has elapsed from the provision of any notice required to be issued in accord with subsection a.

c. An application for local landmark designation may be made and accepted for a property which received site plan approval on or before April, 2015 if the application is submitted within 45 days of provision of the notice required to be issued by subsection b.

III. SPP recommended language for clarifying City Council discretion to overturn a Commission recommendation to landmark (underlined language is SPP recommended language and ~~language struck thru~~ is recommended deletion by SPP).

Sec. 16.30.070.2.5.I. – City Council review and designation.

The City Council shall schedule a public hearing on the proposed designation within sixty (60) days of the Commission recommendation. . .

. . .

3. In addition to the criteria for designation, Council may also consider whether ~~the relationship of~~ the proposed designation ~~to the existing and future plans for the development of the city~~ will be inconsistent with the Comprehensive Plan when considering the plan in its entirety or prevent a community redevelopment plan from being implemented when considering the plan in its entirety.

CHAMBER
ST. PETERSBURG AREA CHAMBER OF COMMERCE

THE CHAMBER BUILDING
100 SECOND AVE. N., SUITE 150
ST. PETERSBURG, FL 33701

T 727.821.4069
F 727.895.6326
www.stpete.com

February 9, 2015

Mr. Derek Kilborn
Manager, Urban Planning and Historic Preservation
Planning and Economic Development Department
One Fourth Street North, Ninth Floor
St. Petersburg, FL 33701

Dear Mr. Kilborn,

Re: Community Planning and Preservation Commission

The St. Petersburg Area Chamber of Commerce is proud to be a partner with the City of St. Petersburg on so many initiatives focused on moving our economy forward. There is a newfound energy in almost every corner of our community offering more and better economic opportunities for those who live, work and play in our City.

We thank you for taking the time during this current economic and creative renaissance to review and evaluate the current rules for how together we will develop our future. The secret to our City's current livability is the vibe created by offering the natural mix of wonderfully built historic structures and districts seamlessly connected and complimented with new developments and dwellings.

In the days ahead, we urge all to consider a balanced approach when considering any changes to the Historical Preservation Ordinance. As in all good environments, we seek a business climate of certainty and consistency that encourage the smart growth of our city.

We appreciate the time your team provided us to review the proposed changes. A task force of our members assembled to review, discuss and propose ideas to ensure a balance of perspectives on future development. We offer for consideration a few revisions to the proposed changes to include:

- Sunset the "Potentially Eligible for Designation (PED)" list. This list has existed for almost nine years and could be phased out in three years - giving interested parties ample time to make an application on these properties. The elimination of the PED list will not prevent a site from being designated an historical property, but will provide all interested parties a clear understanding of available opportunities.
- No third party designation after a site plan has been submitted to the city. Those seeking to build, invest thousands of dollars and months of due diligence into site plans before submitting the plans to city government. A third party designation application after this investment will create uncertainty for the investor and development.
- If the City chooses to recognize third party designations after a site plan has been submitted to the city, the third party designation application fee should be increased to $1,000 and non-refundable. This fee was $100 in 1986 and has yet to be adjusted for inflation or more importantly, to cover the substantial amount of time it takes the city staff to process these applications.

We look forward to working with you, the Community Planning and Preservation Commission, City Council and the Mayor's Team on this very important effort. Again and always, thank you for your consideration.

Sincerely,

Chris Steinocher
President/CEO, St. Petersburg Area Chamber of Commerce

ST. PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: An Ordinance amending Chapter 27 of the St. Petersburg City Code by deleting Section 27-609 relating to performance bonds; and providing an effective date.

EXPLANATION: Currently, City Code requires private collectors engaged in collecting, removing or disposing of garbage, rubbish, garden trash, industrial waste, commercial rubbish, construction debris, or any other type of waste or trash to: (1) apply for and be issued a permit to conduct business in the city as a private collector; (2) execute a private collector permit agreement; (3) provide the City with a performance bond in the amount of $50,000.00; and (4) maintain liability insurance acceptable to the City. Reviewing the ordinance, City administration determined that the bond requirement was applied differently dependent upon the type of hauler. Private haulers utilizing "roll-off" type containers are required to obtain a bond, but those utilizing "trailer-type" containers, with over-the-road wheels, are not required to obtain a bond. In addition, if a business entity's primary business is not the collection and disposal of trash or debris, but that business utilizes debris containers to collect on private property as part of their primary business (for example, roofers or construction companies), no bond is required.

The bond requirement was originally required as a means for the City to collect if the private hauler violated provisions of the private collector permit, and the City had to expense funds to rectify the violation (i.e., remove a container that the private collector abandoned). However, the City has never collected on a bond since the requirement has been in effect. Further, all of the above categories of haulers are required to have and maintain commercial general liability insurance, which offers the City essentially the same protections. Therefore, based upon the inequities that the bonding requirement causes as described above, Administration is recommending that the bond requirement be removed from the ordinance.

RECOMMENDATION: The Sanitation, Legal and Risk Management Departments have reviewed the proposed change to the ordinance and concur with Administration's recommendation that the bond requirement be removed. Conduct First Reading of Ordinance on April 2, 2015 and Second Reading and Public Hearing on April 16, 2015.

COST/FUNDING/ASSESSMENT INFORMATION: As the City has never found it necessary to collect on a bond, there is no financial impact to the City; however, removal of the requirement may aid the development and retention of small business within the City limits.

ATTACHMENTS: Ordinance

APPROVALS: Administration: _____

Budget: _____

Legal: _____

(As to consistency with attached legal documents)

AN ORDINANCE AMENDING CHAPTER 27 OF THE ST. PETERSBURG CITY CODE BY DELETING SECTION 27-609 RELATING TO PERFORMANCE BONDS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section one. Section 27-609 of the St. Petersburg City Code is hereby deleted in its entirety and removed from the City Code:

~~**Sec. 27-609. - Bond.**~~

~~A private collector who files an application and executes a private collector permit agreement shall provide the City with a bond in the amount of $50,000.00 in the form and manner approved by the City Attorney. The bond shall be issued by a surety licensed to do business in the State and shall indemnify the City from any damages that may be suffered by the City in any manner by: execution of the private collector permit agreement and issuance of the permit; performance of the conditions and requirements of the private collector permit agreement; use of the City's streets; the failure of the private collector or its agents or employees to conform with applicable laws; any negligent act or omission of the private collector or its agents or employees; or any reckless or intentional wrongful act or omission of the private collector or its agents or employees.~~

Section two. Words that are ~~struck through~~ shall be deleted from the existing City Code and words that are <u>underlined</u> shall be added to the existing City Code. Provisions not specifically amended shall continue in full force and effect.

Section three. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

_____

City Attorney (designee)

REVISED
MAR 23 2015

ST. PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: An Ordinance amending Chapter 27 of the St. Petersburg City Code by deleting Section 27-609 relating to performance bonds; and providing an effective date.

EXPLANATION: Currently, City Code requires private collectors engaged in collecting, removing or disposing of garbage, rubbish, garden trash, industrial waste, commercial rubbish, construction debris, or any other type of waste or trash to: (1) apply for and be issued a permit to conduct business in the city as a private collector; (2) execute a private collector permit agreement; (3) provide the City with a performance bond in the amount of $50,000.00; and (4) maintain liability insurance acceptable to the City. Reviewing the ordinance, City administration determined that the bond requirement was applied differently dependent upon the type of hauler. Private haulers utilizing "roll-off" type containers are required to obtain a bond, but those utilizing "trailer-type" containers, with over-the-road wheels, are not required to obtain a bond. In addition, if a business entity's primary business is not the collection and disposal of trash or debris, but that business utilizes debris containers to collect on private property as part of their primary business (for example, roofers or construction companies), no bond is required.

The bond requirement was originally required as a means for the City to collect if the private hauler violated provisions of the private collector permit, and the City had to expense funds to rectify the violation (i.e., remove a container that the private collector abandoned). However, the City has never collected on a bond since the requirement has been in effect. Further, all of the above categories of haulers are required to have and maintain commercial general liability insurance, which offers the City essentially the same protections. Therefore, based upon the inequities that the bonding requirement causes as described above, Administration is recommending that the bond requirement be removed from the ordinance.

RECOMMENDATION: The Sanitation, Legal and Risk Management Departments have reviewed the proposed change to the ordinance. The Legal Department has advised that the ordinance remains legally sufficient if the Administration's recommendation is approved. Conduct First Reading of Ordinance on April 2, 2015 and Second Reading and Public Hearing on April 16, 2015.

COST/FUNDING/ASSESSMENT INFORMATION: As the City has never found it necessary to collect on a bond, there is no financial impact to the City; however, removal of the requirement may aid the development and retention of small business within the City limits.

F-2

AN ORDINANCE AMENDING CHAPTER 27 OF THE ST. PETERSBURG CITY CODE BY DELETING SECTION 27-609 RELATING TO PERFORMANCE BONDS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section one. Section 27-609 of the St. Petersburg City Code is hereby deleted in its entirety and removed from the City Code:

~~**Sec. 27-609. - Bond.**~~

~~A private collector who files an application and executes a private collector permit agreement shall provide the City with a bond in the amount of $50,000.00 in the form and manner approved by the City Attorney. The bond shall be issued by a surety licensed to do business in the State and shall indemnify the City from any damages that may be suffered by the City in any manner by: execution of the private collector permit agreement and issuance of the permit; performance of the conditions and requirements of the private collector permit agreement; use of the City's streets; the failure of the private collector or its agents or employees to conform with applicable laws; any negligent act or omission of the private collector or its agents or employees; or any reckless or intentional wrongful act or omission of the private collector or its agents or employees.~~

Section two. Words that are ~~struck through~~ shall be deleted from the existing City Code and words that are <u>underlined</u> shall be added to the existing City Code. Provisions not specifically amended shall continue in full force and effect.

Section three. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

_____

City Attorney (designee)

ATTACHMENTS: Ordinance

APPROVALS: Administration: _____

Budget: _____

Legal: _____

(As to consistency with attached legal documents)

ST. PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: Ordinance proposing amendments to Section 21-54 of the City of St. Petersburg Municipal Code titled "Plant life." The proposed amendments are designed to strengthen the protections available to plant life in City parks. This request originated in the City Beautiful Commission, with their analysis included in the attached staff report provided by the Parks and Recreation Department.

REQUEST: Setting of first reading of the attached *Ordinance*. The application includes:

(A) ORDINANCE _____ amending Section 21-54, St. Petersburg City Code.

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING SECTION 21-54 OF THE MUNICIPAL CODE OF ORDINANCES; STRENGTHENING THE PROTECTIONS AVAILABLE TO PLANT LIFE IN CITY PARKS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN:

Section 1. Section 21-54 of the St. Petersburg City Code is hereby amended to read as follows:

Section 21-54. – Plant life.

No person shall <u>remove,</u> disturb, trim, replant, plant, relocate, ~~destroy,~~ injure, pick, ~~or~~ crush, <u>deface or mutilate</u> any plant life <u>or plant material</u>, including but not limited to any tree, plant, ~~grass,~~ flower, fruit, <u>seed,</u> or turf, without a park permit for such activity.

Section 2. Coding: As used in this ordinance, language appearing in ~~struck-through~~ type is language to be deleted from the City Code, and <u>underlined</u> language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

Section 3. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 4. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (Designee)

City Beautiful Commision
City of St. Petersburg

Proposed Changes to the City Park Ordinance Sec 21-54. – Plant Life

The Commission is recommending changes to the City Park Ordinance Sec 21-54. – Plant Life because of the damages to the Gizella Kopsick Arboretum – Palms and Cycads that have occurred over the past years. The Commission believes that the changes will strengthen the ordinance and address a few items relating directly to the palm arboretum and other municipal parks and natural areas.

The changes are below. Underlined words signify text that was added and ~~struck through~~ words are deleted words. The current ordinance is provided after the proposed textual changes.

Sec 21-54 – Plant Life - PROPOSED

No person shall remove, disturb, trim, replant, plant, relocate, ~~destroy,~~ injure, pick, ~~or~~ crush, deface or mutilate any plant life or plant material, including but not limited to any tree, plant, ~~grass,~~ flower, fruit, seed, or turf, without a park permit for such activity.

Sec 21-54. Plant Life - CURRENT

No person shall disturb, trim, replant, plant, relocate, destroy, injure, pick or crush any plant life, including but not limited to any tree, plant, grass, flower, fruit or turf, without a park permit for such activity.

Justifications:

- remove – addresses the plants that are taken or pulled up and tossed elsewhere.
- ~~destroy~~ and deface and mutilate – stronger language
- plant material – this addition will include items that are not necessarily attached to the plant itself and could considered by some "dead material" such as pinecones, seed pods, palm fronds, etc.
- ~~grass~~ – duplicated further by turf
- seed – taking seeds from the palm arboretum is very common. People do not believe they are part of the "living plant" and thus should be able to remove.

COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: **March 20, 2015**

COUNCIL DATE: **April 2, 2015**

RE: ***Boley Centers "Read to Me" Initiative***

ACTION DESIRED:

Respectfully requesting City Council to fund the Boley Centers "Read to Me" initiative with an additional $50,000 for a total of $100,000 to provide 20 after school jobs for at-risk youth.

RATIONALE:

Staff has done such an excellent job of identifying efficiencies for the City Council office, that a management study is no longer required. The $50,000 that was to be used for the management study can now be directed to the Boley Centers "Read to Me" initiative.

Wengay Newton, Council Member
District 7

COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: **March 26, 2015**

COUNCIL DATE: **April 2, 2015**

RE: ***Referral to the Budget, Finance and Taxation Committee***

ACTION DESIRED:

Respectfully requesting the BF&T Committee considers adding the City's purchase of the Kuttler Estate adjacent to Abercrombie Park on the Boca Ciega Bay waterfront to the Weeki Wachee list of projects.

Charlie Gerdes, Chair
Council Member

G-2

COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **The Honorable Members of City Council**

DATE: **March 26, 2015**

COUNCIL DATE: **April 2, 2015**

RE: ***Referral to Workshop***

ACTION DESIRED:

Respectfully requesting a referral to a Council Workshop for discussion of the anticipated Memorandum of Use Agreement between the City of St. Petersburg and the Tampa Bay Rays. Further requesting a member of the Rays organization to attend the Workshop.

Karl Nurse, Council Member
District 6

ST PETERSBURG CITY COUNCIL
ENERGY, NATURAL RESOURCES & SUSTAINABILITY COMMITTEE

AGENDA

Meeting of March 19, 2015
1:00 p.m. – City Hall Room 100

Members & Alternate: **Chair, Darden Rice; Vice- Chair Karl Nurse; Bill Dudley, Steve Kornell, Charlie Gerdes (Alternate)**

Support Staff: **Mike Connors**

A. Call to Order

B. Approval of Agenda

C. Approval of Minutes

1. February 13, 2015 – ***Minutes Approved***

D. New/Deferred Business

1. PACE projects and solar project financing (Brady Smith, Tampa Bay Regional Planning Council)

Presentation given by Brady Smith, TBRPC on Solar Projects and Solar Power in Florida. Florida ranks 3rd in US for solar potential, but is 13th in installed solar capacity. In 2014, 19 other states installed more solar electric capacity than Florida. New York doubled its solar capacity in 2014 and New Jersey now ranks 3rd in the Country for solar capacity. California installed more solar capacity in 2014 than the entire country did from 1970-2014. Solar Ready Florida has chosen three solar best management practices to focus on; (1) Solar ready construction guidelines, (2) Solar landing pages on local government websites, and (3) explore various solar financing options. Solar Ready Florida goals are to reduce soft costs of solar PV installs, increase access to financing and to promote solar adoption. Motion that we join the Solar Ready program, update our city website as necessary, develop the solar ready guidelines and ask staff is there a threshold where you might want to make the largest buildings as mandatory.

E. Continued Business

1. ***Establish a Climate Action Plan adopting some sort of measuring system.***
2. ***Looking at STAR Communities and ICLEI.***
3. ***Standing committee item for a community report on what is happening in the community.***

4. ***Mayor's office is working on how to support this committee and possibility of additional staffing. Looking at some type of part time sustainability coordinator.***

F. Upcoming Meeting Agenda Tentative Issues

   1. **April 16, 2015**

G. New Business Item Referrals (attached)

   1. Review and re-prioritize referral list

H. Adjournment

SolarReadyFlorida

Brady Smith, AICP
Tampa Bay Regional Planning Council
March 19, 2015

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Tampa Bay Regional Planning Council

SOLAR IN FLORIDA

- Florida ranks 3rd in U.S. for solar potential, but is 13th in installed solar capacity
- 19 other states installed more solar electric capacity than Florida did in 2014
- 3,000 people employed by 392 solar companies in Florida

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New York Doubles Solar Capacity in 2014

March 18, 2015

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New Jersey Ranks 3rd in U.S. in Total Solar Capacity

March 17, 2015

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Massachusetts Solar Industry Continues Strong Growth

SEIA solar blog

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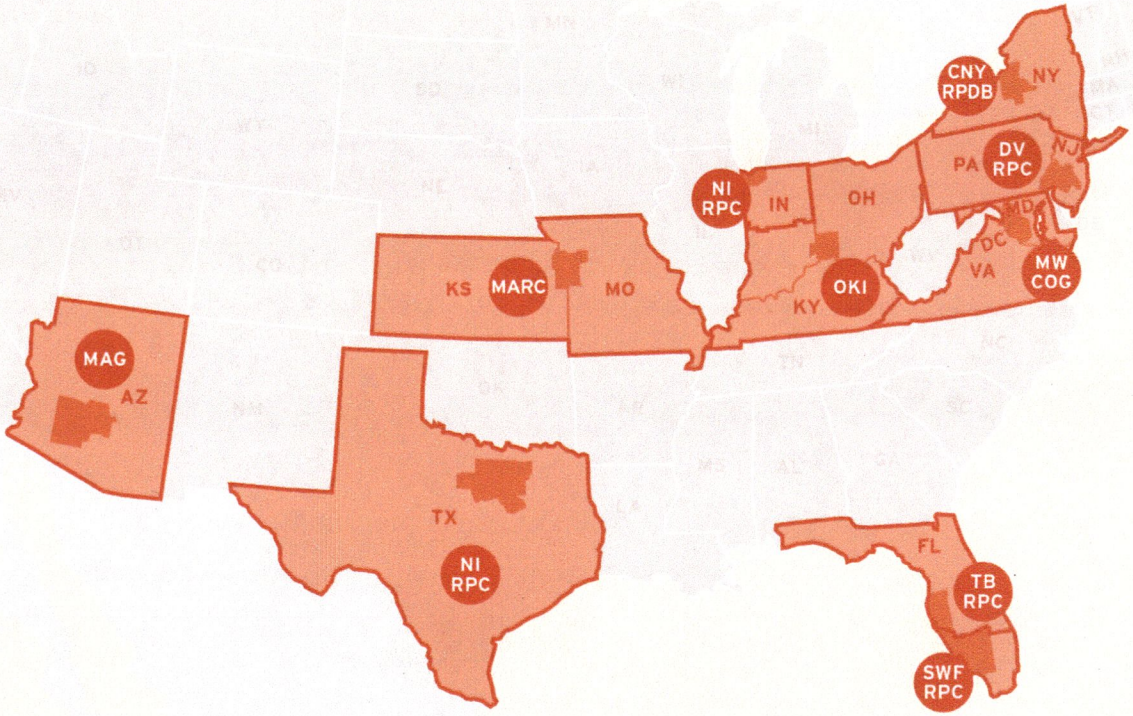
NATIONAL PROGRAM

U.S. Department Of Energy SunShot Initiative
Rooftop Solar Challenge

Solar Ready II

SOLAR READY II REGIONAL PARTNERS

- **CNY RPDB** Central New York Regional Planning and Development Board
- **DV RPC** Delaware Valley Regional Planning Commission
- **MAG** Maricopa Association of Governments
- **MW COG** Metropolitan Washington Council of Governments
- **MARC** Mid-America Regional Council
- **NCT COG** North Central Texas Council of Governments
- **NI RPC** Northwestern Indiana Regional Planning Commission
- **OKI** Ohio-Kentucky-Indiana Regional Council of Governments
- **SWF RPC** Southwest Florida Regional Planning Council
- **TB RPC** Tampa Bay Regional Planning Council



NARC
Building Regional Communities
National Association of Regional Councils

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SOLAR READY FLORIDA PROGRAM

- Local government participation
- Stakeholder engagement
- Convene working group meetings
- Identify solar best practices for the Tampa Bay Region
- Provide training opportunities through our project partners
- Research the region's solar market conditions

SOLAR READY FLORIDA PROGRAM

- Phase I of project runs through March 2015
  - Potential for Phase II to run through Spring 2016
- Current focus is on
  - Local government and stakeholder engagement
  - Collecting "solar metrics" data for individual jurisdictions
  - Implementation of solar best management practices (solar BMPs)

SOLAR BEST MANAGEMENT PRACTICES

- Solar Ready Florida has chosen three (3) solar best management practices to focus on
  - 1) Solar Ready Construction Guidelines
  - 2) Solar Landing Pages on local government websites
  - 3) Explore various solar financing options

SOLAR BEST MANAGEMENT PRACTICES

- Develop **Solar Ready Guidelines** for new residential construction
  - Local Gov't Implementation Action: Distribute voluntary solar ready construction guidelines as part of the permitting process for new residential construction

SolarReadyFlorida

Tampa Bay Regional Planning Council | 4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, FL 33782 | 727/570-5151 | www.tbrpc.org

DRAFT Solar Ready Construction Guidelines
For Consideration by the Local Governments of the Tampa Bay Region
October 2014

These voluntary guidelines have been developed for the local governments of the Tampa Bay region to provide guidance for home builders/developers in the design and construction of new residential buildings. By incorporating these guidelines early in the design process, developers can make new homes solar ready without adding unduly to the cost of new construction. Homeowners in solar-ready buildings can make the decision to install solar later with less difficulty and at lower cost.

1. Orientation and Location of Building

1.1 Orient Roofs to Face the South. Buildings should be oriented to afford a south-facing roof and designed in a way that minimizes the obtrusiveness of solar panels that may be located on the south face of the roof.

1.2 Avoid Shading. Buildings should be designed in such a way that there is no shading to the south. Shade tree species should be selected and planting locations identified that will allow trees to shade windows and walls but not the identified solar collector location on the roof (See the FAQ – How do I balance shade trees and solar?)

2. Roof Design

2.1 Preserve Rooftop Space for Solar Collectors. The south-facing portion of the roof should include a contiguous area, free of rooftop obstruction, of sufficient size to allow for a solar system. At minimum, an area of several square feet (100 sq. ft. per kW) should be identified. Residential solar systems in Florida may cover up to 1,000 square feet of roof space. (See the FAQ – How much rooftop space does solar need?)

2.2 Flat Roof Configuration. For flat roofs, designers should ensure that the building has adequate roof access, and should consider integrating rooftop safety equipment such as guardrails when appropriate. The area identified for solar collection should be near the middle of the roof, away from any parapets to avoid shading. Any rooftop HVAC equipment should be positioned to avoid conflicting with the location of the solar collector.

2.3 Pitched Roof Configuration. For pitched roofs, designers should take into account the degree of pitch that would maximize the generation of solar panels located flush against the roof. In the Tampa Bay region, an optimal roof pitch for solar is 27° to 29°. (See the FAQ – Why is this the right pitch?)

2.4 Allow for additional weight. The roof should be adequately reinforced to allow for the additional weight, including both the weight of the solar systems itself and the impact of wind loads. Solar PV systems add 3-6 lbs. per square foot to the dead load of a roof, and up to 45 lbs. at specific attachment points. If a ballasted system is installed on a flat roof, it may add up to 20-30 lbs. per square foot to the roof's dead load.

2.5 Record Roof Reinforcements. Any reinforcements to the roof should be recorded on official drawings, such as the code sheet, for the benefit of solar developers.

(continued next page)

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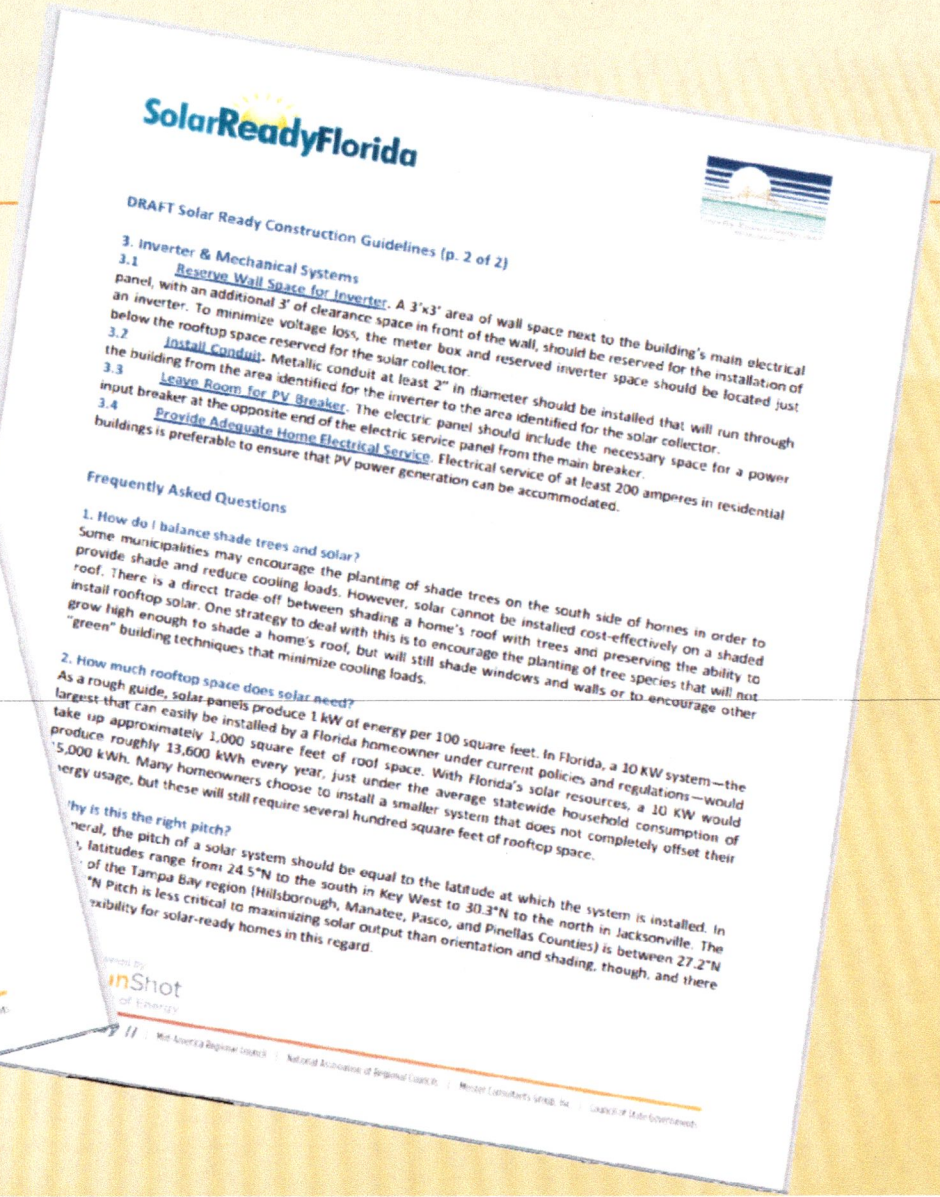

SolarReadyFlorida

DRAFT Solar Ready Construction Guidelines (p. 2 of 2)

3. Inverter & Mechanical Systems

3.1 Reserve Wall Space for Inverter. A 3'x3' area of wall space next to the building's main electrical panel, with an additional 3' of clearance space in front of the wall, should be reserved for the installation of an inverter. To minimize voltage loss, the meter box and reserved inverter space should be located just below the rooftop space reserved for the solar collector.

3.2 Install Conduit. Metallic conduit at least 2" in diameter should be installed that will run through the building from the area identified for the inverter to the area identified for the solar collector.

3.3 Leave Room for PV Breaker. The electric panel should include the necessary space for a power input breaker at the opposite end of the electric service panel from the main breaker.

3.4 Provide Adequate Home Electrical Service. Electrical service of at least 200 amperes in residential buildings is preferable to ensure that PV power generation can be accommodated.

Frequently Asked Questions

1. How do I balance shade trees and solar?

Some municipalities may encourage the planting of shade trees on the south side of homes in order to provide shade and reduce cooling loads. However, solar cannot be installed cost-effectively on a shaded roof. There is a direct trade-off between shading a home's roof with trees and preserving the ability to install rooftop solar. One strategy to deal with this is to encourage the planting of tree species that will not grow high enough to shade a home's roof, but will still shade windows and walls or to encourage other "green" building techniques that minimize cooling loads.

2. How much rooftop space does solar need?

As a rough guide, solar panels produce 1 kW of energy per 100 square feet. In Florida, a 10 KW system—the largest that can easily be installed by a Florida homeowner under current policies and regulations—would take up approximately 1,000 square feet of roof space. With Florida's solar resources, a 10 KW would produce roughly 13,600 kWh every year, just under the average statewide household consumption of 15,000 kWh. Many homeowners choose to install a smaller system that does not completely offset their energy usage, but these will still require several hundred square feet of rooftop space.

Why is this the right pitch?

neral, the pitch of a solar system should be equal to the latitude at which the system is installed. In , latitudes range from 24.5°N to the south in Key West to 30.3°N to the north in Jacksonville. The of the Tampa Bay region (Hillsborough, Manatee, Pasco, and Pinellas Counties) is between 27.2°N °N Pitch is less critical to maximizing solar output than orientation and shading, though, and there exibility for solar-ready homes in this regard.

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SOLAR BEST MANAGEMENT PRACTICES

- Create a **Solar Landing Page** on the city's website for disseminating info about solar permitting and more
  - Local Gov't Implementation Action: Create a Solar Landing Page for the city's or county's website

SOLAR LANDING PAGE TEMPLATE

http://www.tbrpc.org/solarreadyflorida/solarlandingpage_template.shtml

Tampa Bay Regional Planning Council

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ABOUT US

- Our Mission
- TBRPC Staff Directory
- Historical Timeline
- Member Governments
- Organizational Chart
- Laws Referencing RPCs
- Florida RPCs
- Acronyms List
- Strategic Regional Policy Plan (SRPP)
- 2007 Initiatives Plan
- Employment Opportunities
- Request for Proposals
- Directions

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33782
Phone: (727)570-5151
Fax: (727)570-5118
Suncom: 513-5066

SolarReadyFlorida

SOLAR PERMITTING AND RESOURCE INFO LANDING PAGE TEMPLATE

This template may be used by local governments as guidance for creating a solar landing page specifically for their jurisdiction's website. Some links are placeholders (as noted with an asterisk), and will require the local government to provide information specific to their jurisdiction, as applicable.

The sun offers tremendous potential for use as a renewable energy source in Florida. The Sunshine State ranks third in the U.S. for solar electricity potential. Solar electricity is generated when light falls on solar panels containing photovoltaic (PV) cells. These PV cells convert the sun's light energy to electricity. For homeowners and businesses that install solar PV systems, soalr energy can reduce the amount of electiricity needed from the grid, lowering utility costs and reducing fossil fuel emissions into the air.

SOLAR PERMITTING INFORMATION

- Solar Permit Guide - PDF (*Boston example)
- Solar PV Inspection Guidelines - PDF (*San Diego example)
- Solar PV System Permit Application - PDF (*Miami-Dade example)
- Permit Fee Schedule - PDF (*Miami-Dade Example)
- Map of Solar Permits Issued within the City - PDF (*St. Petersburg example)

SOLAR INFORMATION RESOURCES

- Solar Electricity Basics - Florida Solar Energy Center
- PVWatts® Calculator - National Renewable Energy Laboratory (NREL)
- This site allows you to estimate the performance of a potential solar PV installation for your specific location.
- Solar Access Laws in Florida - DSIRE / U.S. Department of Energy

UTILITY INTERCONNECT AND NET METERING INFO

These pages link to solar information pages for the region's electric utilities. They include information on interconnection procedures and net metering.

- Duke Energy Renewables and Customer Generation Page
- Tampa Electric (TECO) Customer-Owned Generation Page
- FPL Solar Information Page

INCENTIVES

- Federal Residential Renewable Energy Tax Credit - U.S. Department of Energy
- Florida Solar Sales Tax Exemption - Florida Department of Revenue

OTHER LINKS

- Solar Ready Florida - Tampa Bay Regional Planning Council
- Florida Solar Energy Center - University of Central Florida
- Florida Solar Energy Industy Association (FLSEIA)
- National Renewable Energy Laboratory (NREL) Solar Research

CONTACT INFORMATION

For more information on Solar Ready Florida, please contact Brady Smith at TBRPC, (727) 570-5151 ext. 42 or brady@tbrpc.org.

SOLAR BEST MANAGEMENT PRACTICES

- TBRPC hosted a **Solar Finance Workshop** on February 18th to provide information about solar financing products that may be offered through private lenders and public sector programs (or both)

PROGRAM GOALS

Remove barriers

- Reduce "soft" costs of solar PV installs
- Increase access to financing
- Promote solar adoption

CONTACT US

Brady Smith
Tampa Bay Regional Planning Council
brady@tbrpc.org
(727) 570-5151 x42
www.tbrpc.org

www.SolarReadyFlorida.com

Acknowledgment: This material is based upon work supported by the U.S. Department of Energy under Award Number DE-EE0006310

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ST. PETERSBURG CITY COUNCIL
BUDGET, FINANCE & TAXATION COMMITTEE

Committee Report for March 26, 2015

Members & Alternate: **Budget, Finance & Taxation Committee: Chair James R. "Jim" Kennedy, Jr.; Vice-Chair Karl Nurse; William Dudley; Charles Gerdes; and Darden Rice (alternate).**

Support Staff: **John Armbruster, Personnel Analyst III, Human Resources**
Meghan Wimberly, Administrative Assistant, Billing & Collections

A. Call to Order

B. Approval of Agenda – Unanimously approved with changes.

C. Approval of Minutes

1. March 12, 2015 – No minutes.

D. New/Deferred Business

1. March 26, 2015

a. Dome Industrial Park Phase II Report (Goodwin/Grimes)

Dave Goodwin, Planning and Economic Development Director, provided the Committee with a site map of the Dome Industrial Park which depicted both City and privately owned parcels, and an overview of the current state of the development project. Mr. Goodwin stated that there were several developers interested in the project, and discussed the success of neighboring development projects. Mr. Goodwin added that the Housing and Urban Development Department (HUD) granted the City a one (1) year extension on the existing development grant it provided the City. One of the requirements of the HUD grant included the creation of 65 full time jobs for low to moderate income employees.

Mr. Goodwin stated the next step in the project is the creation of a Request for Proposal (RFP) that will address the (3) main objectives of the project: 1. Job creation; 2. Capital investment; and 3. Local commitment. The RFP will be put out in mid-April followed by a question and answer meeting. RFP responses will be due by the end of June, followed by an analysis of the proposals, final selection of the proposals by the Mayor in mid-September, and Council approval by the end of 2015.

The Committee discussed the HUD grant extension and hiring requirements, and opportunities to compress the timeline. The Committee requested a follow up discussion in the future.

b. Local Hiring Ordinance Report Follow Up From January 15, 2015 meeting (Connors)

Public Works Administrator Michael Connors provided the Committee a recap on the Construction Incentive Program Annual Report from January 15, 2015. Mr. Connors noted that the Incentive Program applies to construction contracts with a value of $500,000 or more, and provides for a reduction in contract retainage held at the 25%, 50%, and 99% level of contract completion as measured by payments made as an incentive reward for hiring Pinellas County unemployed, underemployed/disadvantaged and apprentice workers during the duration of the construction contracts.

Mr. Connors stated that currently 12 contracts potentially eligible for the incentive, and that to date, the City's annual resurfacing entity qualified for the incentive having hired 39 qualifying employees. Mr. Connors added that the other 11 contracts had not yet qualified for the incentives, and six of the 12 contracts had not yet reached the 25% completion mark, therefore were not yet eligible for the incentive. Mr. Connors also shared with the Committee that there was current legislation that may prohibit or restrict a unit of local government's ability to draft local hiring ordinances.

Jeannine Williams, Assistant City Attorney, provided the Committee an overview of the law regarding a mandatory local hiring ordinance. Ms. Williams noted numerous federal law challenges in the creation of a mandatory local hiring ordinance and listed that several cities in the country that had local hiring ordinances, all of which performed some kind of a study or labor market analysis that provided employment data demonstrating the need for the ordinance. Ms. Williams discussed with the Committee the ramifications of having an ordinance with a geographic boundary such as Pinellas County verses ordinances without a geographic boundary, and suggested that an ordinance without a geographic boundary, with a valid survey containing data supporting the need for such an ordinance, was probably more defensible in the case of a future legal challenge of the ordinance.

Staff also discussed with the Committee the cost of a survey and the impact a mandatory local hiring ordinance may have on construction companies and projects. Councilmember Nurse made a motion for staff to come back to the Committee at the April 9, 2015 meeting with a draft of a local hiring ordinance that does not contain a geographic boundary, and to further discuss the cost of the survey.

The motion passed unanimously.

E. Continued Business

1. Management Evaluation (Kennedy)

F. Upcoming Meetings Agenda Tentative Issues

1. April 9, 2015

a. Debt Issuance Report (Fritz)

2. April 23, 2015

a. Quarterly Grants Report (Ojah-Maharaj)

b. Use of Tourist District Development Tax (Metz/Zeoli)

G. New Business Item Referrals (attached)

1. Review and re-prioritize referral list

H. Adjournment

The meeting adjourned at approximately 9:20 AM.

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of March 26, 2015 - 9:15 a.m.
City Hall, Room 100

Members and Alternates: Chair Bill Dudley, Jim Kennedy, Darden Rice, Steve Kornell
Alternate: Amy Foster

Others present: Council Members Karl Nurse, Charlie Gerdes; Support Staff: Blaise Mazzola, Claims Supervisor and primary support staff; Mika Nelson, Library Director and backup support staff; John Wolfe, City Attorney; Sharon Michnowicz, Assistant City Attorney; Mark Winn, Assistant City Attorney; Jordan Wolfgram, Assistant City Attorney; Evan Mory, Director, Transportation and Parking Management; Derek Kilborn, Urban Planning and Historical Preservation Manager, Planning and Economic Development, Major Sharon Carron, SPPD; Lieutenant Markus Hughes, SPPD

1) Call to Order 9:28 A.M.

2) Approval of Agenda Passed 4-0

3) Approval of Minutes Passed 4-0

   a) March 12, 2015

4) New Business

   a) Changes to existing City Code Section 26-152, time limits and certain other restrictions and requirements where signs are officially posted, primarily in the downtown area.

      Evan Mory provided a PowerPoint presentation which included the current code, proposed restrictions, signage, description of other cities policies, and proposed two key ordinance changes. Mr. Mory included a draft of the proposed ordinance in his materials. CM Kornell made a motion to include the Ordinance with the Committee Report to be heard at the next Council meeting (April 2) for First Reading and setting the public hearing date. Sharon Michnowicz explained that we are not required to put the ordinance in its entirety on a sign, but the goal is to make the signage as clear as possible. CM Gerdes suggested that staff review the possibility of offering transportation such as the Looper or PSTA as an optional add on to City monthly parking garage customers. CM Kornell's motion passed 4-0.

      Action Item: *Staff to include the Ordinance with the Committee Report to be heard at the next Council meeting (April 2) for First Reading and setting the public hearing date.*

5) New Business - Referrals from Council

   a) Strengthening the current ordinance to prevent lawn clippings from entering the storm water drainage system. (Councilmember Newton)

      Jordan Wolfgram provided the committee with copies of the applicable City code pertaining to the matter. Mrs. Wolfgram added that the current ordinance addresses CM Newton's referral item. CM Kornell suggested that education of the public on the issue is important. CM Gerdes questioned the amounts of the fines and believes the intention of CM Newton's

referral was to increase the penalty rather than change the ordinance. John Wolfe offered that there are two fines pertaining to this matter that would be five hundred dollars. CM Gerdes suggested that the fines be the same amount for consistency. Mark Winn believes it could be helpful for the violation to result in the same penalty; however he cautioned a five hundred dollar fines impact to a homeowner. CM Kennedy suggested that lawn service companies face a higher fine than an individual homeowner. CM Dudley suggested that as part of the educational process the City create a hand bill that could be handed out. CM Rice would like to see a first time offender receive a warning rather than the fine.

Action Item: *Legal staff to review the committee's suggestions and return to PS&I on April 9, 2015.*

b) Short-term improvements in regulating noise downtown. (Councilmember Nurse)

CM Nurse offered a brief explanation of his referral item and remarked that the current ordinance is ineffective and suggested that a solution could be a time limits pertaining to how late an entity can leave their doors ajar and on utilizing amplified speakers outdoors. CM Nurse believes his recommendations would be easier to enforce. Major Sharon Carron added that shutting windows could be beneficial as well. She added that the majority of businesses comply with the current ordinance, but others use the amplified music to attract customers. Mark Winn offered that the goal of the ordinance Legal is working on is to simplify and make the ordinance clearer. Mark Winn has shared a copy of the language to the Chamber of Commerce. Major Carran stated that the Police Department has been educating the business on the topic.

Action Item: *Legal Staff in conjunction with the Police Department are will be working on the ordinance and will return to PS&I on April 23, 2015 with proposed language.*

c) Initiation of the historical designation process for the Dr. Carter G. Woodson African American Museum building. (Councilmember Kornell)

CM Kornell provided a background to this referral item, stressing the historical value of this building. Derek Kilborn provided a two page memorandum describing the history the Dr. Carter G. Woodson African American Museum. A motion was made by CM Kornell for staff to submit a resolution to Council recommending the historical designation of the Dr. Carter G. Woodson African American Museum building. Motion passed 4-0.

Action Item: *Staff to bring a resolution to Council recommending the historical designation of the Dr. Carter G. Woodson African American Museum Building.*

6) Upcoming Meetings

a) April 9, 2015

Strengthening Ordinance pertaining to lawn clippings	Jordan Wolfgram City Legal Department

7) Adjournment 10:29 A.M.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE; APPLYING PARKING LIMITATIONS TO ALL STREETS WHERE SIGNS ARE OFFICIALLY POSTED; PROVIDING THAT MOVING A VEHICLE FROM ONE SPACE TO ANOTHER ON THE SAME BLOCK FACE WITHOUT TRAVELING THROUGH AN INTERSECTION CONSTITUTES A CONTINUOUS PARKING PERIOD; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADDITIONAL CLARIFYING LANGUAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 26-1 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 26-1. - Definitions.

The definitions in F.S. ch. 316 apply to this chapter unless otherwise defined below. As used in this chapter the following terms shall have the meanings ascribed to them:

Alley ~~means any street or way within a block set apart for public vehicular travel~~ has the meaning set forth in chapter 16 of this Code.

Authorized legal tender means such legal tender as the POD shall authorize. Such legal tender may include, but is not limited to, U.S. currency and credit cards. A notification shall be displayed on or adjacent to parking pay stations showing those items that are accepted by the parking pay station as authorized legal tender.

Block face means a continuous portion of one side of any street that is not interrupted by an intersection (except alley intersections).

Bus stand means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses for layovers in operating schedules or waiting for or loading or unloading passengers.

Center or centerline means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in opposite directions and, if the line is not so painted or otherwise marked, an imaginary line in the roadway equally distant from the edges or curbs of the roadway, except when parking is allowed only on one side, then it shall be an imaginary line equally distant from the edge or curb and a line based upon the farthest point of average width of the parked vehicles.

Commercial vehicles means any vehicle, commercial in its design and structure, or any other vehicle that is used for commercial purposes, which vehicle has painted on its sides the business name and address of the person operating the vehicle. The name shall be at least three inches in height and of a color contrasting to that of the color of the motor vehicle, so that the name and address shall be visible from a distance of not less than 50 feet.

Common carrier or regular common carrier of passengers means all carriers operating between fixed termini, over regular routes and on fixed schedules.

Double parking, double standing or double stopping means the parking, standing or stopping of a vehicle upon the roadway side of another vehicle parking, standing or stopping, but not legally within or adjacent to an open parking space.

Hearing Master means the person contracted with by the City to act as Vehicle Impoundment Adjudication Officer.

Holiday means Sundays and the following days: New Year's Day, Dr. Martin Luther King, Jr.'s Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veterans' Day and Christmas Day.

Loading zone means a space adjacent to a curb which is identified by a City sign as reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Official time standard means Eastern Standard Time or Eastern Daylight Saving Time, as may be in current use in the City.

Other governing body means the governing body of any other municipality or of the county or the State.

Parking pay station means a mechanical or electronic device which regulates parking in one or more parking spaces by allocating a defined period of permitted parking in exchange for a defined amount of authorized legal tender. A rate schedule showing the defined amounts of authorized legal tender required for defined periods of parking shall be displayed on or adjacent to the parking pay station.

Pay by cell phone means the use of cellular phone technology, including the use of telephone, telephone automation, text message, web application, or internet to pay for parking through a program approved by the POD.

Quiet zone means any street, or part thereof, within a distance of 200 feet from a hospital.

Street means any street, right-of-way, tree line, bridge, causeway, alley, or sidewalk.

Taxi stand or taxicab stand means a fixed area in the roadway parallel and adjacent to the curb set aside for taxicabs to stand or wait for passengers.

SECTION 2. Section 26-152 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 26-152. - Limitations on parking ~~in the central commercial business area~~ where signs are officially posted.

(a) When necessary for the public convenience, necessity or safety, the POD is authorized to prohibit, restrict or limit the parking time on any street where signs are posted giving notice of such prohibition, restriction or limitation. Except as otherwise provided in this Code, ~~It~~ it shall be unlawful and a violation of this section for a person to park any vehicle or to permit or allow any vehicle registered in his name to park ~~between the hours of 8:00 a.m. and 6:00 p.m. on any day, except Saturdays, Sundays and holidays,~~ upon any street ~~in a downtown center zoning district~~ for a continuous period of longer than ~~two hours where signs are officially~~ the legal period of time as posted on official signs ~~except as provided in section 26-150; however, the POD is authorized to further limit, restrict or prohibit parking within this area or to increase or decrease the two-hour time period where signs are erected giving notice thereof~~.

(b) ~~The changing of the parked position of~~ Moving a vehicle from one parking space ~~directly~~ to another parking space ~~within~~ on the same block face ~~on either side of the street or roadway~~ without traveling through an intersection (not including an alley intersection) shall be deemed one continuous parking period.

~~The parking of any vehicle for longer than the legal period of time as posted on official signs shall be unlawful and a violation of this section. No person shall cause, allow, permit or suffer any motor vehicle to be parked beyond the lawful or legal period of time permitted by subsection (a) of this section.~~

SECTION 3. Words that are ~~struck through~~ shall be deleted from the existing City Code and words that are underlined shall be added to the existing City Code. Provisions not specifically amended shall continue in full force and effect.

SECTION 4. The provisions of this Ordinance shall be deemed to be severable. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect thereof shall be confined to the section, paragraph, subdivision, clause sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 5. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth (5th) business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing of such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City

Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND SUBSTANCE:

Sharon Mikurowicz

City Attorney (designee)

ST. PETERSBURG CITY COUNCIL
Housing Services Committee Report
Council Meeting of April 2, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

FROM: Housing Services Committee: Karl Nurse, Committee Chair, Darden Rice, Committee Vice-Chair, Charlie Gerdes, Council Chair, Amy Foster, Councilmember, and James Kennedy Councilmember

RE: Housing Services Committee Meeting of March 26, 2015

New Business:

Review of the State Housing Initiatives Partnership Local Housing Assistance Plan (LHAP), Stephanie Lampe, Sr. Housing Development Coordinator.

Ms. Lampe began her review by thanking the Planning and Economic Development Department (Derek Kilborn, Rick MacAulay, and Vicky Davidson) for their assistance in their conduct of meetings and preparation of minutes of those meetings as we worked toward finalizing the proposed Local Housing Incentive Plan (LHIP). Ms. Lampe also thanked the eleven private citizens who are members of the Affordable Housing Advisory Committee (AHAC) who reviewed land development regulations and other incentives required by the State of Florida in order that the City may be able to be eligible to qualify for and receive State Housing Initiatives Partnership (SHIP) Program funding. In attendance were Committee Vice-Chair Jeff Rogo, Dominique Courbin, and Jack Humburg, who were thanked for their service.

Ms. Lampe discussed each of the eleven (11) Affordable Housing Incentives (Incentives) in summary format and whether each was already in place or was being recommended by the AHAC to be approved by Full Council. Ms. Lampe also briefly discussed the two new recommended Incentives (Rebates for Rehabilitations and Marketing of the Incentives on the City's Housing Webpage).

There were discussions about the Parking and Setback Requirements incentive where local non-profit agencies are required to include parking spaces in their developments when they are certain that most of their tenants do not drive or own vehicles.

Chair Nurse discussed that the area where reduction in parking is most appropriate if you are providing sheltered housing or senior affordable housing, he would like to get to that place where it would be easier to do. Ms. Lampe responded that there is a process where an agency may request a waiver in order to accomplish a reduction in parking.

Councilmember Foster made a comment that she would like us to get to a place where parking or vehicular access is not required if a non-profit has funding to build additional shelter as opposed to parking. Additional comments were made by Councilmember Kennedy who asked what was the cost of the Transportation Impact Fee? Mr. MacAulay provided the information and further discussed City Activity Centers and the boundary lines that have been drawn through the City by Pinellas County with cooperation from the City. The boundary includes the downtown and Old North East which brought up the suggestion that incentives should be in areas where there is need for development.

Councilmember Kennedy questions the recommendation for "The support of development near transportation hubs and major employment centers and mixed-use developments". He believes that the vast amount of investment in this area should not reflect that there is a continued need to provide incentives for investment within the boundary lines.

Mr. MacAulay discussed that the City's Activity Centers line up with that of Pinellas Suncoast Transit Authority (PSTA) routes. Additionally, he discussed higher densities and intensities associated with the Activity Centers.

Councilmember Rice discussed that she saw the plan as being incentivized to pursue Federal Grant funds.

Action: A Motion was made to recommend the resolution, LHAP and LHIP Plans to Full Council for approval.

Review of State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP), Joshua Johnson, Director, Housing and Community Development Department

Mr. Johnson discussed that the Local Housing Incentive Plan (LHAP) discussed by Mr. Lampe and the Local Housing Assistance Plan are linked together by the State of Florida Housing Finance Corporation. Once every three years, the City and other local governments must prepare and approve a Local Housing Incentive Plan (LHIP) and a Local Housing Assistance Plan (LHAP) and submit such plans to the Florida Housing Finance Corporation for approval, on or before May 2, 2015.

Mr. Johnson discussed that there are seven (7) strategies in the FY 2015/16 through FY 2017/18 LHAP. There have been minor changes in the Purchase Assistance Program where households whose incomes are between 81 – 120 percent of median family income (MFI) may be assisted with $6,000 in purchase assistance city-wide, with an additional $4,000 in assistance if the household is purchasing a home in the Southside CRA.

He also discussed the Rental Assistance Strategy, which is a new strategy has been added to the LHAP for the next three fiscal years. This strategy will allow the City to assist households whose incomes are up to 80 percent of MFI with first, last, security deposit and utility hookup to rent a new unit. There will be a onetime assistance of up to $2,500 per household. The strategy will be capitalized at $50,000 based upon the current budget under which the City is implementing its housing programs.

Mr. Johnson discussed that the amount of funding for FY 2015/16 has not been determined at this time. Currently the Florida House of Representatives has recommended a budget for the SHIP Program at $84,070,000 and the Florida Senate has recommended a budget of $153,600,000 for the SHIP Program. However, both Houses have to come to a reconciled amount which would be forwarded to the Governor for signature.

Mr. Johnson discussed the Housing Delivery Goals Chart and that the amount of SHIP Housing Counseling funding is recommended at $50,978. However, providing caution, that the amounts on the document are based on the current budget for planning purposes and may be increased, or decreased, based upon the amount of funding that is actually programmed for the City to receive from Florida

Housing. He closed by discussing that the item has been placed on the Agenda of City Council as a Consent Item on its April 2, 2015 meeting.

Councilmember Rice asked why the City is requesting a 10 percent administrative fee for implementing the program. Mr. Johnson responded that it is very labor intensive to only accept a 5 percent administrate fee and that all local governments in the State of Florida request a 10 percent Administrative cap.

Action: A motion was made to forward the resolution, back-up and Plans to Full Council for approval.

Review of Civil Citations, Todd Yost, Director, Codes Compliance Assistance Department and Robert Gerdes, Manager, Codes Compliance Assistance Department

Mr. Yost discussed that they are back from the previous meeting to discuss civil citations which they have been preparing with help from the Legal Department. He presented Mr. Robert Gerdes who discussed that he is not looking to replace the Code Enforcement Board, but to provide another tool to address the City's needs. He discussed the goals and compliance requirements and the following:

- Citation Development Process
- Civil Citation Ordinance and the process and procedures that will be controlled in-house
- Owner Occupied
- Rental Citing Owner
- Rental Citing Tenant

Mr. Gerdes also discussed the Civil Citation Fee Structure which was determined by staff and arrived at based upon the severity of the violation as follows:

Class I - $40

Class II - $100, 200, and $400
No heat in rental unit, peeling paint

Class III - $300 and $450
Illegal dwelling units

Class IV - $500

Mr. Gerdes discussed that Administration would like to bring a completed Ordinance back in May for first reading. He will continue to develop operational and business process and develop public awareness of civil citations.

Chair Nurse asked do we get a 95 percent compliance rate. Mr. Yost responded that we get a 92 percentage rate which takes six months.

Councilmember Kennedy asked if there was an opportunity for a cure time. Mr. Gerdes responded that staff is working on starting with 15 days, but cannot go above 30 days according to how the ordinance is written.

Other questions included what is the effect of change of ownership. The reply was that Codes will restart the case.

Vice Chair Rice thanked Mr. Yost and Mr. Gerdes for what has been put together and commented that it addresses the landlords that do not respect the needs of tenants. Would like to see issues that address air and heat are prioritized. Mr. Yost responded that Codes believes the Civil Citation Process will allow the City to quickly address the issues and not take the year plus that is the current time frame.

Councilmember Gerdes asked whether in the current process if a person gets another 30 days to cure and sells the property to a new owner. If penalties are not paid in 60-90 days will it result in a lien? Mr. Yost responded that the process can go on for up to 120 days, and there will be a lien on the property. Councilmember Forster shared her concern for change in ownership.

Action: A motion was made to take the present the item to Full Council for first reading in May 2015.

Update of the NSP-1 and NSP-3 Programs, Stephanie Lampe, Sr. Housing Development Coordinator

Ms. Lampe provided a brief update that there are 9 properties available for sale, one (1) closed on March 25, 2012 and two (2) are scheduled to close before the end of March 2015. The Purchasing Department is finalizing Agreements with two developers to construct additional units during April 2015.

Action: No action taken.

Next meeting: April 23, 2015

Topics:

Update of Jamestown Apartments, Donald Crawford, Manager of Jamestown
Update of the NSP-1 and NSP-3 Programs, Stephanie Lampe, Sr. Housing Development Coordinator

Committee Members
Karl Nurse, Chair
Darden Rice, Vice-Chair
Amy Foster, Councilmember
Charlie Gerdes, Council Chair
James Kennedy, Councilmember

CITY OF ST. PETERSBURG
Committee of the Whole – Wage Theft Ordinance
Thursday, March 26, 2015, 2:03 p.m.

PRESENT: Vice-chair Amy Foster and Councilmembers Jim Kennedy Bill Dudley, Darden Rice, Steve Kornell and Karl Nurse.

ABSENT: Chair Charlie Gerdes and Councilmember Wengay Newton

ALSO: City Attorney John Wolfe, Chief Assistant City Attorney Jacqueline Kovilaritch, Assistant City Attorney Jeannine Williams, City Administrator Gary Cornwell, City Council Administrative Office Cindy Sheppard City Clerk Chan Srinivasa, other members of staff.

Vice-chair Foster called the meeting to order and the following topic was discussed:

1. The discussion on the Wage Theft Ordinance.
    a. Councilmember Rice thanked staff for their hard work and opened the discussion and preceded providing background on what "Wage Theft" is and how it is defined.
    b. Assistant City Attorney Jeannine Williams gave an overview of each section of the proposed "Wage Theft" ordinance and indicated that the ordinance is based on Miami's ordinance which was upheld in trial court. She further entertained questions from City Council.
    c. Councilmember Kennedy inquired if the ordinance was done in comparison to the Florida State Stature and inquired about wages that were based on commission and further inquired about deductions as well as independent contractors. Councilmember Kennedy indicated that he would like to include independent contractors in the ordinance and would like to add provisions regarding attorney's fees
    d. City Administrator Gary Cornwell and Assistant City Attorney Jeannine Williams addressed Councilmember Kennedy's concerns.
    e. Additional discussion was brought forth by Councilmember's Nurse, Rice and Dudley that was focused on independent contractors and the type of impact that the ordinance may have and the amount of days between pay periods.
    f. Councilmember Kennedy inquired if the St. Pete Bar Association could obtain pro bono hours as hearing officers instead of hiring staff.
    g. Chief of Staff Kevin King thanked Councilmember Rice for bringing this item forward and indicated that the Mayor is in support.

Before adjourning, there was a brief discussion on the Rays MOU.

2. Next meeting – May 28, 2015 at 2:30 p.m. regarding Co-Sponsored Events.

There being no further business, the meeting was adjourned at 3:19 p.m.

ORDINANCE NO. ___

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE BY ADDING ARTICLE III TO CHAPTER 15, PROHIBITING WAGE THEFT; PROVIDING FOR DEFINITIONS; ESTABLISHING A PROCEDURE FOR THE PROCESSING OF WAGE THEFT COMPLAINTS; PROVIDING FOR A HEARING; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the St. Petersburg City Council hereby makes the findings set forth in the City Code sections adopted by this ordinance regarding the importance of prohibiting wage theft in St. Petersburg and establishing a procedure to process wage theft complaints.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The St. Petersburg City Code is hereby amended by adding a new Article III, Chapter 15, Sections 15-40 through 15-46, to read as follows:

Article III. Wage Theft

Sec. 15-40. Declaration of policy; legislative findings.

It is hereby found, determined and declared that:

(a) The Research Institute on Social Policy at Florida International University recently issued two studies that document that wage theft is a significant problem in Florida and more specifically, St. Petersburg.

(b) Eliminating the underpayment or nonpayment of wages earned by persons working in the City serves a public purpose by:

(1) Providing economic security for persons working in the City;

(2) Promoting business and economic development through the elimination of unfair economic competition by unscrupulous businesses that do not pay or that underpay their employees; and

(3) Reducing the number of employees who rely on public assistance for essential needs because their employer does not pay or underpays earned wages.

Sec. 15-41. Definitions.

As used in this article the following terms shall have the meaning ascribed to them:

Employ shall mean to permit a person to work for wages.

Employee or complainant employee shall mean a natural person who performs work within the geographic boundaries of the City while being employed by an employer, but shall not include any bona fide independent contractor.

Employer or respondent employer shall include any entity or person who, acting either individually or as an officer, agent, or employee of another person, acts directly or indirectly in the interest of a person or entity employing an employee. Employer includes a third-party labor provider, but such term does not include:

(1) The United States or a corporation wholly owned by the government of the United States;
(2) The State of Florida; or
(3) The City of St. Petersburg.

Hearing officer shall mean an attorney who has been licensed to practice law in the State of Florida for a period of at least five years, and who the City determines, in its absolute discretion, is qualified to hear wage theft matters.

Independent contractor shall have the same meaning as in the Internal Revenue Code and implementing federal regulations.

Liquidated damages shall mean twice the amount a respondent employer is found to have unlawfully failed to pay the complainant employee. Liquidated damages are awarded in addition to back wages in order to compensate for the economic losses suffered by reason of the employee not receiving the wage at the time it was due as well as to serve as a deterrent to employers.

POD means the person officially designated by the Mayor to perform the duties described in this Article.

Reasonable time shall be presumed to be no later than fourteen (14) ~~calendar~~ business days from the date on which the work is performed unless the employer has established, by policy or practice, a pay schedule whereby employees earn and are consistently paid wages according to regularly recurring pay periods in which case such pay schedule shall govern.

Threshold amount shall mean sixty dollars ($60.00).

Wage rate shall mean any form of monetary compensation which the employee agreed to accept in exchange for performing work for the employer, whether a salary, daily or hourly wage, or by piece, and whether exempt or non-exempt from the Fair Labor Standards Act and other federal, state or local overtime laws. In all cases the wage rate shall be no less than the highest applicable rate established by operation of any federal, state or local law.

Section 15-42. Wage theft violations.

An employer commits wage theft when the employer fails to pay wages, or a portion of wages, due to an employee according to the wage rate and other laws applicable to that employee within a reasonable time from the date on which that employee performed the work for which those wages were compensation. Upon a finding by a hearing officer that an employer failed to pay wages, or a portion of wages, such violation shall entitle an employee to receive back wages in addition to liquidated damages <u>and reasonable costs and attorney's fees</u> from that employer as stated in the hearing officer's order.

Section 15-43. Procedures for wage theft complaints.

(a) *Filing wage theft complaints.*

(1) The employee must file a written, signed complaint with the City Clerk. Any person or entity may assist the employee in filing his or her complaint.

(2) The POD will only process a complaint alleging a wage theft violation in which the unpaid wages are equal to no less than the threshold amount.

(3) A signed complaint for wage theft must be filed with the City Clerk no later than one calendar year after the date wages were due to be paid for work performed for a respondent employer. If the alleged wage theft violation is ongoing at the time of the filing of the complaint, the complaint may also seek recovery of amounts that accrue after the filing of the complaint.

(4) The complaint shall set forth the facts upon which it is based with sufficient specificity to identify the respondent employer or respondent employers, to determine that the threshold amount has been met, and to identify that an allegation of wage theft has been made.

(b) *Respondent employer.*

(1) Upon the filing of any complaint, the POD shall promptly determine whether the complaint alleges wage theft, names at least one respondent employer and meets the threshold amount. The duty of the City to determine whether a complaint meets these

criteria is limited to receiving the complaint and comparing the information provided in the complaint to the required criteria. This determination is a ministerial act and may not be based on further investigation or the exercise of independent judgment.

(2) Upon making such determination, the POD shall serve the complaint and a written notice on the respondent employer, setting forth the allegations, rights and obligations of the parties including, but not limited to, the right to a due process hearing on the matter before a hearing officer and that the respondent employer may be responsible for the costs of the hearing officer and other enforcement costs. Such service shall be by mail and is presumed served upon mailing unless all mail is returned.

(3) Each respondent employer shall file an answer to the complaint with the POD at the address specified in the notice not later than twenty-one (21) days after service of the complaint and notice from the City. The POD may grant one extension, not to exceed thirty days, for good cause. If no extension is granted by the POD and the POD does not receive an answer to the complaint, the POD will proceed with the conciliation process. <u>If the respondent employer pays the employee the underpayment before the conciliation process has commenced, the complaint will be dismissed upon verified proof of payment or acknowledgement by the employee.</u>

(c) *Conciliation.*

(1) It is the policy of the City to encourage conciliation of complaints. After the complaint is filed, the POD will coordinate a conciliation process to attempt to resolve the complaint by agreement of both parties. If possible, a written conciliation agreement resolving the dispute between the complainant employee and the respondent employer shall be executed in lieu of referral of the matter to a hearing officer.

(2) A conciliation agreement arising out of such conciliation shall be a written agreement between the respondent employer and the complainant employee.

(3) Whenever a party believes that the other party has breached a conciliation agreement, the aggrieved party may file a civil action in a court of competent jurisdiction for enforcement of such agreement.

(4) If conciliation fails, nothing said in the course of attempting conciliation under this Article may be used as evidence in any subsequent proceeding under this Article or otherwise without the written consent of the parties.

(5) If the POD determines that the conciliation process has been refused or has reached impasse, the POD will notify the parties and schedule a hearing before the hearing officer.

(d) *Hearing before hearing officer*

(1) Within fifteen (15) days after the POD gives notice that the conciliation process has been refused or has reached impasse, any party may submit a written request for a hearing before a hearing officer.

(2) In conducting any hearing to determine whether a violation of this Article has occurred, the hearing officer shall have the authority to administer oaths, issue subpoenas, compel the production of evidence and receive evidence. The hearing officer shall have the authority to consolidate two or more complaints into a single hearing where such complaints name the same respondent employer(s) and involve sufficiently similar allegations of fact to justify consolidation. The final determination of the hearing officer in wage theft matters is subject to appeal in a court of competent jurisdiction.

(3) Pre-hearing matters

a. If a hearing officer is appointed, any party may request that a subpoena be issued by the hearing officer. Witnesses summoned by subpoena of the hearing officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the County Court of Pinellas County, Florida. Fees payable to a witness summoned by subpoena issued at the request of a party shall be paid by the party at the time the subpoena is requested.

b. Within ten (10) days after service of a subpoena upon any person, such person may petition the hearing officer to revoke or modify the subpoena. The hearing officer shall grant the petition if it finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to the matter, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

c. In the case of refusal to obey a subpoena, the hearing officer or any party may seek enforcement of a subpoena issued under the authority of this Article by filing a petition for enforcement in the County Court of Pinellas County, Florida.

d. In any enforcement proceedings authorized by this Article, the court ~~may~~ <u>shall</u> award to the prevailing party all or part of the costs and attorney's fees

incurred in obtaining the court order, to the extent such award is authorized by the Florida Rules of Civil Procedure.

e. Discovery shall be permitted upon motion of any party and shall proceed in the manner provided by the Florida Rules of Civil Procedure.

f. The hearing officer may direct that the parties submit a pre-hearing statement addressing the issues of law and fact that will be involved in such hearing, identify the witnesses that will testify, and provide a list of all documents or other types of exhibits that will be submitted.

g. The hearing officer may rule on a motion to dismiss the complaint for failure to state a cause of action under this Article.

h. In any proceeding under this Article, the burden of proof by a preponderance of the evidence rests upon the employee.

i. In any hearing before the hearing officer pursuant to this section, the respondent employer may file a written answer to the complaint. All parties shall appear at the hearing in person, with or without counsel, and may submit evidence, cross-examine witnesses, and otherwise be heard. Testimony taken at the hearing shall be under oath and either party may pay the cost to have a transcript made. The City may, at its discretion, utilize a court reporter or electronic recording device to create a verbatim record. If the City chooses to use an electronic device, either party may elect to pay a court reporter to attend the hearing.

(4) Standards for resolving factual disputes.

a. Adequate records. When the following three conditions are met:

i. Where by operation of some other statute or regulation, a respondent employer has an obligation to keep records of an employee's hours worked and/or records of compensation provided to an employee; and

ii. Where such records are imprecise, inadequate or do not exist; and

iii. Where a complainant employee presents sufficient evidence to show, as a matter of reasonable inference, the amount of work done or the extent of work done or what compensation is due for the work done;

then the burden of persuasion falls on the respondent employer whose obligation it was to keep accurate records and the respondent employer must come forward with evidence of the precise amount of work performed or with evidence to negate the reasonableness of the inference to be drawn from the complainant employee's

evidence. If the respondent employer fails to meet this burden, the hearing officer may award damages based on the complainant employee's evidence.

(5) Representation.

Any person may be represented by counsel in any proceeding herein at that person's expense. Any party, including corporate entities, may authorize a non-lawyer advocate to appear on behalf of that party unless specifically disallowed by the hearing officer for good cause. The employee who asserts the claim must appear at the hearing in person.

(6) Applicability of Florida Rules of Civil Procedure.

a. The provisions of Rule 1.090, Florida Rules of Civil Procedure shall govern the computation of any period of time prescribed or allowed by this Article or by rules, regulations, or orders adopted pursuant to this Article.

b. All papers or pleadings required by this Article to be served may be served by certified mail or in accordance with Rule 1.080, Florida Rules of Civil Procedure.

Section 15-44. Enforcement of wage theft violations.

(a) At the conclusion of a hearing and upon a finding of no violation, the hearing officer shall issue a written order to that effect.

(b) At the conclusion of a hearing and upon a finding of a wage theft violation, the hearing officer shall issue a written order that orders the employer within 45 days of the date of the order:

(1) To pay to the affected employee an amount equal to the amount of back wages that the respondent employer is found to have unlawfully failed to pay to the employee, liquidated damages, <u>and reasonable attorney's fees</u> and ~~reasonable~~ costs of pursuing the wage theft violation as determined by the hearing officer.

(2) To pay the City the administrative costs of processing the claim and all the costs of the hearing.

(c) Joint and several liability

In any order issued by the hearing officer, the order may specify two or more respondent employers as jointly and severally liable for any amount payable to the complainant employee or the City or both; however, the total amount the complainant

employee or the City may receive from jointly and severally liable respondent employers shall not exceed the total amount for which respondent employers are jointly and severally liable.

(d) Cumulative rights preserved.

Nothing in this Article shall be construed to limit, preclude or in any way abrogate the cumulative rights or remedies available to employees at common law or by other statute which were not the subject of an employee's complaint or the City's enforcement actions; such cumulative rights, which shall be unaffected by the provisions of this Article unless they are made the subject of a complaint or the City's enforcement action, shall include, but shall not be limited to, rights related to the violation of overtime, minimum wage, living wage, prevailing wage, or equal pay laws.

(e) Enforcement by private persons

(1) If prior to filing a complaint under this Article or during the pendency of such a complaint but prior to the issuance of a final decision by a hearing officer, a complainant employee brings a private action in his or her own right, whether under state law, federal law, or both, in any state or federal court to seek unpaid wages based upon the same facts and allegations as the employee's complaint filed with the City, or affirmatively or by consent opts to participate in any such litigation, that employee's complaint of wage theft shall be deemed withdrawn with respect to any employer named as a defendant in such court action.

(2) Within fifteen (15) days of becoming aware of any private action described herein, the POD shall notify the employee and any employer subject to the private action in writing of this provision and its effect on the complaint. Within thirty (30) days of the issuance of such notice, the POD will dismiss the complaint, with prejudice, only with respect to the employer or employers who are named as a defendant to the private action. The City will notify the employee and any employer of such dismissal in writing.

Section 15-45. Retaliation prohibited.

(a) Employers are prohibited from threatening, intimidating, or taking other adverse action against employees in retaliation for asserting any claim to wages pursuant to this Article, and any such actions are violations of this Article. Adverse actions include, but are not limited to, communicating to the employee, whether directly or indirectly, explicitly or implicitly, the willingness to inform a government employee that the employee is not lawfully in the United States.

(b) Where such retaliation resulted in any loss of the employee's wages, upon a finding by a hearing officer that an employer retaliated against an employee in violation of this Article, the employee is entitled to receive ~~back~~ quantifiable wages and liquidated damages.

(c) Violations of the retaliation prohibition shall be determined under the same procedures as wage theft complaints, and in the same proceeding as any related wage theft complaint. The City shall order any employer who has been found to have violated the retaliation prohibition to pay to the City the actual administrative processing costs and costs of the hearing, regardless of the findings on any related wage theft claim.

Sec. 15-46. Community engagement and proactive investigation.

(a) It is the policy of the City to engage community-based organizations to implement the purposes of this Article. The POD may coordinate implementation of City-funded community outreach efforts, including developing appropriate guidelines or rules, and contracting with community-based organizations to provide such services. Contracted services may include, but are not limited to, educating employees on their rights and assisting employees who wish to file complaints.

(b) The POD is authorized to direct proactive investigations of designated industries or employers in response to reports of alleged violations of this Article from employees, residents, organizations, or employers.

Section 2. A fiscal report regarding the administrative cost associated with the implementation of the Article shall be submitted to the applicable City Council Committee within six months of its effective date and one year after its effective date. Thereafter, such fiscal report shall be submitted annually. The fiscal report should provide quarterly statistical data about the number of inquiries, number of petitions for hearings, number of hearings scheduled, the cost of the hearings, and the results of the hearings.

Section 3. The unconstitutionality or invalidity of any word, sentence, or portion of this ordinance shall not affect the validity of the remaining portions.

Section 4. The administration is authorized and directed to take all actions necessary to implement the provisions of this Article within ~~sixty (60)~~ one hundred and twenty (120) days after this ordinance is enacted.

Section 5. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form:

Administration

MEMORANDUM

TO: The Honorable Charlie Gerdes, Chair and Members of City Council

FROM: Jacqueline M. Kovilaritch, Chief Assistant City Attorney

DATE: March 26, 2015

RE: Item I. 2. – Approving the issuance by the Maryland Health and Higher Educational Facilities Authority of its Revenue Bonds, The Johns Hopkins Health System Issue, Series 2015A, pursuant to and in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended

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REQUEST: Approve pursuant to and in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the issuance by the Maryland Health and Higher Educational Facilities Authority ("Maryland Authority") of not to exceed $72,000,000 of its Revenue Bonds, The Johns Hopkins Health System Issue, Series 2015A. The City of St. Petersburg Health Facilities Authority ("Authority") conducted a properly noticed public hearing (TEFRA hearing) on March 16, 2015. Notice of such public hearing was published in the *Tampa Bay Times* on March 1, 2015 and the meeting was placed on the Weekly Meeting Schedule.

INFORMATION AND HISTORY OF THE AUTHORITY: The City of St. Petersburg Health Facilities Authority was created by City Council Resolution No. 81-40 pursuant to Chapter 154, Florida Statutes. In creating the Authority, the City Council found that there was a need for a health facilities authority to perform the functions set forth in the statute to provide a method for tax exempt financing and refinancing for not-for-profit organizations authorized by law to provide hospital, nursing home or other types of health related services. The Authority has always conducted the required TEFRA hearings for health facilities projects. Delegation of that duty to the Authority allows Council to avoid addressing some complex financial transactions and avoids the duplication of hearings, presentations, and information already provided. The City Attorney's Office and Finance Department have provided assistance to the Authority since its creation. The current members of the Authority are Mary Wyatt Allen, Mary Hilton Cross, Wayne Fraser, John Green, Jr. and William Johnson.

CURRENT PROJECT: All Children's Hospital, Inc. ("All Children's") has continued its integration process with The Johns Hopkins Health System ("JH Health System") and has expressed to the Authority its desire to undertake certain financial transactions in partnership with the JH Health System. The Authority has outstanding its Health Facilities Revenue Refunding Bonds (All Children's Hospital, Inc. Obligated Group), Series 2009A ("2009A Bonds"). The 2009A Bonds were issued to refund the Authority's Hospital Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2007A ("2007A Bonds"). The 2007A Bonds, together with the Authority's $30,625,000 Health Facilities Refunding Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2007B ("2007B Bonds") had been issued for the purposes of (i) providing additional funding necessary to complete the acquisition, construction and equipping of a nine-story children's hospital and certain related facilities ("2007

I-2

Project"), and (ii) to refund the Authority's outstanding Health Facilities Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2005C ("Series 2005C Bonds"). The Authority previously issued its Series 2005C Bonds for the purpose of originally financing a portion of the costs of constructing the nine-story hospital located at the corner of 6th Avenue and 6th Street South, St. Petersburg, Florida ("2005C Project") (collectively, the 2007 Project and the 2005C Project are referred to as the "Project") owned by All Children's.

The Maryland Authority has considered the application of the JH Health System requesting that the Maryland Authority issue not to exceed $72,000,000 Revenue Bonds, The Johns Hopkins Health System Issue, Series 2015A ("2015A Bonds"), a portion of the proceeds of which are to be loaned to the JH Health System in order to provide for the refunding of all or a portion of the 2009A Bonds. The 2015A Bonds shall not constitute an indebtedness or obligation of the Authority or the City of St. Petersburg.

Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), requires the issuance of the 2015A Bonds by the Maryland Authority be approved, after a public hearing is held upon reasonable public notice, by both the governmental unit on behalf of which such obligation is to be issued and by the governmental unit having jurisdiction over the area in which the Project is located.

An Authority meeting and public hearing was held on March 16, 2015 to answer any questions of the Authority and hold the TEFRA hearing. There was no public comment at such hearing.

RECOMMENDATION: Attached is a resolution which you are being asked to approve that gives your approval of the issuance by the Maryland Health and Higher Educational Facilities Authority of its Revenue Bonds, The Johns Hopkins Health System Issue, Series 2015A, pursuant to and in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended. Also attached is the Executive Summary received from Johns Hopkins.

Attachments

00228385

RESOLUTION NO. 2015-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA APPROVING THE ISSUANCE BY THE MARYLAND HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY OF ITS NOT TO EXCEED $72,000,000 REVENUE BONDS, THE JOHNS HOPKINS HEALTH SYSTEM ISSUE, SERIES 2015A PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of St. Petersburg, Florida (the "Council"), as a political subdivision created and existing under the laws of the State of Florida, created the City of St. Petersburg Health Facilities Authority, which is a special district and a body corporate and politic in the City of St. Petersburg, Florida (the "SPHFA"), and the SPHFA is authorized pursuant to the Constitution and the laws of the State of Florida, including particularly the Health Facilities Authorities Law (Part III of Chapter 154, Florida Statutes, as amended) and Part II of Chapter 159, Florida Statutes, as amended (collectively, the "Act"), to issue its revenue bonds, the interest on which may or may not be excluded from gross income for federal income tax purposes, for the purpose of constructing and installing any project (as defined in the Act) in furtherance of the public purpose for which it was created; and

WHEREAS, the SPHFA has outstanding its Health Facilities Revenue Refunding Bonds (All Children's Hospital, Inc. Obligated Group), Series 2009A (the "2009A Bonds"); and

WHEREAS, All Children's Hospital, Inc. ("All Children's") has continued its integration process with The Johns Hopkins Health System (the "JH Health System") and has expressed to the SPHFA its desire to undertake certain financial transactions in partnership with the JH Health System; and

WHEREAS, the JH Health System became the sole member of All Children's in 2011; and

WHEREAS, the 2009A Bonds were issued to currently refund the SPHFA's Hospital Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2007A (the "2007A Bonds"); and

WHEREAS, the 2007A Bonds, together with the SPHFA's $30,625,000 Health Facilities Refunding Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2007B (the "2007B Bonds") had been issued for the purposes of (i) providing additional funding necessary to complete the acquisition, construction and equipping of a nine-story children's hospital and certain related facilities (the "2007 Project") and (ii) to currently refund the SPHFA's outstanding

Health Facilities Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2005C (the "Series 2005C Bonds"); and

WHEREAS, the SPHFA previously issued its Series 2005C Bonds for the purpose of originally financing a portion of the costs of constructing the nine-story hospital located at the corner of 6th Avenue and 6th Street South, St. Petersburg, Florida (the "2005C Project") (collectively, the 2007 Project and the 2005C Project are referred to as the "Project") owned by All Children's; and

WHEREAS, the Maryland Health and Higher Educational Facilities Authority (the "Maryland Authority") has considered the application of the JH Health System requesting that the Maryland Authority issue not to exceed $72,000,000 Revenue Bonds, The Johns Hopkins Health System Issue, Series 2015A (the "2015A Bonds"), a portion of the proceeds of which are to be loaned to the JH Health System in order to provide for the refunding of all or a portion of the 2009A Bonds (the "Refunded Bonds"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires certain approvals as a condition of exclusion from gross income for federal income tax purposes of the interest on private activity bonds; and

WHEREAS, the Code requires the issuance of the 2015A Bonds by the Maryland Authority be approved, after a public hearing is held upon reasonable public notice, by both the governmental unit on behalf of which such obligation is to be issued and by the governmental unit having jurisdiction over the area in which the Project is located; and

WHEREAS, the Council constitutes the elected legislative body of the City of St. Petersburg, Florida and has jurisdiction over the area where the Project is located; and

WHEREAS, the SPHFA on March 1, 2015, published in The Tampa Bay Times, a newspaper of general circulation in the City of St. Petersburg, Florida, a notice of public hearing regarding a hearing held at 4:00 p.m. on March 16, 2015, in City Hall of the City of St. Petersburg, Room 100, 175 Fifth Street, St. Petersburg, Florida to consider public comments regarding the issuance of the 2015A Bonds; and

WHEREAS, the public hearing so noticed, as indicated by the affidavit of the publisher of The Tampa Bay Times attached hereto as Exhibit A, was duly held by the SPHFA on March 16, 2015, during which hearing members of the public were afforded the opportunity to express their views on the issuance of the 2015A Bonds, the nature and location of the Project and the use of the proceeds thereof for the purposes set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA:

Section 1. The issuance of the 2015A Bonds by the Maryland Authority for the purpose of providing funds to refund the Refunded Bonds is hereby approved pursuant to and in accordance with Section 147(f) of the Code.

Section 2. Such approval by the Council does not constitute an endorsement to a prospective purchaser of the 2015A Bonds or the creditworthiness of the JH Health System, All Children's or the Project, and the 2015A Bonds shall not constitute an indebtedness or obligation of the State of Florida or of the City of St. Petersburg, or of the SPHFA, or of any county, municipal corporation or political subdivision thereof but the 2015A Bonds shall be a limited obligation of the Maryland Authority payable solely from the revenues derived from the JH Health System and pledged to the payment thereof and no owner of the 2015A Bonds shall ever have the right to compel any exercise of the taxing power of said State, or said City, or of any county, municipal corporation or political subdivision thereof, nor to enforce the payment thereof against any property of the State, the City or the SPHFA or of any such county, municipal corporation or political subdivision.

Section 3. All acts and doings of the officers and members of the SPHFA (or any successor thereto) which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects approved and confirmed by the Council.

Section 4. This resolution shall take effect immediately upon its adoption.

Adopted at a regular session of the City Council held on the 2nd day of April, 2015.

Approved as to Form and Content:

_____

City Attorney (designee)

00228382

EXHIBIT A

AFFIDAVIT OF PUBLICATION

92799

Tampa Bay Times
Published Daily

STATE OF FLORIDA } ss
COUNTY OF Pinellas County

Before the undersigned authority personally appeared **Johnnie Murry** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: NOTICE OF PUBLIC HEA** was published on **Tampa Bay Times: 3/1/15.** in said newspaper in the issues of **Baylink All Pinellas**

Affiant further says the said **Tampa Bay Times** is a newspaper published in St.Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Johnnie Murry
Signature of Affiant

Sworn to and subscribed before me this 03/01/2015.

Kathleen J. Klase
Signature of Notary Public

Personally known X or produced identification

Type of identification produced

KATHLEEN J. KLASE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE203840
Expires 6/20/2016

NOTICE OF PUBLIC HEARING
AND PUBLIC MEETING
OF THE CITY OF ST. PETERSBURG HEALTH FACILITIES AUTHORITY

NOTICE IS HEREBY GIVEN that a public hearing and meeting will be held on the 16th day of March, 2015 at 4:00 p.m. in Room 100 of City Hall of the City of St. Petersburg located at 175 5th Street North, St. Petersburg, Florida 33701 by the City of St. Petersburg Health Facilities Authority ("SPHFA"). The public hearing is relating to the issuance by the Maryland Health and Higher Educational Facilities Authority (the "Maryland Authority") of its revenue bonds in an aggregate principal amount not to exceed $72,000,000 (the "Bonds") for the purpose, among others, of providing for the refunding the SPHFA's Health Facilities Revenue Refunding Bonds (All Children's Hospital, Inc. Obligated Group), Series 2009A (the "2009A Bonds").

The 2009A Bonds were issued to currently refund the SPHFA's Hospital Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2007A (the "Series 2007A Bonds"). The Series 2007A Bonds, together with the SPHFA's $30,625,000 Health Facilities Refunding Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2007B (the "Series 2007B Bonds") had been issued for the purposes of (i) providing additional funding necessary to complete the acquisition, construction and equipping of a nine-story children's hospital and certain related facilities (the "2007 Project") and (ii) to currently refund the SPHFA's outstanding Health Facilities Revenue Bonds (All Children's Hospital, Inc. Obligated Group), Series 2005C (the "Series 2005C Bonds").

The SPHFA previously issued its Series 2005C Bonds for the purpose of originally financing a portion of the costs of constructing the nine-story hospital located at the corner of 6th Avenue and 6th Street South, St. Petersburg, Florida (the "2005C Project") (collectively, the 2007 Project and the 2005C Project are referred to as the "Project"). The Project is owned by All Children's Hospital, Inc. (the "Hospital").

The Bonds and the interest thereon will be limited obligations of the Maryland Authority payable solely from (i) loan payments to be made by the Johns Hopkins Health System Corporation and certain affiliates designated as members of the Johns Hopkins Health System Obligated Group, which includes the Hospital and (ii) other moneys pledged therefor under the financing documents. The Bonds will not constitute a general indebtedness or a charge against the general credit of the Maryland Authority. Neither the faith nor credit of the Maryland Authority, the City of St. Petersburg, Florida, the SPHFA, the State of Florida, or any political subdivision thereof, will be pledged to the payment of the principal of or interest on the Bonds and the Bonds shall not constitute a debt, liability or obligation of the Maryland Authority, the City of St. Petersburg, Florida, the SPHFA, the State of Florida, or any political subdivision thereof. Neither the Maryland Authority nor the SPHFA have taxing power.

The public hearing held by the SPHFA is required by Section 147(f) of the Internal Revenue Code (the "Code"). Any person interested in the nature and location of the Project or the proposed issuance of the Bonds may appear and be heard. Subsequent to the public hearing, the City Council of the City of St. Petersburg, Florida (the "Council"), will consider whether to approve the Bonds, as required by Section 147(f) of the Code.

The public hearing held by the SPHFA will be conducted in a manner that provides a reasonable opportunity to be heard for persons with differing views on the nature and location of the Project and the issuance of the Bonds. Any person desiring to be heard on this matter is requested to attend the public hearing held by the SPHFA or send a representative. Written comments may be submitted to the SPHFA, and further information relating to this matter is available for inspection and copying during regular business hours, at the SPHFA, c/o Jacqueline Kovilaritch, Assistant City Attorney, One Fourth Street North, 10th Floor, St. Petersburg, FL 33701.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at least 24 hours prior to the public hearing by calling (727) 893-7448.

Comments made at the hearing and the meeting are for the consideration of the Council and the SPHFA, and will not bind any legal action to be taken by the Council or the SPHFA in connection with the consideration and approval of the financing and the issuance of the Bonds. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPHFA WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING OR MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, SUCH PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

DATED: March 1, 2015

By: CITY OF ST. PETERSBURG HEALTH FACILITIES AUTHORITY (92799) 3/1/2015

City of St. Petersburg, Florida
Executive Summary

The Johns Hopkins Health System
Advance Refunding of ACH Series 2009
Bonds

JOHNS HOPKINS
MEDICINE

JHHS Board Approved Refunding Transactions

- The Subcommittee of the JHM Finance Committee on Debt Capacity and Debt Financing reviewed the JHHS Obligated Group debt portfolio and recommendations from JHHS Management regarding potential savings from the refunding and advance refunding of certain long-term fixed rate debt.

- It was noted that while interest rate volatility continues, long-term interest rates are very low in an absolute sense which provides the opportunity for substantial savings on the following fixed-rate debt:

  - ACH Series 2009
  - Sibley Series 2009
  - JHMI Utilities LLC Series 2005A (JHHS Guaranty) and 2005B (JHU Guaranty)

- The JHM Finance Committee approved the refundings at its February 26th meeting.

- The JHHS Board of Trustees approved the transactions at its March 2nd meeting.

- The Maryland Health and Higher Educational Facilities Authority accepted the JHHS applications for these refundings on March 3rd.

Advance Refunding of ACH Series 2009 Bonds

- All Children's Hospital issued the Series 2009 bonds in an amount of $64,375,000 on April 8, 2009 for the purpose of refunding the ACH Series 2007 Auction-Rate Securities bonds.

- The bonds were structured in the following manner:
  - Serial Bonds - $2,195,000
    - Maturing fairly evenly from 2010 to 2019
    - Yields ranged from 2.95% to 5.38%
  - Two Term Bonds - $62,180,000
    - $2,410,000 maturing in 2029 with a yield of 6.45%
    - $59,770,000 maturing in 2039 with a yield of 6.72%

  - The bonds included the typical, tax-exempt, 10-year call date provision. The call date is November 15, 2019.

- An advance refunding analysis of the bonds yields substantial savings
  - New 2015 bonds are sold and the proceeds placed into an escrow account.
  - Interest and principal payments are made to the 2009 bondholders from the escrow account through the call date.
  - The bonds are redeemed on the call date so there is no prepayment penalty.
  - JHHS is responsible for the interest payments due on the rate on the new 2015 bonds sold at lower current rates.
    - ACH will reimburse JHHS for debt payments pursuant to inter-entity loan agreement.

Transaction Structure

- JHHS plans to issue one series of bonds to refund both the ACH and Sibley Series 2009 bonds to insure cost of issuance efficiencies.
- The advance refundings will come in the form of a fixed rate, matched-maturity issuance.
- There will be subsidiary schedules produced in order to show each affiliate's share of the principal and interest amortization.
- Since the debt and associated cost of issuance and any original issue discount or premium and MD Authority and administrative annual fees will be on the books of the JHHS Parent, the amortization expense associated with this will be built into the inter-entity loan agreements to make the JHHS Parent whole.
- The senior underwriting team will consist of Goldman Sachs, Jefferies, and J.P. Morgan
  - Goldman Sachs is the book-running senior.
  - The senior team was selected through a RFP process in late January and February.
- The pricing date for the bonds is currently scheduled for the week of April 20th.
  - JHHS will conduct tax work, bond documentation preparation, and rating agency discussions will occur during March and early April.

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of April 2, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Renewing a blanket purchase agreement with the School Board of Pinellas County, a sole source supplier, to provide transportation services for the Parks and Recreation Department at an estimated annual cost of $628,000.

Explanation: On May 2, 2013 City Council approved a one-year agreement for transportation services through August 17, 2014, with three one-year renewal options. On July 10, 2014, City Council approved the first renewal option. This is the second renewal.

The vendor provides school buses and drivers for city-sponsored field trips and for, before and after, school programs. Because the School Board's fleet is the only known local fleet of this size, and due to the costs and logistics associated with utilizing a non-local fleet, a sole source procurement is recommended. The city will be charged $29.00 per hour plus a mileage surcharge of $1.50 per mile for field trips, $13,901 for each before and after school bus run and $66,000 for each before and after school bus route. These charges are the actual costs to the School Board. There is no cost impact to the city for the transportation, as these expenses are included in participants' registration fees for field trips and before and after school programs.

Approximately 1,000 School buses will be used for 600 field trips scheduled by 14 Parks and Recreation Playcamp sites along with 6 bus routes and 4 bus runs which will occur daily during the school year to transport children to and from before and after school programs.

The Procurement Department in cooperation with the Parks and Recreation Department recommends renewal:

The School Board of Pinellas County, Florida..... $628,000

This purchase is made in accordance with Section 2-249 of the Sole Source Procurement of the Procurement Code which authorizes City Council to approve the purchase of a supply or service over $100,000 without competitive bidding, if it has been determined that the supply or service is available from only one source. The School Board of Pinellas County currently provides these services and has performed satisfactorily. The renewal will be effective from date of approval through August 17, 2016 and will be binding only for actual services received.

Cost/Funding/Assessment Information: Funds have been appropriated in the General Fund (0001), Parks and Recreation Department (190), and Various Divisions to include all 14 Parks and Recreation Playcamp sites.

Attachments: Resolution

Approvals:

For Shay K. McBee

By: Administrative

Shay McBee

Budget

A RESOLUTION APPROVING THE SECOND ONE-YEAR RENEWAL OPTION OF AN AGREEMENT (BLANKET AGREEMENT) WITH THE SCHOOL BOARD OF PINELLAS COUNTY TO PROVIDE SCHOOL BUSES AND DRIVERS FOR THE PARKS AND RECREATION DEPARTMENT AT AN ESTIMATED ANNUAL COST NOT TO EXCEED $628,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 2, 2013 City Council approved the award of a one-year agreement (Blanket Agreement) with three one-year renewal options to the School Board of Pinellas County ("School Board") pursuant to Section 2-249 of the Sole Source Procurement Code as a sole source supplier to provide transportation services for the Parks and Recreation Department; and

WHEREAS, on July 10, 2014 City Council approved the first one-year renewal option of the Agreement with the School Board; and

WHEREAS, the City desires to exercise the second one-year renewal option of the Agreement with the School Board; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Parks and Recreation Department, recommends approval of the second one-year renewal of the Agreement; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the second one-year renewal of the Agreement (Blanket Agreement) with the School Board of Pinellas County to provide school buses and drivers for the Parks and Recreation Department at an estimated annual cost not to exceed $628,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this Agreement will be effective from the date of approval through August 17, 2016.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

RBG

City Attorney (Designee)

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of April 2, 2015

TO: The Honorable Charlie Gerdes, Chair and Members of City Council

SUBJECT: Authorizing the Mayor or his designee to execute Task Order No. 12-06-CH2/UIW, to the Agreement between the City of St. Petersburg and CH2M Hill, Inc. in the amount of $548,341, for rehabilitation services for the Southwest Water Reclamation Facility (SWWRF) Injection Well System Acidization. (Oracle No. 14827)

EXPLANATION: On January 9, 2015, the City approved a Master Agreement with the professional consulting engineering firm of CH2M Hill, Inc. for Miscellaneous Professional Services for Underground Injection Wells and Monitoring Wells System Projects.

This Task Order No. 12-06-CH2/UIW, in the amount of $548,341 provides for services associated with the rehabilitation of the SWWRF Deep Injection Wells and Aquifer and Storage Recovery Well. The scope of the work includes, but is not limited to, developing the test plan, FDEP approval, well rehabilitation construction services, subcontract management, resident observation and preparation of an engineering report.

There are three Deep Injection Wells and one Aquifer Storage and Recovery (ASR) well at the SWWRF. These wells serve to dispose of excess treated wastewater at the plant. The three wells have not been acidized since 1999 and the ASR well has not been acidized since it was constructed in 2005. The process of acidizing wells restores the capacity of the well by cleaning the interior of the well casing. The consultant will assist with bidding, permitting and construction inspection of the project. The consultant will also prepare an engineering report summarizing the work performed, analyzing the data and results and making recommendations.

On March 12, 2015, a Limited Notice to Proceed was approved for Task Order 12-06-CH2/UIW in the amount of $50,000 for test plan design, FDEP permitting and bidding phase services associated with this project.

Administration recommends approval of Task Order No. 12-06-CH2/UIW in the total amount of $548,341 for the rehabilitation of the SWWRF Deep Injection Wells and Aquifer and Storage Recovery Well.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF SW Injection Well Acidization Project (Oracle No. 14827).

ATTACHMENTS: Resolution

APPROVALS: Administrative SHL Budget

NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE TASK ORDER NUMBER 12-06-CH2/UIW TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND CH2MHILL, INC. IN THE AMOUNT OF $548,341 FOR THE REHABILITATION OF THE SOUTHWEST WATER RECLAMATION FACILITY DEEP INJECTION WELLS AND AQUIFER STORAGE AND RECOVERY WELL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On January 9, 2015, the City approved a Master Agreement with the professional consulting engineering firm of CH2M Hill, Inc. for Miscellaneous Professional Services for Underground Injection Wells and Monitoring Wells System Projects; and

WHEREAS, Task Order No. 12-06-CH2/UIW to that Agreement, in the amount of $548,341 provides for rehabilitation services associated with the Southwest Water Reclamation Facility (SWWRF) Deep Injection Wells and Aquifer Storage and Recovery Well including, but not limited to, developing the test plan, obtaining FDEP approval, well rehabilitation construction services, subcontract management, resident observation and preparation of an engineering report; and

WHEREAS, Administration recommends the approval of Task Order No. 12-06-CH2/UIW in the amount of $548,341 for the rehabilitation services for the SWWRF Deep Injection Wells and Aquifer Storage and Recovery Well.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is authorized to execute Task Order Number 12-06-CH2/UIW in the amount of $548,341 for the rehabilitation of the Southwest Water Reclamation Facility Deep Injection Wells and Aquifer Storage and Recovery Well (Oracle Project Number 14827).

This resolution shall become effective immediately upon its adoption.

Approved by:

Legal Department
By: (City Attorney or Designee)

Approved by:

Department Director

00213358

Task Order No. 12-06-CH2/UIW

Southwest Water Reclamation Facility (WRF) Injection Well System Acidization City of St. Petersburg, Florida

March 11, 2015

Task Order No. 12-06-CH2/UIW, attached to the Agreement dated January 9, 2015, entitled ARCHITECT/ENGINEERING AGREEMENT FOR MISCELLANEOUS PROFESSIONAL SERVICES FOR UNDERGROUND INJECTION WELLS AND MONITORING SYSTEMS PROJECTS between CH2M HILL, ENGINEERS Inc., herein referred to as ENGINEER, and the City of St. Petersburg, hereinafter referred to as CITY and made part of the Agreement thereof.

Scope of Work

This task order pertains to the rehabilitation of the City of St. Petersburg's (CITY's) Southwest Water Reclamation Facility (SWWRF) deep injection wells (DIW) and aquifer storage and recovery (ASR) well. Tasks to be performed under this task order include acidization implementation and acizidation summary report. Costs from the selected bidder are included in this Task Order.

The CITY utilizes three deep injection wells to dispose of municipal (domestic) wastewater at SWWRF. The CITY also utilizes one ASR well located at SWWRF to store and recover reclaimed water. The final casing of the Class I municipal injection wells consists of 24-inch outside diameter (23-inch inside diameter) carbon steel casing installed to a depth of between 904 feet below land surface (bls) at IW-1 to 928 feet bls at IW-2 and IW-3. The wells are completed with a nominal 22-inch diameter open hole to between approximately 970 and 1,100 feet in depth. The final casing of the Class V ASR well consists of a 16-inch outside diameter (XXX inside diameter) carbon steel casing installed to a depth of 490 feet bls.

The CITY is in the process of taking the Albert Whitted WRF out of service and plans to divert raw wastewater to the SWWRF for treatment. This will result in the need to dispose of more reclaimed water into the SWWRF DIW and ASR systems.

The Florida Department of Environmental Protection (FDEP) issued a minor modification to the permit February 18, 2014 increasing the maximum injection rate to 15 mgd at each well. The maximum operation pressure however is still 70 psi. Currently, the maximum flow rate of 45 mgd is not attainable at the SWWRF. Increasing the capacity of the injection wells is required to obtain the maximum permitted flow of 15 mgd per well at the allowable 70 psi wellhead pressure.

The wells will be acidized in an attempt to increase the injection capacity to the maximum permitted flow. The injection wells at the SWWRF were last acidized in 1999. In addition to acidizing the injection wells, the ASR well at the SWWRF will be acidized to restore lost capacity. This well has not been acidized since the well was constructed.

Attachment No. 2 is a breakdown of the engineering services cost estimate for the two (2) tasks identified for the project. The scope of this task is outlined below:

Task 1 – Construction Documents and Bidding

ENGINEER shall prepare a test plan that will document the proposed activities to be completed to increase injection capacity. The test plan will include procedures to perform development, acidization of the well and pre and post maximum specific injectivity rate testing of each well.

ENGINEER shall prepare a set of specifications to solicit bids from qualified well drilling companies (Contractor) to complete the work.

ENGINEER shall assist the CITY in obtaining permission from the Florida Department of Environmental Protection (FDEP) to perform rehabilitative activities on the DIWs. It is anticipated that the test plan and specifications will be submitted to the FDEP in order to obtain authorization from the FDEP to perform the DIW rehabilitation activities. ENGINEER will attend up to one conference call with the FDEP, if required, to discuss the proposed test plan and specifications.

ENGINEER will attend up to one (1) meeting, with CITY staff to develop and discuss the proposed test plan and specifications. Up to three members of the ENGINEER team will attend the meeting.

ENGINEER will respond to up to one request for additional information from the FDEP upon their review of the test plan and specifications.

ENGINEER will solicit bids from qualified well drilling companies. ENGINEER will review the bids for completeness, tabulate the bids, and provide the CITY with a recommendation of award. ENGINEER will attend up to one pre-bid conference and site visit to answer bidder's questions and explain the proposed rehabilitation program. If necessary, the ENGINEER will prepare an addendum to the Bid Documents that may arise from such a meeting.

The ENGINEER will also contract with ASRus, LLC. as a SUBCONSULTANT for this project. For this Task, the SUBCONSULTANT will provide quality control and review of the test plan and assistance with permitting/regulatory issues. The SUBCONSULTANT shall be contracted directly to the ENGINEER and invoiced at 1.05 times the SUBCONSULTANT fee. SUBCONSULTANT costs associated with the tests are shown on **Attachment No. 2**

Task 2 – Acidization Implementation

The ENGINEER will contract directly with the Drilling Contractor selected from bidding performed under a previous Task Order. The mark-up on the Drilling Contractor services will 1.10 per the Agreement with the CITY.

ENGINEER will conduct a pre-construction meeting with the CITY and Drilling Contractor to answer the Contractor's questions, discuss acidization schedule, and finalized rehabilitation program.

ENGINEER will provide services during construction and resident engineering services for acidization activities at each well including contractor mobilization, acidization setup, final completion inspection, and contractor demobilization. The ENGINEER shall prepare a daily report each day that resident observation is provided. The CITY shall receive copies of the daily reports in the Acidization Summary Report to be completed in Task 2 below.

SUBCONSULTANT will attend the pre-construction meeting, provide quality control and assistance with services during construction and review of the Acidization Summary Report to be completed in Task 3 below.

Owner's Allowance - At the CITY's request, well development piping and a recovery pump may be installed by the Contractor at each well for well development either prior to or after acidization for a combined total

pumping time of 40 hours. Time for resident observation of this effort has been included. The piping installation may take an additional week beyond the anticipated 4 weeks for acidization, with or without development for equipment delivery and installation. Resident observation of 10 hours is included for piping installation.

Task 3 – Acidization Summary Report

ENGINEER shall prepare an engineering report summarizing the work performed, analyzing the data and results, and making applicable recommendations. A single report shall be prepared documenting the acidization activities. The CITY shall receive one (1) draft report and up to six (6) final signed and sealed copies of the engineering report and associated geophysical logs for distribution to CITY staff. FDEP and any TAC members will be provided with an electronic copy (in pdf format) on CD. The report will be signed and sealed both by a professional geologist and a professional engineer who are registered in Florida.

Owner's Allowance – If well development is conducted as part of Task 2 above, additional effort will be required by the ENGINEER and SUBCONSULTANT to include well development in the Acidization Summary Report.

Assumptions

In addition to the assumptions listed in the scope of work, the following items are assumed:

- The ENGINEER will make a reasonable effort to work with the FDEP to acquire authorization to perform the proposed well rehabilitation activities. However, the ENGINEER does not guarantee that the FDEP will grant authorization.
- All permitting fees are the responsibility of the CITY. No permitting fees are anticipated for this work assignment.
- The ENGINEER will contract directly with a qualified bidder to perform on-site well rehabilitation activities upon issuance of an amendment to this task order.
- Access to well sites will be provided by CITY including fences, gates, culverts, or temporary roads necessary to provide access to the SUBCONTRACTOR to complete the work. No site work is included in this Task Order.
- Well development and acidization are common rehabilitation methods for municipal injection wells and generally result in improvement of well capacity; however, no guarantee can be made as to the degree of improvement in well capacity, the duration the improvement will last, or whether any improvement in well capacity will be observed.
- If acidization is performed at the wells by the alternative method of acid injection directly at the wellhead, the CONSULTANT accepts no liability for possible leaks, gasket/valve failures, or wellhead piping/casing failures that may occur.

Deliverables

The CITY shall be provided with one (1) draft copy of the test plan and bid package in electronic pdf format for review, and three (3) final copies of the test plan and bid package including one (1) pdf version. The ENGINEER shall provide copies of the contract documents for submittal to the FDEP if required.

The CITY shall receive one (1) draft report and up to six (6) final signed and sealed copies of the engineering report and associated geophysical logs for distribution to CITY staff. FDEP and any TAC members will be provided with an electronic copy (in pdf format) on CD. The report will be signed and sealed both by a professional geologist and a professional engineer who are registered in Florida.

City Responsibilities

The CITY will provide a turnaround time on review of the draft test plan within one (1) week and the draft bid documents within two (2) weeks in order to meet the schedule to complete the scope of work.

The CITY will provide a turnaround time on review of the draft summary report within two (2) weeks.

Schedule

Attachment No. 1 shows the estimated schedule to complete the scope of work. The total time to complete the scope of work associated with this task order is estimated not to exceed five (5) months.

Engineer's Compensation

For the above described SCOPE OF SERVICES the CITY shall compensate the ENGINEER on a lump sum basis for Tasks 1 and 3 and on an hourly basis plus expenses for Task 2 as detailed in **Attachment No. 2**, parts 1 through 4, respectively, Work Task Breakdown, attached to this task order and made part of this task order.

Attachment No. 2 shows that the total cost for engineering services to complete this task order is $427,786, not including the owner's allowance of $120,555 to be used only at the owner's discretion. The project deliverables are identified for each task as described above. Invoices for consulting services shall include a brief description of the work performed during the billing period, the percent complete, and the total amount due.

Acceptance

By signature, the parties accept the provisions of this Task Order No. 12-06-CH2/UIW and authorize the ARCHITECT/ENGINEER to proceed at the direction of the CITY's representative.

ATTEST

By: _____

Chandrahasa Srinivasa
City Clerk

Date: _____

CITY OF ST. PETERSBURG

By: _____

Steven Leavitt, P.E.
Water Resources Director

Date: _____

APPROVED AS TO CONTENT

By: _____

City Attorney (Designee)

Date: _____

APPROVED AS TO FORM

By: _____

City Attorney (Designee)

Date: _____

CH2M HILL ENGINEERS, INC.

By: W Beddow

William D. Beddow, P.E.
Vice President and Area Manager

Date: 3/11/2015

WITNESS

By: Ryan Messer

Ryan Messer, E.I.
CH2M HILL Project Manager

Date: 3/11/2015

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of April 2, 2015

To: The Honorable Charles Gerdes, Chair and Members of City Council

Subject: Authorizing the Mayor or his designee to execute Change Order No. 2 in the amount of $119,614.19 to the Agreement with Rowland Inc. for Sanitary Sewer Force Main Repairs at Gandy Boulevard between Dr. Martin Luther King Jr. Street (9th Street) and Roosevelt Boulevard ("Agreement") for a total contract amount of $685,905.64 and providing an effective date (Engineering Project No. 14068-111, Oracle No. 14498).

Explanation: On September 2, 2014, Administration authorized an emergency purchase of Sanitary Sewer Force Main Repairs in the amount of $541,291.45 with the Water Resources Department unscheduled repair contractor, Rowland Inc. under a time and materials agreement based on bid prices (IFB 7126). The emergency purchase was required to protect the public health and safety and to minimize delays and resultant expenses on the project. City Council ratified and approved the emergency purchase on October 2, 2014.

Change Order No. 1 to the Agreement was approved administratively in the amount of $25,000, for a revised contract amount of $566,291.45. Change Order No. 1 provided for additional labor and equipment cost due to weather delays on the project.

The contractor mobilized in early September with the intent of completing the work by November 21, 2014. The work consisted of construction of a new 24" diameter replacement force main, for a distance of 1,060 linear feet, passing under Gandy Boulevard (SR 694), and within the FDOT Gandy Boulevard Project.

Change Order No. 2 provides for additional costs for personnel and equipment charges in the amount of $80,129.83, and additional cost for pipe materials and fittings in the amount of $39,484.36. The work was successfully completed in December 2014, and the new 24" diameter sanitary sewer force main is in service. To date, no delay claims have been filed by the FDOT's contractor. The additional labor and equipment charges resulted from additional time required to complete the work due to weather delays, and time required to coordinate with utility operations. The additional materials were required to complete the work, as directed by the engineer.

The current agreement is in the amount of $566,291.45. Change Order No. 2 in the amount of $119,614.19 will increase the final contract amount to a total of $685,905.64.

Recommendation: Administration recommends authorizing the Mayor or his designee to execute Change Order No. 1 in the amount of $119,164.19 to the Agreement with Rowland Inc. for the Sanitary Sewer Force Main Repairs at Gandy Boulevard between Dr. Martin Luther King Jr. Street (9th Street) and Roosevelt Boulevard for a total contract

amount of $685,905.64 and providing an effective date (Engineering Project No. 14068-111, Oracle No. 14498).

Cost/Funding/Assessment Information: Funds are available in the Water Resources Capital Projects Fund (4003), SAN Gandy Emergency Repair FY14 Project (14498).

Attachment: Resolution

APPROVALS:
tbg

TBG Administrative

Budget

Resolution No. 2015- ____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE CHANGE ORDER NO. 2 TO THE AGREEMENT WITH ROWLAND INC. DATED SEPTEMBER 15, 2014 FOR SANITARY SEWER FORCE MAIN REPAIRS AT GANDY BOULEVARD BETWEEN DR. MARTIN LUTHER KING JR. STREET (9TH STREET) AND ROOSEVELT BOULEVARD IN THE AMOUNT OF $119,614.19 FOR A TOTAL AGREEMENT AMOUNT OF $685,905.64 AND PROVIDING AN EFFECTIVE DATE (ENGINEERING PROJECT NO. 14068-111, ORACLE NO. 14498).

WHEREAS, on September 2, 2014, Administration authorized an emergency purchase of Sanitary Sewer Force Main Repairs in the amount of $541,291.45 with the Water Resources Department unscheduled repair contractor, Rowland Inc., pursuant to an Agreement dated September 15, 2104 ("Agreement") based on bid prices (IFB 7126). City Council ratified and approved the emergency purchase Agreement on October 2, 2014; and

WHEREAS, Change Order No. 1 was approved administratively in the amount of $25,000, increasing the total Agreement amount to $566,291.45; and

WHEREAS, Rowland Inc. mobilized in early September with the intent of completing the work by November 21, 2014 for the construction of a new 24" diameter replacement force main, for a distance of 1,060 linear feet, passing under Gandy Boulevard (SR 694), and within the FDOT Gandy Boulevard Project; and

WHEREAS, Change Order No. 2 provides for additional costs for personnel and equipment charges in the amount of $80,129.83 for weather delays and coordination of utility operations; and

WHEREAS, Change Order No. 2 also provides for additional cost for pipe materials and fittings in the amount of $39,484.36, as directed by the engineer; and

WHEREAS, the Agreement is currently approved in the amount of $566,291.45 and Change Order No. 2 in the amount of $119,614.19 will increase the final Agreement amount to a total of $685,905.64.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Change Order No. 2 in the amount of $119,614.19 to the Agreement with Rowland Inc. dated

September 15, 2014 for Sanitary Sewer Force Main Repairs at Gandy Boulevard between Dr. Martin Luther King Jr. Street (9th Street) and Roosevelt Boulevard for a total Agreement amount of $685,905.64 (Engineering Project No. 14068-111, Oracle No. 14498).

This resolution shall become effective immediately upon its adoption.

Approved by:

Legal Department
By: (City Attorney or Designee)

Approved by:

Thomas B. Gibson, P.E.
Engineering Director

Tom Greene
Budget Director

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of April 2, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Awarding a contract to Kelly Brothers, Inc. in the amount of $294,402.56 for the construction of the Central Avenue Over Booker Creek Bridge Rehabilitation (Bridge 157123) project (Engineering Project No. 13052-110; Oracle No. 13720); approving a rescission of $225,000 from the unencumbered appropriation in the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027) for the MLK St South over Booker Creek Project (14548); approving a supplemental appropriation in the amount of $225,000 from the unappropriated balance of the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027), resulting from this rescission, to the Central Ave Bridge/Booker Creek Project (13720); and providing an effective date.

Explanation: The Procurement Department received two bids for the rehabilitation of Bridge 157123 crossing Booker Creek at Central Avenue between 13th and 15th Street North. The Work consists of providing all labor, material, equipment, and services necessary for construction of 150 cubic feet of concrete spall repair, 200 linear feet of epoxy crack injection to the bridge, 2,800 square feet of Class 5 surface finish to bridge surfaces, seven (7) cubic yards of gravity wall construction, and 495 cubic yards of fabric formed concrete riprap and steel sheet piling for slope stability on the northeast corner of the bridge.

The existing bridge was constructed in 1921 and is a 32 foot long single span concrete structure with monolithic beams and a concrete deck. Scour protection is necessary to protect the base of the walls of the single span bridge abutments against sediment erosion in order to extend the service life of the structure.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within one hundred twenty (120) consecutive calendar days thereafter. Bids were opened on March 5, 2015 and are tabulated as follows:

Bidder	Total
Kelly Brothers, Inc. (Ft. Myers, FL)	$294,402.56
Tagarelli Construction, Inc. (Tarpon Springs, FL)	$327,493.00

Kelly Brothers, Inc. the lowest responsive and responsible bidder, has met the specifications, terms and conditions for RFQ 5694 dated February 17, 2015.

They have satisfactorily performed similar projects for Sarasota County, Lee County, City of Naples, Manatee County and Florida Department of Transporation.The Principals of the firm are Danny M. Kelly, President, and Dane P. Kelly, Vice President.

Recommendation: Administration recommends awarding this Contract to Kelly Brothers, Inc. in the amount of $294,402.56.

Continued on Page 2

Cost/Funding/Assessment Information: Funds will be available after the rescission of an unencumbered appropriation of $225,000 in the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027) for the MLK St South over Booker Creek Project (14548) and a supplemental appropriation in the amount of $225,000 from the unappropriated balance of the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027), resulting from this rescission, to the Central Ave Bridge/Booker Creek Project (13720) (Engineering Project No. 13052-110).

Attachments: Resolution

Approvals:

Administrative **Budget**

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO KELLY BROTHERS, INC. FOR CONSTRUCTION OF THE CENTRAL AVENUE OVER BOOKER CREEK BRIDGE REHABILITATION PROJECT (ORACLE NO. 13720) IN AN AMOUNT NOT TO EXCEED $294,402.56; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A RESCISSION OF $225,000 FROM THE UNENCUMBERED APPROPRIATION IN THE NEIGHBORHOOD AND CITYWIDE INFRASTRUCTURE CAPITAL IMPROVEMENT FUND (3027) FOR THE MLK ST SOUTH OVER BOOKER CREEK PROJECT (14548); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $225,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE NEIGHBORHOOD AND CITYWIDE INFRASTRUCTURE CAPITAL IMPROVEMENT FUND (3027); RESULTING FROM THIS RESCISSION, TO THE CENTRAL AVE BRIDGE/BOOKER CREEK PROJECT (13720); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received two bids for the rehabilitation of Bridge 157123 that crosses Booker Creek at Central Avenue pursuant to RFP No. 5694 dated February 17, 2014; and

WHEREAS, Kelly Brothers, Inc. has met the requirements of RFP No. 5694; and

WHEREAS, the Administration recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bid is accepted and the award of an agreement to Kelly Brothers, Inc. for the construction of the Central Avenue Over Booker Creek Bridge Rehabilitation Project (Oracle No. 13720) in an amount not to exceed $294,402.56 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that rescission of $225,000 from the unencumbered appropriation in the Neighborhood and Citywide Infrastructure Capital

Improvement Fund (3027) for the MLK St South Over Booker Creek Project (14548) is hereby approved; and

BE IT FURTHER RESOLVED that the following supplemental appropriation from the increase in the unappropriated balance of the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027), resulting from this rescission to the Central Ave Bridge/Booker Creek Project (13720) for Fiscal Year 2015 is hereby approved:

Neighborhood and Citywide Infrastructure	
Capital Improvement Fund (3027)	
Central Ave Bridge/Booker Creek Project (13720)	$225,000

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney (Designee)

Budget

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of April 2, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Accepting a proposal from Boley Centers, Inc. for the management of the Summer Youth Intern Program (SYIP) for the Community Services Department at an estimated annual cost of $275,000.

Explanation: The Procurement Department received one proposal for the management of the summer youth intern program. The provider will recruit, screen, place applicants and provide full payroll services and supervision for individuals employed under this program. In addition, the provider will work with private industry and community groups to recruit eligible participants and employers. The city funded program will provide temporary employment for the city's youth from economically disadvantaged families, who meet certain household income guidelines. The SYIP provides diverse opportunities for approximately 140 youths between the ages of 16 and 21 to develop vocational skills and earn an income. The 2015 SYIP will run from approximately June 18 through mid-August.

The Procurement Department, in cooperation with the Community Services Department recommends for award:

Boley Centers, Inc. $275,000

The vendor has met the requirements of RFP No. 7779 dated January 27, 2015. Boley has provided this service in the past and has performed satisfactorily. The agreement will be effective from date of award through the end of the 2018 summer program, with one two-year renewal options by mutual agreement.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Operating Fund (0001), Community Services Department, Neighborhood Partnership Program Division (083.1081). All future expenditures under this contract are subject to future appropriations.

Attachments: Resolution

Approvals:

Administrative **Budget**

A RESOLUTION ACCEPTING A PROPOSAL AND APPROVING THE AWARD OF A THREE-YEAR AGREEMENT WITH ONE TWO-YEAR RENEWAL OPTION TO BOLEY CENTERS, INC. FOR MANAGEMENT SERVICES FOR THE AFTER SCHOOL YOUTH EMPLOYMENT PROGRAM FOR THE COMMUNITY SERVICES DEPARTMENT AT AN ESTIMATED ANNUAL COST NOT TO EXCEED $275,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received one proposal for the management of the Summer Youth Intern Program for the Community Services Department pursuant to RFP No. 7779 dated January 27, 2015; and

WHEREAS, Boley Centers, Inc. has met the specifications, terms and conditions of RFP No. 7779; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Community Services Department, recommends approval of this award.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the proposal and award of a three-year Agreement with Boley Centers, Inc. for management services for the After School Youth Employment Program for the Community Services Department at an estimated annual cost not to exceed $275,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this Agreement will be effective from the date of approval through the end of the 2018 summer program.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney (Designee)

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of April 2, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Renewing a blanket purchase agreement with Pinellas County Schools Food Service for the after school snack program for the Parks & Recreation Department at an estimated annual cost of $163,059.

Explanation: On July 10, 2014 City Council approved a one year agreement for the after school snack program through July 31, 2015, with one one-year renewal option. This is the first and final renewal option.

The vendor provides snacks and beverages for children enrolled in the city's after school program. The schedule of the program is concurrent with the Pinellas County Schools weekday calendar. Services are also provided when schools are not in session or on city holidays. During the periods where the vendor's operations are closed, such as Spring Break, Fall Break, and Christmas Break, the city will self-perform the program. Throughout the program, city staff transports approximately 1,100 snacks per day from 11 designated school sites to the 11 recreation centers that participate in the program, transporting approximately 209,050 snacks per year. The snacks are in compliance with the specifications as provided by USDA Child and Adult Care Food Program through the Florida Department of Health Bureau of Child Nutrition.

The Procurement Department in cooperation with the Parks and Recreation Department, recommends renewal:

Pinellas County Schools, Food Service..... $163,059

Approximately 209,050 snacks @ .78 each

The vendor has agreed to hold prices firm under the terms and conditions of IFB No. 7682 dated May 19, 2014. Administration recommends renewal of the agreement based upon the vendor's past satisfactory performance. The renewal will be effective from date of award through July 31, 2016.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001), Parks and Recreation Department, Recreation Administration (190-1573).

Attachments: Delivery Locations
Snack Menu
Resolution

Approvals:

Shay K. McBee

By: Administrative

Budget

Appendix A
Delivery Locations 2015-2016
for After School Snack Program

General Site Information	Beg Date End Date School Year	Est. Total Days	Pickup Location	Maximum Daily Meals	Maximum Total Meals	Est. Serving Time
e #1- Campbell Park Center 601 14th St. S. St. Petersburg, FL 33705 Ph: (727)893-7733 Supvr. Verline Moore	beg: 8/24/15 end: 6/7/16	185	Campbell Park Elementary	50	9250	4:30 p.m.
Site #2 - Childs Park Center 4301 13th Ave. S. St. Petersburg, FL 33711 Ph: (727)893-7463 Supvr. Yolanda Anderson	beg: 8/24/15 end: 6/7/16	185	Fairmount Park Elementary	85	15,725	3:00 p.m.
Site #3 - Frank Pierce Center 2000 7th St. S. St. Petersburg, FL 33705 Ph: (727)893-7731 Supvr. Chris Wolfe	beg: 8/24/15 end: 6/7/16	185	Lakewood Elementary	65	12,025	4:15 p.m.
Site #4 - Gladden Park Center 3901 30th Ave. N. St. Petersburg, FL 33713 Ph: (727)893-7458 Supvr. Angela Farber	beg: 8/24/15 end: 6/7/16	185	New Heights Elementary	105	19,425	3:30 p.m.
Site #6 - J. W. Cate Center 5801 22nd. Ave. N. St. Petersburg, FL 33710 Ph: (727)893-7443 Supvr. Jennifer Ross	beg: 8/24/15 end: 6/7/16	185	Westgate Elementary	160	29,600	3:00 p.m.
Site #5 - Lake Vista Center 1401 62nd Ave. S. St. Petersburg, FL 33705 (727)893-7744 vr. Toma Stubbs	beg: 8/24/15 end: 6/7/16	185	Lakewood High	80	14,800	4:00 p.m.
Site #7 - Roberts Rec. Center 1246 50th Ave. N. St. Petersburg, FL 33703 Ph: (727)893-7754 Supvr. Stephanie Nicely	beg: 8/24/15 end: 6/7/16	185	Sexton Elementary	160	29,600	3:30 p.m.
Site #8 - Shore Acres Center 4230 Shore Acres Blvd. NE St. Petersburg, FL 33703 Ph: (727)893-7758 Supvr. Sue Tegarden	beg: 8/24/15 end: 6/7/16	185	North Shore Elementary	110	20,350	2:45 p.m.
Site #10 Thomas "Jet" Jackson (formerly Wildwood) 1000 28th Street South St. Petersburg, FL 33712 Ph: 893-7750 Supvr.	beg: 8/24/15 end: 6/7/16	185	Perkins Elementary	65	12,025	3:15 p.m.
Site #9 - Walter Fuller Center 7891 26th Ave. N. St. Petersburg, FL 33710 Ph: (727)893-7443 Supvr. Chuck Boehme	beg: 8/24/15 end: 6/7/16	185	Azalea Elementary	90	16,650	2:00 p.m.
Site #11 Willis S. Johns Center 6635 9th St. N. St. Petersburg, FL 33702 (727)893-7756 r.	beg: 8/24/15 end: 6/7/16	185	Lynch Elementary	160	29,600	3:00 p.m.
Totals		**185**		**1,130**	**209,050**	

Note: Pick up/delivery times will be earlier than serving times

Snack Menu

After School Snacks

Week 1	Monday	Tuesday	Wednesday	Thursday	Friday
Bread/Grain	Cinnamon Toast Crunch Cereal Bar	Goldfish Crackers	Bowl Pak Cereal	Apple Flip	Chocolate Elf Grahams
Fruit	Fruit Juice Blend	Fresh Fruit		Orange Juice	Orange Raisels
					4 oz. Apple Juice
Milk/Water		Water	Milk		

Week 2	Monday	Tuesday	Wednesday	Thursday	Friday
Bread/Grain	Single Poptart	Goldfish Pretzels	Bowl Pak Cereal	Berry Apple Crisp Bar	Cheez-Its
Fruit	Orange Juice	Fresh Fruit		Fruit Juice Blend	Craisins
					4 oz. Apple Juice
Milk/Water		Water	Milk		

Week 3	Monday	Tuesday	Wednesday	Thursday	Friday
Bread/Grain	Keebler Gripz Choc Chip	Ranch Goldfish Crackers	Bowl Pak Cereal	Apple Cinnamon Big Bears	Scooby-Doo Sticks
Fruit	Fruit Juice	Fresh Fruit			Lemon Raisels
				Strawberry Banana Yogurt	4 oz. Apple Juice
Milk/Water		Water	Milk	Water	

Packaging: White lunch bag/straw/spoon/napkin or Bulk pack

A RESOLUTION APPROVING THE ONE-YEAR RENEWAL OPTION TO THE AGREEMENT (BLANKET AGREEMENT) WITH THE SCHOOL BOARD OF PINELLAS COUNTY FOR THE AFTER SCHOOL SNACK PROGRAM FOR THE PARKS & RECREATION DEPARTMENT AT AN ESTIMATED ANNUAL COST NOT TO EXCEED $163,059; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 10, 2014 City Council approved the award of a one-year agreement (Blanket Agreement) with a one-year renewal option to the School Board of Pinellas County for the after school snack program for the Parks & Recreation Department pursuant to Bid No. 7682 dated May 19, 2014; and

WHEREAS, the City desires to exercise the one-year renewal option of the Agreement; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Parks and Recreation Department, recommends approval of the one-year renewal of the Agreement; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the one-year renewal of the Agreement (Blanket Agreement) with the School Board of Pinellas County for the after school snack program for the Parks & Recreation Department at an estimated annual cost not to exceed $163,059is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this Agreement will be effective from the date of approval through July 31, 2016.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney (Designee)

CITY OF ST. PETERSBURG CITY COUNCIL
CONSENT AGENDA
MEETING OF APRIL 2, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: Review of Ad Valorem Property Tax Exemption Applications (Part II: Review of Completed Work) for the following historic properties:

- 3601 Foster Hill Drive North, Cade Allen Residence, residential, Local Landmark
- 901-03 22nd Street South, Washington-Harden Grocery Building, commercial, Local Landmark
- 909-13 22nd Street South, Moure Building, commercial, Local Landmark

BACKGROUND: In 1992, the voters of Florida approved a constitutional amendment allowing ad valorem tax exemptions for up to ten years on improvements to designated historic properties. The City of St. Petersburg adopted this amendment (Section 16.30.070.4) on July 21, 1994, giving its residents financial incentives to preserve the City's historical resources. The incentive was strengthened in January 1996, when Pinellas County also adopted the ad valorem tax exemption amendment. This program allows for the exemption of up to 100 percent of the assessed value of all historically correct improvements, both interior and exterior, to qualifying historic properties. A "qualifying property" in the City of St. Petersburg is defined as:

- a property designated as a local landmark or part of a thematic grouping;
- a contributing resource to a local historic district;
- a property listed in the National Register of Historic Places as a historic landmark; or
- a contributing resource in a historic district listed in the National Register of Historic Places.

The improvements must result from the restoration, renovation, or rehabilitation of the historic properties. The taxes are exempt for a period of ten years. If the property changes ownership during this ten year span, the exemption will continue for the new owner.

The process requires that the owner submit a *Part One – Preconstruction Application* prior to initiating work. This application may be submitted jointly with the Certificate of Appropriateness application, a separate review procedure required for exterior alterations of all locally landmarked buildings. The Preconstruction Application lists all improvements to be undertaken, as well as the estimated cost of the project, a copy of the most recent tax assessment and bill for the property.

When the work is completed, the owner submits a *Part Two – Request for Review of Completed Work*, which includes documentation of the cost of the qualifying improvements. The project must meet the following criteria in order to be deemed in compliance as a qualifying improvement to the property:

- The property must be a "qualifying historic property" as defined above;
- Improvements to the property must exceed 10 percent of its assessed value;
- The improvements must comply with the *Secretary of the Interior's Standards for Rehabilitation*;
- All improvements must be started *after* plans are submitted for review and completed within two years of the date of approval; and
- The ad valorem tax exemption is limited to that portion of the assessed value of a qualifying improvement up to $100,000 for single-family residential properties and $1 million for other properties unless City Council finds:

  (1) that the qualifying property is of great significance based on the criteria met for historic designation and the historic significance, value, character and contribution of the property and the qualifying improvement to the City and that the assessed value of the qualifying improvement is equal to or exceeds twenty-five percent (25%) of the total assessed value of the property as improved; or

  (2) that the additional exemption is necessary to save the property from destruction and to ensure the rehabilitation, renovation, or restoration of the property; or

  (3) that the additional exemption is necessary to meet City, state, and federal building code requirements to ensure the rehabilitation, renovation, or restoration of the property.

A covenant in the form which has been approved by the City Attorney must be executed by the property owner before an exemption can be approved by the City Council. The covenant provides that the property owner shall maintain and repair the property so as to preserve and maintain the historic architectural qualities or historical or archaeological integrity of the qualifying property for which an exemption is granted.

If the exemption is granted, the property owner shall have the covenant recorded in the official records of Pinellas County prior to the effective date of the exemption. The covenant shall be binding on the property owner, transferees, and their heirs, successors or assigns. The applicant shall provide a certified copy of the recorded covenant to the POD within 120 days of the City Council approval of the exemption or said approval by City Council shall be void. If the property changes ownership during the exemption period the requirements of the covenant are transferred to the new owner.

With City Council approval, a resolution will be passed and the exemption will be valid for a period of up to ten years. The City Council approval will be forwarded to the Pinellas County Board of County Commissioners for its approval in order to qualify for an exemption to the County ad valorem tax as well.

EXPLANATION: The attached renovation projects satisfactorily meet all of the requirements for receipt of the ad valorem tax exemption as outlined in Section 16.30.070.4 of the City Code. The resolution and staff overview of each project is attached.

RECOMMENDATION: Staff recommends **APPROVAL** of the attached resolutions and ad valorem tax exemption covenants. The form of the joint City of St. Petersburg and Pinellas County covenant showing the rights, obligations, and responsibilities of the property owner, city and county has been provided in lieu of individual covenants for each property.

COST/FUNDING/ASSESSMENT INFORMATION: All of the properties seeking ad valorem tax exemptions currently pay taxes collectively totaling **$8,571**. The owners will continue to pay this amount – and any inflationary increases – during the life of the exemption. The tax exemption will only apply to the increase in ad valorem taxes resulting from the subject renovations, and will be limited to $100,000 for residential and $1,000,000 for commercial properties. The tax exemption will total no more than **$1,922* per year** for ten years in deferred City taxes assuming the Pinellas County Property Appraiser assesses the improvements at fifty percent of their full construction value. The Pinellas County taxes that would be deferred if approved by the Board of County Commissioners would total **$1,520* per year**. Total County and City taxes deferred by the exemption would not exceed **$3,443* per year** for ten years. The tax exemption for single-family residences is capped at $100,000 in assessed value, while the commercial tax exemptions are capped at $1,000,000 in assessed value.

Case #	Property	AVT File #	Preconstruction Assessed Value	Preconstruction Tax Basis	Allowable Construction Costs	Estimated Annual City Taxes Deferred
1	Cade Allen Residence, 3601 Foster Hill Drive North	#14-90400001	$282,365	$6,525	$173,220	$586
2	Washington-Harden Grocery Building, 901-03 22nd Street South	#13-90400002A	$52,000	$1,202	$211,311	$715
3	Moure Building, 909-13 22nd Street South	#13-90400002B	$36,500	$844	$183,402	$621
	Totals		**$370,865**	**$8,571**	**$567,933**	**$1,922**

*With the tax exemption capped at $100,000 in assessed value for residential properties, the annual exemption from City taxes cannot exceed $677 and from County taxes cannot exceed $535 per property. With the tax exemption capped at $1,000,000 in assessed value for commercial properties, the annual

exemption from City taxes cannot exceed $6,770 and from County taxes cannot exceed $5,354 per property.

ATTACHMENTS: Staff Reports, Covenants, and Resolutions for three historic properties.

APPROVALS: Administrative: _____

Budget: Devris L. Fuller 3-12-15

Legal: _____

HISTORIC PRESERVATION TAX EXEMPTION 2015

									St. Petersburg (6.7700 mils)			Pinellas County 5.3537 mils (5.3377 mils + .0160 mils PPC)			Total			Actual	
Property Name	Year	Address	Square Footage	Percentage of Ownership	Pre-Construction Existing Assessed Value	Pre-Construction Tax Basis	Allowable Construction Costs	Percentage of Investment	*Proposed Annual Exemption	Total Exemption (10 Years)	Exemption Remaining	*Proposed Annual Exemption	Total Exemption (10 Years)	Exemption Remaining	*Proposed Annual Exemption	Total Exemption (10 Years)	Exemption Remaining	Annual Exemption	Monetary Exemption 2014
In Process																			
Cade Allen Residence	2015	3601 Foster Hill Dr N			$282,365	$6,525	$173,220	61.35%	$586	$5,863	$5,863	$464	$4,637	$4,637	$1,050	$10,500	$10,500		
Washington-Harden Grocery	2015	901-03 22nd Street S			$52,000	$1,202	$211,311	406.37%	$715	$7,153	$7,153	$566	$5,656	$5,656	$1,281	$12,809	$12,809		
Moure Building	2015	909-13 22nd Street S			$36,500	$844	$183,402	502.47%	$621	$6,208	$6,208	$491	$4,909	$4,909	$1,112	$11,118	$11,118		
In Process Total					**$370,865**	**$8,571**	**$567,933**	**153.14%**	**$1,922**	**$19,225**	**$19,225**	**$1,520**	**$15,203**	**$15,203**	**$3,443**	**$34,427**	**$34,427**		
Approved																			
Lantern Lane Apartments	2014	340 Beach Drive NE			$825,300	$18,301	$1,021,266	123.74%	$3,457	$34,570	$31,113	$2,734	$27,338	$24,604	$6,191	$61,908	$55,717	$1,000,000	$12,124
2741 2nd Avenue N	2014	2741 2nd Avenue N			$76,235	$1,690	$196,574	257.85%	$665	$6,654	$5,989	$526	$5,262	$4,736	$1,192	$11,916	$10,724	$100,000	$1,212
Lavery House	2014	236 17th Avenue SE			$217,924	$3,746	$31,236	14.33%	$106	$1,057	$952	$84	$836	$753	$189	$1,893	$1,704	0	$0
Mathis Residence	2013	7321 3rd Avenue N			$133,169	$1,689	$65,250	49.00%	$221	$2,210	$1,768	$166	$1,659	$1,327	$387	$3,869	$3,095	$22,616	$274
Snell Arcade, Suite 700	2013	405 Central Avenue	1093		$100,339	$1,173	$163,390	162.84%	$553	$5,534	$4,427	$415	$4,154	$3,323	$969	$9,689	$7,751	$86,177	$1,045
Carr's Apartments	2012	219 25th Street N/ 2460 Burlington Avenue N			$85,000	$1,869	$288,119	338.96%	$852	$8,518	$5,962	$704	$7,038	$4,927	$1,556	$15,556	$10,889	$106,369	$1,290
Mecca Apartments	2012	916 1st Street N			$243,238	$5,411	$464,918	191.14%	$1,374	$13,744	$9,621	$1,136	$11,357	$7,950	$2,510	$25,101	$17,571	$290,226	$3,519
Snell Arcade, Suite 230	2012	405 Central Avenue	1013		$75,381	$1,658	$76,185	101.07%	$225	$2,252	$1,577	$186	$1,861	$1,303	$411	$4,113	$2,879	$35,196	$427
Snell Arcade, Suite 240	2012	405 Central Avenue	968		$67,673	$1,488	$85,909	126.95%	$254	$2,540	$1,778	$210	$2,099	$1,469	$464	$4,638	$3,247	$33,187	$402
516 18th Avenue NE	2009	516 18th Avenue NE			$254,647	$4,862	$88,249	34.66%	$261	$2,609	$1,044	$216	$2,158	$863	$477	$4,767	$1,907	$66,376	$805
James Henry Residence	2009	950 12th Street N			$202,057	$3,749	$194,130	96.08%	$574	$5,739	$2,296	$475	$4,746	$1,899	$1,049	$10,485	$4,194	$100,000	$1,212
Merhige Residence	2009	404 Sunset Drive S			$212,522	$3,960	$107,144	50.42%	$317	$3,167	$1,267	$262	$2,620	$1,048	$579	$5,787	$2,315	$13,456	$163
Snell Arcade, Suite 200	2008	405 Central Avenue	894		$148,300	$3,140	$101,026	68.12%	$299	$2,987	$896	$247	$2,470	$741	$546	$5,457	$1,637	$18,500	$224
Snell Arcade, Suite 210	2008	405 Central Avenue	1745		$323,000	$7,479	$128,544	39.80%	$380	$3,800	$1,140	$314	$3,143	$943	$694	$6,943	$2,083	$5,900	$72
Snell Arcade, Suite 220	2008	405 Central Avenue	990		$164,200	$3,802	$119,409	72.72%	$353	$3,530	$1,059	$292	$2,920	$876	$645	$6,450	$1,935	$20,500	$249
Snell Arcade, Suite 250	2008	405 Central Avenue	1683		$311,500	$7,213	$815,668	261.85%	$591	$5,913	$1,774	$489	$4,890	$1,467	$1,080	$10,803	$3,241	$5,600	$68
Wilhelm-Thurston Funeral Home/Dupont Building Totals	2008		14,226	100.00%	$497,500	$11,520	$1,424,949	286.42%	$3,974	$39,737	$11,921	$3,286	$32,865	$9,859	$7,260	$72,601	$21,780	$500,000	$6,062
Residential Unit 145	2008	145 8th Street N	2,240.0	15.75%	$78,335	$1,814	$224,370	286.42%	$591	$5,913	$1,774	$489	$4,890	$1,467	$1,080	$10,803	$3,241	$100,000	$1,212
Residential Unit 147	2008	147 8th Street N	1,735.2	12.20%	$60,682	$1,405	$173,807	286.42%	$514	$5,138	$1,541	$425	$4,250	$1,275	$939	$9,388	$2,816	$100,000	$1,212
Residential Unit 151	2008	151 8th Street N	2,132.3	14.99%	$74,569	$1,727	$213,582	286.42%	$591	$5,913	$1,774	$489	$4,890	$1,467	$1,080	$10,803	$3,241	$100,000	$1,212
Commercial Unit 155	2008	155 8th Street N	5,694.1	40.03%	$199,129	$4,611	$570,350	286.42%	$1,686	$16,861	$5,058	$1,395	$13,945	$4,184	$3,081	$30,806	$9,242	$100,000	$1,212
Residential Unit 786	2008	786 2nd Avenue N	2,424.4	17.04%	$84,784	$1,963	$242,840	286.42%	$591	$5,913	$1,774	$489	$4,890	$1,467	$1,080	$10,803	$3,241	$100,000	$1,212
**Monticello	2007	750 3rd Street N			$300,600	$6,087	$485,219	161.42%	$1,601	$16,012	$3,202	$1,327	$13,271	$2,654	$2,928	$29,283	$5,857	$276,086	$3,347
**Pennsylvania Hotel	2007	300 4th Street N			$963,400	$23,540	$4,878,045	506.34%	$16,098	$160,975	$32,195	$13,341	$133,415	$26,683	$29,439	$294,390	$58,878	$2,273,905	$27,568
136 16th Ave NE	2006	136 16th Avenue NE			$152,700	$2,893	$183,519	120.18%	$638	$6,377	$638	$563	$5,634	$563	$1,201	$12,011	$1,201	$100,000	$1,212
Emerson Apartments	2006	305 5th Street S			$68,100	$1,664	$814,766	1196.43%	$2,831	$28,313	$2,831	$2,501	$25,013	$2,501	$5,333	$53,326	$5,333	$395,000	$4,789
Sealtest Bldg	2005	1601 3rd Street S			$125,000	$4,861	$729,301	583.44%	$2,534	$25,343	$0	$2,239	$22,390	$0	$4,773	$47,733	$0	$75,000	$909
430 5th Street N	2005	430 5th Street N			$225,000	$6,441	$216,000	96.00%	$751	$7,506	$0	$663	$6,631	$0	$1,414	$14,137	$0	$42,900	$520

*Amount represents maximum exemption with $100,000 residential or $1 million commercial cap.
**Qualifying improvement exceeds caps as provided for in Section 16.30.070.
***This property is owned by a non-profit entity.

HISTORIC PRESERVATION TAX EXEMPTION 2015

									St. Petersburg (6.7700 mils)			Pinellas County 5.3537 mils (5.3377 mils + .0160 mils PPC)			Total			Actual	
Property Name	Year	Address	Square Footage	Percentage of Ownership	Pre-Construction Existing Assessed Value	Pre-Construction Tax Basis	Allowable Construction Costs	Percentage of Investment	*Proposed Annual Exemption	Total Exemption (10 Years)	Exemption Remaining	*Proposed Annual Exemption	Total Exemption (10 Years)	Exemption Remaining	*Proposed Annual Exemption	Total Exemption (10 Years)	Exemption Remaining	Annual Exemption	Monetary Exemption 2014
156 20th Avenue NE	2005	156 20th Avenue NE			$162,300	$4,030	$115,000	70.86%	$400	$3,996	$0	$353	$3,531	$0	$753	$7,527	$0	$49,900	$605
306 18th Avenue NE	2005	306 18th Avenue NE			$157,600	$3,913	$107,352	68.12%	$373	$3,730	$0	$330	$3,296	$0	$703	$7,026	$0	$51,600	$626
335 22nd Avenue NE	2005	335 22nd Avenue NE			$121,200	$3,152	$109,350	90.22%	$380	$3,800	$0	$336	$3,357	$0	$716	$7,157	$0	$44,400	$538
Snell Arcade, Suite 300	2005	401 Central Avenue			$81,700	$1,378	$148,485	181.74%	$516	$5,160	$0	$456	$4,558	$0	$972	$9,718	$0	$100,000	$1,212
Snell Arcade, Suite 350	2005	401 Central Avenue			$127,400	$3,096	$335,935	263.69%	$1,167	$11,674	$0	$1,031	$10,313	$0	$2,199	$21,987	$0	$100,000	$1,212
Snell Arcade, Suite 400	2005	401 Central Avenue			$91,000	$2,226	$156,432	171.90%	$544	$5,436	$0	$480	$4,802	$0	$1,024	$10,238	$0	$100,000	$1,212
Snell Arcade, Suite 500	2005	401 Central Avenue			$91,000	$2,226	$145,912	160.34%	$507	$5,070	$0	$448	$4,479	$0	$955	$9,550	$0	$100,000	$1,212
Snell Arcade, Suite 600	2005	401 Central Avenue			$91,200	$2,231	$170,320	186.75%	$592	$5,919	$0	$523	$5,229	$0	$1,115	$11,147	$0	$100,000	$1,212
Snell Arcade, Suite 100***	2005	401 Central Avenue			$557,800	$13,560	$568,842	101.98%	$1,977	$19,767	$0	$1,746	$17,463	$0	$3,723	$37,231	$0	$167,200	$0
605 13th Avenue NE	2005	605 13th Avenue NE			$78,400	$2,561	$71,642	91.38%	$249	$2,490	$0	$220	$2,199	$0	$469	$4,689	$0	$78,200	$948
456 18th Avenue NE	2005	456 18th Avenue NE			$282,700	$7,012	$212,000	74.99%	$737	$7,367	$0	$614	$6,140	$0	$1,351	$13,507	$0	$100,000	$1,212
705 16th Avenue NE	2005	705 16th Avenue NE			$671,400	$10,017	$136,500	20.33%	$474	$4,743	$0	$419	$4,191	$0	$893	$8,934	$0	$100,000	$0
Wellington Lake House	2004	619 65th Street S			$205,700	$4,413	$114,120	55.48%	$397	$3,966	$0	$350	$3,503	$0	$747	$7,469	$0	$100,000	$0
Nolen Grocery, Unit 1	2004	2300 1st Avenue N	440		$8,088	$342	$50,225	620.98%	$175	$1,745	$0	$154	$1,542	$0	$329	$3,287	$0	$47,444	$0
Nolen Grocery, Unit 2	2004	2302 1st Avenue N	1910		$35,110	$921	$150,675	429.15%	$524	$5,236	$0	$463	$4,626	$0	$986	$9,862	$0	$100,000	$0
Nolen Grocery, Unit 3	2004	2304 1st Avenue N	1350		$24,816	$696	$100,450	404.78%	$349	$3,491	$0	$308	$3,084	$0	$657	$6,574	$0	$100,000	$0
Nolen Grocery, Unit 4	2004	2306 1st Avenue N	1350		$24,816	$696	$100,450	404.78%	$349	$3,491	$0	$308	$3,084	$0	$657	$6,574	$0	$100,000	$0
Nolen Grocery, Unit 5	2004	2308 1st Avenue N	1750		$32,169	$752	$130,950	407.07%	$455	$4,551	$0	$402	$4,020	$0	$857	$8,571	$0	$100,000	$0
Thomas Whitted	2003	656 1st Street N					$40,000		$139	$1,390	$0	$123	$1,228	$0	$262	$2,618	$0	$40,000	$0
**Bradshaw House	2003	609 11th Avenue S					$500,000		$1,738	$17,375	$0	$1,535	$15,350	$0	$3,273	$32,725	$0	$312,870	$0
SCL Depot	2003	420 22nd St S					$750,000		$2,606	$26,063	$0	$2,303	$23,025	$0	$4,909	$49,088	$0	$405,000	$0
Kress Building	2002	475 Central Avenue					$775,910		$2,696	$26,963	$0	$2,382	$23,820	$0	$5,078	$50,783	$0	$881,400	$0
St. Petersburg Savings and Loan	2001	556 Central Avenue					$160,000		$556	$5,560	$0	$491	$4,912	$0	$1,047	$10,472	$0	$110,500	$0
Womans' Town Improvement Assoc.	2001	336 1st Avenue N					$168,575		$586	$5,858	$0	$518	$5,175	$0	$1,103	$11,033	$0	$125,400	$0
Boyce Guest House	1999	635 Bay St NE/ 205 6th Ave NE					$198,667		$690	$6,904	$0	$610	$6,099	$0	$1,300	$13,003	$0	$116,000	$0
Harlan Hotel	1999	15 8th Street N					$179,830		$625	$6,249	$0	$552	$5,521	$0	$1,177	$11,770	$0	$191,800	$0
Green Richman Arcade	1998	689 Central Avenue					$250,000		$869	$8,688	$0	$768	$7,675	$0	$1,636	$16,363	$0	$195,200	$0
Willie Keys House	1998	900 8th Street S					$19,562		$68	$680	$0	$60	$601	$0	$128	$1,280	$0	$57,200	$0
Robert West House	1998	101 6th Avenue NE					$287,996		$1,001	$10,008	$0	$884	$8,841	$0	$1,885	$18,849	$0	$174,100	$0
TOTAL APPROVED							**$18,933,997**		**$60,646**	**$606,455**	**$123,448**	**$51,543**	**$515,434**	**$100,489**	**$112,189**	**$1,121,889**	**$223,937**	**$9,815,208**	**$77,484**
TOTAL IN-PROCESS AND APPROVED							**$19,501,930**		**$62,568**	**$625,680**	**$142,673**	**$53,064**	**$530,636**	**$115,691**	**$115,632**	**$1,156,316**	**$258,364**		

*Amount represents maximum exemption with $100,000 residential or $1 million commercial cap.
**Qualifying improvement exceeds caps as provided for in Section 16.30.070.
***This property is owned by a non-profit entity.

CITY OF ST. PETERSBURG
PART II: REVIEW OF COMPLETED WORK
CASE #1: CITY FILE AVT #14-90400001

Name of Property	Cade Allen Residence, 3601 Foster Hill Drive North
Designation Type/Date	Local Historic Landmark (HPC #14-90300001 – September 2014)
Request	Approve Historic Property Tax Exemption "Part II: Request for Review of Completed Work."
Recommendation	Administration Recommends APPROVAL of the Ad Valorem Tax Exemption for the Cade Allen Residence at 3601 Foster Hill Drive North limiting the assessed value of a qualifying improvement to $100,000.

General Eligibility Requirements

The subject property is an individually designated local historic landmark in St. Petersburg and is a "qualifying property" for the ad valorem tax exemption for historic properties. The applicant has met the starting and completion date requirements set forth in City Code Section 16.30.070.4. The applicant first applied for the ad valorem tax exemption in November 2013 and was approved by staff for construction in December 2013, prior to beginning improvements on the subject property. The improvements were completed in June 2014, approximately six months after beginning the project.

City Code Section 16.30.070.4 requires a property owner to expend at least ten percent of the assessed property value on improvements. The applicant has met this requirement. In 2013 when improvements to the property began, the assessed property value for the Cade Allen Residence was $282,365. The property owner has documented $173,220 in qualified improvement costs for the rehabilitation of the building, which is 61 percent of the assessed value.

Fiscal Impact of Ad Valorem Tax Exemption

For the 2013 assessment, the Cade Allen Residence was valued at $282,365 inclusive of land and improvements. The owner paid taxes of $6,525. The owner will continue to pay this amount – and any inflationary increases – during the life of the exemption.

The tax exemption will only apply to the increase in ad valorem taxes resulting from the renovation and total no more than $586 per year for ten years in deferred City taxes assuming the Pinellas County Property Appraiser assesses the qualified improvements at fifty percent of their full construction value, in this case $173,220. The Pinellas County taxes that would be deferred if approved by the Board of County Commissioners would total $464 per year. Total County and City taxes deferred by the exemption would not exceed $1,050 per year for ten years. In any event, with the tax exemption capped at $100,000 in assessed value, the annual exemption from City taxes cannot exceed $677.

Compliance with Secretary of Interior's Standards for Historic Preservation

According to City Code Section 16.30.070.4, the work for all projects requesting the ad valorem tax exemption for historic properties must comply with the City's Certificate of Appropriateness requirements and design guidelines and the Secretary of the Interior's Standards for Rehabilitation upon which they are based. The applicant has complied with these requirements and the table below details the manner in which they complied.

Eligible Improvements	"Before" and After" Photos (See Attached)	Meets Design Standards
Exterior Renovations		
Replace roof.	1-2	Yes
Replace non-historic windows and doors. Repair historic windows.	1-6	Yes
Stone and wood repair.	3-6	Yes
Replace garage doors and repair interior of garage.	7-8	Yes

Interior Renovations		
Repair damaged wood, plaster, ceilings, and floors.	9-15	Yes
Repair fireplace.	10, 12	Yes
Update and repair plumbing and electrical.		Yes
Replace HVAC.		Yes

Attachments: Photographs and Resolution.

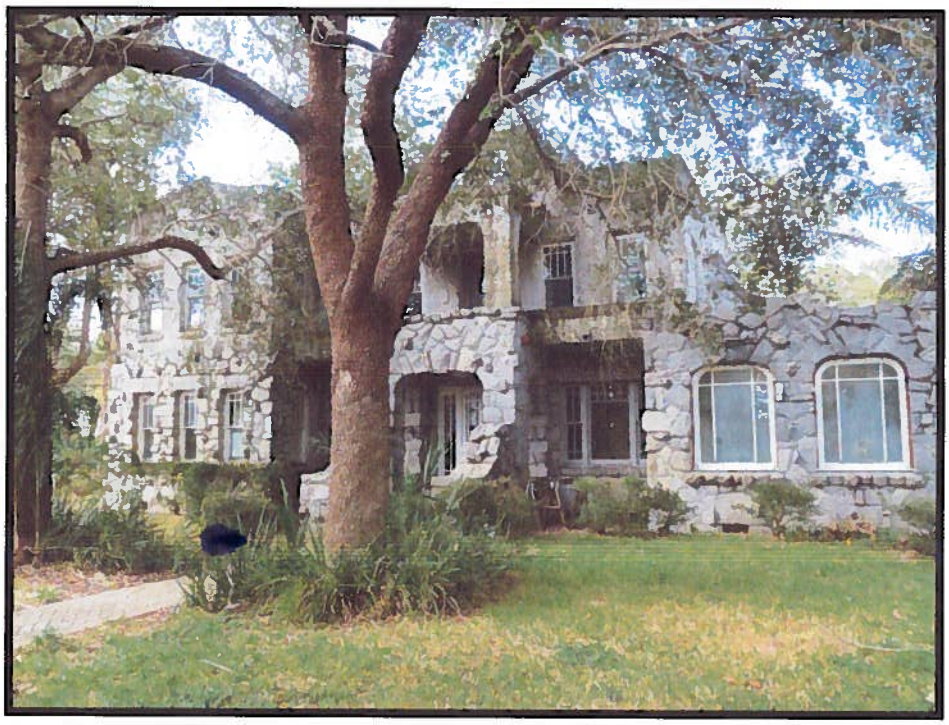


Photo 1. Cade Allen Residence, South Elevation, Prior to Rehabilitation.

Photo 2. Cade Allen Residence, South Elevation, After Rehabilitation.

Photo 3. Cade Allen Residence, Historic Windows, Prior to Rehabilitation.

Photo 4. Cade Allen Residence, Repaired Historic Windows, After Rehabilitation

Photo 5. Cade Allen Residence, Damaged stone and non-historic windows, Prior to Rehabilitation.

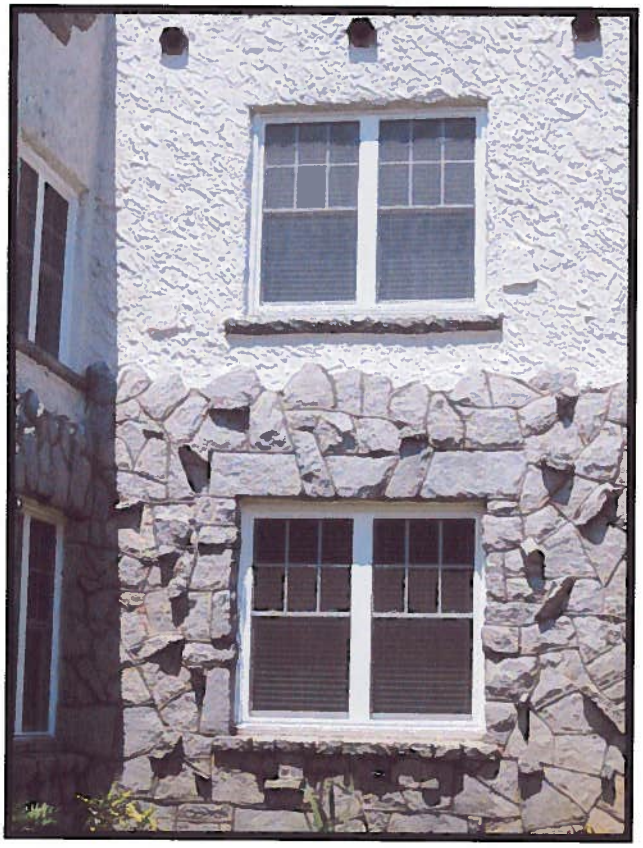


Photo 6. Cade Allen Residence, Repaired stone, wood work, and new windows, After Rehabilitation

Photo 7. Cade Allen Residence, Interior of Garage, Prior to Rehabilitation.

Photo 8. Cade Allen Residence, West Elevation, After Rehabilitation.

Photos 9 and 10. Cade Allen Residence, Damaged Ceiling Due to Water Leaks, and Damaged Stonework on Fireplace, Prior to Rehabilitation.

Photo 11. Cade Allen Residence, Damaged Flooring, Prior to Rehabilitation.

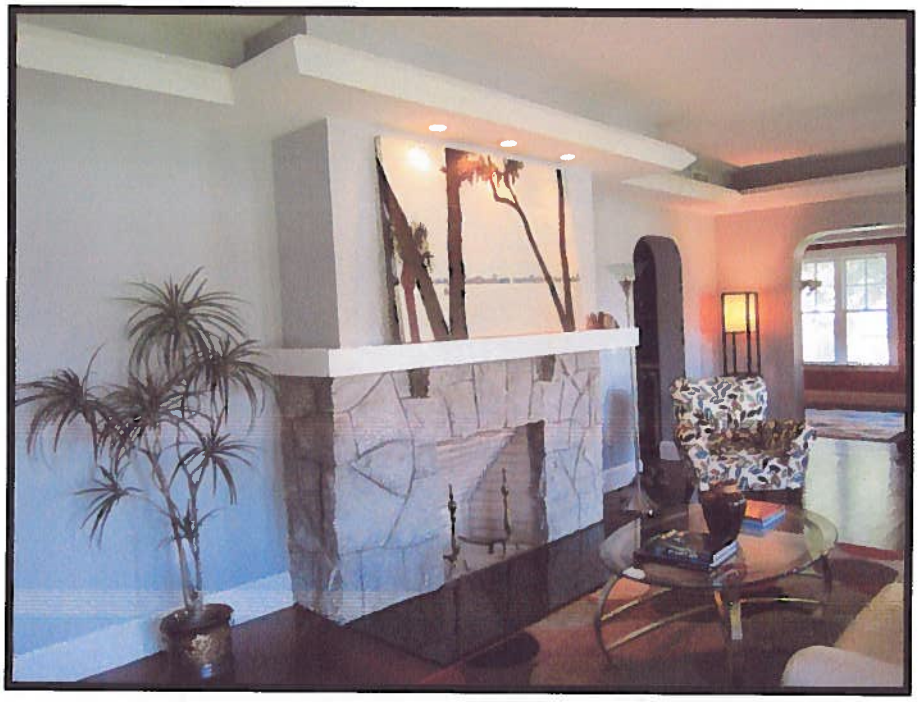


Photo 12. Cade Allen Residence, Repaired Fireplace, After Rehabilitation.

Photo 13. Cade Allen Residence, Repaired Ceiling and Floors, After Rehabilitation.

Photo 14. Cade Allen Residence, Interior plaster, wood, and window damage in Sunroom, Prior to Rehabilitation

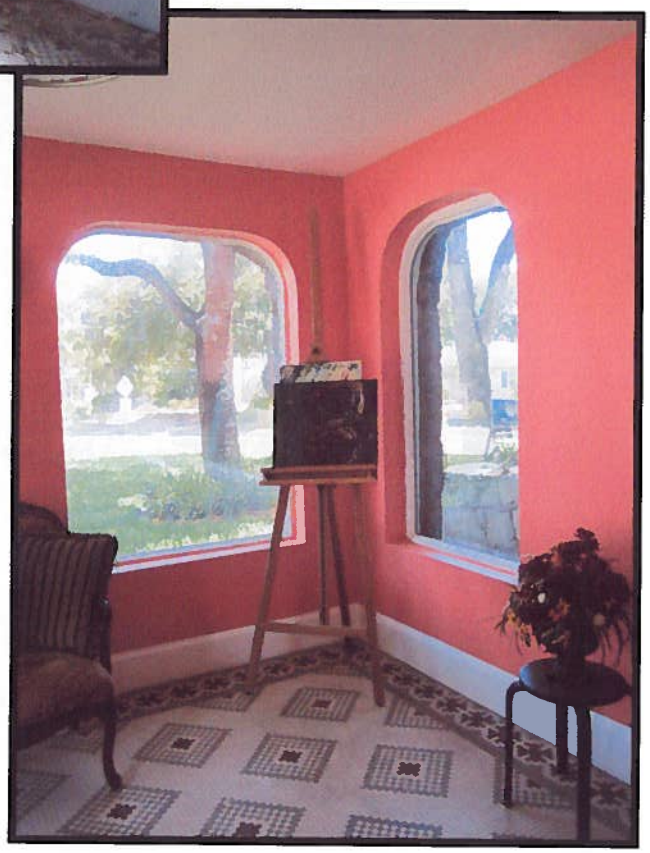


Photo 15. Cade Allen Residence, Sunroom, After Rehabilitation.

RESOLUTION NO. _____

A RESOLUTION OF THE ST. PETERSBURG CITY COUNCIL APPROVING THE AD VALOREM TAX EXEMPTION FOR THE CADE ALLEN RESIDENCE, LOCATED AT 3601 FOSTER HILL DRIVE NORTH, A LOCAL HISTORIC LANDMARK; RECOMMENDING THAT THE PINELLAS COUNTY BOARD OF COMMISSIONERS APPROVE AN EXEMPTION TO THE COUNTY AD VALOREM TAX; APPROVING EXECUTION OF A HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1992, the voters of Florida approved a constitutional amendment allowing ad valorem tax exemptions for up to ten years on improvements to designated historic properties and the City of St. Petersburg adopted this amendment (Section 16.30.070.4 of the City Code) on July 21, 1994, giving its residents financial incentives to preserve the City's historical resources. This incentive was strengthened in January 1996, when Pinellas County adopted this ad valorem tax exemption amendment; and

WHEREAS, the Cade Allen Residence, a locally designated historic landmark, and described as below (herein, the "Property"), which according to public record is presently owned by Mitchell D. Hughes and Sean Hughes:

Lot 1, Block B, Allendale Terrace, as per the plat thereof, recorded in Plat Book 4, Page 66, of the Public Records of Pinellas County, Florida; and

WHEREAS, the City Council on September 18, 2014, approved the designation of the Cade Allen Residence as a local historic landmark (HPC #14-90300001); and

WHEREAS, Planning and Economic Development staff approved the Part I ad valorem tax exemption application (AVT 14-90400001) on December 26, 2013; and

WHEREAS, the attached staff report and historic preservation covenant demonstrate that the renovation work on the Property meets all the criteria for issuing the exemption as described both in Section 16.30.070.4 of the City Code and Section 196.1997 of the Florida Statutes; and

WHEREAS, the Property does not meet the conditions set forth in City Code Section 16.30.070.4(C) and is not exempt from requirements limiting eligible qualifying improvements on residential properties to $100,000 or less; and

WHEREAS, the tax exemption shall be for a period of ten years which is from January 1, 2015, to December 31, 2024.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of St. Petersburg, Florida approves the ad valorem tax exemption for the Cade Allen Residence, a locally designated historic landmark, as consistent with local and state law subject to receipt of a certified copy of the recorded covenant within 120 days of City Council approval or said approval shall be void; approves execution of the historic preservation tax exemption covenant on behalf of the City; and recommends that the Pinellas County Board of County Commissioners approve the exemption to the County ad valorem taxes as well.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND SUBSTANCE:

3-13-15

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT DATE

3/17/15

CITY ATTORNEY (DESIGNEE) DATE

City of St. Petersburg and Pinellas County
HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the ____ day of _____, 2015, by **MITCHELL D. HUGHES AND SEAN HUGHES**, (hereinafter referred to as the "Owners"), and in favor of **CITY OF ST. PETERSBURG, FLORIDA** (hereinafter referred to as "City") and **PINELLAS COUNTY, FLORIDA** (hereinafter referred to as "County"), jointly and severally, for the purpose of the restoration, renovation or rehabilitation of a certain Property located at 3601 Foster Hill Drive North, St. Petersburg, Florida (the Cade Allen Residence), which is owned in fee simple by the Owners. The Property is locally designated as a historic property under the terms of a local preservation ordinance. The areas of significance of this property, as identified in the local designation report for the property are: (**x**) architecture, (**x**) history, ( ) archaeology.

The Property is comprised essentially of the improvements to the following described site (herein, the "Property"):

> Lot 1, Block B, Allendale Terrace, as per the plat thereof, recorded in Plat Book 4, Page 66, of the Public Records of Pinellas County, Florida

In consideration of the historic preservation property tax exemptions granted by the City and the County resulting from the restoration, renovation, or rehabilitation of the Property by the Owners, the Owners hereby agree to the following for the period of the tax exemption, which is from January 1, 2015, to December 31, 2024:

1. The Owners agree to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for designation under the provisions of the local preservation ordinance.

2. The Owners agree that no visual or structural alterations will be made to the Property without prior written permission of the City of St. Petersburg Urban Planning and Historic Preservation Division (or successor agency thereto) (herein, the "Local Historic Preservation Office"), the address for which is:

City of St. Petersburg
Urban Planning and Historic Preservation Division
Planning and Economic Development Department
Post Office Box 2842
St. Petersburg, Florida 33731
(727) 892-5451 Phone
(727) 892-5001 Fax

3. [Only for properties of archaeological significance] The Owners agree to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. above.

4. The Owners agree that appropriate representatives of the City and the County, their agents and designees, shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this Covenant are being observed.

5. In the event of non-performance or violation of the maintenance and repair provisions of this Covenant by the Owners or by any successor-in-interest during the term of this Covenant, the Local Historic Preservation Office will report such violation to the Pinellas County Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owners shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owners will inform both the Local Historic Preservation Office and the County in writing of the damage to the Property. Such notification shall include (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of completion of the restoration, renovation, or rehabilitation project for which the Property became eligible for the tax exemption. In order to maintain the tax exemption, the Owners shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owners and the City. Such restoration and reconstruction work shall also be reported to the County.

7. If the Property is destroyed or severely damaged by accidental or natural causes during the Covenant period, such that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for designation under the terms of the local preservation ordinance have been lost or so damaged that restoration is not feasible, the Owners will inform both the Local Historic Preservation Office and the County in writing of the loss or damage to the Property. Such notification shall include (1) an assessment of the nature and extent of the loss or damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of completion of the restoration, renovation, or rehabilitation project for which the Property became eligible for the tax exemption. The Local Historic Preservation Office will evaluate the information provided, make a determination regarding removal of the Property from eligibility for tax exemption, and notify the Owners in writing of its determination regarding removal of the Property. If the Local Historic Preservation Office determines that the Property should be removed from eligibility for tax exemption, the Local Historic Preservation Office will notify the Pinellas County Property Appraiser in writing so that the tax exemption may be cancelled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owners.

8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owners, the Local Historic Preservation Office shall notify the Owners in writing. For the purpose of this Covenant, "gross negligence" means the omission of care which even inattentive and thoughtless persons never fail to take of their own property. The Owners shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owners cannot show such circumstances, the Owners shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owners shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owners and the Local Historic Preservation Office. If the Owners do not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the County, the Pinellas County Property Appraiser, and the Pinellas County Tax Collector, who shall take action pursuant to s. 196.1997(7), F.S. The Owners shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property Owners, transferees, and their heirs, successors, or assigns. This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

WITNESSES

_____
Witness Signature

_____
Printed or typed name of Witness

_____
Date

_____
Witness Signature

_____
Printed or typed name of witness

_____
Date

OWNERS

MITCHELL D. HUGHES
By:

_____
Owner Signature

_____
Printed or typed name of Owner

_____
Date

SEAN HUGHES
By:

_____
Witness Signature

_____
Owner Signature

_____
Printed or typed name of Witness

_____
Printed or typed name of Owner

_____
Date

_____
Date

_____
Witness Signature

_____
Printed or typed name of witness

_____
Date

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by **MITCHELL D. HUGHES AND SEAN HUGHES,** in their capacity as Owners of 3601 Foster Hill Drive North, the Cade Allen Residence, who are personally known to me, or have provided _____ as identification.

(Notary Stamp)

_____
(Notary Signature)
Commission expires:

WITNESSES

CITY OF ST. PETERSBURG, FLORIDA

_____
Witness Signature

By:_____
Gary Cornwell, City Administrator

_____
Printed or Typed Name of Witness

ATTEST:

_____
Witness Signature

By:_____
Chandrahasa Srinivasa, City Clerk

_____
Printed or Typed Name of Witness

(Affix Seal)

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 2015, by Gary Cornwell and Chandrahasa Srinivasa, as City Administrator and City Clerk, respectively, of the City of St. Petersburg, Florida, a Municipal Corporation, existing under the laws of the State of Florida, on behalf of the corporation. They are personally known to me and appeared before me at the time of notarization.

(Notary Stamp)

_____
(Notary Signature)
Commission Expires:

APPROVED AS TO CONTENT:

_____
City Attorney (Designee)
By: _____

APPROVED AS TO FORM:

_____
City Attorney (Designee)
By: _____

ATTEST:
KENNETH BURKE, CLERK

PINELLAS COUNTY, FLORIDA,
by and through its Board of County Commissioners,

By:_____
Deputy Clerk

By:_____
Chairman

APPROVED AS TO FORM:

_____
Office of the County Attorney

CITY OF ST. PETERSBURG
PART II: REVIEW OF COMPLETED WORK
CASE #2: CITY FILE AVT #13-90400002A

Name of Property	Washington-Harden Grocery Building, 901-03 22nd Street South
Designation Type/Date	Local Historic Landmark (HPC #13-90300003 – October 2013)
Request	Approve Historic Property Tax Exemption "Part II: Request for Review of Completed Work."
Recommendation	Administration Recommends APPROVAL of the Ad Valorem Tax Exemption for the Washington-Harden Grocery Building at 901-03 22nd Street South limiting the assessed value of a qualifying improvement to $1,000,000.

General Eligibility Requirements

The subject property is an individually designated local historic landmark in St. Petersburg and is a "qualifying property" for the ad valorem tax exemption for historic properties. The applicant has met the starting and completion date requirements set forth in City Code Section 16.30.070.4. The applicant first applied for the ad valorem tax exemption in January 2013 and was approved by staff for construction in January 2013, prior to beginning improvements on the subject property. The improvements were completed in October 2014, approximately twenty-one months after beginning the project.

City Code Section 16.30.070.4 requires a property owner to expend at least ten percent of the assessed property value on improvements. The applicant has met this requirement. In 2013 when improvements to the property began, the assessed property value for the Washington-Harden Grocery Building was $52,000. The property owner has documented $211,311 in qualified improvement costs for the rehabilitation of the building, which is 406 percent of the assessed value.

Fiscal Impact of Ad Valorem Tax Exemption

For the 2013 assessment, the Washington-Harden Grocery Building was valued at $52,000 inclusive of land and improvements. The owner paid taxes of $1,202. The owner will continue to pay this amount – and any inflationary increases – during the life of the exemption.

The tax exemption will only apply to the increase in ad valorem taxes resulting from the renovation and total no more than $715 per year for ten years in deferred City taxes assuming the Pinellas County Property Appraiser assesses the qualified improvements at fifty percent of their full construction value, in this case $211,311. The Pinellas County taxes that would be deferred if approved by the Board of County Commissioners would total $566 per year. Total County and City taxes deferred by the exemption would not exceed $1,281 per year for ten years. In any event, with the tax exemption capped at $1,000,000 in assessed value, the annual exemption from City taxes cannot exceed $6,770.

Compliance with Secretary of Interior's Standards for Historic Preservation

According to City Code Section 16.30.070.4, the work for all projects requesting the ad valorem tax exemption for historic properties must comply with the City's Certificate of Appropriateness requirements and design guidelines and the Secretary of the Interior's Standards for Rehabilitation upon which they are based. The applicant has complied with these requirements and the table below details the manner in which they complied.

Eligible Improvements	"Before" and After" Photos (See Attached)	Meets Design Standards
Exterior Renovations		
Replace roof.	1-2	Yes
Reopen storefront windows and doors. Replace damaged windows and doors. Repair historic windows.	1-4	Yes
Repair damaged stucco.	1-4	Yes
Repair foundation.	7-12	Yes

Interior Renovations		
Repair damaged wood, plaster, pressed metal ceilings, and floors.	5-12	Yes
Repair original bar.	6, 11	Yes
Install bathrooms.	9-10	Yes
Update plumbing and electrical.		Yes
Install HVAC.		Yes

Attachments: Photographs and Resolution.

Photo 1. Washington-Harden Grocery Building, North and East Elevations, Prior to Rehabilitation.

Photo 2. Washington-Harden Grocery Building, North and East Elevations, After Rehabilitation.

Photo 3. Washington-Harden Grocery Building, Enclosed and Damaged Windows, Prior to Rehabilitation.

Photo 4. Washington-Harden Grocery Building, Historic Window, After Rehabilitation.

Photo 5. Washington-Harden Grocery Building, Pressed Metal Ceiling, Prior to Rehabilitation.

Photo 6. Washington-Harden Grocery Building, Original Bar, Prior to Rehabilitation.

Photo 7. Washington-Harden Grocery Building, Damaged Floor, Prior to Rehabilitation.

Photo 8. Washington-Harden Grocery Building, Prior to Rehabilitation.

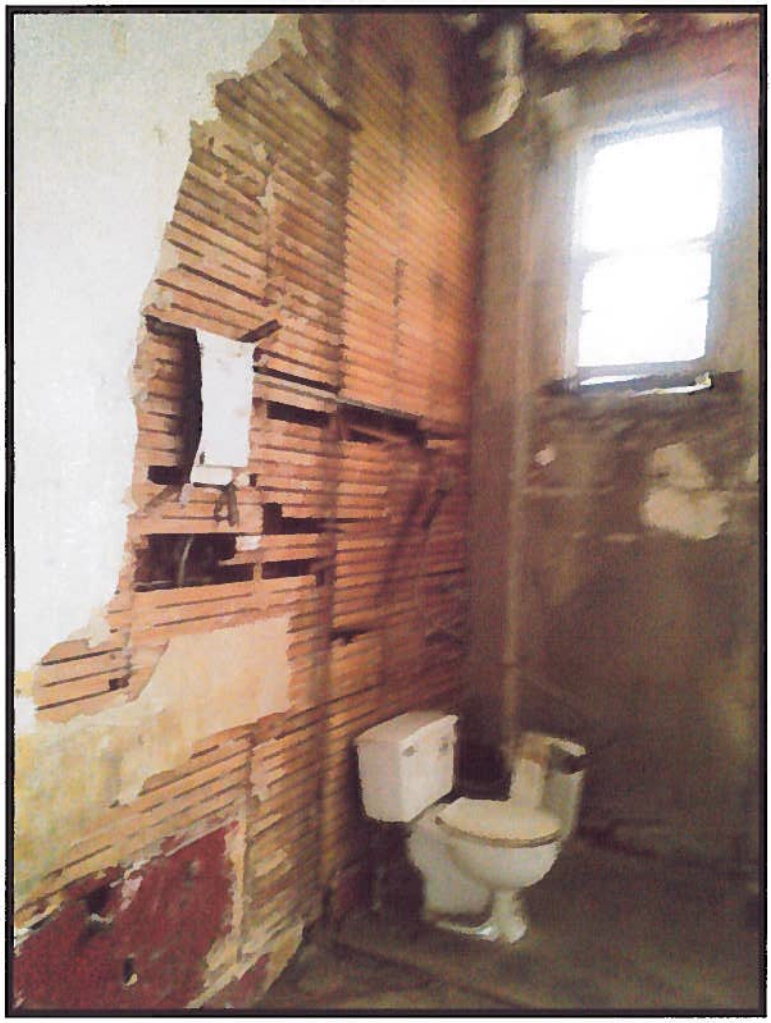


Photo 9. Washington-Harden Grocery Building, Damaged Floor, Prior to Rehabilitation.

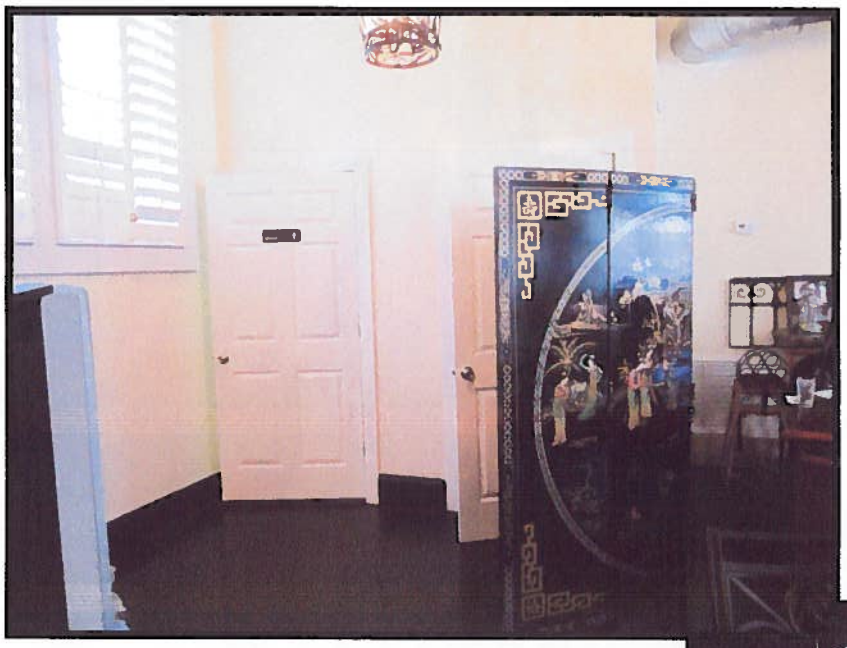


Photo 10.
Washington-Harden Grocery Building, After Rehabilitation.

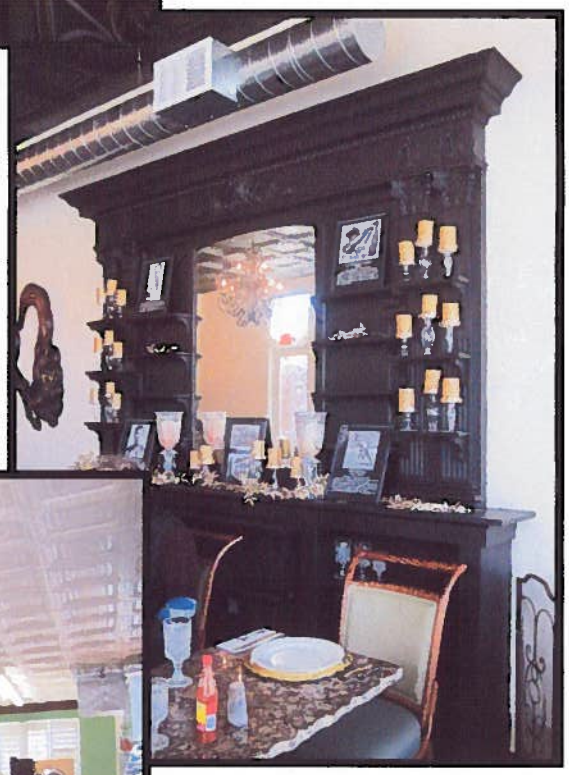


Photo 11. Washington-Harden Grocery Building, Original Bar, After Rehabilitation.

Photo 12.
Washington-Harden Grocery Building, After Rehabilitation.

RESOLUTION NO. _____

A RESOLUTION OF THE ST. PETERSBURG CITY COUNCIL APPROVING THE AD VALOREM TAX EXEMPTION FOR THE WASHINGTON-HARDEN GROCERY BUILDING, LOCATED AT 901-03 22ND STREET SOUTH, A LOCAL HISTORIC LANDMARK; RECOMMENDING THAT THE PINELLAS COUNTY BOARD OF COMMISSIONERS APPROVE AN EXEMPTION TO THE COUNTY AD VALOREM TAX; APPROVING EXECUTION OF A HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1992, the voters of Florida approved a constitutional amendment allowing ad valorem tax exemptions for up to ten years on improvements to designated historic properties and the City of St. Petersburg adopted this amendment (Section 16.30.070.4 of the City Code) on July 21, 1994, giving its residents financial incentives to preserve the City's historical resources. This incentive was strengthened in January 1996, when Pinellas County adopted this ad valorem tax exemption amendment; and

WHEREAS, the Washington-Harden Grocery Building, a locally designated historic landmark, and described as below (herein, the "Property"), which according to public record is presently owned by Equity Trust Company, as custodian for the benefit of Carolyn A. Brayboy IRA:

> North 10 ft of the East 110 ft of Lot 24 and the East 110 ft of Lot 25 of Geo. C. Prather Royal Subdivision, according to the map or plat thereof recorded in Plat Book 3, Page 18 of the Public Records of Pinellas County, Florida; and

WHEREAS, the City Council on October 3, 2013, approved the designation of the Washington-Harden Grocery Building as a local historic landmark (HPC #13-90300003); and

WHEREAS, Planning and Economic Development staff approved the Part I ad valorem tax exemption application (AVT 13-90400002A) on January 10, 2013; and

WHEREAS, the attached staff report and historic preservation covenant demonstrate that the renovation work on the Property meets all

the criteria for issuing the exemption as described both in Section 16.30.070.4 of the City Code and Section 196.1997 of the Florida Statutes; and

WHEREAS, the Property does not meet the conditions set forth in City Code Section 16.30.070.4(C) and is not exempt from requirements limiting eligible qualifying improvements on commercial properties to $1,000,000 or less; and

WHEREAS, the tax exemption shall be for a period of ten years which is from January 1, 2015, to December 31, 2024.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of St. Petersburg, Florida approves the ad valorem tax exemption for the Washington-Harden Grocery Building, a locally designated historic landmark, as consistent with local and state law subject to receipt of a certified copy of the recorded covenant within 120 days of City Council approval or said approval shall be void; approves execution of the historic preservation tax exemption covenant on behalf of the City; and recommends that the Pinellas County Board of County Commissioners approve the exemption to the County ad valorem taxes as well.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND SUBSTANCE:

3-13-15

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT DATE

3/17/15

CITY ATTORNEY (DESIGNEE) DATE

City of St. Petersburg and Pinellas County
HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the ____ day of _____, 2015, by **EQUITY TRUST COMPANY, AS CUSTODIAN FOR THE BENEFIT OF CAROLYN A. BRAYBOY IRA**, a Florida trust, whose principal address is 144 23rd Avenue South, St. Petersburg, Florida, 33705 (hereinafter referred to as the "Owner"), and in favor of **CITY OF ST. PETERSBURG, FLORIDA** (hereinafter referred to as "City") and **PINELLAS COUNTY, FLORIDA** (hereinafter referred to as "County"), jointly and severally, for the purpose of the restoration, renovation or rehabilitation of a certain Property located at 901-03 22nd Street South, St. Petersburg, Florida (the Washington-Harden Grocery Building), which is owned in fee simple by the Owner. The Property is locally designated as a historic property under the terms of a local preservation ordinance. The areas of significance of this property, as identified in the local designation report for the property are: (**x**) architecture, (**x**) history, ( ) archaeology.

The Property is comprised essentially of the improvements to the following described site (herein, the "Property"):

> North 10 ft of the East 110 ft of Lot 24 and the East 110 ft of Lot 25 of Geo. C. Prather Royal Subdivision, according to the map or plat thereof recorded in Plat Book 3, Page 18 of the Public Records of Pinellas County, Florida

In consideration of the historic preservation property tax exemptions granted by the City and the County resulting from the restoration, renovation, or rehabilitation of the Property by the Owner, the Owner hereby agrees to the following for the period of the tax exemption, which is from January 1, 2015, to December 31, 2024:

1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity

of the same in order to protect and enhance those qualities that made the Property eligible for designation under the provisions of the local preservation ordinance.

2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission of the City of St. Petersburg Urban Planning and Historic Preservation Division (or successor agency thereto) (herein, the "Local Historic Preservation Office"), the address for which is:

City of St. Petersburg
Urban Planning and Historic Preservation Division
Planning and Economic Development Department
Post Office Box 2842
St. Petersburg, Florida 33731
(727) 892-5451 Phone
(727) 892-5001 Fax

3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. above.

4. The Owner agrees that appropriate representatives of the City and the County, their agents and designees, shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this Covenant are being observed.

5. In the event of non-performance or violation of the maintenance and repair provisions of this Covenant by the Owner or by any successor-in-interest during the term of this Covenant, the Local Historic Preservation Office will report such violation to the Pinellas County Property Appraiser and Tax Collector who shall take action pursuant to s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in

which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform both the Local Historic Preservation Office and the County in writing of the damage to the Property. Such notification shall include (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of completion of the restoration, renovation, or rehabilitation project for which the Property became eligible for the tax exemption. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the City. Such restoration and reconstruction work shall also be reported to the County.

7. If the Property is destroyed or severely damaged by accidental or natural causes during the Covenant period, such that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for designation under the terms of the local preservation ordinance have been lost or so damaged that restoration is not feasible, the Owner will inform both the Local Historic Preservation Office and the County in writing of the loss or damage to the Property. Such notification shall include (1) an assessment of the nature and extent of the loss or damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of completion of the restoration, renovation, or rehabilitation project for which the Property became eligible for the tax exemption. The Local Historic Preservation Office will evaluate the information provided, make a determination regarding removal of the Property from eligibility for tax exemption, and notify the Owner in writing of its determination regarding removal of the Property. If the Local Historic Preservation Office determines that the Property should be removed from eligibility for tax exemption,

the Local Historic Preservation Office will notify the Pinellas County Property Appraiser in writing so that the tax exemption may be cancelled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.

8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means the omission of care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, the Owner shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the County, the Pinellas County Property Appraiser, and the Pinellas County Tax Collector, who shall take action pursuant to s. 196.1997(7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property Owner, transferees, and their heirs, successors, or assigns. This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

WITNESSES	OWNER **EQUITY TRUST COMPANY** By:
_____ Witness Signature	_____ Owner Signature
_____ Printed or typed name of Witness	_____ Printed or typed name of Owner
_____ Date	_____ Title
_____ Witness Signature	_____ Date
_____ Printed or typed name of witness	
_____ Date	

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, in his/her capacity as _____ of **EQUITY TRUST COMPANY,** owner of 901-03 22nd Street South (Washington-Harden Grocery Building), who is personally known to me, or has provided _____ as identification.

(Notary Stamp)

_____
(Notary Signature)
Commission expires:

WITNESSES

CITY OF ST. PETERSBURG, FLORIDA

_____
Witness Signature

_____
Printed or Typed Name of Witness

By:_____
Gary Cornwell, City Administrator

ATTEST:

_____
Witness Signature

_____
Printed or Typed Name of Witness

By:_____
Chandrahasa Srinivasa, City Clerk

(Affix Seal)

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 2015, by Gary Cornwell and Chandrahasa Srinivasa, as City Administrator and City Clerk, respectively, of the City of St. Petersburg, Florida, a Municipal Corporation, existing under the laws of the State of Florida, on behalf of the corporation. They are personally known to me and appeared before me at the time of notarization.

(Notary Stamp)

_____
(Notary Signature)
Commission Expires:

APPROVED AS TO CONTENT:

_____
City Attorney (Designee)
By: _____

APPROVED AS TO FORM:

_____
City Attorney (Designee)
By: _____

ATTEST:
KENNETH BURKE, CLERK

By:_____
Deputy Clerk

PINELLAS COUNTY, FLORIDA,
by and through its Board of County Commissioners,

By:_____
Chairman

APPROVED AS TO FORM:

_____
Office of the County Attorney

CITY OF ST. PETERSBURG
PART II: REVIEW OF COMPLETED WORK
CASE #3: CITY FILE AVT #13-90400002B

Name of Property	Moure Building, 909-13 22nd Street South
Designation Type/Date	Local Historic Landmark (HPC #13-90300003 – October 2013)
Request	Approve Historic Property Tax Exemption "Part II: Request for Review of Completed Work."
Recommendation	Administration Recommends APPROVAL of the Ad Valorem Tax Exemption for the Moure Building at 909-13 22nd Street South limiting the assessed value of a qualifying improvement to $1,000,000.

General Eligibility Requirements

The subject property is an individually designated local historic landmark in St. Petersburg and is a "qualifying property" for the ad valorem tax exemption for historic properties. The applicant has met the starting and completion date requirements set forth in City Code Section 16.30.070.4. The applicant first applied for the ad valorem tax exemption in January 2013 and was approved by staff for construction in January 2013, prior to beginning improvements on the subject property. The improvements were completed in October 2014, approximately twenty-one months after beginning the project.

City Code Section 16.30.070.4 requires a property owner to expend at least ten percent of the assessed property value on improvements. The applicant has met this requirement. In 2013 when improvements to the property began, the assessed property value for the Moure Building was $36,500. The property owner has documented $183,402 in qualified improvement costs for the rehabilitation of the building, which is 502 percent of the assessed value.

Fiscal Impact of Ad Valorem Tax Exemption

For the 2013 assessment, the Moure Building was valued at $36,500 inclusive of land and improvements. The owner paid taxes of $844. The owner will continue to pay this amount – and any inflationary increases – during the life of the exemption.

The tax exemption will only apply to the increase in ad valorem taxes resulting from the renovation and total no more than $621 per year for ten years in deferred City taxes assuming the Pinellas County Property Appraiser assesses the qualified improvements at fifty percent of their full construction value, in this case $183,402. The Pinellas County taxes that would be deferred if approved by the Board of County Commissioners would total $491 per year. Total County and City taxes deferred by the exemption would not exceed $1,112 per year for ten years. In any event, with the tax exemption capped at $1,000,000 in assessed value, the annual exemption from City taxes cannot exceed $6,770.

Compliance with Secretary of Interior's Standards for Historic Preservation

According to City Code Section 16.30.070.4, the work for all projects requesting the ad valorem tax exemption for historic properties must comply with the City's Certificate of Appropriateness requirements and design guidelines and the Secretary of the Interior's Standards for Rehabilitation upon which they are based. The applicant has complied with these requirements and the table below details the manner in which they complied.

Eligible Improvements	"Before" and After" Photos (See Attached)	Meets Design Standards
Exterior Renovations		
Replace roof.	1-4	Yes
Reopen storefront windows and doors. Replace damaged windows and doors. Repair historic windows.	1-2	Yes
Repair damaged stucco, brick veneer, and concrete block.	1-2	Yes
Repair foundation.	1-4	Yes

Interior Renovations		
Repair damaged wood, plaster, ceilings, and floors.	3-4	Yes
Update bathrooms.	3-4	Yes
Update plumbing and electrical.		Yes
Install HVAC.		Yes

Attachments: Photographs and Resolution.

Photo 1. Moure Building, East Elevation, Prior to Rehabilitation.

Photo 2. Moure Building, East Elevation, After Rehabilitation.

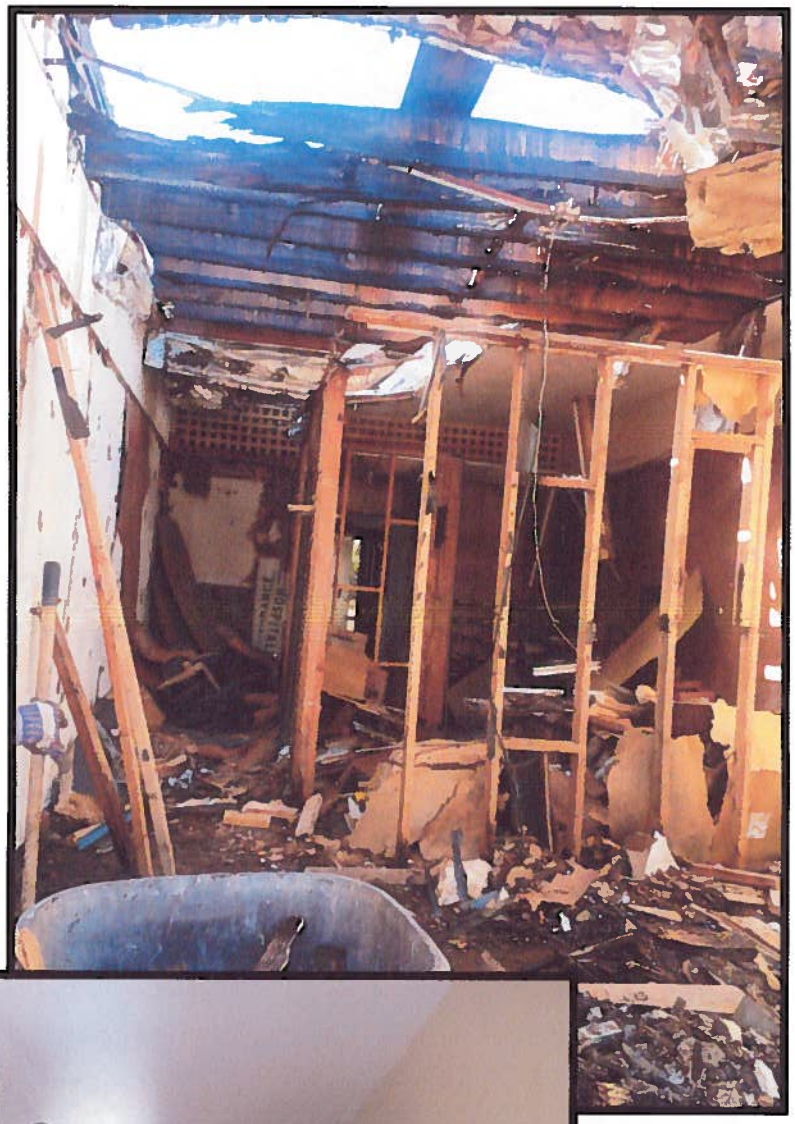


Photo 3. Moure Building, Interior, Prior to Rehabilitation.

Photo 4. Moure Building, Interior, After Rehabilitation.

RESOLUTION NO. _____

A RESOLUTION OF THE ST. PETERSBURG CITY COUNCIL APPROVING THE AD VALOREM TAX EXEMPTION FOR THE MOURE BUILDING, LOCATED AT 909-13 22ND STREET SOUTH, A LOCAL HISTORIC LANDMARK; RECOMMENDING THAT THE PINELLAS COUNTY BOARD OF COMMISSIONERS APPROVE AN EXEMPTION TO THE COUNTY AD VALOREM TAX; APPROVING EXECUTION OF A HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1992, the voters of Florida approved a constitutional amendment allowing ad valorem tax exemptions for up to ten years on improvements to designated historic properties and the City of St. Petersburg adopted this amendment (Section 16.30.070.4 of the City Code) on July 21, 1994, giving its residents financial incentives to preserve the City's historical resources. This incentive was strengthened in January 1996, when Pinellas County adopted this ad valorem tax exemption amendment; and

WHEREAS, the Moure Building, a locally designated historic landmark, and described as below (herein, the "Property"), which according to public record is presently owned by Equity Trust Company, as custodian for the benefit of Carolyn A. Brayboy IRA:

Parcel 1 Description: North 10 ft of the East 110 ft of Lot 24 and the East 110 ft of Lot 25 of Geo. C. Prather Royal Subdivision, according to the map or plat thereof recorded in Plat Book 3, Page 18 of the Public Records of Pinellas County, Florida;

Parcel 2 Description: South 40 ft of the East 110 ft of Lot 24, and the South 11 ft of the West 40 ft of Lot 24 of Geo. C. Prather Royal Subdivision, according to the map or plat thereof as recorded in Plat Book 3, Page 18, of the Public Records of Pinellas County, Florida; and

WHEREAS, the City Council on October 3, 2013, approved the designation of the Moure Building as a local historic landmark (HPC #13-90300003); and

WHEREAS, Planning and Economic Development staff approved the Part I ad valorem tax exemption application (AVT 13-90400002A) on January 10, 2013; and

WHEREAS, the attached staff report and historic preservation covenant demonstrate that the renovation work on the Property meets all the criteria for issuing the exemption as described both in Section 16.30.070.4 of the City Code and Section 196.1997 of the Florida Statutes; and

WHEREAS, the Property does not meet the conditions set forth in City Code Section 16.30.070.4(C) and is not exempt from requirements limiting eligible qualifying improvements on commercial properties to $1,000,000 or less; and

WHEREAS, the tax exemption shall be for a period of ten years which is from January 1, 2015, to December 31, 2024.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of St. Petersburg, Florida approves the ad valorem tax exemption for the Moure Building, a locally designated historic landmark, as consistent with local and state law subject to receipt of a certified copy of the recorded covenant within 120 days of City Council approval or said approval shall be void; approves execution of the historic preservation tax exemption covenant on behalf of the City; and recommends that the Pinellas County Board of County Commissioners approve the exemption to the County ad valorem taxes as well.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND SUBSTANCE:

3-13-15

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT DATE

3/17/15

CITY ATTORNEY (DESIGNEE) DATE

City of St. Petersburg and Pinellas County
HISTORIC PRESERVATION PROPERTY TAX EXEMPTION COVENANT

This Covenant is made the ____ day of _____, 2015, by **EQUITY TRUST COMPANY, AS CUSTODIAN FOR THE BENEFIT OF CAROLYN A. BRAYBOY IRA**, a Florida trust, whose principal address is 144 23rd Avenue South, St. Petersburg, Florida, 33705 (hereinafter referred to as the "Owner"), and in favor of **CITY OF ST. PETERSBURG, FLORIDA** (hereinafter referred to as "City") and **PINELLAS COUNTY, FLORIDA** (hereinafter referred to as "County"), jointly and severally, for the purpose of the restoration, renovation or rehabilitation of a certain Property located at 909-13 22nd Street South, St. Petersburg, Florida (the Moure Building), which is owned in fee simple by the Owner. The Property is locally designated as a historic property under the terms of a local preservation ordinance. The areas of significance of this property, as identified in the local designation report for the property are: (**x**) architecture, (**x**) history, ( ) archaeology.

The Property is comprised essentially of the improvements to the following described site (herein, the "Property"):

> Parcel 1 Description: North 10 ft of the East 110 ft of Lot 24 and the East 110 ft of Lot 25 of Geo. C. Prather Royal Subdivision, according to the map or plat thereof recorded in Plat Book 3, Page 18 of the Public Records of Pinellas County, Florida.
>
> Parcel 2 Description: South 40 ft of the East 110 ft of Lot 24, and the South 11 ft of the West 40 ft of Lot 24 of Geo. C. Prather Royal Subdivision, according to the map or plat thereof as recorded in Plat Book 3, Page 18, of the Public Records of Pinellas County, Florida.

In consideration of the historic preservation property tax exemptions granted by the City and the County resulting from the restoration, renovation, or rehabilitation of the Property by the Owner, the Owner hereby agrees to the following for the period of the tax exemption, which is from January 1, 2015, to December 31, 2024:

1. The Owner agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archaeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for designation under the provisions of the local preservation ordinance.

2. The Owner agrees that no visual or structural alterations will be made to the Property without prior written permission of the City of St. Petersburg Urban Planning and Historic Preservation Division (or successor agency thereto) (herein, the "Local Historic Preservation Office"), the address for which is:

City of St. Petersburg
Urban Planning and Historic Preservation Division
Planning and Economic Development Department
Post Office Box 2842
St. Petersburg, Florida 33731
(727) 892-5451 Phone
(727) 892-5001 Fax

3. [Only for properties of archaeological significance] The Owner agrees to ensure the protection of the site against willful damage or vandalism. Nothing in this Covenant shall prohibit the Owner from developing the site in such a manner that will not threaten or damage the archaeological resource, provided that permission for alteration of the site is obtained pursuant to 2. above.

4. The Owner agrees that appropriate representatives of the City and the County, their agents and designees, shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the conditions of this Covenant are being observed.

5. In the event of non-performance or violation of the maintenance and repair provisions of this Covenant by the Owner or by any successor-in-interest during the term of this Covenant, the Local Historic Preservation Office will report such violation to the Pinellas County Property Appraiser and Tax Collector who shall take action pursuant to

s. 196.1997 (7), F.S. The Owner shall be required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

6. If the Property is damaged by accidental or natural causes during the Covenant period, the Owner will inform both the Local Historic Preservation Office and the County in writing of the damage to the Property. Such notification shall include (1) an assessment of the nature and extent of the damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of completion of the restoration, renovation, or rehabilitation project for which the Property became eligible for the tax exemption. In order to maintain the tax exemption, the Owner shall complete the restoration or reconstruction work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the City. Such restoration and reconstruction work shall also be reported to the County.

7. If the Property is destroyed or severely damaged by accidental or natural causes during the Covenant period, such that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for designation under the terms of the local preservation ordinance have been lost or so damaged that restoration is not feasible, the Owner will inform both the Local Historic Preservation Office and the County in writing of the loss or damage to the Property. Such notification shall include (1) an assessment of the nature and extent of the loss or damage; and (2) an estimate of the cost of restoration or reconstruction work necessary to return the Property to the condition existing at the time of completion of the restoration, renovation, or rehabilitation project for which the Property became eligible for the tax exemption. The Local Historic Preservation Office will evaluate the information provided, make a determination regarding removal of the Property from eligibility for tax exemption, and notify the Owner in writing of its

determination regarding removal of the Property. If the Local Historic Preservation Office determines that the Property should be removed from eligibility for tax exemption, the Local Historic Preservation Office will notify the Pinellas County Property Appraiser in writing so that the tax exemption may be cancelled for the remainder of the Covenant period. In such cases, no penalty or interest shall be assessed against the Owner.

8. If it appears that the historical integrity of the features, materials, appearance, workmanship, and environment, or archaeological integrity which made the Property eligible for designation under the terms of the local preservation ordinance have been lost or damaged deliberately or through gross negligence of the Owner, the Local Historic Preservation Office shall notify the Owner in writing. For the purpose of this Covenant, "gross negligence" means the omission of care which even inattentive and thoughtless persons never fail to take of their own property. The Owner shall have 30 days to respond indicating any circumstances which show that the damage was not deliberate or due to gross negligence. If the Owner cannot show such circumstances, the Owner shall develop a plan for restoration of the Property and a schedule for completion of the restoration. In order to maintain the tax exemption, the Owner shall complete the restoration work necessary to return the Property to the condition existing at the time of project completion on a time schedule agreed upon by the Owner and the Local Historic Preservation Office. If the Owner does not complete the restoration work on the agreed upon time schedule, the Local Historic Preservation Office will report such violation to the County, the Pinellas County Property Appraiser, and the Pinellas County Tax Collector, who shall take action pursuant to s. 196.1997(7), F.S. The Owner shall be required to pay the differences between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in s. 212.12 (3), F.S.

9. The terms of this Covenant shall be binding on the current Property Owner, transferees, and their heirs, successors, or assigns. This Covenant shall be enforceable in specific performance by a court of competent jurisdiction.

WITNESSES	OWNER **EQUITY TRUST COMPANY** By:
_____ Witness Signature	_____ Owner Signature
_____ Printed or typed name of Witness	_____ Printed or typed name of Owner
_____ Date	_____ Title
_____ Witness Signature	_____ Date
_____ Printed or typed name of witness	
_____ Date	

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, in his/her capacity as _____ of **EQUITY TRUST COMPANY,** owner of 909-13 22nd Street South (Moure Building), who is personally known to me, or has provided _____ as identification.

(Notary Stamp)

_____
(Notary Signature)
Commission expires:

WITNESSES

CITY OF ST. PETERSBURG, FLORIDA

_____
Witness Signature

By:_____
Gary Cornwell, City Administrator

_____
Printed or Typed Name of Witness

ATTEST:

_____
Witness Signature

By:_____
Chandrahasa Srinivasa, City Clerk

_____
Printed or Typed Name of Witness

(Affix Seal)

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 2015, by Gary Cornwell and Chandrahasa Srinivasa, as City Administrator and City Clerk, respectively, of the City of St. Petersburg, Florida, a Municipal Corporation, existing under the laws of the State of Florida, on behalf of the corporation. They are personally known to me and appeared before me at the time of notarization.

(Notary Stamp)

_____
(Notary Signature)
Commission Expires:

APPROVED AS TO CONTENT:

_____
City Attorney (Designee)
By: _____

APPROVED AS TO FORM:

_____
City Attorney (Designee)
By: _____

ATTEST:
KENNETH BURKE, CLERK

PINELLAS COUNTY, FLORIDA,
by and through its Board of County Commissioners,

By:_____
Deputy Clerk

By:_____
Chairman

APPROVED AS TO FORM:

_____
Office of the County Attorney

st.petersburg
www.stpete.org

SAINT PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO: **THE HONORABLE CHARLIE GERDES, CHAIR, AND MEMBERS OF CITY COUNCIL**

SUBJECT: Resolution approving the plat of *Colonnade*, generally located near the intersection of 5th Street North and 53rd Avenue North. (Our File: 14-20000007)

RECOMMENDATION: The Administration recommends **APPROVAL**.

DISCUSSION:
The applicant is requesting approval of a final plat which will replat the area generally located in the area bounded by halfway between 4th and 5th Streets North on the east to 7th Street North on the west and from 52nd Avenue North on the south to 56th Avenue North on the north to create 130 lots. The property is zoned Neighborhood Suburban Multi-family (NSM-1).

This replat includes the vacation of 5th Street North between 53rd Avenue North and 54th Avenue North and a vacation of 53rd Avenue North commencing at 5th Street North continuing east for approximately 342 feet and vacation of a 10-foot wide sanitary sewer easement and a 15-foot wide public utility easement in the block bounded by 4th Street North, 50th Avenue North, 7th Street North and 54th Avenue North approved for vacation via City Ordinance 1059-V (June 5, 2014). This replat also includes the vacation of a 20-foot wide street corner easement located at the northeast corner of the intersection of 5th Street North and 53rd Avenue North approved for vacation via City Ordinance 1064-V (January 22, 2015). The proposed replat will assemble the lots and vacated right of ways and satisfies the requirements of Ordinance 1059-V and 1064-V for a replat. The purpose of the vacations and replat is to assemble the properties and vacated rights-of-way for redevelopment.

The language in condition 1 of the resolution clarifies that certain requirements may be completed after the plat is recorded.

Attachments: Map, Aerial, Resolution

APPROVALS:

Administrative: _____

Budget: NA

Legal: _____

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PLAT OF COLONNADE, GENERALLY LOCATED NEAR THE INTERSECTION OF 5TH STREET NORTH AND 53RD AVENUE NORTH; SETTING FORTH CONDITIONS FOR APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the plat of Colonnade, generally located in the area bounded by halfway between 4th and 5th Streets North on the east to 7th Street North on the west and from 52nd Avenue North on the south to 56th Avenue North on the north, is hereby approved, subject to the following conditions.

1. The applicant shall install the Lot Corners and Permanent Control Points as required by F.S. 177 and City Code at their sole expense within one year from the date of this approval. The applicant may provide a financial guarantee for this work in order to record the plat in advance of completion.
2. The applicant shall comply with the conditions from Vacation Cases #14-33000002 and 14-33000010.
3. Record the Declaration of Covenants prior to the plat and the OR Book & Page number must be included on the plat prior to final plat recordation.
4. Record the Private Drainage Easement shown on plat sheet 6 prior to the plat and the OR Book & Page number must be included on the plat prior to final plat recordation.

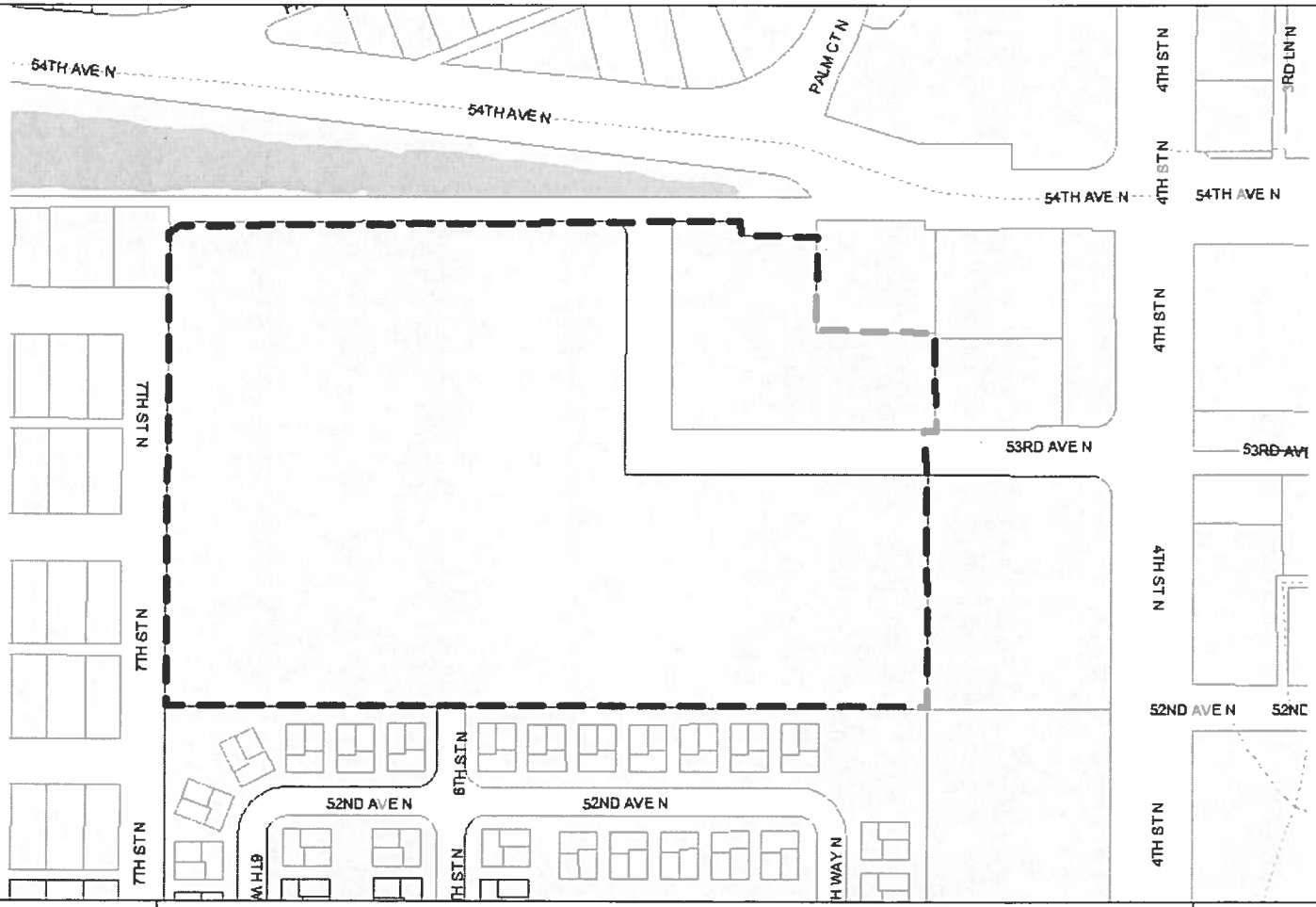
This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:

3-17-15

Planning & Economic Development Dept. Date

City Attorney (Designee) Date

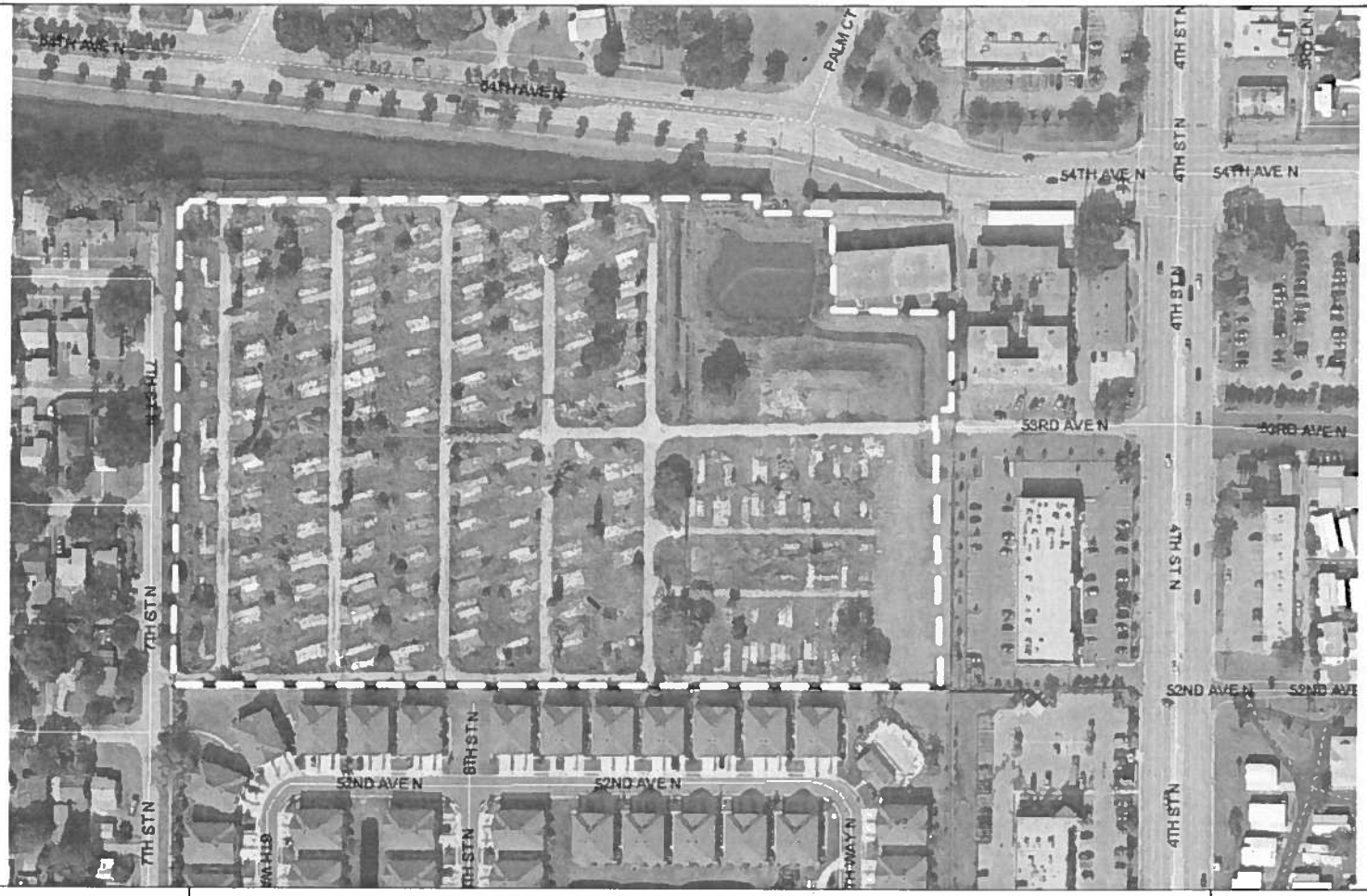


st.petersburg
www.stpete.org

Planning & Economic Development Department
Plat for Colonnade
Case No.: 14-20000007
Address: Near the Intersection of 5th Street North and 53rd Avenue North

N

(nts)



st.petersburg
www.stpete.org

Planning & Economic Development Department
Plat for Colonnade
Case No.: 14-20000007
Address: Near the Intersection of 5th Street North and 53rd Avenue North

N↑
(nts)

COLONNADE

BEING A REPLAT OF A PORTION OF TRACT 1, AL-DA-KY BAY STATE REPLAT AS RECORDED IN PLAT BOOK 48, PAGE 56, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH LOT 1, BLOCK 1 NORTHEAST CHRISTIAN CHURCH REPLAT AS RECORDED IN PLAT BOOK 81, PAGE 79, PUBLIC RECORDS OF PINELLAS COUNTY , FLORIDA, TOGETHER WITH VACATED RIGHTS OF WAY, IN THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 31 SOUTH, RANGE 17 EAST. CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION:

From the Southwest corner of TRACT 1, AL-DA-KY BAY STATE REPLAT as recorded in Plat Book 48, Page 56, Public Records of Pinellas County, Florida as the Point of Beginning; thence along the South line thereof, N89°53'57"E, 1003.13 feet; thence leaving said South line, N00°00'03"W, 358.93 feet to a point on the North right of way line of 53rd Avenue North (a 60 foot right of way), thence along said North right of way line, N89°51'32"E, 6.12 feet to the Southeast corner of Lot 1, Block 1, NORTHEAST CHRISTIAN CHURCH REPLAT, as recorded in Plat Book 81, Page 79, Public Records of Pinellas County, Florida, thence along the boundary of said plat the following seven courses: N00°03'28"W, 117.67 feet; thence S89°51'32"W, 2.00 feet; thence N00°03'28"W, 7.33 feet, thence S89°51'32"W, 158.00 feet; thence N00°03'28"W, 125.00 feet, thence S89°51'32"W, 100.00 feet, thence N00°03'28"W, 20.00 feet to a point on the South right of way of 54th Avenue North (=40ft varies), thence along said right of way, S89°58'40"W, 728.99 feet to a point of curve, thence along the arc of a curve to the left, said curve having a radius of 20.00 feet, arc 31.41 feet, chord S44°59'18"W, 28.28 feet to a point on the Northerly extension of the East right of way of 7th Street North (a 80 foot right of way); thence along said Northerly extension and said East right of way, S00°00'03"E, 610.79 feet to the Point of Beginning

DEDICATION:

Know all men by these presents that the undersigned, D. R. Horton, Inc., a Delaware corporation, as owner of the land platted herein, has caused this plat of Colonnade to be made and hereby dedicate and reserve the following

The undersigned, as owner of the lands platted herein does hereby dedicate this plat of Colonnade for record. Further, the owner does hereby dedicate to public use all easements designated on the plat as "public". The undersigned further makes the following dedications and reservations.

Private Tracts 1, 2, 3, 4, 5 and 6 are hereby reserved by the owner for conveyance to a Homeowners' Association, Community Development District, or other custodial and maintenance entity subsequent to the recording of this plat, for the benefit of the lot owners within the subdivision. Said tracts are not dedicated to the public and will be privately maintained. Owner further reserves the right to convey additional easements within said tracts

Private Tracts 1, 2, 3, 4, 5 and 6 and the private easements are subject to any and all easements and tracts dedicated to public use as shown on the plat. The maintenance of owner-reserved tracts and areas and private easements reserved by the owner will be the responsibility of the owner, its assigns and its successors in title.

The private access and utility easement shown hereon as Tract 7 are not dedicated to the public, but are hereby reserved to owner for conveyance to a Homeowners' Association, Community Development District, or other custodial and maintenance entity subsequent to the recording of this plat, for the benefit of the lot owners within the subdivision, as access for ingress and egress of said lot owners and their guests and invitees.

Owner hereby grants to City of St. Petersburg government and all providers of fire emergency, emergency medical, mail package delivery, solid waste/sanitation, drainage and other similar government and quasi-government services, a non-exclusive easement over and across and a non-exclusive easement over, under and across, Tract 7 as shown hereon for ingress and egress for the performance of their official duties.

Owner hereby grants to all providers of telephone, electric, cable television, water and sewer, and other public and quasi-public utilities, a non-exclusive easement over and across and a non-exclusive utility easement over, under and across, the private roads and rights of way within Tract 7 and the areas designed herein as utility easements, for ingress and egress and for the construction, installation, and maintenance of utilities and related purposes.

D.R. Horton, Inc., a Delaware corporation

_____

Darren Saltzberg, Vice President

Signed and delivered in the presence of:

_____	_____
Witness	Witness
_____	_____
(Print Name)	(Print Name)

ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this_____ day of_____, A.D., 2015,

by Darren Saltzberg, Vice President of D.R Horton, Inc., a Delaware corporation, on behalf of the corporation.

He is personally known to me or has produced_____ as identification.

My commission expires _____

_____
NOTARY PUBLIC, State of Florida at Large

_____
(Print Name)

George F. Young, Inc. LB 021
299 Dr Martin Luther King Jr. Street North
St. Petersburg, Florida 33701
(727) 822-4317

NOTICE:

This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on the plat that may be found in the public records of this county.

The public utility easement(s) dedicated hereon shall also be an easement(s) for the construction, installation, maintenance and operation of cable television services; provided, however, no such construction, installation, maintenance and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission

CERTIFICATE OF APPROVAL BY THE CITY OF ST. PETERSBURG:

APPROVED for the City of St. Petersburg, Pinellas County, Florida, this _____ day of _____, A.D., 2015; provided that the plat is recorded in the public records of Pinellas County, Florida, within six (6) months from the date of this approval.

_____
MAYOR

APPROVED by the City Council of the City of St. Petersburg, Pinellas County, Florida, this _____ day of _____, A.D., 2015.

_____
COUNCIL CHAIR

CERTIFICATE OF APPROVAL BY COUNTY CLERK:

STATE OF FLORIDA
COUNTY OF PINELLAS

I, Ken Burke, Clerk of the Circuit Court of Pinellas County, Florida, hereby certify that the plat has been examined and that it complies in form with all the requirements of the Statutes of Florida pertaining to maps and plats and that this plat has been filed for record in

Plat Book _____, Pages _____, Public Records of Pinellas County, Florida.

Signed on this _____ day of _____, A.D., 2015, at _____.

By:_____	Ken Burke, Clerk
Deputy Clerk	Pinellas County, Florida
_____	
(Print Name)	

CERTIFICATE OF CONFORMITY:

Reviewed for conformity to Chapter 177, Part I, Florida Statutes by a Professional Surveyor and Mapper under contract or employed by the City of St. Petersburg, Florida.

_____ Date_____

C. Boyd Allen Professional Surveyor & Mapper
Florida Registration No. 3932

SURVEYOR'S CERTIFICATE:

I, Catherine A. Bosco, of George F. Young, Inc., the Surveyor making this plat, do hereby certify that this plat was prepared under my direction and supervision and that this plat complies with all the survey requirements of Part I, Chapter 177, Florida Statutes.

Plat boundary surveyed on the 21st day of August, A.D., 2014

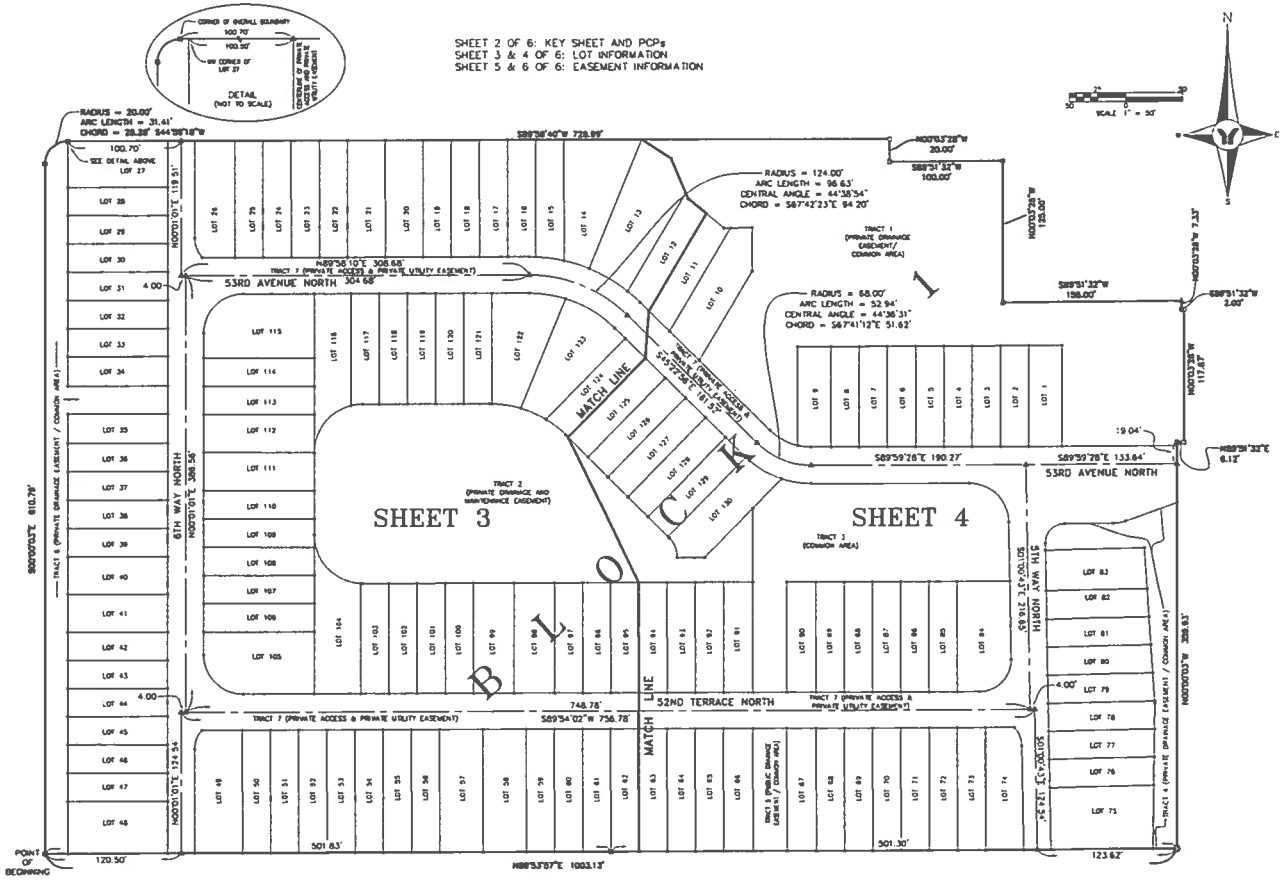
Permanent control points and lot corners will be set in accordance with Florida Statute or pursuant to terms of bond

GEORGE F. YOUNG, INC., LB 021
299 Dr. Martin Luther King Jr. Street North
St. Petersburg, FL 33701
(727) 822-4317

_____
Catherine A. Bosco
Florida Professional Surveyor & Mapper
LS 6257

COLONNADE

BEING A REPLAT OF A PORTION OF TRACT 1, AL-DA-KY BAY STATE REPLAT AS RECORDED IN PLAT BOOK 48, PAGE 56, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH LOT 1, BLOCK 1 NORTHEAST CHRISTIAN CHURCH REPLAT AS RECORDED IN PLAT BOOK 81, PAGE 79, PUBLIC RECORDS OF PINELLAS COUNTY , FLORIDA, TOGETHER WITH VACATED RIGHTS OF WAY, IN THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 31 SOUTH, RANGE 17 EAST. CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA



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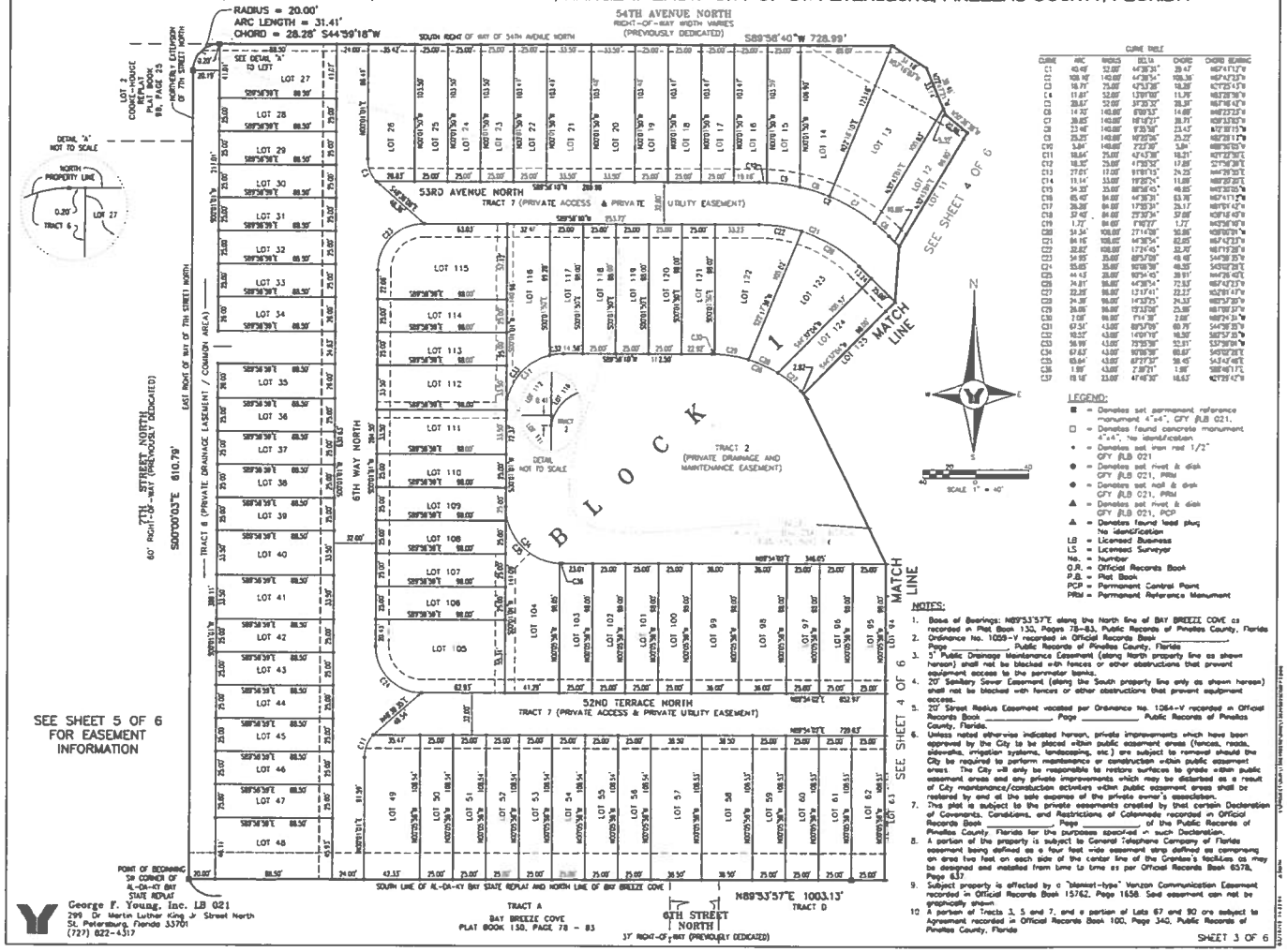

George F. Young, Inc. LB 021
299 Dr Martin Luther King Jr Street North
St. Petersburg, Florida 33701
(727) 822-4317

CURVE TABLE

CURVE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING
C1	40.48'	52.00'	44°38'35"	39.47'	N82°41'17"W
C2	108.16'	143.00'	44°38'54"	105.38'	N82°42'33"W
C3	18.79'	25.00'	42°53'28"	18.36'	N77°25'43"W
C4	11.81'	52.00'	13°01'00"	11.78'	N83°28'06"W
C5	38.67'	52.00'	37°30'35"	38.31'	N63°16'43"W
C6	14.30'	143.00'	5°43'13"	14.00'	N40°23'23"W
C7	39.85'	143.00'	15°58'21"	39.71'	N29°33'55"W
C8	23.48'	143.00'	9°25'08"	23.45'	N17°37'15"W
C9	25.25'	143.00'	10°06'06"	25.22'	N6°28'11"W
C10	3.84'	143.00'	2°33'38"	3.84'	N0°56'05"W
C11	38.64'	25.00'	42°43'38"	38.21'	N21°22'30"E
C12	18.32'	25.00'	41°58'32"	17.89'	S21°56'28"E
C13	27.01'	17.00'	91°01'13"	24.25'	N44°29'20"E
C14	11.14'	33.00'	19°20'24"	11.08'	N88°20'20"E
C15	34.25'	25.00'	88°34'45"	48.85'	N43°32'55"W
C16	65.45'	84.00'	44°38'35"	63.78'	N82°41'17"W
C17	26.28'	84.00'	17°55'31"	26.17'	N61°54'42"W
C18	37.45'	84.00'	25°35'34"	37.16'	N30°16'45"W
C19	1.77'	84.00'	1°00'27"	1.77'	N43°36'16"W
C20	34.34'	1036.00'	2°11'28"	30.88'	N38°58'31"W
C21	84.16'	1036.00'	4°39'34"	82.85'	N35°42'23"W
C22	32.82'	1036.00'	1°49'45"	32.70'	N31°19'28"W
C23	54.95'	35.00'	89°57'00"	49.48'	S44°58'35"W
C24	55.65'	35.00'	90°08'38"	49.95'	S45°02'28"E
C25	44.43'	28.00'	90°54'45"	39.91'	N44°26'45"E
C26	34.81'	96.00'	4°38'34"	72.53'	N82°42'23"W
C27	22.28'	96.00'	13°17'41"	22.23'	N92°01'47"W
C28	24.38'	96.00'	14°33'25"	24.33'	N102°57'35"W
C29	26.05'	96.00'	15°32'00"	25.98'	N116°00'37"W
C30	2.00'	96.00'	1°14'38"	2.00'	N128°24'31"W
C31	67.54'	43.00'	89°57'00"	60.79'	S44°58'35"W
C32	68.52'	43.00'	146°07'00"	98.52'	S82°57'35"W
C33	56.99'	43.00'	75°55'00"	52.91'	S37°59'05"W
C34	67.83'	43.00'	90°08'38"	60.97'	S45°02'28"E
C35	65.64'	43.00'	87°37'32"	59.45'	S43°47'46"E
C36	1.99'	43.00'	2°39'21"	1.99'	S88°46'17"E
C37	19.18'	23.00'	47°46'30"	18.63'	N27°29'42"W

LEGEND:

- ■ = Denotes set permanent reference monument 4"x4", CFY #LB 021.
- □ = Denotes found concrete monument 4"x4", No identification
- • = Denotes set iron rod 1/2" CFY #LB 021
- ● = Denotes set rivet & disk CFY #LB 021, PRM
- ● = Denotes set nail & disk CFY #LB 021, PRM
- ▲ = Denotes set rivet & disk CFY #LB 021, PCP
- ▲ = Denotes found lead plug No identification
- LB = Licensed Business
- LS = Licensed Surveyor
- No. = Number
- O.R. = Official Records Book
- P.B. = Plat Book
- PCP = Permanent Control Point
- PRM = Permanent Reference Monument

NOTES:

1. Basis of Bearings: N89°33'57"E along the North line of BAY BREEZE COVE as recorded in Plat Book 130, Pages 78-83, Public Records of Pinellas County, Florida
2. Ordinance No. 1059-V recorded in Official Records Book _____ Page _____, Public Records of Pinellas County, Florida
3. 5' Public Drainage Maintenance Easement (along North property line as shown hereon) shall not be blocked with fences or other obstructions that prevent equipment access to the perimeter banks.
4. 20' Sanitary Sewer Easement (along the South property line only as shown hereon) shall not be blocked with fences or other obstructions that prevent equipment access.
5. 20' Street Radius Easement vacated per Ordinance No. 1064-V recorded in Official Records Book _____ Page _____, Public Records of Pinellas County, Florida.
6. Unless noted otherwise indicated hereon, private improvements which have been approved by the City to be placed within public easement areas (fences, roads, sidewalks, irrigation systems, landscaping, etc.) are subject to removal should the City be required to perform maintenance or construction within public easement areas. The City will only be responsible to restore surfaces to grade within public easement areas and any private improvements which may be disturbed as a result of City maintenance/construction activities within public easement areas shall be restored by and at the sole expense of the private owner's association.
7. This plat is subject to the private easements created by that certain Declaration of Covenants, Conditions, and Restrictions of Colonnade recorded in Official Records Book _____, Page _____, of the Public Records of Pinellas County, Florida for the purposes specified in such Declaration.
8. A portion of the property is subject to General Telephone Company of Florida easement being defined as a four foot wide easement strip defined as comprising an area two feet on each side of the center line of the Grantee's facilities, as may be designed and installed from time to time as per Official Records Book 6578, Page 637
9. Subject property is affected by a "blanket-type" Verizon Communication Easement recorded in Official Records Book 15762, Page 1658. Said easement can not be graphically shown
10. A portion of Tracts 3, 5 and 7, and a portion of Lots 67 and 90 are subject to Agreement recorded in Official Records Book 100, Page 340, Public Records of Pinellas County, Florida

COLONNADE

BEING A REPLAT OF A PORTION OF TRACT 1, AL-DA-KY BAY STATE REPLAT AS RECORDED IN PLAT BOOK 48, PAGE 56, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH LOT 1, BLOCK 1 NORTHEAST CHRISTIAN CHURCH REPLAT AS RECORDED IN PLAT BOOK 81, PAGE 79, PUBLIC RECORDS OF PINELLAS COUNTY , FLORIDA, TOGETHER WITH VACATED RIGHTS OF WAY, IN THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 31 SOUTH, RANGE 17 EAST. CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA

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C3	18.31'	23.00'	43°33'32"	18.28'	N27°25'41"W
C4	11.81'	52.00'	13°01'00"	11.79'	N83°28'58"W
C5	28.62'	52.00'	31°35'32"	28.24'	N61°16'42"W
C6	14.78'	140.00'	6°02'53"	14.68'	N48°23'23"W
C7	38.85'	140.00'	16°18'27"	38.71'	N39°33'05"W
C8	23.46'	140.00'	9°35'56"	23.43'	N27°37'15"W
C9	25.25'	140.00'	10°20'00"	25.22'	N18°28'17"W
C10	5.84'	140.00'	2°23'30"	5.84'	N08°38'05"W
C11	18.64'	25.00'	42°43'38"	18.21'	N21°22'38"E
C12	16.55'	25.00'	41°33'32"	17.08'	S21°56'38"E
C13	27.81'	17.00'	91°81'15"	24.25'	N44°29'30"E
C14	11.14'	33.00'	19°20'24"	11.08'	N80°30'38"E
C15	54.35'	35.00'	88°58'45"	49.05'	N43°30'05"W
C16	65.40'	84.00'	44°38'34"	63.76'	N87°41'12"W
C17	26.28'	84.00'	17°55'31"	26.17'	N81°18'42"W
C18	37.42'	84.00'	25°30'34"	37.09'	N39°16'46"W
C19	1.72'	84.00'	1°10'27"	1.72'	N45°38'16"W
C20	51.34'	108.00'	27°14'08"	50.86'	N39°08'54"W
C21	84.14'	108.00'	44°38'34"	82.05'	N87°41'23"W
C22	32.82'	108.00'	17°24'45"	32.70'	N81°16'28"W
C23	54.95'	35.00'	89°57'08"	49.48'	S44°38'28"E
C24	55.05'	35.00'	90°06'38"	49.55'	S45°16'28"E
C25	44.43'	28.00'	90°54'45"	39.91'	N44°26'40"E
C26	74.81'	96.00'	44°38'34"	72.93'	N87°41'23"W
C27	22.26'	96.00'	13°17'41"	22.23'	N62°01'41"W
C28	24.38'	96.00'	14°33'52"	24.33'	N33°37'25"W
C29	26.05'	96.00'	15°33'08"	25.98'	N18°05'37"W
C30	2.08'	96.00'	1°14'38"	2.08'	N08°24'31"W
C31	67.51'	43.00'	89°57'08"	60.79'	S44°38'28"W
C32	16.53'	43.00'	14°00'50"	16.50'	S82°37'30"W
C33	36.98'	43.00'	79°35'38"	32.81'	S37°38'01"W
C34	67.63'	43.00'	90°06'38"	60.87'	S45°16'28"E
C35	65.64'	43.00'	87°27'37"	59.45'	S43°47'48"E
C36	1.99'	43.00'	2°39'01"	1.99'	S88°46'17"E
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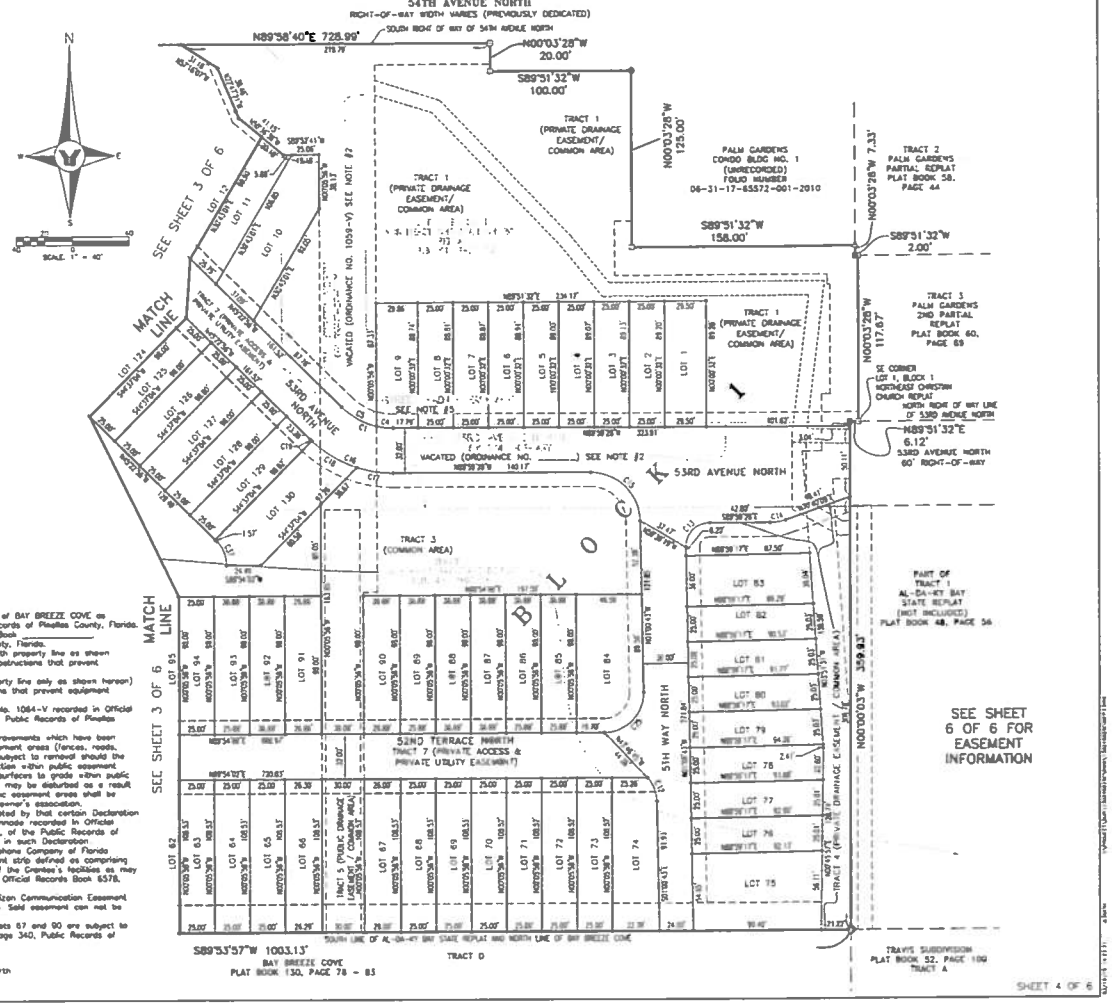

LEGEND:

- ■ = Denotes set permanent reference monument 4"x4" CFY #LB 021
- ☐ = Denotes found concrete monument 4"x4", No identification
- • = Denotes set iron rod 1/2" CFY #LB 021
- ⊕ = Denotes set rivet & disk CFY #LB 021, PRM
- ⊕ = Denotes set nail & disk CFY #LB 021, PRM
- ▲ = Denotes set rivet & disk CFY #LB 021, PCP
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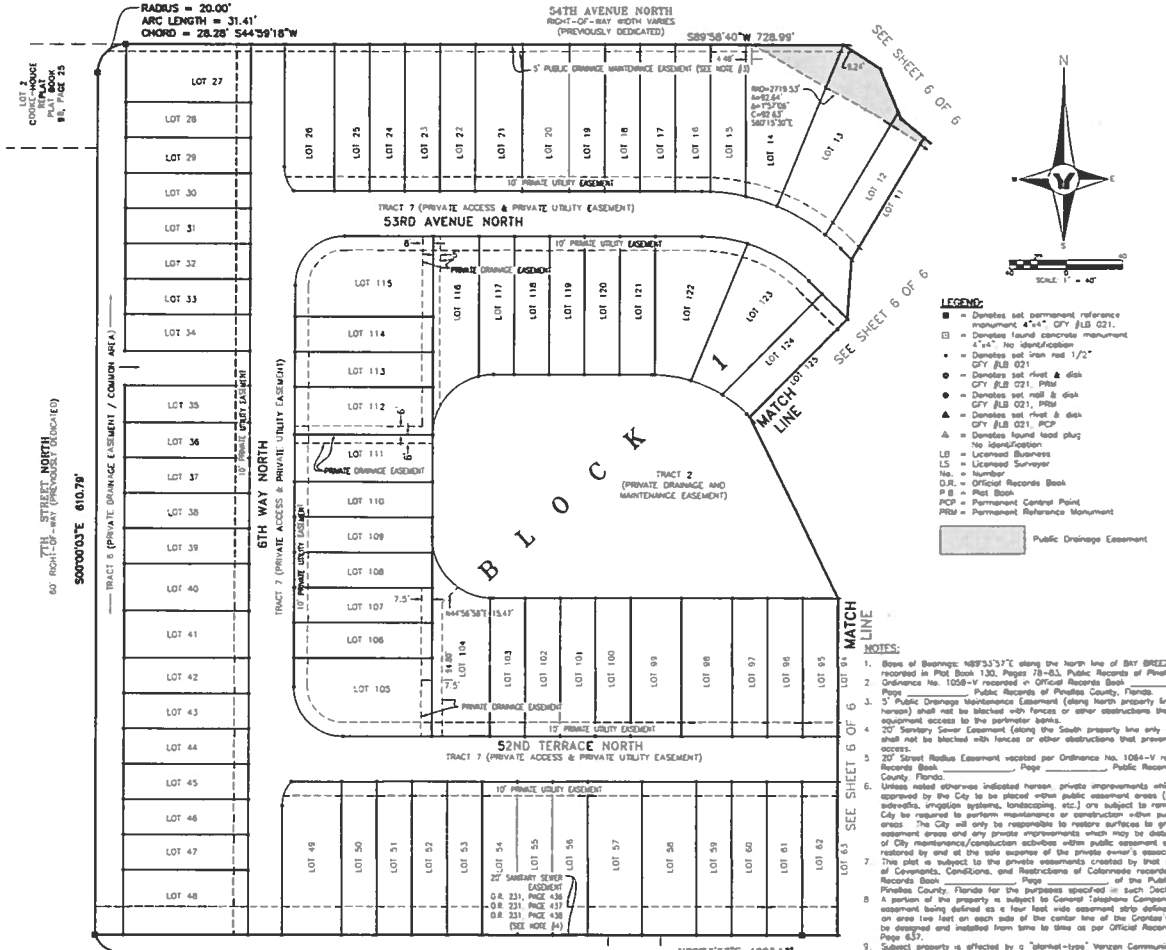
4. 20' Sanitary Sewer Easement (along the South property line only as shown hereon) shall not be blocked with fences or other obstructions that prevent equipment access.
5. 20' Street Radius Easement vacated per Ordinance No. 1064-V recorded in Official Records Book _____, Page _____, Public Records of Pinellas County, Florida.
6. Unless noted otherwise indicated hereon, private improvements which have been approved by the City to be placed within public easement areas (fences, roads, sidewalks, irrigation systems, landscaping, etc.) are subject to removal should the City be required to perform maintenance or construction within public easement areas. The City will only be responsible to restore surfaces to grade within public easement areas and any private improvements which may be disturbed as a result of City maintenance/construction activities within public easement areas shall be restored by and at the sole expense of the private owner's association.
7. This plat is subject to the private easements created by that certain Declaration of Covenants, Conditions, and Restrictions of Colonnade recorded in Official Records Book _____, Page _____, of the Public Records of Pinellas County, Florida for the purposes specified in such Declaration.
8. A portion of the property is subject to General Telephone Company of Florida easement being defined as a four foot wide easement strip defined as comprising an area two feet on each side of the center line of the Grantee's facilities as may be designed and installed from time to time as per Official Records Book 6578, Page 637.
9. Subject property is affected by a "blanket-type" Verizon Communication Easement recorded in Official Records Book 15762, Page 1638. Said easement can not be graphically shown.
10. A portion of Tracts 3, 5 and 7, and a portion of Lots 67 and 90 are subject to Agreement recorded in Official Records Book 100, Page 340, Public Records of Pinellas County, Florida.

George F. Young, Inc. LB 021
299 Dr Martin Luther King Jr Street North
St. Petersburg, Florida 33701
(727) 822-4317

COLONNADE

BEING A REPLAT OF A PORTION OF TRACT 1, AL-DA-KY BAY STATE REPLAT AS RECORDED IN PLAT BOOK 48, PAGE 56, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH LOT 1, BLOCK 1 NORTHEAST CHRISTIAN CHURCH REPLAT AS RECORDED IN PLAT BOOK 81, PAGE 79, PUBLIC RECORDS OF PINELLAS COUNTY , FLORIDA, TOGETHER WITH VACATED RIGHTS OF WAY, IN THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 31 SOUTH, RANGE 17 EAST. CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA



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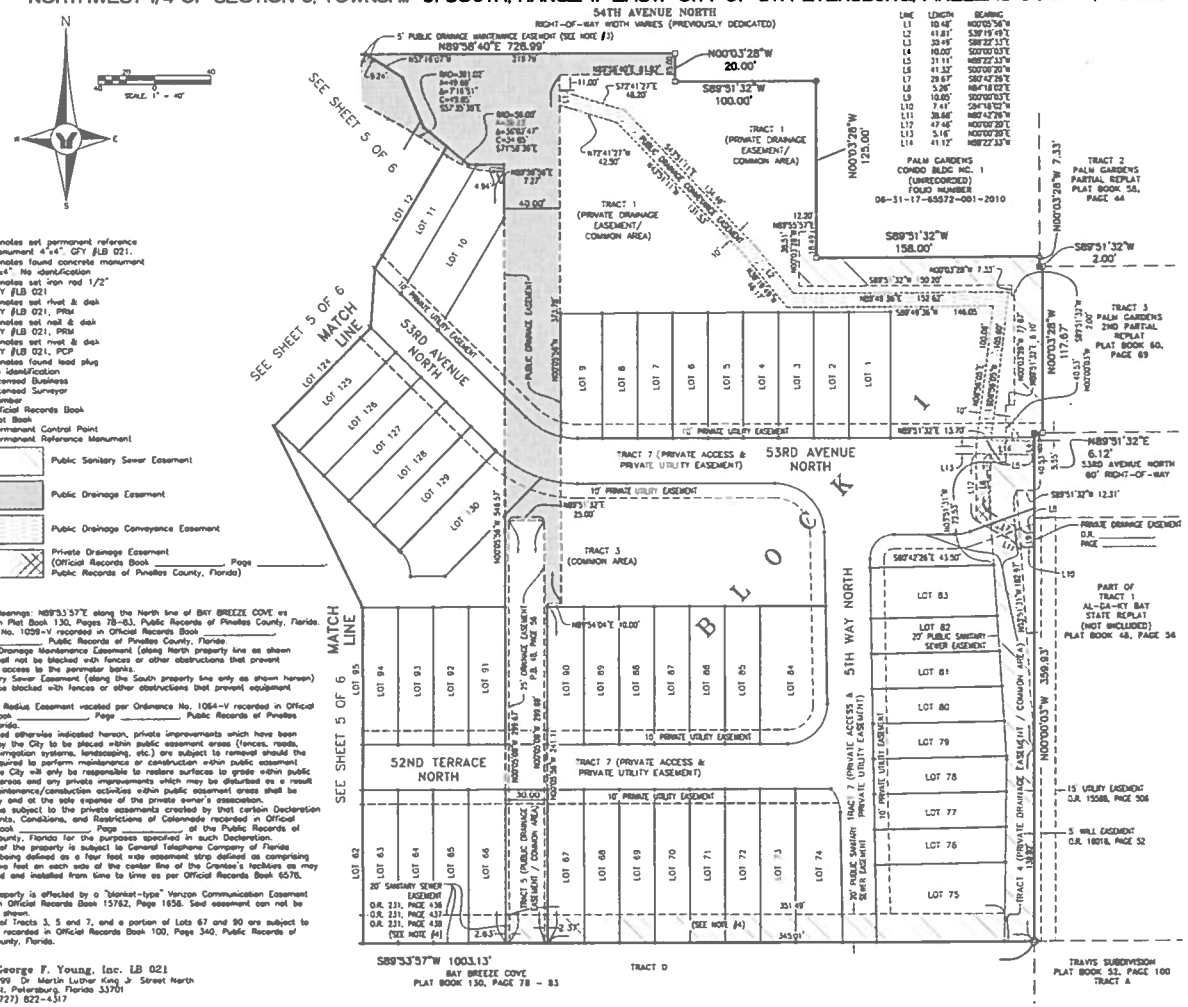

LINE	LENGTH	BEARING
L1	10.48'	N00°05'56"W
L2	41.81'	S38°19'49"E
L3	33.49'	S89°22'31"E
L4	10.00'	S00°00'03"E
L5	31.11'	N89°22'33"W
L6	41.32'	S00°00'20"W
L7	29.67'	S87°42'29"E
L8	5.26'	N84°18'02"E
L9	10.05'	S00°00'03"E
L10	7.41'	S84°18'02"W
L11	38.66'	N00°42'26"W
L12	47.46'	N00°00'20"E
L13	5.16'	N00°00'20"E
L14	41.12'	N89°22'33"W

LEGEND:

- ■ = Denotes set permanent reference monument 4"x4". CFY (LB 021.
- ⊡ = Denotes found concrete monument 4"x4". No identification
- • = Denotes set iron rod 1/2" CFY (LB 021
- ● = Denotes set rivet & disk CFY (LB 021, PRM
- ● = Denotes set nail & disk CFY (LB 021, PRM
- ▲ = Denotes set rivet & disk CFY (LB 021, PCP
- ▲ = Denotes found lead plug No identification
- LB = Licensed Business
- LS = Licensed Surveyor
- No. = Number
- O.R. = Official Records Book
- P.B. = Plat Book
- PCP = Permanent Control Point
- PRM = Permanent Reference Monument

Public Sanitary Sewer Easement

Public Drainage Easement

Public Drainage Conveyance Easement

Private Drainage Easement (Official Records Book _____, Page _____ Public Records of Pinellas County, Florida)

NOTES:

1. Bears of Bearings: N89°53'57"E along the North line of BAY BREEZE COVE as recorded in Plat Book 130, Pages 78-83, Public Records of Pinellas County, Florida.
2. Ordinance No. 1059-V recorded in Official Records Book _____, Page _____ Public Records of Pinellas County, Florida
3. 5' Public Drainage Maintenance Easement (along North property line as shown hereon) shall not be blocked with fences or other obstructions that prevent equipment access to the perimeter banks.
4. 20' Sanitary Sewer Easement (along the South property line only as shown hereon) shall not be blocked with fences or other obstructions that prevent equipment access.
5. 20' Street Radius Easement vacated per Ordinance No. 1064-V recorded in Official Records Book _____, Page _____ Public Records of Pinellas County, Florida.
6. Unless noted otherwise indicated hereon, private improvements which have been approved by the City to be placed within public easement areas (fences, roads, sidewalks, irrigation systems, landscaping, etc.) are subject to removal should the City be required to perform maintenance or construction within public easement areas. The City will only be responsible to restore surfaces to grade within public easement areas and any private improvements which may be disturbed as a result of City maintenance/construction activities within public easement areas shall be restored by and at the sole expense of the private owner's association.
7. This plat is subject to the private easements created by that certain Declaration of Covenants, Conditions, and Restrictions of Colonnade recorded in Official Records Book _____, Page _____ of the Public Records of Pinellas County, Florida for the purposes specified in such Declaration.
8. A portion of the property is subject to General Telephone Company of Florida easement being defined as a four foot wide easement strip defined as comprising an area two feet on each side of the center line of the Grantee's facilities as may be designed and installed from time to time as per Official Records Book 6578, Page 837.
9. Subject property is affected by a "blanket-type" Verizon Communication Easement recorded in Official Records Book 15762, Page 1658. Said easement can not be graphically shown.
10. A portion of Tracts 3, 5 and 7, and a portion of Lots 67 and 90 are subject to Agreement recorded in Official Records Book 100, Page 340, Public Records of Pinellas County, Florida.

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st.petersburg
www.stpete.org

ST. PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO: **THE HONORABLE CHARLIE GERDES, CHAIR, AND MEMBERS OF CITY COUNCIL**

SUBJECT: Resolution approving the termination of an agreement and waiver and release of any reversionary rights to the previously vacated 5th St. N., generally located within the 30-foot vacated right-of-way of 5th Street North between 52nd Avenue North and 53rd Avenue North. (Our File: 14-20000007)

RECOMMENDATION: The Administration recommends **APPROVAL.**

DISCUSSION:
The applicant is requesting approval of the termination of an Agreement dated April 23, 1957, recorded at OR Book 100, Page 340, and the waiver and release of any interest the City may have in a reversionary right to a 30-foot Right-of-Way which is located within the previously vacated right-of-way of 5th Street North between 52nd Avenue North and 53rd Avenue North. The resolution originally vacating this portion of the 5th St. N. Right-of-Way was approved in 1957 and recorded in OR Book 100, pages 343 and 344.

The plat approved for the Colonnade contemporaneously herewith, plats a residential subdivision. Portions of this previously vacated right of way become portions of lots upon which structures may be built. The City has no need to reacquire this previously vacated right of way now or in the future. The City Attorney's Office advises that this agreement may have been terminated by operation of law because of the Marketable Record Title Act, subsequent plat approvals, and transfer of ownership. City Council's approval of this resolution will clear a potential cloud on the title for future purchasers.

The resolution further approves the removal of a Note 10 on the plat, which refers to this agreement.

Attachments: Copy of Original Agreement and Vacation, Resolution

APPROVALS: Administrative: _____ DG

Budget: NA

Legal: _____

AGREEMENT

THIS AGREEMENT, Made this 23rd day of April, A.D. 1957, by and between RUTH L. ALLEN joined by her husband, EARL F. ALLEN, VIVIAN L. DAYTON joined by her husband, R. ROY DAYTON, and ROBERT D. KYSER joined by his wife, MARJORIE B. KYSER, parties of the first part, and CITY OF ST. PETERSBURG, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida, party of the second part;

WHEREAS, the parties of the first part own the following described real property lying, being and situate in Pinellas County, Florida, to-wit:

> The NW¼ of the NE¼ of the NW¼ of Section 6, Township 31 South, Range 17 East, all lying, being and situate in the County of Pinellas, State of Florida;
>
> AND
>
> Block B, BAY STATES SUBDIVISION NO. 2, according to plat thereof filed for record in Plat Book 9, page 99, Public Records of Pinellas County, Florida;

and

WHEREAS, the party of the second part concurrently with the delivery hereof, upon the request of the parties of the first part, has vacated 5th Street North, a 30 ft. platted street lying between 52nd Avenue North and 53rd Avenue North, and adjacent to the above described real estate; and

WHEREAS, the parties of the first part desire to agree for themselves, their heirs, executors, administrators and assigns, that upon the said party of the second part adopting a resolution in its City Council expressing a desire to open the said 5th Street North between 52nd Avenue North and 53rd Avenue North, that they will immediately deed or dedicate that portion of 5th Street North vacated on this 9th day of May, 1957, by the party of the second part.

NOW, THEREFORE, WITNESSETH, that the said parties of the first part, in consideration of the vacation of 5th Street North between 52nd Avenue North and 53rd Avenue North by the party of the second part, do hereby for themselves and their heirs, executors, administrators and assigns, and any and all subsequent holders of title to the above described real estate, agree that they will convey to the party of the second part that part of 5th Street North lying between 52nd Avenue North and 53rd Avenue North vacated by the party of the second part on this 9th day of May, 1957, within ten (10) days from receipt of a certified copy of a resolution duly adopted by the City Council of the party of the second part, said resolution authorizing the opening of that part of 5th Street North lying between 52nd Avenue North and 53rd Avenue North.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of:

Frank Kirchner

Lowell J. White
As to Mr. & Mrs. Allen

Warren Browne

Leon B. Stafford
As to Mr. & Mrs. Dayton

Romena Dabney

Edward J. Tenhall
As to Mr. & Mrs. Kyser

Ruth L. Allen (SEAL)
Ruth L. Allen

Earl F. Allen (SEAL)
Earl F. Allen

Vivian L. Dayton (SEAL)
Vivian L. Dayton

Roy R. Dayton (SEAL)
Roy R. Dayton

Robert D. Kyser (SEAL)
Robert D. Kyser

Marjorie B. Kyser (SEAL)
Marjorie B. Kyser

STATE OF New York

COUNTY OF Niagara

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, RUTH L. ALLEN joined by her husband, EARL F. ALLEN, to me well known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Niagara Falls said County and State, this [illegible] day of May A.D. 1957.

Joseph Chilla

[redacted]

Notary Public

My Commission Expires: Mar. 30, 1958

[redacted]

STATE OF New York

COUNTY OF Niagara

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, VIVIAN L. DAYTON joined by her husband, R. ROY DAYTON, to me well known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at NIAGARA FALLS, N. Y. said County and State, this 7 day of May, A.D. 1957.

Joseph E. Baratta

Notary Public

My Commission Expires: Mar. 30, 1958

JOSEPH E. BARATTA
Notary Public, State of New York
Residing in Niagara Co. Cert. filed in Niagara Co.
My Commission expires March 30, 1958

STATE OF TEXAS

COUNTY OF McLENNAN

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ROBERT D. KYZER joined by his wife, MARJORIE B. KYZER, to me well known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at [illegible] said County and State, this 29 day of April [illegible]

Marjorie H. [illegible]

Notary Public

My Commission Expires: 1 June 1957

R E S O L U T I O N

A RESOLUTION VACATING 5TH STREET BETWEEN 52ND AVENUE NORTH AND 53RD AVENUE NORTH

WHEREAS, The owners of the property on both sides of 5th Street between 52nd Avenue and 53rd Avenue North have requested that said street be vacated, and

WHEREAS, Such street has not been opened, has not been used and is not needed by the public,

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that 5th Street between 52nd Avenue and 53rd Avenue North is hereby vacated.

Adopted at a regular session of the City Council held on the 9th day of May, 1957.

(Signed) Auldon B. Dugan
Vice-Mayor-Councilman
Vice-Chairman of the City Council

(SEAL)

ATTEST: (Signed) Jennie Cook
Clerk of the City Council

I, Jennie Cook, do hereby certify that I am the Clerk of the City Council of the City of St. Petersburg, Florida, and as such officer have in my custody the original files and records of said Council, and I do further certify the foregoing to be a true and correct copy of Resolution entitled:

A RESOLUTION VACATING 5TH STREET BETWEEN 52ND AVENUE NORTH AND 53RD AVENUE NORTH

which was passed by the City Council on the 9th day of May, 1957, - the original of said resolution being on file and of record in my office.

Given under my hand and the official seal of the City of St. Petersburg, Florida, the 13th day of May, 1957.

Clerk of the City Council
City of St. Petersburg, Florida

RESOLUTION NO. _____

A RESOLUTION APPROVING THE TERMINATION OF AN AGREEMENT WHICH RETAINS CERTAIN REVERSIONARY RIGHTS TO A PORTION OF PREVIOUSLY VACATED 5th STREET NORTH, GENERALLY LOCATED ON THE VACATED PORTION OF 5th STREET NORTH BETWEEN 52nd AVENUE NORTH AND 53rd AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the City hereby terminates the Agreement dated April 23, 1957, recorded at OR Book 100, Page 340, and releases and waives any interest it may have in any reversionary right or interest to a portion of the previously vacated right-of-way of 5th Street North, generally located in the vacated portion of 5th Street North between 52nd Avenue North and 53rd Avenue North and further described in the Agreement.

BE IT FURTHER RESOLVED that the Note 10 on the final plat for the Colonnade, approved contemporaneously herewith, is hereby removed.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:

3-19-15

Planning & Economic Development Dept. Date

City Attorney (Designee) Date

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of April 2, 2015

TO: The Honorable Charles Gerdes, Chair and Members of City Council

SUBJECT: Approving a Resolution finding that $11,641.64 is an amount sufficient to pay for the maintenance of the City of St. Petersburg On Street Bicycle Lanes Project ("Project"), on Bayshore Drive, from Dali Boulevard / 5th Avenue South to 1st Avenue South, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $11,641.64 from the unappropriated balance of the General Fund to fund future maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall be considered encumbered for the useful life of the project with only authorized expenditures being for maintenance of the Project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed $893,600; authorizing a supplemental appropriation in the amount of $893,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants CIP Fund (3004), resulting from these additional revenues, to the Priority Projects (13966); and providing an effective date. (FPN 424532 1 58/68 01) (Engineering Project No. 13030-112; Oracle No. 13966)

EXPLANATION: On July 12, 2012, City Council approved a Local Agency Program ("LAP") Agreement in the not to exceed amount of $40,175 with the FDOT for design activities of the City of St. Petersburg On Street Bicycle Lanes Project. The project includes design of various locations throughout the City of St. Petersburg for on street bicycle lanes.

On August 22, 2012, the City entered into the Agreement which outlined terms and conditions incumbent upon both parties. The LAP Agreement provides for $40,175 in funding for design activities for the City of St. Petersburg On Street Bicycle Lanes, Phase II Project. The project includes restriping approximately 4.6 miles of existing roadways to include 4-foot wide bicycle lanes for the purpose of increasing bicyclist safety.

The LAP Agreement provides that the City will recoup from the FDOT all costs included in the original scope of work and any FDOT approved supplemental services.

This new LAP Agreement provides funding through FDOT's Local Agency Program ("LAP") for construction activities of the City of St. Petersburg On Street Bicycle Lanes, Phase II Project. The original project included installing on-street bicycle lanes at

several locations, as follows:

- Bayshore Drive, from Dali Boulevard / 5th Avenue South to 1st Avenue South
- 4th Avenue South between 1st Street and Dr. Martin Luther King Jr. Street
- 8th Street between 1st Avenue North and Dr. Martin Luther King Jr. Street
- 1st Street between 1st Avenue North and 5th Avenue North
- SR 687 / 4th Street North between Gandy Boulevard and I-275/SR 93
- SR 686 / Roosevelt Boulevard between Gandy Boulevard and 28th Street

This construction phase agreement provides funding for the Bayshore Drive location only. The other locations listed in the original agreement have been completed or will be completed under other projects.

The purpose of this project is to construct approximately 3,400 linear feet of a 10-foot wide bicycle facility on Bayshore Drive from Dali Boulevard/5th Avenue South to 1st Avenue South. The project includes approximately 18,000 square yards of milling and asphalt pavement resurfacing, 4 rectangular Rapid Flash Beacons (RRFB) and 10,500 linear feet of pavement markings.

This project will be performed in accordance with all applicable FDOT procedures, guidelines, manuals, standards, and directives as described in the FDOT LAP Manual.

RECOMMENDATION: Administration recommends that the City Council approve the attached Resolution finding that $11,641.64 is an amount sufficient to pay for the maintenance of the City of St. Petersburg On Street Bicycle Lanes Project ("Project"), on Bayshore Drive, from Dali Boulevard / 5th Avenue South to 1st Avenue South, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $11,641.64 from the unappropriated balance of the General Fund to fund future maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall be considered encumbered for the useful life of the project with only authorized expenditures being for maintenance of the Project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed $893,600; authorizing a supplemental appropriation in the amount of $893,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants CIP Fund (3004), resulting from these additional revenues, to the Priority Projects (13966); and providing an effective date. (FPN 424532 1 58/68 01) (Engineering Project No. 13030-112; Oracle No. 13966)

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available after the approval of a supplemental appropriation in the amount of $893,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants CIP Fund (3004), resulting from these additional revenues, to the Priority Projects (13966). Funds for repair and maintenance will be available after the approval of the supplemental

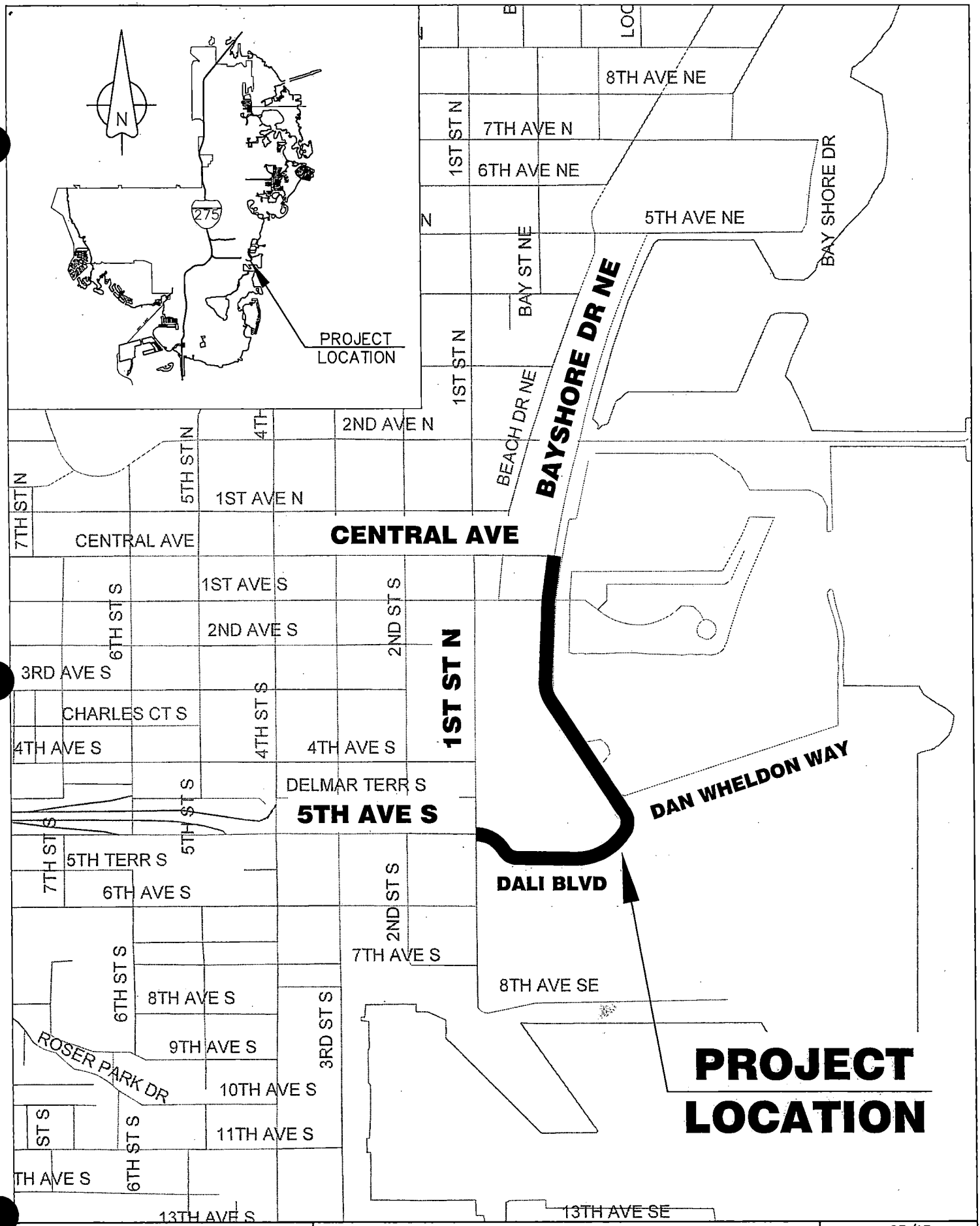
appropriation in the amount of $11,641.64 from the unappropriated balance of the General Fund (0001). The impact to the General Fund reserves for this appropriation will be approximately $776.11 per year and will be included in the Stormwater, Pavement and Traffic Operations Budget.

ATTACHMENTS: Project Location Map, Resolution

APPROVALS: _____ Administrative TBG

Doris C. Fuller 3-18-15 Budget

zm



ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT
CITY of ST. PETERSBURG

APPROVED BY:

ON STREET BICYCLE LANES
PHASE II PROJECT
Project No. 13030-112

DATE: 03/15
SCALE: NTS
DRAWING No.

RESOLUTION NO. 2015-_____

APPROVING A RESOLUTION FINDING THAT $11,641.64 IS AN AMOUNT SUFFICIENT TO PAY FOR THE MAINTENANCE OF THE CITY OF ST. PETERSBURG ON STREET BICYCLE LANES PROJECT ("PROJECT"), ON BAYSHORE DRIVE, FROM DALI BOULEVARD / 5TH AVENUE SOUTH TO 1ST AVENUE SOUTH, OVER ITS USEFUL LIFE OF FIFTEEN (15) YEARS; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $11,641.64 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO FUND FUTURE MAINTENANCE REQUIRED BY THE LOCAL AGENCY PROGRAM AGREEMENT ("AGREEMENT") BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") AND THE CITY OF ST. PETERSBURG, FLORIDA ("CITY"); PROVIDING THAT THE MAINTENANCE FUNDS SHALL BE CONSIDERED ENCUMBERED FOR THE USEFUL LIFE OF THE PROJECT WITH ONLY AUTHORIZED EXPENDITURES BEING FOR MAINTENANCE OF THE PROJECT; FINDING THAT EXECUTION OF THE AGREEMENT SHALL NOT BE CONSIDERED AN UNLAWFUL ACT UNDER FLORIDA STATUTE §166.241; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT BETWEEN THE CITY AND FDOT FOR PARTICIPATION BY FDOT IN THE CONSTRUCTION ACTIVITIES OF THE PROJECT IN AN AMOUNT NOT TO EXCEED $893,600; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $893,600 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE BICYCLE/PEDESTRIAN SAFETY GRANTS CIP FUND (3004), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE PRIORITY PROJECTS (13966); AND PROVIDING AN EFFECTIVE DATE. (FPN 424532 1 58/68 01) (ENGINEERING PROJECT NO. 13030-112; ORACLE NO. 13966)

WHEREAS, the State of Florida Department of Transportation ("FDOT") has agreed to participate in the construction activities of the City of St. Petersburg On Street Bicycle Lanes Project ("Project"); and

WHEREAS, as a requirement for FDOT's participation in the Project, the City of St. Petersburg, Florida ("City") must enter into a Local Agency Program Agreement ("Agreement") setting forth the obligations of FDOT and the City; and

WHEREAS, the source of the funds to be provided to the City pursuant to the Agreement by FDOT is the federal government; and

WHEREAS, federal law governing the use of such funds requires FDOT to cause a project built with such funds to be maintained for the useful life of the project; and

WHEREAS, the Agreement requires the City to maintain the Project for its useful life; and

WHEREAS, Florida Statute §166.241 provides that "...it is unlawful for any officer of a municipal government to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations"; and

WHEREAS, the City's professional staff has advised City Council that in its professional opinion the maintenance of the Project for its useful life of fifteen (15) years will cost $11,641.64; and

WHEREAS, City Council finds that $11,641.64 is an amount sufficient to pay for the maintenance of the Project over its useful life.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that $11,641.64 is an amount sufficient to pay for maintenance of the City of St. Petersburg On Street Bicycle Lanes Project ("Project") over its useful life of fifteen (15) years.

BE IT FURTHER RESOLVED that there is hereby approved the following supplemental appropriation from the unappropriated balance of the General Fund for FY15:

General Fund (0001)	
Stormwater and Traffic Operations Department	
Traffic Division (400-1257)	$11,641.64

BE IT FURTHER RESOLVED that the appropriation for the maintenance of the Project shall be committed within the General Fund balance which will carry forward from year to year and shall be considered encumbered for the useful life of the Project with the only authorized expenditures from that commitment being for maintenance of the Project.

BE IT FURTHER RESOLVED that at the end of the useful life of the Project any funds remaining in the operating project for maintenance of the Project shall be returned to the City's General Fund.

BE IT FURTHER RESOLVED that this Council finds that because sufficient funds have been appropriated and committed within the General Fund balance to fund the maintenance of the Project for its useful life, it shall not be considered an unlawful act under Florida Statute §166.241 for the Mayor or his designee to execute the Local Agency Program Agreement ("Agreement"), between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg ("City") for participation by FDOT in the construction activities of the Project.

BE IT FURTHER RESOLVED by this Council that the Agreement between the FDOT and the City for participation by FDOT in the construction activities of the Project in an amount not to exceed $893,600 is hereby approved and that the Mayor or his designee is

authorized to execute the Agreement.

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants CIP Fund (3004), resulting from these additional revenues, the following supplemental appropriation for FY15:

Bicycle/Pedestrian Safety Grants CIP Fund (3004)
FDOT-LAP
City of St. Petersburg On Street Bicycle Lanes Project (13966) $893,600

This resolution shall become effective immediately upon its adoption.

Approved by:

Legal Department
By: (City Attorney or Designee)

Approved by:

Thomas B. Gibson, P.E.
Engineering Director

Tom Greene
Budget Director

ST. PETERSBURG CITY COUNCIL

Meeting of April 2, 2015

TO: The Honorable Charlie Gerdes, Esq. Chair, and Members of City Council

SUBJECT: A resolution approving the City's Local Housing Assistance Plan under the State Housing Initiatives Partnership ("SHIP") Program For FY 2015/16 through FY 2017/18 ("Proposed Plan"); accepting the SHIP Affordable Housing Advisory Committee's Affordable Housing Incentives Recommendations Report ("Report"); authorizing the submission of the Proposed Plan, including the Housing Incentive Strategies recommended in the Report, to the Florida Housing Finance Corporation; authorizing the Mayor or his designee to execute all documents necessary to effectuate the Proposed Plan; and to expend funds in accordance with the Proposed Plan upon its approval by the Florida Housing Finance Corporation; finding that five percent (5%) of the SHIP Local Housing Distribution plus five percent (5%) of Ship Program Income is insufficient to pay the administrative costs of the City's SHIP Program; authorizing up to ten percent (10%) of the City's SHIP Local Housing Distribution plus ten percent (10%) of the City's SHIP Program Income for administrative costs of the City's SHIP Program; establishing a procedure whereby the FHA Mortgage Limits or the results of a SHIP approved methodology; whichever is lower, shall be used to establish the City's maximum purchase price under the SHIP and HOME programs; providing that new City maximum purchase price limits shall be established in the future by the Administration without further action by the St. Petersburg City Council when a new maximum purchase price limit is determined using this procedure; and providing and effective date.

EXPLANATION:

The State Housing Initiatives Partnership (SHIP) Program was pursuant to Chapter 420.907-.9079, Florida Statutes. The SHIP Program transfers documentary stamp revenues to the Florida Housing Finance Corporation ("FHFC") and the City to assist in meeting established housing goals and provides a stable source of housing funding to meet the federal HOME Program fund match. The City has participated in the SHIP Program since 1993.

To receive SHIP funds from the State, eligible municipalities must develop affordable housing strategies ("Strategies") and submit a SHIP Local Housing Assistance Plan ("Proposed Plan") a minimum of every three years. For planning purposes, the City has not been informed about the amount of funding it should expect to receive from FHFC in fiscal year 2015/16.

The Proposed Plan has seven Strategies which promote the City's goals of home ownership along with creation and preservation of rental housing. The Proposed Plan will meet the requirements of the Act that:

- A minimum of 65% of the SHIP distribution must be spent on eligible home ownership activities.

- A minimum of 75% of the SHIP distribution must be spent on eligible construction activities.
- Up to 15% of funds may be used for non-home ownership, non-construction activities. The City provides home buyer education and counseling with 2% of its SHIP funds.
- At least 30% of all funds, must be reserved for very low- income households up to 50% of median income.
- An additional 30% of all funds may be reserved for low income households, up to 80% of median family income.
- The remaining funds may be reserved for a combination of very-low, low and moderate-income households, up to 120% of area median income.

Fiscal information is found on the "Housing Delivery Goal Charts" Exhibit C of the LHAP. The housing strategies enumerated in the Plan are as follows:

Strategy 1: Purchase Assistance Program

This strategy provides funding to home buyers to purchase newly constructed housing, rehabilitated housing, or housing which will have repairs performed prior to occupancy by the assisted client.

Strategy 2: Minor Rehabilitation Program ("RAP")

This strategy will provide one-time rehabilitation for SHIP eligible owner-occupied single family households; priority will be given to households under 80% of median family income. The Minor Rehabilitation Program is designed to provide assistance to eligible homeowners to improve the health and safety conditions in the unit and to preserve the home. The repair priorities include, but are not limited to roofing, electrical, heating, plumbing, and handicap accessibility, if applicable.

Strategy 3: Disaster Repair/Mitigation

This is a "place-holder" strategy which is required to be in all LHAPs. It will provide funding to assist persons in the event of an emergency or natural disaster has been declared by executive order, including but not limited to hurricanes, tornadoes, floods, droughts, hazardous materials spills or accidents, wildfires and lightning. The following activities on behalf of eligible home owners may be provided: Interim repairs to avoid additional property damage, payment of insurance policy deductibles for the insured residence, rehabilitation, new construction or any other eligible activities as provided under Florida Statutes or as authorized by the City. Assistance will only be provided for repairs not covered by insurance or other disaster programs.

Strategy 4: Barrier Free/Special Needs Program

The Barrier Free Strategy will provide assistance to retrofit eligible owner-occupied single family homes, condominium units, town home units, cooperative residential units or apartments that are located in the corporate limits of St.

Petersburg, to allow functional accessibility for the owner or a member of the household who is physically disabled.

Strategy 5: **Rental Assistance Program**
The rental assistance program will provide assistance to households in need of up-front rental costs to move into a rental unit.

Strategy 6: **Affordable Multi-Family Rental Housing Development Program**
This strategy provides financing for new construction, acquisition and/or substantial rehabilitation of multi-family rental units developed by eligible sponsors or the City. The City encourages leveraging of SHIP funds whenever possible. Units developed are to be occupied primarily by Extremely Low-Income, Very Low-Income, and Low-Income occupants. Moderate-income units will only be funded to provide for the opportunity of "mixed-income" housing in a project that also serves extremely low-income, very low-income, and low-income households.

Strategy 7: **Housing Counseling Program**
The City's Housing and Community Development Department ("HCD") through its Procurement and Supply Management Department will contract with HUD Certified Housing Counseling agencies to provide comprehensive housing counseling and education programs to the at-large community interested in pursuing affordable housing opportunities. The program is designed to expand homeownership opportunities and improve access to affordable housing.

After meeting regularly from January through March 2015 to review incentive strategies set forth in Section 420.9076, Florida Statutes, and the review of two additional new incentive strategies, the Proposed Plan will include fourteen Incentive Strategies in the Affordable Housing Incentives Recommendations Report approved by majority vote of the members of the City's Affordable Housing Advisory Committee ("AHAC") following public comment at the March 13, 2015 public hearing.

The specific authorization that the City of St. Petersburg is required to use up to ten percent (10%) of the City's SHIP Local Housing Distribution plus ten percent (10%) of the City's SHIP Program Income to administer the SHIP Program. Without this specific approval, SHIP administrative costs would be limited to five percent (5%) of the City's SHIP Local Housing Distribution, plus five percent (5%) of SHIP Program Income. This additional administrative allocation has been implemented by the City since it became available, and it is recommended that the policy continue to provide the required funding for the program's administrative needs, including salaries and benefits, office space, memberships, training and development and communication (internet, telephone and postage) and marketing and advertising.

The SHIP Program requires that the purchase or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located, while the HOME Program uses the Single Family Mortgage Limits under

Section 203(b) of the National Housing Act. The Administration recommends that the City continue to automatically adopt the lower of the maximum purchase price limit identified by two methodologies as the maximum purchase price to be used in the City's housing programs. Administration proposed that when new data is received that would increase the maximum sales price, the Administration can increase the maximum sales price without further City Council action using this procedure.

RECOMMENDATION:

Administration recommends the adoption of the attached resolution approving the City's Local Housing Assistance Plan under the State Housing Initiatives Partnership ("SHIP") Program For FY 2015/16 through FY 2017/18 ("Proposed Plan"); accepting the SHIP Affordable Housing Advisory Committee's Affordable Housing Incentives Recommendations Report ("Report"); authorizing the submission of the Proposed Plan, including the Housing Incentive Strategies recommended in the Report, to the Florida Housing Finance Corporation; authorizing the Mayor or his designee to execute all documents necessary to effectuate the Proposed Plan; and to expend funds in accordance with the Proposed Plan upon its approval by the Florida Housing Finance Corporation; finding that five percent (5%) of the SHIP Local Housing Distribution plus five percent (5%) of Ship Program Income is insufficient to pay the administrative costs of the City's SHIP Program; authorizing up to ten percent (10%) of the City's SHIP Local Housing Distribution plus ten percent (10%) of the City's SHIP Program Income for administrative costs of the City's SHIP Program; establishing a procedure whereby the FHA Mortgage Limits or the results of a SHIP approved methodology; whichever is lower, shall be used to establish the City's maximum purchase price under the SHIP and HOME programs; providing that new City maximum purchase price limits shall be established in the future by the administration without further action by the St. Petersburg City Council when a new maximum purchase price limit is determined using this procedure; and providing and effective date.

COST/FUNDING/ASSESSMENT INFORMATION:

Approval of the City's Proposed SHIP Local Housing Assistance Plan will enable the City to receive funding should the State allocate funding during the next three years.

ATTACHMENTS: Resolution
Housing Delivery Goal Charts
SHIP Local Housing Assistance Plan FY 2015/16 through FY 2017/18

APPROVALS:

Administration: M. R. Wong Budget: Stacey McKee

Legal: 00213385.doc v. 3

RESOLUTION No. 2015- _____

A RESOLUTION APPROVING THE CITY'S LOCAL HOUSING ASSISTANCE PLAN UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP ("SHIP") PROGRAM FOR FY 2015/16 THROUGH FY 2017/18 ("PROPOSED PLAN"); ACCEPTING THE SHIP AFFORDABLE HOUSING ADVISORY COMMITTEE'S AFFORDABLE HOUSING INCENTIVES RECOMMENDATIONS REPORT ("REPORT"); AUTHORIZING THE SUBMISSION OF THE PROPOSED PLAN, INCLUDING THE HOUSING INCENTIVE STRATEGIES RECOMMENDED IN THE REPORT, TO THE FLORIDA HOUSING FINANCE CORPORATION; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PROPOSED PLAN; AND TO EXPEND FUNDS IN ACCORDANCE WITH THE PROPOSED PLAN UPON ITS APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; FINDING THAT FIVE PERCENT (5%) OF THE SHIP LOCAL HOUSING DISTRIBUTION PLUS FIVE PERCENT (5%) OF SHIP PROGRAM INCOME IS INSUFFICIENT TO PAY THE ADMINISTRATIVE COSTS OF THE CITY'S SHIP PROGRAM; AUTHORIZING UP TO TEN PERCENT (10%) OF THE CITY'S SHIP ALLOCATION PLUS TEN PERCENT (10%) OF THE CITY'S SHIP PROGRAM INCOME FOR ADMINISTRATIVE COSTS OF THE CITY'S SHIP PROGRAM; ESTABLISHING A PROCEDURE WHEREBY THE FHA MORTGAGE LIMITS OR THE RESULTS OF A SHIP APPROVED METHODOLOGY; WHICHEVER IS LOWER, SHALL BE USED TO ESTABLISH THE CITY'S MAXIMUM PURCHASE PRICE UNDER THE SHIP AND HOME PROGRAMS; PROVIDING THAT NEW CITY MAXIMUM PURCHASE PRICE LIMITS SHALL BE ESTABLISHED IN THE FUTURE BY THE ADMINISTRATION WITHOUT FURTHER ACTION BY THE ST. PETERSBURG CITY COUNCIL WHEN A NEW MAXIMUM PURCHASE PRICE LIMIT IS DETERMINED USING THIS PROCEDURE; AND PROVIDING AND EFFECTAVE DATE.

WHEREAS, the State Housing Initiatives Partnership ("SHIP") Program is created in the State Housing Initiatives Partnership Act, Chapter 420.907 – 420.9079, Florida Statutes ("Act") which provides for allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the SHIP Program transfers documentary stamp revenues to the Florida Housing Finance Corporation and local governments for use in implementing partnership programs to produce and preserve affordable housing; and

WHEREAS, the Act, and Rule Chapter 67-37, Florida Administrative Code, require local governments to develop a one- to three-year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, the City's Affordable Housing Advisory Committee ("AHAC") met regularly from January through March 2015 to review the incentive strategies set forth in Section 420.9076, Florida Statutes, and to review additional incentive strategies which encourage production and preservation of affordable housing in St. Petersburg; and

WHEREAS, the majority of the AHAC members voted to approve the incentive strategy recommendations after receiving public comment at the March 13, 2015 public hearing; and

WHEREAS, the proposed FY 2015/16 through FY 2017/18 SHIP Local Housing Assistance Plan ("Proposed Plan") and the SHIP Affordable Housing Advisory Committee's Affordable Housing Incentive Recommendations Report ("Report") were presented to the City's Housing Services Committee on March 26, 2015; and

WHEREAS, the City Council must adopt an amendment to the local housing assistance plan to incorporate, at a minimum, the incentives required under S. 420.9071(16), F.S.; and

WHEREAS, the City must submit the Proposed Plan and the Report to the Florida Housing Finance Corporation for review and approval; and

WHEREAS, pursuant to section 420.9075, F.S., Administration finds that 5 percent (5%) of the SHIP Local Housing Distribution plus five percent (5%) of program income is insufficient to adequately pay the administrative costs of the SHIP Program, and therefore recommends that the City Council authorize up to ten percent (10%) of the City's SHIP Local Housing Assistance Distribution and ten percent (10%) of the City's SHIP Program Income to implement and administer the City's Local Housing Assistance Program; and

WHEREAS, the Administration has determined that the current existing maximum purchase price limits are below the authorized maximum purchase prices allowed by the SHIP Program, and that instituting a procedure whereby the FHA Mortgage Limits or the results of a SHIP approved methodology, whichever is lower, should be used to establish the City's maximum sale price limit for the SHIP and HOME programs; and that new City maximum purchase prices should be established in the future by the Administration without further action by the St. Petersburg City Council when a new maximum purchase price limit is determined using this procedure.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the City's Local Housing Assistance Plan under the State Housing Initiatives Partnership ("SHIP") Program for FY 2015/16 through FY 2017/18 ("Proposed Plan") is approved and the SHIP Affordable Housing Advisory Committee's Affordable Housing Incentives Recommendations Report ("Report") is accepted, and the Mayor or his designee is authorized to submit the Proposed Plan including the Housing Incentive Strategies recommended in the Report to the Florida Housing Finance Corporation; to execute all documents necessary to effectuate the Proposed Plan; and to expend funds in accordance with the Proposed Plan, upon its approval by the Florida Housing

Finance Corporation; and

BE IT FURTHER RESOLVED that this City Council finds that five percent (5%) of the SHIP Local Housing Distribution plus five percent (5%) of SHIP Program Income is insufficient to pay the administrative costs of the City's SHIP Program and authorizes up to ten percent (10%) of the City's SHIP Local Housing Assistance Distribution plus ten percent (10%) of the City's SHIP Program Income for administrative costs of the City's SHIP Program; and

BE IF FURTHER RESOLVED that this City Council approves a procedure whereby the FHA Mortgage Limits or the results of a SHIP approved methodology; whichever is lower, shall be used to establish the City's maximum purchase price limit under the SHIP and HOME programs, and that new City maximum purchase prices shall be established in the future by the Administration without further action by the St. Petersburg City Council when a new maximum purchase price limit is determined using this procedure.

This Resolution shall become effective immediately upon its adoption.

Approvals:

Administration: M. R. Dove Legal: /s/ RBB

Legal: 00213386.doc V. 3

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City of St. Petersburg, Florida

SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

STATE FISCAL YEARS

2015-2016 / 2016-2017 / 2017-2018

Prepared by:

HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

April 2, 2015

EQUAL HOUSING
OPPORTUNITY

Table of Contents

Title	Page #:
Section I.	
General Program Description:	3
Section II.	
LHAP Strategies:	7
A. Purchase Assistance with/without Minor Repairs Program	7
B. Minor Rehabilitation Program	8
C. Disaster Repair/Mitigation	9
D. Barrier Free/Special Needs Program	10
E. Rental Assistance Program	11
F. Multi-Family Rental Housing Development	12
G. Housing Counseling Program	13
Section III.	
LHAP Incentive Strategies:	14
Section IV.	
Exhibits: A. Administrative Budget	18
B. Timeline	19
C. Housing Delivery Goals Chart	20-22
D. Signed Certification	23-24
E. Adopting Resolution	
F. Program Information Sheet	25
G. Ordinance	

I. General Program Description:

A. Name of the participating local government and Interlocal if Applicable:

City of St. Petersburg, Florida

Interlocal: Yes _____ No ___X___

If "Yes", name of participating local government(s) in the Interlocal Agreement;

_____

A copy of the Interlocal Agreement must be attached as Exhibit H.

B. Purpose of the program:

Creation of the Plan is for the purpose of:

1. To meet the housing needs of the very low, low and moderate income households;
2. to expand production of and preserve affordable housing; and
3. to further the housing element of the local government comprehensive plan specific to affordable housing

C. Fiscal years covered by the Plan: 2015-2016, 2016-2017 and 2017-2018

D. Governance:

The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code.
Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. Local Housing Partnership:

The SHIP Program and the City of St. Petersburg ("City") encourages building active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups to promote the development of affordable housing.

F. Leveraging:

The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs, including the U.S. Department of Housing and Urban Development ("HUD") programs, Community Development Block Grant ("CDBG"), HOME Investment Partnership Program ("HOME"), other state and local programs and private lending institutions.

Any units or applicants receiving assistance from SHIP and other federal, state or local programs shall be required to comply with any requirements specified by other programs in addition to SHIP Program requirements. In the event the SHIP and other programs have restrictions on the same issue, the more restrictive regulation shall take precedence. If one program is silent on the issue, the program with a regulation on the issue shall apply per Florida Administrative Code 67-37.007(12).

G. Public Input:

Public input was solicited through face to face meetings with housing providers, social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

H. Advertising and Outreach:

SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

In addition to advertising in the local newspapers, the City publicizes the SHIP Program on the City's website (www.stpete.org), and on the City's local government cable channel, with brochure mailings and with presentations to realtors, lenders and local employers to provide housing program information and updates.

I. Discrimination:

In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing. In addition to the SHIP funds, the City receives federal funding for housing programs and must comply with the Fair Housing Act. In the administration and implementation of the Comprehensive Housing Program, the City encourages and supports affirmative advertising and marketing programs in which there are no barriers to obtaining housing due to race, religion, color, age, sex, marital status, familial status, national origin, handicap, sexual orientation or gender identity. A copy of the Fair Housing Logo is posted on all communication that is disseminated about housing. The City utilizes CDBG funds to further fair housing outreach and education activities, as call for in the Consolidated Plan.

J. Support Services and Counseling:

Support services are available from various sources. Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling and Transportation, Foreclosure Prevention/Intervention Counseling.

All home buyers who purchase a home, utilizing the City's programs, must attend and receive a certificate of completion for eight-hours of pre-homebuyer counseling at a City and HUD approved housing counseling agency.

K. Purchase Price Limits:

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

__X_ U.S. Treasury Department

_____ Local HFA Numbers

The purchase price limit for St. Petersburg, Florida shall be the lower of the not exceed 90% of the average area purchase price established by the U.S. Treasury Department or the annual published HOME Program limits. In 2015, these limits are $203,000 for new and $158,000 for existing homes. The new home purchase price limit is shown on the Housing Delivery Goals Charts.

L. Income Limits, Rent Limits and Affordability:

The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

Affordable means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

M. Welfare Transition Program:

Should an eligible sponsor be used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.

N. Monitoring and First Right of Refusal:

In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of $3,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible non-profit organizations for purchase at the current market value for continued occupancy by eligible persons.

O. Administrative Budget:

A line-item budget of proposed Administrative Expenditures is attached as Exhibit A. (City of St. Petersburg, Florida) finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan.

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states:

"A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan."

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states:

"The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(17), and eligible municipalities receiving a local housing distribution of up to $350,000 may use up to 10 percent of program income for administrative costs."

The City has adopted the above in the resolution attached as Exhibit E.

P. Program Administration:
Administration of the local housing assistance plan will be wholly performed and maintained by the City of St. Petersburg, Florida. However, there are third party contracts with agencies to provide housing counseling services, such as the following agencies:

- Catholic Charities Diocese of St. Petersburg, Inc.
- Tampa Bay Community Development Corporation
- Neighborhood Home Solutions
- ClearPoint Credit Counseling
- Bright Community Trust

Q. Essential Service Personnel Definition (required):
"Essential Service Personnel" may include, but is not limited to: any household earning up to 120% of area median income (AMI) and employed in the education systems as teachers and educators, other school district employees, community college and university employees; police and fire personnel; health care personnel; accommodation, food services and other tourism trade personnel, general retail and wholesale/warehouse personnel; personnel care service providers (hair, nail and skin services); facility management personnel; jail and prison employees; social service and non-profit employees; skilled building trades personnel, mechanics, and government employees. Other job categories may be included in the Essential Services Personnel definition as the City revises the definition to conform to local economic and industry trends.

R. Describe efforts to incorporate Green Building and Energy Saving products and processes:
The City is committed to the production of energy efficient housing for long term affordability. The City will incorporate energy efficient improvements to reduce energy costs based on funding availability. Specific improvements include, but are not limited to: Installation of energy efficient doors and windows; Replacement of heating and/or cooling systems with high energy efficient 15 SEER; Installing R-30 insulation or higher; Energy star appliances and water heaters and low consumption toilets and faucets.

Section II. LHAP Strategies:

A.

Strategy Name: Purchase Assistance Program with/without Minor Repairs Program	**Code: 1**

a. Summary of the Strategy:

The purpose of the Purchase Assistance Program with or without minor repairs is to promote homeownership for first-time homebuyers. Funds shall be made available to eligible first-time homebuyers to assist with the purchase of a new or existing home with or without minor repairs. To qualify, applicants must be qualified for and obtain a first mortgage loan from a Community Reinvestment Agreement participating mortgage lender and purchase a home that meets the SHIP Program criteria. Eligible activities under this strategy shall include down payment and closing cost assistance. In accordance with a homebuyer underwriting analysis, only the amount of SHIP subsidy required to close will be awarded. All eligible recipients must complete eight-hours of pre-homeownership counseling, education and training, administered by a HUD approved entity.

b. Fiscal Years Covered: 2015-2016, 2016-2017 and 2017-2018

c. Income Categories to be served: Very Low/Low/Moderate

d. Maximum award: Maximum award is noted on the Housing Delivery Goals Charts: $16,000.

e. Terms of the award: For loans to households up to 80% of AMI, one half of the loan shall be amortized and repaid at an interest rate of zero percent (0%) for a term of 10 years or 120 months. After 120 monthly payments have been made and the principal balance of the loan has been reduced by fifty percent (50%), the remaining principal balance or 50% of the loan shall be forgiven and satisfied.

The total loan amount shall be an amount equal to 10% of purchase price of the home plus up to an additional $5,000 for closing costs; total loan amount is not to exceed $16,000.

Loans in the amount of $6,000 at an interest rate of 0% shall be made available for city-wide home purchases to households whose incomes are up to 120% of AMI, and up to $10,000 for households who purchase a home in the proposed south side Community Redevelopment Area ("CRA") of the City. Assistance shall be amortized and repaid at an interest rate of zero percent (0%) for a term of 10 years or 120 months.

f. Recipient Selection Criteria: Applications for assistance under this program will be reviewed and approved on a first-come, first-qualified, first-served basis, following receipt of an application, income qualification, first mortgage approval, completion of a City-approved homeownership training program and other criteria as required to determine applicant eligibility.

g. Sponsor Selection Criteria and duties, if applicable: The City shall administer the

Purchase Assistance Program.

h. Additional Information: Not Applicable.

B.

Strategy Name: Minor Rehabilitation Program	Code: 3

a. Summary of the Strategy:
This strategy will provide rehabilitation for SHIP eligible owner-occupied single family households. Priority will be given to households under 80% median family income ("MFI").

Summary of the Strategy: The Housing Rehabilitation Program – Minor Rehabilitation is designed to provide assistance to eligible homeowners to improve the health and safety conditions in the unit and to preserve the home. The repair priorities include, but are not limited to roofing, electrical, heating, plumbing, and handicap accessibility, if applicable. Eligible costs include construction costs and related project soft costs. Mobile homes are not eligible to receive assistance from this program.

b. Fiscal Years Covered: 2015-2016, 2016-2017 and 2017-2018

c. Income Categories to be served: Extremely Low, Very Low, Low and Moderate

d. Maximum award: $30,000 which is noted on the Housing Delivery Goals Charts.

e. Terms of the award: The funds shall be made available in the form of a 0% interest loan repayable as follows:

- 0- 30% MFI repay 10% of amount borrowed over 15 years
- 31%-50% MFI repay 20% of amount borrowed over 15 years
- 51%-80% MFI repay 30% of amount borrowed over 15 years
- 81%-120% MFI repay 40% of amount borrowed over 15 years

At the end of the 15 year term the remaining loan balance for each income category will be forgiven and satisfied.

A mortgage is recorded on the property. The recipient is required to own and occupy the property as a principal residence during the compliance period. If the recipient defaults on ownership or occupancy during the compliance period, the remaining balance of the loan at time of default shall become due and payable.

f. Recipient Selection Criteria: Applications for assistance under this program will be reviewed and approved on a first-come, first qualified, first-served basis.

g. Sponsor Selection Criteria and duties, if applicable: The City shall administer the Minor Rehabilitation Program.

h. Additional Information: Not Applicable.

C.

Strategy Name: Disaster Repair/Mitigation	Code 5

a. Summary of the Strategy:

The Disaster Repair/Mitigation strategy will provide assistance in which an emergency or disaster has been declared by executive order, including but not limited to hurricanes, tornadoes, floods, droughts, hazardous materials spills or accidents, wildfires and lightning. The following activities on behalf of eligible home owners may be provided: Interim repairs to avoid additional property damage, payment of insurance policy deductibles for the insured residence, rehabilitation, new construction or any other eligible activities as provided under Florida Statutes or as authorized by the City. Assistance will only be provided for repairs not covered by insurance or other disaster programs.

b. Fiscal Years Covered: 2015-2016, 2016-2017 and 2017-2018

c. Income Categories to be served: Extremely Low-Income, Very Low-Income, Low-income, and Moderate-Income

d. Maximum award: Maximum Award is noted on the Housing Delivery Goals Charts

e. Terms of the award:
Assistance will be 0% interest, forgiven loan at fifteen years if assistance provided is $20,000 or less. In the event that the City is assisting with replacement housing, a mortgage will be placed on the property to assist the City in monitoring homeowner occupancy for a period of twenty years. The mortgage amount will be a 0% interest, forgiven payment loan and a satisfaction of mortgage will be recorded after the provisions of the City's loan documents have been met, as illustrated below:

$0-$20,000 forgiven and satisfied after 15 years
$20,001 to $100,000 forgiven and satisfied after 20 years

If the owner sells the property or rents the property during the lien period, the owner shall be considered in default, and shall repay the city using the following method:

$$\frac{\text{Dollar Amount of Lien}}{\text{Total Lien Period in Years}} \times \text{\# of Years Remaining in Affordability Period}$$

The loan is due upon the death of the borrower unless the heir(s) provide documentation to support that he/she/they are lawfully in titled to the property and his/her/their combined annual gross income, as defined in Title 24 of the Code of Federal Regulations, section 5,609 (commonly referred to as 24CFR Part 5), is calculated to determine that the household is "income eligible" All heirs must agree to own and occupy the property as his/her/their primary residence. If all the aforementioned contingencies are met, an assumption by the heir(s) of the loan may be allowed. All terms of the original mortgage and note shall remain in full force and effect. All funds repaid shall be considered "program income," as defined in SHIP statute (420-9071(24), FS).

f. Recipient Selection Criteria: Applications for assistance under this program will be reviewed and approved on a first-come, first qualified basis.

g. Sponsor Selection Criteria and duties, if applicable: The City shall administer the Disaster Relief Program.

h. Additional Information: SHIP funds at all times must be used for eligible applicants and eligible housing. SHIP disaster funds may not be used for purchase or rehabilitation of mobile homes.

D.

Strategy Name: Barrier Free/Special Needs Program	**Code: 11**

a. Summary of the strategy:
The Barrier Free strategy will provide assistance to retrofit eligible owner-occupied single family homes, condominium units, town home units, cooperative residential units or apartments that are located in the corporate limits of St. Petersburg, to allow functional accessibility for the owner or a member of the household who is physically disabled.

b. Fiscal Years Covered: 2015-2016, 2016-2017 and 2017-2018

c. Income Categories to be served: Extremely Low-Income, Very Low-Income, Low-income, and Moderate-Income

d. Maximum award: Maximum Award is noted on the Housing Delivery Goals Charts

e. Terms of the award:
Assistance will be in the form of a grant to owner-occupied or rental households in the amount of up to $3,000. For owner-occupied households, a 0% interest loan for assistance will be provided in the amount of $3,001 to $15,000, but not less than $3,001, which is evidenced by a promissory note and secured by a mortgage. The loan is forgiven and satisfied as illustrated below:

Up to $3,000 is a grant
$3,001-$5,000 is forgiven and satisfied after 5 years
$5,001-$10,000 is forgiven and satisfied after 10 years
$10,001-$15,000 is forgiven and satisfied after 15 years

The loan balance will become due and payable in full if the borrower ceases to occupy the property as their legal homestead and principal residence. The loan is due upon the death of the borrower unless the heir(s) provide documentation to support that he/she/they are lawfully in titled to the property and his/her/their combined annual gross income, as defined in Title 24 of the Code of Federal Regulations, section 5.609 (commonly referred to as 24CFR Part 5), is calculated to determine that the household is income eligible. All heirs must agree to own and occupy the property as his/her/their primary residence. If all the aforementioned contingencies are met, an assumption by the heir(s) of the loan may be allowed. All terms of the original mortgage and note shall remain in full force and effect or as modified. All funds repaid shall be considered "program income" as defined in the SHIP statute found at (420.9071(24), Florida Statutes.

f. Recipient Selection Criteria:
Eligible households must have a permanent, full-time member who is a "person with special needs," as defined in Rule Chapter 67-37.0002(21), F.A.C., and thereafter on a "first-come, first-ready" basis.

g. Sponsor Selection Criteria and duties, if applicable: The City shall administer the Barrier Free/Special Needs Program.

h. Additional Information:
The barrier free modifications may include structural modifications or apparatus that are permanently affixed to the housing unit. For modifications to rental units occupied by eligible households, authorization to be provided from the owner of the property in the form of a letter acknowledging ownership and acceptance of structural modifications, and with the tenant by executing a Barrier Free Agreement (scope of work) as a grant. There must be a minimum of twelve months remaining on the lease from the date of closing on the grant.

E.

Strategy Name: Rental Assistance Program	**Code: 23**

a. Summary of the strategy:
The rental assistance strategy will provide assistance to households in need of up-front costs to move into a rental unit. Program will be provided on a "first-come, first-serve" basis.

b. Fiscal Years Covered: 2015-2016, 2016-2017 and 2017-2018

c. Income Categories to be served: Extremely Low-Income, Very Low-Income and Low-income

d. Maximum award: Maximum Award is noted on the Housing Delivery Goals Charts: $2,500

e. Terms of the award:
Assistance will be in the form of a grant to eligible tenant households in the amount of up to $2,500. Program costs to include security deposit, first/last month's rent and utility deposits. Priority will be given to tenants under 60% median family income. Assistance provided will be based on the SHIP published rents, not to exceed rents based on bedroom size.

f. Recipient Selection Criteria:
Tenant households must meet the income qualifications and on a "first-come, first-service" basis.

g. Sponsor Selection Criteria and duties, if applicable: The City shall administer the Rental Assistance Program.

h. Additional Information: Not applicable.

F.

Strategy Name: Multi-Family Rental Housing Development	Code: 14 & 21

a. Summary of the Strategy:
The Multi-Family Rental Housing Development strategy provides financing for the new construction, acquisition and/or substantial rehabilitation of multi-family rental units developed by eligible sponsors or the City. The City encourages leveraging of SHIP funds whenever possible. Units developed are to be occupied by primarily Extremely Low-Income, Very Low-income, and Low-Income occupants. Moderate-income units will only be funded to provide for the opportunity of "mixed-income" housing in a project that also serves extremely low-income, very low-income, and low-income households.

b. Fiscal Years Covered: 2015-2016, 2016-2017 and 2017-2018

c. Income Categories to be served: Extremely Low-Income, Very Low-Income, Low-income, and Moderate-Income

d. Maximum award: Maximum Award is noted on the Housing Delivery Goals Charts: $120,000

e. Terms of the award:
Developers who provide units for persons who have special needs as defined in Rule 67-37.002(21), F.A.C., shall receive a 0% interest loan. The loan term is set for the period of affordability, which is a minimum of 20 years for new construction (however, longer terms may be approved if a corresponding longer affordability period is required by other lending sources including Florida Housing Finance Corporation). The loan payments are deferred during the affordability period and the loan is forgiven at the end of the loan term. Multi-family rental housing developments that serve eligible SHIP clients, but do not serve persons who have special needs as defined in Rule 67.37.002(21), F.A.C., shall receive a 0% interest loan which will amortize over the affordability period. Eligible sponsors that offer rental housing for sale before the loan term has matured, must give a first right of refusal for a minimum of sixty days to eligible non-profit organizations for purchase at the current market value for continued occupancy by eligible persons. Any transfer is subject to meeting the selection criteria of the City's Project Review Team ("PRT"), City Council or Mayor, as applicable. If a non-profit agency is not interested in purchasing the property, the property may be sold to a for-profit sponsor and the remaining affordability period is released as the outstanding debt will be required to be repaid. The balance of the loan will be repaid to the City and will be classified as program income (received prior to the loan term). All funds repaid shall be considered "program income" as defined in SHIP statute 420.9071(24), F.S.

f. Recipient Selection Criteria: Applicants must be income eligible under SHIP Program guidelines.

g. Sponsor Selection Criteria and duties, if applicable:
The City shall administer the Multi-Family Rental Development program. An eligible developer/sponsor may submit applications at any time for assistance based on funding availability.

The criteria to select eligible Sponsors include, but are not limited to the following:

- Ability to proceed and expedite the development in a timely manner
- Sponsor has a management system in place for effective production, costs, and quality control
- Financial capacity to undertake the project, evidenced by a current audit or other documentation that shows stable financial condition
- If previously funded, sponsor has performed successfully
- If incorporated as a non-profit organization, sponsors must be incorporated at least one year before application submission deadline and have 501(c)(3) status from the Internal Revenue Service (IRS) at least one year before application
- Tenant selection capacity
- Sponsor must have the ability to leverage other resources to complete the project
- Submits an application that includes a pro-forma
- Sponsor must have site control and required zoning to receive funding funder this program
- Sponsor must have affordable housing development experience
- Sponsor's project must be recommended for approval by the City's PRT
- Sponsor must submit a monitoring and management plan for review and recommendation to the PRT

h. Additional Information:
For rental projects competing for competitive scoring in programs funded by the Florida Housing Finance Corporation, up to 10% of the City's assistance may reimburse the sponsor of the assisted project for the building permit or for impact fees. This assistance will be to a maximum of $25,000, as a forgiven portion of the loan, at the end of the affordability period.

G.

Strategy Name: Housing Counseling Program	—

a. Summary of Strategy:
The City's Housing and Community Development Department ("HCD") through its Procurement and Supply Management Department will contract with HUD Certified Housing Counseling agencies to provide comprehensive housing counseling and education programs to the at-large community interested in pursuing affordable housing opportunities.

The program is design to expand homeownership opportunities and improve access to affordable housing. The program enables any person who wants to rent or own housing to obtain the counseling and resources needed for seeking, financing, maintaining, renting, or owning a home to become successful homeowners and responsible renters.

The program works to prevent homelessness and to promote safe, stable and affordable housing. The program offers advice, information and assistance to clients interested in pre- and post-purchase counseling and homeownership training. To meet this goal, the program offers group counseling as well as over the telephone. Group

seminars are conducted to provide general consumer information on the home purchase process, financing options, credit repair, financial literacy and other topics that help meet the goals of homeownership to assist clients with making and informed and reasonable decisions regarding their housing needs. The program offers, but is not limited to, counseling and training in the following areas:

- Homebuyer Education and Training;
- Pre and Post Purchase Counseling;
- Foreclosure Prevention; and
- Foreclosure Intervention.

b. Fiscal Years Covered: 2015-2016, 2016-2017 and 2017-2018

c. Income Categories to be served: Extremely Low/Very Low/Low/Moderate

d. Maximum award: Not Applicable.

e. Terms, Recapture and Default: Not Applicable.

f. Recipient Selection Criteria: Provide housing counseling services and other support services to extremely low- to moderate-income persons/families within the City.

III. LHAP Incentive Strategies

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

A. Name of the Strategy: **Expedited Permitting** (Required)

Implementation: The City will continue the current process of expediting building permit applications as defined in s. 163.3177 (6) (f) (3) for affordable housing projects to a greater degree than other projects

B. Name of the Strategy: **Ongoing Review Process** (Required)

Implementation: The Housing Affordability Impact Statement was adopted as one of the original incentives recommended by the first Affordable Housing Advisory Committee (AHAC) and adopted by City Council in 1994. The Impact Statement was included as a requirement in the Housing Element of the comprehensive Plan and was adopted as an official Administrative Policy in 1998. The City will continue the current process by which it considers, before adoption of policies, ordinances, regulations or plan provisions that increases the cost of housing by attaching the Affordable Housing Impact Statement whenever necessary.

C. Name of the Strategy: **The allowance of flexibility in densities for affordable housing**

Implementation: The City's land development regulations were amended in 2007 to include the Workforce Housing Density/Intensity Bonus Program, which allows flexibility in densities to encourage the production of more affordable housing.

D. Name of the Strategy: **The allowance of affordable accessory residential units in residential zoning districts.**

Implementation: the City's land development regulations were amended in 2007 to allow accessory residential dwelling units, which provide an affordable housing option for residents. The City will continue to implement this incentive as written.

E. Name of the Strategy: **The reduction of parking and setback requirements for affordable housing. (New)**

Implementation: The AHAC commented that providing community awareness/education of the existing driveway curb and sidewalk variance process would be helpful for future affordable housing developers. The Committee voted at its March 13, 2015 public hearing, to request that City staff, DRC, and City Council evaluate the minimum number of parking spaces required for affordable housing developments, and consider a reduction by-right or through an administrative adjustment.

F. Name of the Strategy: **The preparation of a printed inventory of locally owned public lands suitable for affordable housing.**

Implementation: The Housing and Community Development (HCD) Department has a list of City-owned properties suitable for affordable housing that it keeps current. The list contains properties that are subject to income or prior sale restrictions. Also, a current listing of City-owned surplus land that is for sale that does not contain income or prior sale restrictions, some of which may be suitable for affordable housing, can be obtained by calling the Real Estate and Property Management Department at (727) 893-7500 or by visiting the City's website at http://www.stpete.org/realestate/properties_for_sale.asp.

On or before July 2016, City Council will be asked to approve the then current list combining both of these inventories in accordance with Section 166.0451, Florida Statutes, titled Disposition of Municipal Property for Affordable Housing.

The City set up a Foreclosure Registry in November of 2012. Interested parties can check the foreclosure status of a property by visiting the City's Website at http://www.stpete.org/ForeclosureRegistry

Also, in response to the estimated 400 dormant/zombie properties known to exist in the City, the City will be aggressively pursuing properties with liens or special assessments that have accumulated above the value of the property. If the City is successful, the property will then be added to the listing of City owned surplus property for sale which is posted on the City's webpage.

G. Name of the Strategy: **The support of development near transportation hubs and major employment centers and mixed –use developments.**

Implementation: The City absolutely supports development near transportation hubs and major employment centers moreover, the City supports mixed-use development. In order to be successful, development near transportation hubs and employment

centers typically includes a mixture of land uses, as well as higher densities and higher floor area ratios. The City's land development regulations (LDRs) encourage mixed-use and mixed-income, higher-density development that is concentrated along major corridors and within five designated activity centers: Gateway, Intown/Downtown, Central Plaza, Central Avenue Corridor and Tyrone area. (The City will soon begin the process of designating a sixth activity center along the 34th Street South corridor, between 30th Avenue South and 54th Avenue South, to be known as the Skyway Marina District Activity Center.)

H. Name of the Strategy: **The waving of special assessment fees.**

Implementation: In order to encourage private investment to improve blighted properties within St. Petersburg that have existing City Special Assessment Liens, the City adopted Resolution 2012-515 establishing the Special Assessment Lien Modification Program. The City will continue to implement this program as written.

I. Name of the Strategy: **The identification of existing sources that can be made available to affordable housing developers to provide assistance in locating eligible home buyers and renters for newly constructed affordable housing units.**

Implementation: HCD works with a variety of local non-profit housing counseling agencies to assist affordable housing developers to identify eligible buyers and renters. In addition, HCD will continue to participate in the HOPE (Home Ownership for People Everywhere) Expo. The Hope Expo is usually held on the first Saturday in June and is an event that brings together non-profit housing counseling agencies, lenders, and potential home buyers. The City will continue to implement this incentive as written.

J. Name of the Strategy: **The Rebates for Residential Rehabs Program. (New)**

Implementation: The City adopted this incentive program in 2013 to encourage renovation of existing housing units within a targeted area of the city in order to help provide more affordable housing options for both renters and homebuyers.

K. Name of the Strategy: **The creation of a web page link to provide public access to all of the Affordable Housing Incentives approved by the Committee. (New)**

Implementation: The AHAC Committee at their March 13, 2015 public hearing, voted to request that the City's Marketing Department create a new and prominent link on HCD's web page to provide public access to all of the Affordable Housing Incentives approved by the Committee.

IV. EXHIBITS:

A. Administrative Budget for each fiscal year covered in the Plan.

B. Timeline for Estimated Encumbrance and Expenditure.

C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan.

D. Signed Certification.

E. Signed, dated, witnessed or attested adopting resolution.

F. Program Information Sheet.

G. Ordinance: (If changed from the original creating ordinance).

H. Interlocal Agreement:
A copy of the Interlocal Agreement if applicable.

LHAP 2015
Exhibit A
67-37.005(1), F.A.C.
Effective Date: 10/2014

(Local Government name)

Fiscal Year: 2015-2016			
Estimated Allocation for Calculating:	$	141,882.00	
Salaries and Benefits	$	132,882.00	
Office Supplies and Equipment	$	2,500.00	
Travel Perdiem Workshops, etc	$	4,000.00	
Advertising	$	2,500.00	
Other	$		
Total	$	141,882.00	100.00%
Fiscal Year: 2016-2017			
Estimated Allocation for Calculating:	$	141,882.00	
Salaries and Benefits	$	132,882.00	
Office Supplies and Equipment	$	2,500.00	
Travel Perdiem Workshops, etc	$	4,000.00	
Advertising	$	2,500.00	
Other	$		
Total	$	141,882.00	100.00%
Fiscal Year 2017-2018			
Estimated Allocation for Calculating:	$	141,882.00	
Salaries and Benefits	$	132,882.00	
Office Supplies and Equipment	$	2,500.00	
Travel Perdiem Workshops, etc	$	4,000.00	
Advertising	$	2,500.00	
Other	$		
Total	$	141,882.00	100.00%

TIMETABLE FOR STATE FISCAL YEAR 2015/2016

Name of Local Government: City of St. Petersburg, Florida

Mark each box below that corresponds with each actvity for that month

Program	Year	2015-2016												2016-2017												2017-2018											
Activities	**Month**	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6
Advertise Availability of Funds					X																																
Application Period(On-Going)																																					
Annual Report																																					
Mid-Year Review/Adjustments																			X																		
End-Year Review/Adjustments													X												X												X
Encumbrance Deadline																																					
Expenditure Deadline																																					
Final Program Review																																					X

LHAP Exhibt C 2015

Please check applicable box	
New Plan:	Yes
Amendment:	
Fiscal Yr. Closeout:	

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2015-2016

Name of Local Government: City of St. Petersburg, Florida

Allocation: $1,143,819.00

Strategy # From Plan Text	Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without Construction SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
	1	Purchase Assistance	12	$20,000	10	$20,000	2	$10,000		$440,000.00		$440,000.00	38.47%	24
	3	Minor Rehabilitation Assistance	9	$30,000	5	$30,000	2	$30,000		$480,000.00		$480,000.00	41.96%	16
	11	Barrier Free Assistance	1	$15,000	3	$3,000	1	$3,000		$27,000.00		$27,000.00	2.36%	5
	5	Disaster Relief Assistance	0	$100,000	0	$100,000	0	$100,000		$0.00		$0.00	0.00%	0
		Housing Counseling									$20,000.00	$20,000.00	1.75%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 1 (Home Ownership)	22		18		5		$0.00	$947,000.00	$20,000.00	$967,000.00	84.54%	45

		RENTAL STRATEGIES	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without SHIP Dollars	Total SHIP Dollars	Total Percentage	Total Units
	11	Barrier Free Rental Assistance	2	$3,000	1	$3,000	0	$3,000		$9,000.00		$9,000.00	0.79%	3
	14 & 21	Multi-Family Housing Develop	0	$0	2	$250,000	0	0	$250,000.00			$250,000.00	21.86%	2
	23	Rental Assistance	5	$2,500	7	$2,500	0	$0			$30,000.00	$30,000.00	2.62%	12
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 2 (Non-Home Ownershi	7		10		0		$250,000.00	$9,000.00	$30,000.00	$289,000.00	25.27%	17
		Administration Fees										$114,382.00	10.00%	
		Admin. From Program Income										$27,500.00	2.40%	
		Home Ownership Counseling										$20,000.00	1.75%	
		GRAND TOTAL Add Subtotals 1 & 2, plus all Ad	29		28		5		$250,000.00	$956,000.00	$50,000.00	$1,417,882.00	123.96%	62

	Percentage Construction/Re	Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.			105%	
	Maximum Allowable Purchase Price:		New	$203,000	Existing	$158,000

		Allocation Breakdown	Amount	%
		Very-Low Income		0.0%
		Low Income		0.0%
		Moderate Income		0.0%
		TOTAL		0.0%

Projected Program Income:	$275,000.00	Max Amount Program Income For Admi	$13,750.00
Projected Recaptured Funds:	$0.00		
Distribution:	$1,143,819.00		
Total Available Funds:	$1,418,819.00		

LHAP Exhibt C 2015

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2016-2017

Please check applicable box	
New Plan:	Yes
Amendment:	
Fiscal Yr. Closeout:	

Name of Local Government: City of St. Petersburg, Florida

Allocation: $1,143,819.00

Strategy # From Plan Text	Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
	1	Purchase Assistance	12	$20,000	10	$20,000	2	$10,000		$440,000.00		$440,000.00	38.47%	24
	3	Minor Rehabilitation Assistance	9	$30,000	5	$30,000	2	$30,000		$480,000.00		$480,000.00	41.96%	16
	11	Barrier Free Assistance	1	$15,000	3	$3,000	1	$3,000		$27,000.00		$27,000.00	2.36%	5
	5	Disaster Relief Assistance	0	$100,000	0	$100,000	0	$100,000		$0.00		$0.00	0.00%	0
		Housing Counseling									$20,000.00	$20,000.00	1.75%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 1 (Home Ownership)	22		18		5		$0.00	$947,000.00	$20,000.00	$967,000.00	84.54%	45

		RENTAL STRATEGIES	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without SHIP Dollars	Total SHIP Dollars	Total Percentage	Total Units
	11	Barrier Free Rental Assistance	2	$3,000	1	$3,000	0	$3,000		$9,000.00		$9,000.00	0.79%	3
	14 & 21	Multi-Family Housing Develop	0	$0	2	$250,000	0	0	$250,000.00			$250,000.00	21.86%	2
	23	Rental Assistance	5	$2,500	7	$2,500	0	$0			$30,000.00	$30,000.00	2.62%	12
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 2 (Non-Home Ownershi	7		10		0		$250,000.00	$9,000.00	$30,000.00	$289,000.00	25.27%	17
		Administration Fees										$114,382.00	10.00%	
		Admin. From Program Income										$27,500.00	2.40%	
		Home Ownership Counseling										$20,000.00	1.75%	
		GRAND TOTAL Add Subtotals 1 & 2, plus all Ad	29		28		5		$250,000.00	$956,000.00	$50,000.00	$1,417,882.00	123.96%	62

Percentage Construction/Re — Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt. — 105%

Maximum Allowable Purchase Price: New $203,000 Existing $158,000

Allocation Breakdown	Amount	%
Very-Low Income		0.0%
Low Income		0.0%
Moderate Income		0.0%
TOTAL		0.0%

Projected Program Income:	$275,000.00	Max Amount Program Income For Admi	$13,750.00
Projected Recaptured Funds:	$0.00		
Distribution:	$1,143,819.00		
Total Available Funds:	$1,418,819.00		

LHAP Exhibt C 2015

Please check applicable box	
New Plan:	Yes
Amendment:	
Fiscal Yr. Closeout:	

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2017-2018

Name of Local Government: City of St. Petersburg, Florida

Allocation:	$1,143,819.00

Strategy # From Plan Text	Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C Without SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
	1	Purchase Assistance	12	$20,000	10	$20,000	2	$10,000		$440,000.00		$440,000.00	38.47%	24
	3	Minor Rehabilitation Assistance	9	$30,000	5	$30,000	2	$30,000		$480,000.00		$480,000.00	41.96%	16
	11	Barrier Free Assistance	1	$15,000	3	$3,000	1	$3,000		$27,000.00		$27,000.00	2.36%	5
	5	Disaster Relief Assistance	0	$100,000	0	$100,000	0	$100,000		$0.00		$0.00	0.00%	0
		Housing Counseling									$20,000.00	$20,000.00	1.75%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 1 (Home Ownership)	22		18		5		$0.00	$947,000.00	$20,000.00	$967,000.00	84.54%	45

	Code	RENTAL STRATEGIES	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	New Construction SHIP Dollars	Rehab/Repair SHIP Dollars	Without SHIP Dollars	Total SHIP Dollars	Total Percentage	Total Units
	11	Barrier Free Rental Assistance	2	$3,000	1	$3,000	0	$3,000		$9,000.00		$9,000.00	0.79%	3
	14 & 21	Multi-Family Housing Develop	0	$0	2	$250,000	0	0	$250,000.00			$250,000.00	21.86%	2
	23	Rental Assistance	5	$2,500	7	$2,500	0	$0			$30,000.00	$30,000.00	2.62%	12
												$0.00	0.00%	0
												$0.00	0.00%	0
		Subtotal 2 (Non-Home Ownershi	7		10		0		$250,000.00	$9,000.00	$30,000.00	$289,000.00	25.27%	17
		Administration Fees										$114,382.00	10.00%	
		Admin. From Program Income										$27,500.00	2.40%	
		Home Ownership Counseling										$20,000.00	1.75%	
		GRAND TOTAL Add Subtotals 1 & 2, plus all Ad	29		28		5		$250,000.00	$956,000.00	$50,000.00	$1,417,882.00	123.96%	62

Percentage Construction/Re: Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt. 105%

Maximum Allowable Purchase Price: New $203,000 Existing $158,000

Allocation Breakdown	Amount	%
Very-Low Income		0.0%
Low Income		0.0%
Moderate Income		0.0%
TOTAL		0.0%

Projected Program Income:	$275,000.00	Max Amount Program Income For Admi	$13,750.00
Projected Recaptured Funds:	$0.00		
Distribution:	$1,143,819.00		
Total Available Funds:	$1,418,819.00		

CERTIFICATION TO
FLORIDA HOUSING FINANCE CORPORATION

Local Government: City of St. Petersburg, Florida

(1) The local government will advertise the availability of SHIP funds pursuant to Florida Statutes.

(2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, creed, religion, color, age, sex, familial or marital status, handicap, or national origin.

(3) A process for selection of recipients for funds has been developed.

(4) The eligible municipality or county has developed a qualification system for applications for awards.

(5) Recipients of funds will be required to contractually commit to program guidelines.

(6) The Florida Housing Finance Corporation will be notified promptly if the local government (or interlocal entity) will be unable to comply with the provisions the plan.

(7) The Local Housing Assistance Plan shall provide for the expenditure of SHIP funds within 24 months following the end of the State fiscal year in which they are received.

(8) The plan conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the Local Housing Assistance Plan.

(9) Amendments to the approved Local Housing Assistance Plan shall be provided to the Corporation with in 21 days after adoption.

(10) The trust fund shall be established with a qualified depository for all SHIP funds as well as moneys generated from activities such as interest earned on loans.

(11) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.

(12) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements, copies of the audits will be forwarded to the Corporation as soon as available.

13) An interlocal entity shall have its local housing assistance trust fund separately audited for each state fiscal year, and the audit forwarded to the Corporation as soon as possible.

(14) SHIP funds will not be pledged for debt service on bonds or as rent subsidies.

(15) Developers receiving assistance from both SHIP and the Low Income Housing Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements, similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.

(16) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to service eligible persons.

(17) Rental Units constructed or rehabilitated with SHIP funds shall be monitored at least annually for 15 years for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e)

(18) The Plan meets the requirements of Section 420-907-9079 FS, and Rule Chapter 67-37 FAC, and how each of those requirements shall be met.

(19) The provisions of Chapter 83-220, Laws of Florida ____***has*** *or* __***X***__ ***has not*** been implemented.
(note: Miami Dade County will check "has")

_____ _____
Witness Chief Elected Official or designee

_____ Gary G. Cornwell, City Administrator
Witness Type Name and Title

_____
Date

OR

_____
Attest:
(Seal)

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
PROGRAM INFORMATION SHEET

The following information must be furnished to the Corporation before any funds can be disbursed.

Local Government	City of St. Petersburg, Florida
Chief Elected Official	Mayor Rick Kriseman
Address	P.O. Box 2842, St. Petersburg, Florida 33731-2842
SHIP Administrator	Joshua A. Johnson, Director, Housing & Community Development
Address	P.O. Box 2842, St. Petersburg, Florida 33731-2842
Telephone	(727) 892-5585
EMAIL	joshua.johnson@stpete.org
Alternate SHIP Contact	Terry Salerno, Fiscal Manager
Telephone	(727) 893-4118
EMAIL	terry.salerno@stpete.org
Local Government Employer Federal ID #	59-6000424
Other Information	

Please attach this form as Exhibit F and submit along with your completed LHAP.

CITY OF ST. PETERSBURG, FLORIDA

AFFORDABLE HOUSING INCENTIVE PLAN - 2015

As recommended by the

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)

AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)

LOCAL AFFORDABLE HOUSING ADVISORY COMMITTEE
INCENTIVE STRATEGIES
RECOMMENDATIONS

The City of St. Petersburg receives State Housing Initiative Partnership (SHIP) Program funding from the State of Florida for use in implementing partnerships to produce and preserve affordable housing. The program is administered by the Florida Housing Finance Corporation (FHFC) statewide. All cities and communities receiving SHIP funds must have appointed an Affordable Housing Advisory Committee (AHAC) in accordance with Florida Statute 420.9076. Every three years the AHAC is asked to review at a minimum the eleven incentive strategies listed in F.S. 420.9076 and recommend any additional incentive strategies identified by the committee, and submit an incentive summary report to City Council. City Council is required to consider the recommendations for possible amendment to the SHIP Local Housing Assistance Plan (LHAP).

The AHAC last met in January 2012 to review and discuss affordable housing incentives. The resulting report of recommendations included two (2) new incentives approved by an affirmative vote of a majority of the membership of the AHAC public hearing on March 15, 2012. The report was then presented to City Council on April 5, 2012, where it was accepted and adopted as part of the Local Housing Assistance Plan (LHAP).

The current AHAC members were appointed by the Mayor and confirmed by City Council on January 8, 2015. The committee met several times in January and February and on March 13, 2015 a report of their recommendations was the subject of a public hearing where the AHAC discussed the incentives and received public input. The attached recommended incentive summary report will be presented to the Housing Services Committee of City Council on March 26, 2015 and forwarded to the full City Council for their consideration on April 2nd. Upon City Council approval, the City shall adopt a Local Housing Assistance Plan (LHAP) incorporating the local housing incentive strategies. The City will notify the FHFC of its adoption of the incentives and submit the LHAP containing the incentive plan. Triennially thereafter, the AHAC will re-evaluate the implementation of affordable housing incentives.

The City of St. Petersburg would like to thank the Affordable Housing Advisory Committee members for their time and service in the preparation of this plan.

Rene Y. Robinson-Flowers, Chair (Pinellas Co. School Board)	Citizen
Jeffrey J. Rogo, Vice-Chair (Bay Area Apt. Assoc.)	Local Planning Agency Rep.
Askia Aquil (Community Housing Solutions)	Advocate for low income persons
Lindsay Boswell (Wells Fargo Mortgage)	Banking/Mortgage Industry
Dominique Courbin (Three Rivers Construction)	For profit Affordable Housing Provider
Robert V. DePugh (Pinellas Realtor Emeritus)	Realtor engaged in Affordable Housing
Page K. Douangboupha (IProject Solutions, Inc.)	Employer
Jack D. Humburg (Boley Centers)	Not-for Profit Affordable Housing Provider
Douglas N. King (National Assoc. of Remodeling Industries)	Homebuilding Labor
Robert H. Rowan (Retired educator/City Employee)	Essential Services Personnel
Ken Rush (Habitat for Humanity)	Affordable Residential Home building

LEGAL NOTICE

CITY OF ST. PETERSBURG NOTICE OF AFFORDABLE HOUSING ADVISIORY COMMITTEE (AHAC) PUBLIC HEARING

The City of St. Petersburg (City) is hereby inviting citizens, representatives of public and private agencies and organizations, and other interested parties to a public hearing convened by the Affordable Housing Advisory Committee (AHAC). The public hearing will be conducted on Friday, March 13, 2015 beginning at 10:30 a.m., in the City Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida. Public participation is invited and strongly encouraged.

The City receives State Housing Initiatives Partnership (SHIP) program funding from the State of Florida for use in implementing programs to produce and preserve affordable housing. The program is administered by the Florida Housing Finance Corporation statewide. After a review and evaluation of established policies, procedures, ordinances and other documents, the AHAC will recommend specific actions to encourage or facilitate the development of affordable housing within the City.

The purpose of the public hearing is to receive comments on the incentive strategy recommendations proposed by the AHAC.

The City, in compliance with the Americans with Disabilities Act of 1990 (ADA), provides reasonable accommodations for all official City proceedings. If you wish to request an accommodation under the ADA, you should contact the City Clerk not less than 72 hours prior to the meeting by calling (727) 893-7202 or TDD (727) 892-5259. The City cannot guarantee the availability of persons capable of assisting individuals with a hearing impairment or who are unfamiliar with the English language but will attempt to provide such assistance if requested.

A copy of the proposed AHAC recommendations may be inspected by the public at the office of Housing & Community Development, Municipal Services Center, One Fourth Street North, Third Floor, Reception Desk, St. Petersburg, Florida 33701. If you have any questions, or wish to register comments for the record, please visit or write the Department (at the address above) or telephone (727) 892-5585.

3/6/2015

95254-1

AFFORDABLE HOUSING INCENTIVES

OFFERED BY THE CITY OF ST. PETERSBURG, FLORIDA

(A Triennial Review by the Affordable Housing Advisory Committee)

	Incentives (Pursuant to Chapter 420, F.S)	Program Currently In Place		Committee's Recommendations Final - per Public Hearing March 13, 2015
		Yes	No	
1	The processing of approvals of development orders or permits, as defined in S. 163.3164, for affordable housing projects is expedited to a greater degree than other projects.	X		The Committee voted to support the continuation of this incentive as written.
2	The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods for fee payment for affordable housing.		X	The Committee does not recommend a new process or procedure, given the fact that the highest cost fee (the Transportation Impact Fee) already provides for a large waiver zone, which makes development more affordable within that zone.
3	The allowance of flexibility in densities for affordable housing	X		The Committee voted to support the continuation of this incentive as written. The City's land development regulations were amended in 2007 to include the Workforce Housing Density/Intensity Bonus Program, which allows flexibility in densities to encourage the production of more affordable housing.
4	The reservation of infrastructure capacity for housing for very- low income persons, low-income persons, and moderate-income persons.		X	The Committee does not recommend a new process or procedure, given the fact that the City's public facilities, including potable water, sanitary sewer, and roadway levels of service all have excess capacity.
5	The allowance of affordable accessory residential units in residential zoning districts.	X		The Committee voted to support the continuation of this incentive as written, since the City's land development regulations were amended in 2007 to allow accessory residential dwelling units, which provides an affordable housing option for residents.
6	The reduction of parking and setback requirements for affordable housing.		X	The Committee commented that providing community awareness /education of the existing driveway curb and sidewalk variance process would be helpful for future affordable housing developers. The Committee voted to request that City staff, DRC, and City Council evaluate the minimum number of parking spaces required for affordable housing developments, and consider a reduction by-right or through an administrative adjustment.

	Incentives (Pursuant to Chapter 420, F.S)	Program Currently In Place Yes	No	Committee's Recommendations Final - per Public Hearing March 13, 2015
7	The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.		X	The Committee stated that if the verbiage of the incentive could be changed to refer to flexible "site plan" configuration, the City's current LDRs do allow for increased design flexibility for large tract developments. However, the Committee does not recommend a revision to the existing regulations related to "lot configurations" specifically for affordable housing. It is the City's and the Committee's desire that there be no discernable difference in design, function or overall aesthetics when comparing affordable housing units to market-rate units.
8	The modification of street requirements for affordable housing.		X	The Committee does not recommend any changes to the City's land development regulations pertaining to street requirements.
9	The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.	X		The Committee voted to support the continuation of this incentive as written.
10	The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	X		The Committee voted to support the continuation of this incentive as written.
11	The support of development near transportation hubs and major employment centers and mixed –use developments.	X		The Committee voted to support the continuation of this incentive as written.
12	The waving of special assessment fees in return for the creation of affordable housing.	X		The Committee voted to support the continuation of this incentive program as written.
13	The identification of existing sources that can be made available to affordable housing developers to provide assistance in locating eligible home buyers and renters for newly constructed affordable housing units	X		The Committee voted to support the continuation of this incentive as written.
14	The Rebates for Residential Rehabs Program.	X		The Committee voted to support the continuation of this incentive program which encourages renovation of existing housing units in order to provide more affordable housing options.
15	The creation of a web page link to provide public access to all of the Affordable Housing Incentives approved by the Committee.		X	The Committee voted to request that the City's Marketing Department create a new and prominent link on the Housing & Community Development Department's web page to provide public access to all of the Affordable Housing Incentives approved by the Committee.

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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #1
The processing of approvals of development orders or permits, as defined in F.S. 163.3164(7) and (8), for affordable housing projects that is expedited to a greater degree than other projects.

I. Current Status: St. Petersburg currently **does** have a program for this incentive.

II: Explanation:

It is presently the policy of the Construction Services & Permitting Division (Planning & Economic Development Department) to expedite construction permit applications identified as affordable housing by reviewing them, at both the initial application and resubmit stages, in advance of other applications, instead of in the order they are received (which is how applications are typically handled), moreover, a check-box has been added to the permit application form to indicate if the project is Affordable Housing Eligible. The *maximum* turnaround times for construction plan review are as follows: eight (8) working days for initial building plan review for residential and 12 days for commercial permits. With regard to resubmittal of corrected plans, the turnaround time is five (5) working days.

The Construction Services & Permitting Division proposes to further expedite construction permit applications identified as affordable housing by accommodating pre-application meetings for plan review and fire review, and to assist with code interpretation, address process and procedures, as well as answer other relevant questions prior to submission for permits. This should result in an enhanced expedited plan review and approvals.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: There is no reason to change this incentive. Construction plan review for affordable housing is conducted more quickly than for other application types.
Disadvantages: Other projects are delayed in order to handle affordable housing projects more quickly. However, as stated, the *maximum* turnaround times for construction plan review are eight (8) working days for initial building plan review for residential permits and 12 days for commercial permits, which is excellent service.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: Providing a reduction in the amount of time that a developer has to pay interest on a construction loan may ultimately reduce the cost to produce affordable housing. Reducing the cost of affordable housing may encourage increased production of units. Production of affordable housing units to shelter very low, low, and moderate income households does benefit public health, safety and welfare.
Negative Effects: There are no negative effects to public health, safety or welfare.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ __varies__ (Specify how the savings benefit the eligible household(s).)

Benefit: Faster/expedited construction plan review allows construction to begin more quickly which reduces the amount of time that a developer may have to pay interest on a construction loan. The reduction of time in permitting could help to reduce the project cost, possibly allowing more units to eventually be constructed.

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written.

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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #2

The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

I. Current Status: St. Petersburg currently **does not** have a program for this incentive.

II: Explanation:

The explanation of existing regulations regarding this incentive has been separated into three discussions: Pinellas County Transportation Impact Fee (TIF) Mobility Fee; Sanitary Sewer Impact Fee; and Other Fees.

Pinellas County Transportation Impact Fee (TIF)

Under the "Florida Impact Fee Act" (Section 163.31801, F.S.) and pursuant to Florida case law there are *no provisions* that enable cities and counties to legally waive transportation impact fees for affordable housing projects. Since affordable housing projects create a demand for public facilities just as do market-rate housing projects, they also have an impact fee obligation. However, impact fees under the Pinellas County Transportation Impact Fee/Multi-Modal Mobility Fee Ordinance (table attached) are reduced for affordable housing projects located in the central St. Petersburg area, designated as District 11A (map attached). Before the City's No-Fee Transportation Zone expired in 2005, City staff worked with Pinellas County staff to ensure that all six of the City's Community Redevelopment Areas, the Grand Central Community Redevelopment District, the Intown and Central Plaza Activity Centers and much of the land located between these areas receive the lower fees listed in the Downtown Redevelopment Fee Schedule. In District 11A, the TIF is $1,529 for a single family home and $972 for a multifamily unit, versus $2,066 and $1,420 in other areas (a reduction of $537 and $448, respectively). Also, if an affordable housing project is a redevelopment or a change of use, an impact fee credit is given for the highest previous use on the property since June 30, 1986.

It should be noted that with regard TIF/Mobility Fee rates for affordable housing, the City and other local governments can assess small apartment units at the efficiency apartment/hotel rate, which is $419 per room. This rate is based only on the number of bedrooms in the unit. Under the City's LDRs, an accessory dwelling unit cannot exceed 750 square feet in size. Over the last few years, several housing projects containing dwelling units less than 750 square feet in size have been reviewed by City staff. Typically, these units contain only one bedroom and are designed for low income citizens that may not own personal vehicles. The TIF rate applied by City staff for these projects is $419 per unit, significantly less than the $972 rate charged for multifamily units located within District 11A or the $1,420 per unit rate charged for multifamily units in other areas.

Sanitary Sewer Impact Fee

A sewer impact fee ($350.00 per water closet) is collected to pay for improvements to, or the expansion of, the City's sanitary sewer system, including constructions costs, acquisition of rights-of-way and treatment facility sites. *Impact fee credits* are given by the Construction Services & Permitting Division for legally installed water closets if a building owner is renovating or completely replacing a structure.

Other Fees

The fees charged by the Planning & Economic Development Department, Construction Services and Permitting Division, are set forth in Chapter 12 of the City Code. There is no specific provision for affordable housing permit fees, however, the current residential plan review fee of $30 is far below the actual cost. The actual cost includes staff time and overhead costs. Non-residential projects pay 20 percent of the permit fees for a plan review fee. The plan review fee is one component of the total permit cost; other components are the permit fee, sewer connection fee, transportation impact fee, two Florida state surcharges and the certificate of occupancy fee. A review of residential permit costs conducted for discussion by the City Council Housing Services Committee in 2007 indicated the largest component of new single family home fees is the transportation impact fee, followed by the sewer connection fee, described above.

All applicants, including affordable housing projects, have the ability to employ an outside plan review entity and submit to the City plans which are already approved for compliance with the Florida Building Code. The plans are then reviewed by the City for compliance with FEMA and the City's land development regulations (LDRs). A discounted fee is charged applications using this outside plan review. Affordable housing applicants could employ this process to achieve a reduced fee.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: There would be an advantage to changing the TIF/Mobility Fee Ordinance for affordable housing construction outside the currently designated areas but no provision in the law allows this exception strictly for affordable housing reasons. The TIF/Mobility Fee Ordinance already has provisions for reducing the cost of affordable housing projects in many areas of the City (and County) where these projects are most likely to occur.
Disadvantages: The major disadvantage to changing the TIF/Mobility Fee Ordinance is not allowing the current incentive for reduced affordable housing impact fees in the central St. Petersburg area to work. Also, reducing the permit fees for affordable housing increases the subsidy required to be covered by other applicants and types of permit fees, or by the City's general fund.

IV. Provide an explanation as to any benefits or negative effects to public health, safety, or welfare.

Benefits: The current reduced TIF/Mobility fee schedule provides benefits to public health, safety and welfare by making affordable housing projects more feasible from a financial perspective.
Negative Effects: There are no negative effects to the public health, safety or welfare.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

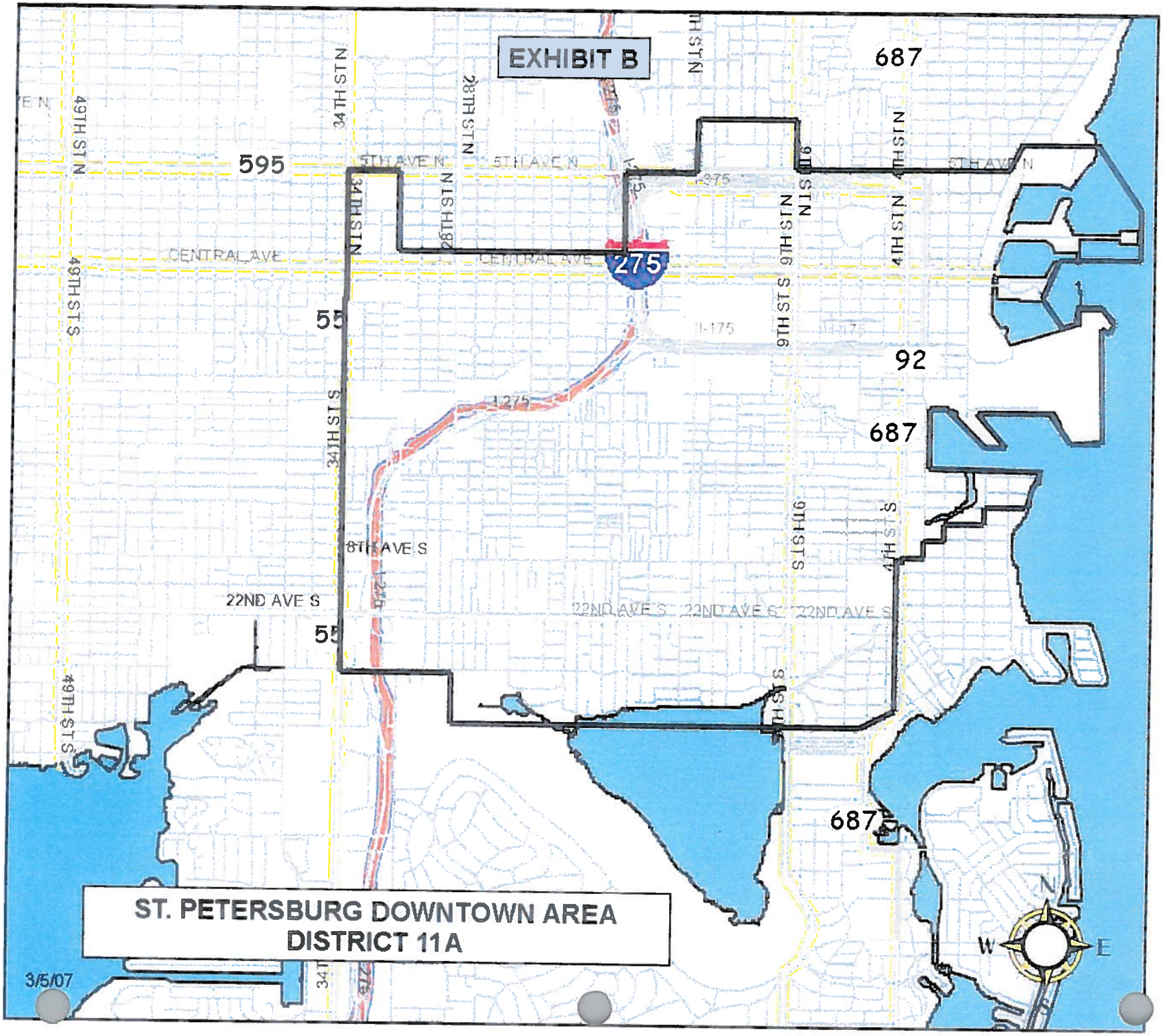
Benefit: The current housing *reduction* in the TIF Ordinance in the Downtown St. Petersburg Area District is $537 for a single family home and $448 for a multifamily unit.

VI. Recommendation of Advisory Committee:

The Committee does not recommend a new process or procedure, given the fact that the highest cost fee (the Transportation Impact Fee, TIF) already provides for a waiver zone, which makes development more affordable within the zone.

Pinellas County Transportation Impact Fee/Multi-Modal Impact Fee Ordinance

Land Use Type	General Fee Schedule (Schedule A)	Downtown Redevelopment Fee Schedule (Schedule B)
Single Family	$2,066 per unit	$1,529 per unit
Multifamily	$1,420 per unit	$972 per unit
Condo/Townhome	$1,248 per unit	$924 per unit
Efficiency Apt./Hotel	$419 per unit	--------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ST. PETERSBURG DOWNTOWN AREA
DISTRICT 11A
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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #3
The allowance of flexibility in densities for affordable housing.

I. Current Status: St. Petersburg currently **does** have a program for this incentive.

II: Explanation:

In November 2007 the City Council adopted Ordinance 854-G which created a Workforce Housing Density/Intensity Bonus Program (Section 17.5, Article IV, City Code). The ordinance became effective on January 1, 2008. A developer may receive a "bonus" of up to six additional residential units per acre or an increase in the floor-area-ratio (or intensity) up to 0.20 if a proposed residential or mixed use project is consistent with the ordinance. The bonus (workforce) units must be rented or purchased by income eligible persons or households. Since 2008, there have been eight (8) projects approved utilizing the density bonus for a total of 67 units. To date, 55 units have been constructed (see attached).

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: This incentive does not need to be changed. The workforce housing density/intensity bonus program is voluntary, and available in 21 of the City's 33 zoning districts, thus the bonus program can be used throughout the City.

Disadvantages: N/A

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: The first bonus unit must be offered to income eligible persons or households at 80 percent AMI or below, the second and third units at 120 percent AMI or below, the fourth unit at 150 percent, the fifth unit at 80 percent and the sixth unit at 150 percent. This pattern is then repeated. At the time of adoption, the City Council and City Administration firmly believed that Ordinance 854-G would result in the construction of affordable units throughout the City. To date, 55 workforce units have been constructed.

Negative Effects: None known so far. Generally speaking, increases in density in any area or neighborhood within the City results in some extra scrutiny from surrounding property owners and perhaps the neighborhood association. Section 16.70.040.1.19 of the City Code permits administrative approval of any project proposing up to six (6) workforce units, while public notice is required for projects proposing seven to 12 units. A DRC (Development Review Commission) public hearing is required for any projects proposing more than 12 workforce units, which of course will involve public notice to all property owners within 200-feet, as well as the neighborhood association.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ varies (Specify how the savings benefit the eligible household(s).)

Benefit: Ordinance 854-G has resulted in the construction of affordable units throughout the City.

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written. The City's land development regulations were amended in 2007 to include the Workforce Housing Density/Intensity Bonus Program, which allows flexibility in densities in order to encourage the production of more affordable housing.

CITY OF ST. PETERSBURG
WORKFORCE HOUSING DENSITY BONUS PROGRAM

DEVELOPMENT NAME	ADDRESS	Applicant & Developer Name	Agreement Recorded	Total Units	Number of Bonus Workforce Units Granted	Zoning District	HCD funding restricts units even further?
Booker Creek Apts.	2468 13th Ave. N.	Wieker Enterprises & The Richman Group	12/28/2009	156	37	NSM-1	Yes
Tortuga Pointe Apts.	10475 Gandy Blvd.	ZarCalRes Brighton, LLC and Brighton Bay Village I, LLC	9/29/2008	295	6	CCS-1	No
Twin Brooks Apts.	3450 24th Ave S.	Boley Centers	9/15/2008	14	2	NSM-1	Yes
Twin Brooks II	3470 24th Ave S.	PAL	4/23/2009	28	4	NSM-1	Yes
		Brandon Crossway Center, Inc.	Workforce units not pursued				
Portland Apts.	300 8th St. N.	Portland Apartments, Ltd.	7/8/2009	68	2		Yes
		Southern Oaks of St. Petersburg LLC	Workforce units not pursued				
Broadwater Apts. (Phases I thru IV)	3615 37th St S.	Boley Centers	8/10/2010	44	12	NSM-1	Yes
Fountain View	430 13th Ave S.	Boley Centers	5/13/2011	6	2	NSM-1	Yes
		Aspire at Gateway & 908 Group of Companies, LLC	Workforce units not pursued				
3636 Park Apts.	3636 5th Ave N.	Boley Centers	8/20/2014	8	2	CRT-1	Yes
		Total Bonus Units Granted			**67**		
		Total Bonus Units Constructed thru 2/4/2015			**55**		

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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #4

The reservation of infrastructure capacity for housing for extremely low-income persons, very-low-income persons, low-income persons, and moderate-income persons.

I. Current Status: St. Petersburg currently **does not** have a program for this incentive.

II: Explanation:

There are no existing land development regulations regarding the reservation of infrastructure capacity for housing for very low-, low- and moderate-income persons. The City is fortunate to have excess capacity for all of its public facilities, including potable water, wastewater, solid waste, recreation/open space, stormwater, mass transit, schools and roadways. With regard to the latter, while there are some deficient roadways in the City, e.g., segments of 22nd Avenue North and Gandy Boulevard, the vast majority of the major streets operate at a level of service (LOS) "D" or better, with spare capacity.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: There is no need to adopt this incentive. The City has excess capacity for all of its public facilities, thus there are no advantages to adopting this incentive.

Disadvantages: There is no need to adopt this incentive.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: Based on current service demands and excess capacity, there is little additional benefit to the community's public health, safety and welfare by reserving infrastructure capacity for very-low-income, low-income and moderate income persons.
Negative Effects: There are no negative effects to public health, safety, or welfare.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit: The City is fortunate to have excess capacity for all of its public facilities, thus there is no need to "reserve" any infrastructure capacity. There are no housing cost reductions.

VI. Recommendation of Advisory Committee:

The Committee does not recommend a new process or procedure, given the fact that the City's public facilities, including potable water, sanitary sewer, and roadway levels of service all have excess capacity.

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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #5
The allowance of affordable accessory residential units in residential zoning districts.

I. Current Status: St. Petersburg currently **does** have a program for this incentive.

II: Explanation:

Traditional neighborhoods in the City are under increasing redevelopment pressure. Prior to 2008, redevelopment often occurred in a manner that was not consistent with the development pattern or preference for affordable housing and mixed-use, live-cycle neighborhoods. Appropriately channeling the form of redevelopment is critical to maintaining the character and viability of the City's traditional neighborhoods. Subsequent to the St. Pete Vision 2020 Plan's adoption in October 2002, the City's land development regulations (LDRs) were re-written and ultimately became effective in September 2007. The new LDRs established accessory dwelling units as a permitted, principal use in the City's traditional neighborhoods, specifically those areas designated with NT-1 (Neighborhood Traditional-1) and NT-2 zoning (see attached map). This significant change is intended to guide reinvestment and redevelopment in a manner that reinforces the traditional pattern, but more importantly, contributes to the growing demand for affordable housing and mixed-use, live-cycle neighborhoods.

Accessory dwelling units, commonly referred to as garage or in-law apartments, are permitted subject to compliance with Section 16.50.010 titled "Accessory Dwelling and Accessory Living Spaces." Applicable standards include lot requirements, building requirements, visual buffering and parking.

Since 2007, 19 accessory dwelling units have been permitted, including 15 within the NT-1 or NT-2 zoning districts.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: The attached map depicts the areas of the City designated with NT-1 and NT-2 zoning. A list of the NT-1 and NT-2 neighborhoods is also attached. Although the City has a rich tradition of allowing accessory dwelling units, this affordable housing option was written out of the land development regulations in the 1970s as a response to local preferences for a more segregated land-use pattern and suburban aesthetic. The expected benefits were never realized and local preferences now favor a more urban, mixed-use development pattern. The 2007 LDR update codified these preferences by recognizing accessory dwelling units in the areas depicted on the attached map, which were previously zoned single-family only. The City Council and City Administration believed then, and now, that this fundamental change to certain planning principles and specifically the land development regulations will increase the "pool" of affordable housing units available to income eligible persons or households.
Disadvantages: There is no requirement that a property owner or a homeowner construct an accessory dwelling unit. Furthermore, if an accessory dwelling unit is constructed, there is no requirement that it be rented to anyone, including income eligible persons or households.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

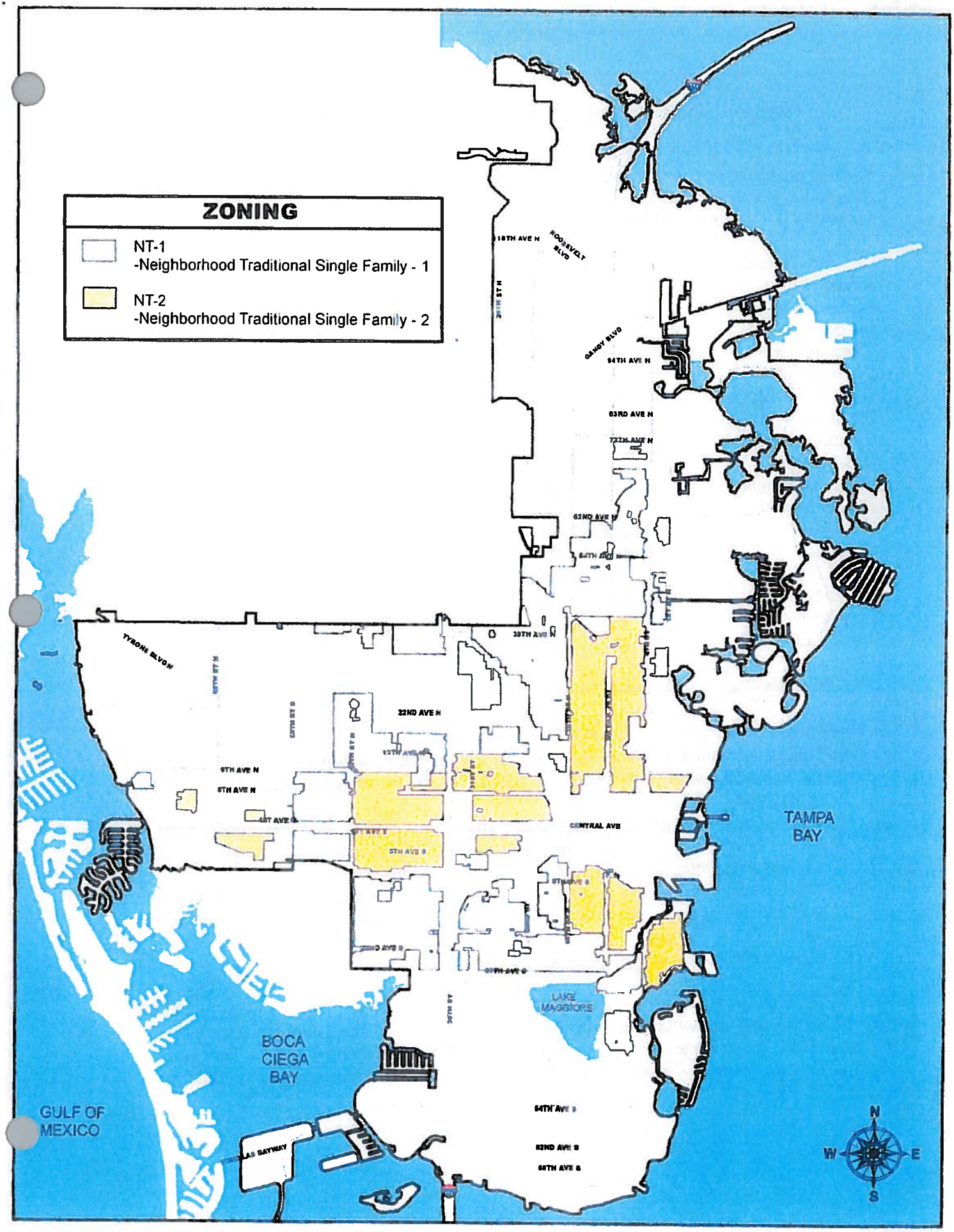
Benefits: This regulation will increase the "pool" of affordable units available to income eligible persons or households. As previously stated, since 2007, 19 accessory dwelling units have been permitted.
Negative Effects: None.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit:

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written, since the City's land development regulations were amended in 2007 to allow accessory residential dwelling units, which provide an affordable housing option for residents.


ZONING
NT-1
-Neighborhood Traditional Single Family - 1
NT-2
-Neighborhood Traditional Single Family - 2
TAMPA BAY
BOCA CIEGA BAY
GULF OF MEXICO
LAKE MAGGIORE
TYRONE BLVD N
22ND AVE N
CENTRAL AVE
N
W
E
S

Accessory Units Are Permitted in 52 of the City's Neighborhoods

The City's NT-1 (Neighborhood Traditional-1) and NT-2 zoning districts permit accessory dwelling units, such as garage apartments, subject to compliance with standards regulating lot size, building setbacks, parking and design. Areas of the City with NT-1 and NT-2 zoning include the following 52 neighborhoods:

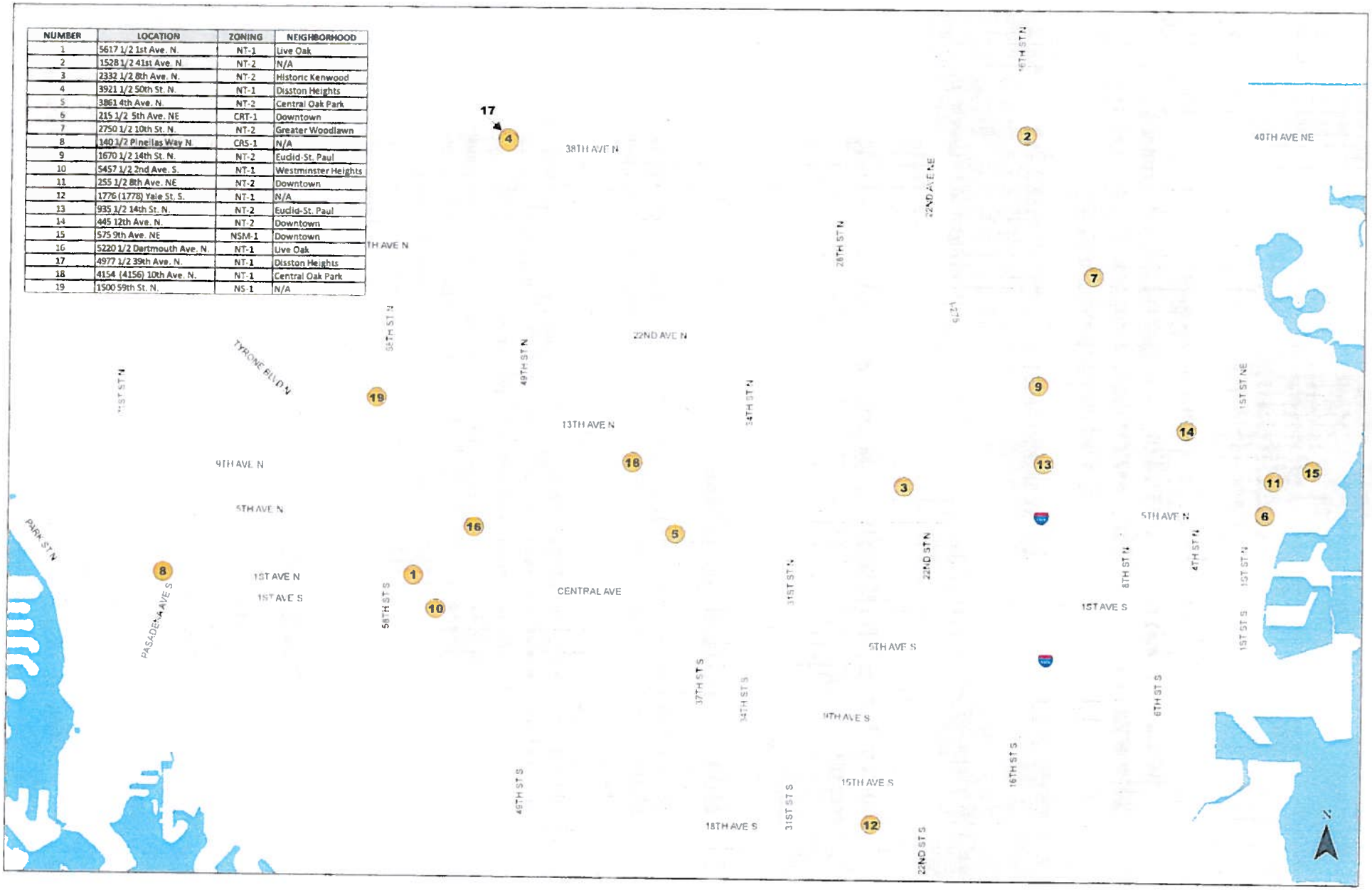
Allendale Terrace
Azalea Homes
Bartlett Park
Big Bayou
Campbell Park
Casler Heights
Central Oak Park
Childs Park
Crescent Heights
Crescent Lake
Cromwell Heights
Disston Heights
Driftwood
Edgemoor
Euclid Heights
Euclid-St. Paul
Five Points
Fossil Park
Fruitland Heights
Greater Woodlawn
Harbordale
Harris Park
Highland Grove
Highland Oaks
Historic Kenwood
Historic Roser Park
Historic Uptown
Lake Euclid
Lake Maggiore Shores
Lake Pasadena
Lakewood Terrace
Live Oak
Magnolia Heights
Melrose Mercy/Pine Acres
Mel-Tan Heights
North East Park
North Kenwood
Norwood Heights
Oakwood Gardens
Old Southeast
Palmetto Park
Perkins
Ponce De Leon
Ridgecrest
The Allendale
Thirteenth Street Hts
Thirty-First Street
Twinbrooks
West Lake Estates
Westminster Heights
Wildwood Heights
Woodlawn Oaks

Key features of the accessory dwelling unit regulations include the following:

- Only one accessory unit is permitted for each single family home.
- The lot containing the single family home and accessory unit must be at least 5,800 sq. ft. in size, and the floor area for an accessory unit cannot be less than 375 sq. ft. or greater than 750 sq. ft.
- The building containing an accessory unit must comply with the architectural standards for the NT-1 or NT-2 zoning district and be compatible with the style of the building containing the principal use, including the paint scheme.
- The accessory unit cannot be used as a transient accommodation use, e.g., overnight or weekend lodging, and cannot be sold off or legally separated from the principal use.
- Paved off-street parking space(s) must be provided.

While the new accessory dwelling unit regulations create investment opportunities in the neighborhood's noted, and will undoubtedly increase the pool of available workforce units in the City, there is no requirement that a property owner construct an accessory unit or rent it to anyone if they do. In many instances, an accessory unit will be made available to a family member.

NUMBER	LOCATION	ZONING	NEIGHBORHOOD
1	5617 1/2 1st Ave. N.	NT-1	Live Oak
2	1528 1/2 41st Ave. N	NT-2	N/A
3	2332 1/2 8th Ave. N.	NT-2	Historic Kenwood
4	3921 1/2 50th St. N.	NT-1	Disston Heights
5	3861 4th Ave. N.	NT-2	Central Oak Park
6	215 1/2 5th Ave. NE	CRT-1	Downtown
7	2750 1/2 10th St. N.	NT-2	Greater Woodlawn
8	140 1/2 Pinellas Way N.	CRS-1	N/A
9	1670 1/2 14th St. N.	NT-2	Euclid-St. Paul
10	5457 1/2 2nd Ave. S.	NT-1	Westminster Heights
11	255 1/2 8th Ave. NE	NT-2	Downtown
12	1776 (1778) Yale St. S.	NT-1	N/A
13	935 1/2 14th St. N.	NT-2	Euclid-St. Paul
14	445 12th Ave. N.	NT-2	Downtown
15	575 9th Ave. NE	NSM-1	Downtown
16	5220 1/2 Dartmouth Ave. N.	NT-1	Live Oak
17	4977 1/2 39th Ave. N.	NT-1	Disston Heights
18	4154 (4156) 10th Ave. N.	NT-1	Central Oak Park
19	1500 59th St. N.	NS-1	N/A



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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #6

The reduction of parking and setback requirements for affordable housing.

I. Current Status: St. Petersburg currently **does not** have a program for this incentive.

II: Explanation:

Minimum Number of Parking Spaces

The Land Development Regulations (LDRs) do not distinguish between market-rate and affordable housing units for the purpose of establishing the minimum number of parking spaces required.

Generally speaking, affordable housing units may receive some secondary benefit from how parking spaces are required and calculated. The minimum number of parking spaces required is based on the number of bedrooms provided. Moreover, the minimum number of parking spaces required for "assisted living facilities" was recently amended from one (1) parking space per two (2) beds to one (1) parking space per four (4) beds. While "assisted living facilities" are not considered affordable housing, they are an important element of life-cycle housing in the neighborhoods. This amendment will help bring families closer together by reducing regulation on new facilities and transportation costs for visitation.

Minimum Building Setbacks

The LDRs do not distinguish between market-rate and affordable dwelling units for the purpose of establishing minimum building setbacks. Consistent with the intent of this incentive, many zoning districts already have minor building setbacks typically associated with urban development. For example, in "traditional" zoning districts, the minimum building setbacks range from as little as zero (0) feet to 15 feet. In "suburban" zoning districts, the minimum building setbacks increase and range from as little as 7.5 feet to 30 feet. The purpose of these regulations is to ensure that development and redevelopment is compatible with the physical context of surrounding properties.

Important to this analysis regarding affordable housing units, the LDRs *do distinguish between residential and non-residential uses* for the purpose of establishing minimum building setbacks. In many of the mixed-use zoning districts, the minimum building setback for residential uses along a property line is less than the minimum building setback for non-residential uses. For example, in the Retail Center (RC) zoning district, the minimum building setback for a residential use is 10 feet whereas the minimum building setback for a commercial use is 20 to 25 feet depending upon the existing land use of the neighboring property. The City believes that this important distinction will incentivize the construction of additional, affordable housing units particularly when designed as a liner building around the exterior of proposed large-scale developments.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive: ***City staff does not support changing the existing regulations related to building setbacks and parking for affordable housing. It is the City's desire that there be no discernable difference in design, function or overall aesthetics when comparing affordable housing units to market-rate units.***

Advantages: Whether it be a single lot or a larger multifamily development, the reduction of on-site parking and building setback requirements has several benefits:

1. More land area is available for the development of additional dwelling units;
2. More land is available for the construction of desirable amenities including, but not limited to, recreation areas (active and passive) and landscaped buffers.
3. Reduced construction costs.

Disadvantages:

Minimum Number of Parking Spaces

Reducing on-site parking requirements for any type of development, including affordable housing projects, generally results in increased on-street parking congestion. In "traditional" zoning districts, on-street parking is prevalent and as a result, the minimum number of parking spaces required for these properties is typically lower than that required for property located within "suburban" zoning districts. In "suburban" zoning districts, on-street parking is generally not available adjacent to mixed-use developments.

Minimum Building Setbacks

St. Petersburg's rich and unique architectural legacy has contributed significantly to the City's image, economic growth and quality of life. While the City's architectural legacy was previously enriched by the development of raw land, development in recent years has been replaced by redevelopment including but not limited to, additions to existing buildings, demolition and replacement of existing buildings, and new construction on vacant lots within developed neighborhoods. St. Petersburg's minimum building setbacks (and building and site design standards) compel new construction to respect

and reinforce the neighborhood context created by existing development; therefore, contextual site layout is the number one priority of the building and site review process.

Starting in 2001, St. Petersburg's Vision 2020 initiative solicited input from the general public about their vision for the future of the City. The public identified preservation of neighborhood context as a primary concern. In response and during preparation of the newly adopted LDRs, staff conducted an extensive inventory of properties city-wide to identify their established building setbacks. The results were used to codify minimum building setbacks that are compatible with the existing development. Any proposal to further reduce the minimum building setbacks, whether a market-rate or affordable housing project, could destabilize the existing neighborhood context.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: There are no tangible benefits to public health, safety or welfare related to reducing parking and setback requirements. Moreover, there does not appear to be a strong argument that parking and setback requirements are preventing or reducing the number of affordable units being constructed.

Negative Effects: As stated, reducing on-site parking requirements usually results in increased on-street parking congestion, which is a safety issue. Additionally, it may also increase the incidence of illegal parking on-site which negatively affects vehicle and pedestrian visibility and safety.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit: N/A

VI. Recommendation of Advisory Committee:

The Committee commented that providing community awareness /education of the existing driveway curb and sidewalk variance process would be helpful for future affordable housing developers. The Committee voted to request that City staff, DRC, and City Council evaluate the minimum number of parking spaces required for affordable housing developments, and consider a reduction by-right or through an administrative adjustment.

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STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #7

The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

I. Current Status: St. Petersburg currently **does not** have a program for this incentive.

II: Explanation:

A legal lot of record, by definition, has fixed boundaries surveyed by a plat, which is recorded in the Official Records of Pinellas County. *It is assumed* that this incentive is intended to address flexible "site plan" configurations rather than flexible "lot" configurations.

The Land Development Regulations (LDRs) do not distinguish between market-rate and affordable dwelling units for the purpose of establishing minimum building setbacks. Consistent with the intent of this incentive, many zoning districts already have minor building setbacks typically associated with urban development. For example, in "traditional" zoning districts, the minimum building setbacks range from as little as zero (0) feet to 15 feet. In "suburban" zoning districts, the minimum building setbacks increase and range from as little as 7.5 feet to 30 feet. The purpose of these regulations is to ensure that development and redevelopment is compatible with the physical context of surrounding properties. In either example, the allowable "site plan" configuration is more flexible than was previously allowed prior to implementation of the current land development regulations in 2007.

Important to this analysis regarding affordable housing units, the LDRs *do distinguish between residential and non-residential uses* for the purpose of establishing minimum building setbacks. In many of the mixed-use zoning districts, the minimum building setback for residential uses along a property line is less than the minimum building setback for non-residential uses. For example, in the Retail Center (RC) zoning district, the minimum building setback for a residential use is 10 feet whereas the minimum building setback for a commercial use is 20 to 25 feet depending upon the existing land use of the neighboring property. The city believes that this important distinction will incentivize the construction of additional, affordable housing units particularly when designed as a liner building around the exterior of proposed large-scale developments.

Finally, any proposed "site plan" configuration may also take advantage of City Code Section 16.30.090 titled, "Large Tract Planned Development." The purpose of this section is to allow large tracts of land measuring a minimum of two (2) acres, to be developed in a way that is consistent with the maximum floor area ratio and density for the subject property but allows alternative dimension and design requirements. Using transitional elements (buildings and landscaping) within the perimeter buffer of a subject property will allow increased design flexibility and greater maximum building height towards the center of the development site.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive: ***City staff does not support changing the existing regulations related to "lot configuration" for affordable housing. It is the City's desire that there be no discernable difference in design, function or overall aesthetics when comparing affordable housing units to market-rate units.***

Advantages: Arguably, there are no advantages for affordable housing that the new City Code does not already provide for.

Disadvantages: St. Petersburg's rich and unique architectural legacy has contributed significantly to the City's image, economic growth and quality of life. While the City's architectural legacy was previously enriched by the development of raw land, development in recent years has been replaced by redevelopment including but not limited to, additions to existing buildings, demolition and replacement of existing buildings, and new construction on vacant lots within developed neighborhoods. St. Petersburg's minimum building setbacks (and building and site design standards) compel new construction to respect and reinforce the neighborhood context created by existing development; therefore, contextual site layout is the number one priority of the building and site review process.

Starting in 2001, St. Petersburg's Vision 2020 initiative solicited input from the general public about their vision for the future of the City. The public identified preservation of neighborhood context as a primary concern. In response and during preparation of the LDRs (adopted in 2007), staff conducted an extensive inventory of properties city-wide to identify their established building setbacks. The results were used to codify minimum building setbacks that are compatible with the existing development. Any proposal to further reduce the minimum building setbacks, whether a market-rate or affordable housing project, could destabilize the existing neighborhood context.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: There are no tangible negative effects or benefits to public health, safety or welfare.
Negative Effects: N/A

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit: N/A

VI. Recommendation of Advisory Committee:

The Committee stated that if the verbiage of the incentive could be changed to refer to flexible "site plan" configuration, the City's current LDRs do allow for increased design flexibility for large tract developments. However, the Committee does not recommend a revision to the existing regulations related to "lot configurations" specifically for affordable housing. It is the City's and the Committee's desire that there be no discernable difference in design, function or overall aesthetics when comparing affordable housing units to market-rate units.

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INCENTIVE PLAN RECOMMENDATIONS

Incentive #8
The modification of street requirements for affordable housing.

I. Current Status: St. Petersburg currently **does not** have a program for this incentive.

II: Explanation:

Section 16.40.140.4.1 of the City Code states that the arrangement, character, width, grade and location of all streets must conform substantially with a plan for the most advantageous development of the entire neighboring area and shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety and in appropriate relation to the proposed uses of the land to be served by the streets. All streets shall be improved by a developer with paving, curbs and gutters, and sidewalks when required. The minimum "total required right-of-way (ROW) width" for major and local streets is regulated based on the facility type and functional class of the roadway. In July 2011, the minimum ROW width for several of the types and classifications was reduced. These regulations apply to all development, including affordable housing projects.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive: ***City staff does not support changing the existing regulations related to "streets" for affordable housing. It is the City's desire that there be no discernable difference in design, function or overall aesthetics when comparing affordable housing units to market-rate units.***

Advantages: The City Code requires that all streets be improved by a developer with paving, curbs and gutters, and sidewalks when required. Modifying, reducing or eliminating such requirements will likely save time and development costs.
Disadvantages: Modifying, reducing or eliminating regulations pertaining to public streets may jeopardize public health, safety and welfare. The City does not propose to modify street requirements for affordable housing projects.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits:

Streets

As stated above, the City does not propose to modify street requirements for affordable housing projects. The City Code requires a minimum width for public rights-of-way and roadways, alignment with existing roadways, specific intersection design and limited access from a residential development onto a major street. These minimum standards are regularly monitored against best practices within the transportation field, compared to emerging trends, balanced with local preferences and amended accordingly. The most recent change, adopted in July 2011, reduced the minimum "total required right-of-way (ROW) width" for major and local streets. All of these Code requirements are in place to benefit public health, safety and welfare.

Sidewalks

Starting in 2001, St. Petersburg's Vision 2020 initiative solicited input from the general public about their vision for the future of the City. The public identified pedestrian connectivity and safety as a primary concern. As a result, the LDRs (adopted in 2007) established a hierarchy of transportation for pedestrian and vehicle connections, which begins with the pedestrian. This is particularly important when considering affordable housing: the residents are more likely to rely on pedestrian linkages and public transportation.

Negative Effects: N/A

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit: N/A

VI. Recommendation of Advisory Committee:

The Committee does not recommend any changes to the City's land development regulations pertaining to street requirements.

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STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
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INCENTIVE PLAN RECOMMENDATIONS

Incentive #9

The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

I. Current Status: St. Petersburg **does have** a program for this incentive.

II: Explanation:

The attached Impact Statement was adopted as one of the original incentives recommended by the first AHAC and adopted by City Council in 1994. The Impact Statement was included as a requirement in the Housing Element of the Comprehensive Plan and was adopted as an administrative policy in 1998.

In accordance with Section 420.9071(16) F.S., local housing incentive strategies must include, at a minimum, an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.

The attached form is currently in use by all City departments.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: By complying with the State requirement to have this incentive in place, the City will continue to be eligible to receive SHIP funding for local housing programs to benefit persons with very low, low and moderate incomes. In addition,

completion of the Impact Statement should encourage the initiating City department to fully consider the effect of its proposal on the cost of housing construction or rehabilitation, helping to keep St. Petersburg competitive in the housing industry.
Disadvantages: There is a slight increase in required staff administrative expense to create the paperwork, however the form is short and the time needed to complete it is minimal. However, the process for collection of the forms needs to be improved.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits:
Negative Effects: None

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit: No specific reduction related to the use of the form; however, the completion of the form should encourage the implementing departments and the City Council to carefully consider any proposal which would negatively impact the cost of housing.

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written.

City of St. Petersburg
Housing Affordability Impact Statement

The City of St. Petersburg receives State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that **increase the cost of housing construction, or of housing redevelopment,** and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the city's Housing and Community Development department.

I. Initiating Department:

II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

III. Impact Analysis:

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No ___ (No further explanation required)
Yes ___ Explanation:

If Yes, the **per unit cost increase** associated with this proposed policy change is estimated to be:$_____.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No ___ (No further explanation required)
Yes ___ Explanation:

IV: Certification:

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

CHECK ONE:

The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required.(Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

_____ _____
Department Director (signature) Date

OR

The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

_____ _____
Department Director (signature) Date

Copies to: **City Clerk (attached to City Council Material)**
Housing and Community Development Director

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STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #10

The preparation of a printed inventory of locally-owned public lands suitable for affordable housing.

I. Current Status: St. Petersburg **does have** a program for this incentive.

II: Explanation:

The Housing and Community Development Department has a list of City-owned properties suitable for affordable housing that it keeps current. The list contains properties that are subject to income or prior sale restrictions. Also, a current listing of City-owned surplus land that is for sale that does not contain income or prior sale restrictions, some of which may be suitable for affordable housing, can be obtained by calling the Real Estate and Property Management Department at 727-893-7500 or by visiting the City's website at http://www.stpete.org/realestate/properties_for_sale.asp On or before July 2016, City Council will be asked to approve the then current list combining both of these inventories in accordance with Section 166.0451, Florida Statutes, titled Disposition of Municipal Property for Affordable Housing.

In addition, the City set-up a Foreclosure Registry in November of 2012. Interested parties can check the foreclosure status of a property by visiting the City's Website at http://www.stpete.org/ForeclosureRegistry/

Also, in response to the estimated 400 dormant/zombie properties known to exist in the City, the City will be aggressively pursuing properties with liens or special assessments that have accumulated above the value of the property. If the City is successful, the property will then be added to the listing of City owned surplus property for sale which

is posted on the City's webpage (see attached webpage).

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: There is no reason to change this incentive. The inventory list of properties that are City-owned suitable for affordable housing is valuable to the City, prospective developers and non-profit agencies and organizations interested in affordable housing, as is the Foreclosure Registry database.

Disadvantages:

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: The Foreclosure Registry data base and the inventory of properties that are City-owned suitable for affordable housing benefit the public welfare in that specific sites are identified as well as the residential development potential for each site.

Negative Effects:

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit:

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written.

City Owned Real Estate - Windows Internet Explorer

http://www.stpete.org/realestate/properties_for_sale.asp

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st. petersburg, fl

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Real Estate and Property Management

Modified Feb 19, 2015 01:10 PM

CITY OWNED REAL ESTATE

The City from time to time receives real property from Pinellas County by forfeiture for property taxes (escheat) that the City identifies as surplus real estate. Most of these properties are residential lots that are available for sale to the general public for market value.

Because of the manner in which the City receives these properties, they may require additional legal action to clear any problems with the title. The City makes no warranties as to marketable title. All offers must be in writing, specify cash at closing without any contingencies, state the proposed use of the property and the purchase amount.

For a list of available City-owned surplus lots, please click the following link

Available Lots for Sale - Surplus Real Estate

Additional information is available by calling Diane Bozich, Real Estate Specialist, 727 893 7185 or by email to Diane.Bozich@stpete.org

Contact Us

City of St. Petersburg
Real Estate & Property Management
One Fourth Street North (6th Floor)
St. Petersburg, Florida 33701

727.893.7800 (phone)
800 676 0026 (toll free)
727 893 4134 (FAX)

Real Estate and Property Management Home

Properties For Sale

Request for Proposal and/or Solicitation of Interest

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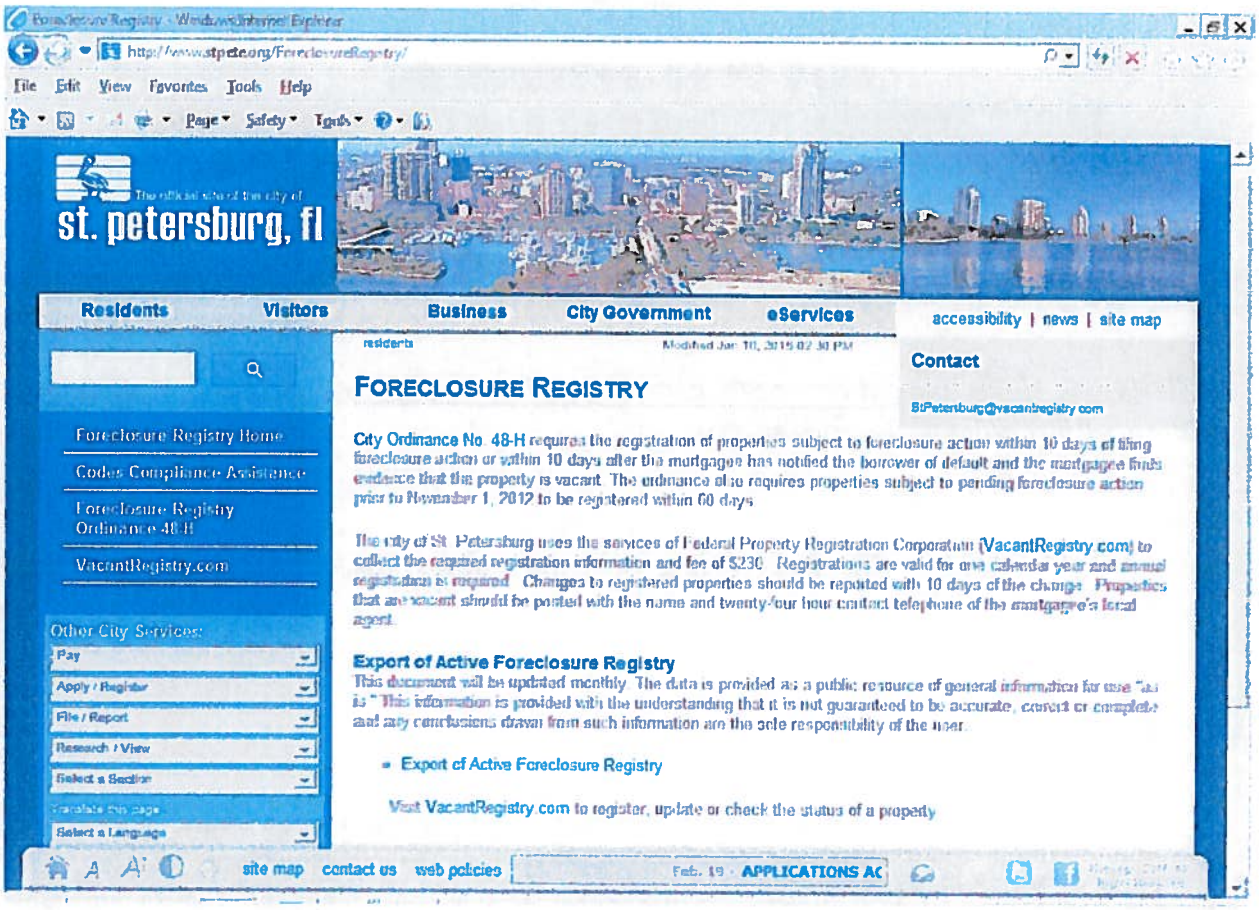
File Edit View Favorites Tools Help
Page Safety Tools
st. petersburg, fl
Residents
Visitors
Business
City Government
eServices
accessibility | news | site map
Contact
StPetersburg@vacantregistry.com
FORECLOSURE REGISTRY
Foreclosure Registry Home
Codes Compliance Assistance
Foreclosure Registry Ordinance 48-H
VacantRegistry.com
Other City Services:
Pay
Apply / Register
File / Report
Research / View
Select a Section
Select a Language
City Ordinance No. 48-H requires the registration of properties subject to foreclosure action within 10 days of filing foreclosure action or within 10 days after the mortgagee has notified the borrower of default and the mortgagee finds evidence that the property is vacant. The ordinance also requires properties subject to pending foreclosure action prior to November 1, 2012 to be registered within 60 days.
The city of St. Petersburg uses the services of Federal Property Registration Corporation (VacantRegistry.com) to collect the required registration information and fee of $230. Registrations are valid for one calendar year and annual registration is required. Changes to registered properties should be reported with 10 days of the change. Properties that are vacant should be posted with the name and twenty-four hour contact telephone of the mortgagee's local agent.
Export of Active Foreclosure Registry
This document will be updated monthly. The data is provided as a public resource of general information for use "as is." This information is provided with the understanding that it is not guaranteed to be accurate, correct or complete and any conclusions drawn from such information are the sole responsibility of the user.
Export of Active Foreclosure Registry
Visit VacantRegistry.com to register, update or check the status of a property
site map
contact us
web policies
APPLICATIONS AC

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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #11

The support of development near transportation hubs and major employment centers and mixed-use developments.

I. Current Status: St. Petersburg currently **does have** a program for this incentive.

II: Explanation:

The City absolutely supports development near transportation hubs and major employment centers moreover, the City supports mixed-use development. In order to be successful, development near transportation hubs and employment centers typically includes a mixture of land uses, as well as higher densities and higher floor area ratios. The City's Land Development Regulations (LDRs) encourage mixed-use and mixed-income, higher-density development that is concentrated along major corridors and within five designated activity centers: Gateway, Intown/Downtown, Central Plaza, Central Avenue Corridor and Tyrone area. (The City will soon begin the process of designating a sixth activity center along the 34th Street South corridor, between 30th Avenue South and 54th Avenue South, to be known as the Skyway Marina District Activity Center.)

While the downtown and Gateway areas are the City's top two employment centers, all of the activity centers are designated with land use and zoning which permit significant development and redevelopment opportunities. Permitted densities range from 15 to 60 units per acre, not including a workforce housing bonus. Floor-area-ratios (FARs) range from 0.55 to 2.5 in these areas, while the *base* FAR in the downtown area ranges from 2.0 to 4.0. The purpose and intent of the land use and zoning designations in these areas is to encourage and accommodate mixed-use development, including affordable/workforce housing, and to create jobs.

Pinellas Suncoast Transit Authority (PSTA)

Mixed-use and higher density development is necessary to support transit hubs within the City's designated centers. Transit hubs in St. Petersburg are associated with the

terminals and transfer centers for the Pinellas Suncoast Transit Authority (PSTA), which is the City's and Pinellas County's mass transit provider. PSTA's terminals and transfer centers are located within the former Gateway Mall property, generally located on the east side of Dr. Martin Luther King Jr. Street North between 77th Avenue and 83rd Avenue, and three of the City's designated activity centers: Intown/Downtown (Williams Park), Central Plaza and the Tyrone Square Mall.

With regard to the direction of future transit services provided by PSTA in the wake of the failed Greenlight Pinellas referendum in November 2014, PSTA is presently considering a "Core" option and a "Coverage" option. These options represent different approaches to providing bus service utilizing existing revenue sources. The Core option directs PSTA's resources to the most productive routes and calls for service cuts to the least productive routes. The Coverage option aims to maintain existing service coverage throughout the County by reducing frequencies, cutting unproductive segments of individual routes, and/or scaling back on the days/hours of service. Both options also involve identifying and implementing efficiency measures that could be achieved through changes in administration or operations. PSTA will continue to analyze the options and conduct community outreach to determine a future vision for transit service in Pinellas County.

The three attached maps outline PSTA's Core Priority Network. The first map depicts the location of the City's five activity centers in relation to the Core option or network; the second map depicts the areas designated Planned Redevelopment-Commercial and Planned Redevelopment-Mixed Use on the Future Land Use Map; and the third map depicts the mixed-use zoning found along the Core network.

Central Avenue Corridor Bus Rapid Transit (BRT) Project

The City is in the process of implementing a three-tiered program of transit service improvements in downtown St. Petersburg and along the Central Avenue corridor to areas located west of downtown. The first tier was implemented in 2005, when the City worked with PSTA to improve the Downtown Looper Trolley. The second tier was implemented in 2009 when the City and PSTA initiated the Central Avenue Trolley Shuttle between the Central Plaza Terminal and The Pier. The City is in the process of improving pedestrian connections between 1st Avenues North and South (one way pairs) and the Central Avenue corridor in preparation for the third tier of the program, which will be a Bus Rapid Transit (BRT) service along 1st Avenues North and South.

The City Council adopted the Central Avenue Corridor Activity Center in December 2013.

Downtown Intermodal Facility Study

The City is planning to relocate its downtown PSTA transit hub at Williams Park to a

new intermodal facility, and is investigating several locations. The City has determined that a new transfer operation at an attractive, safe and service oriented site with more amenities could encourage new ridership amongst residents and visitors and help the City reclaim the recreation/open space land use of Williams Park.

Based on the site selection process, six (6) sites were initially identified for further study and evaluation. Two sites were removed from the list. The remaining four sites include:

1. Site A – Pheil Hotel site (block between 4th and 5th Streets and between Central Avenue and 1st Avenue South);
2. Site B – 600 block of Central Avenue (block between 6th and 7th Streets and between Central Avenue and 1st Avenue South);
3. Site C – ARC Group development site (blocks between 7th and 8th Streets and between Central Avenue and 2nd Avenue South); and
4. Site D – American Stage/Echelon building site (block between 3rd and 4th Streets and between 2nd and 3rd Avenues South).

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: The City supports development near transportation hubs and major employment centers. The City also supports mixed-use development. There are no advantages to changing this incentive.

Disadvantages: None.

IV. Provide an explanation as to any benefits or negative effects to public health, safety, or welfare.

Benefits: There are numerous benefits to public welfare, including the creation of jobs in or near the City's activity centers and transportation hubs, as well as increasing the City's tax base.

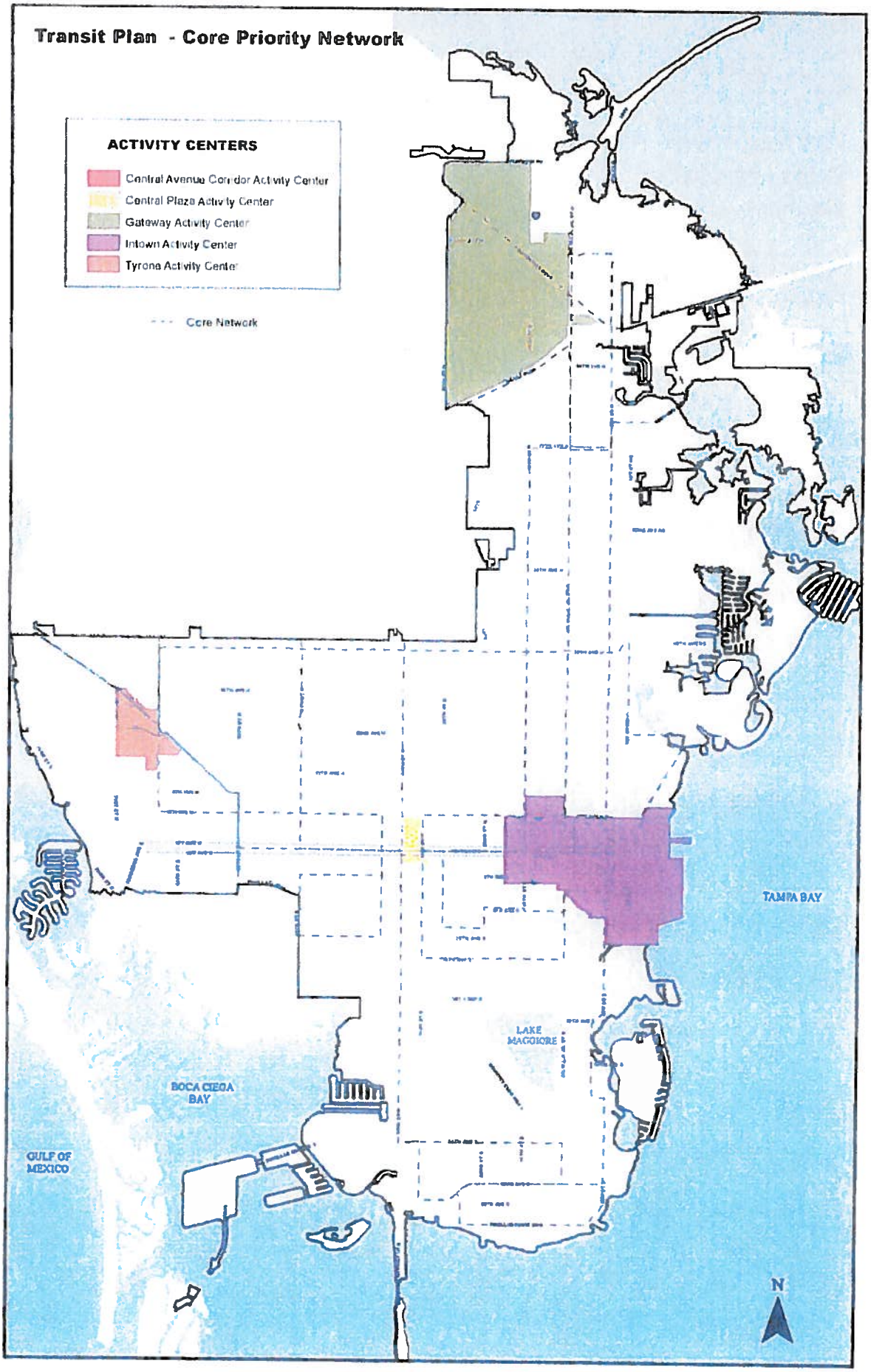
Negative Effects: There are no negative effects to public health, safety, or welfare.

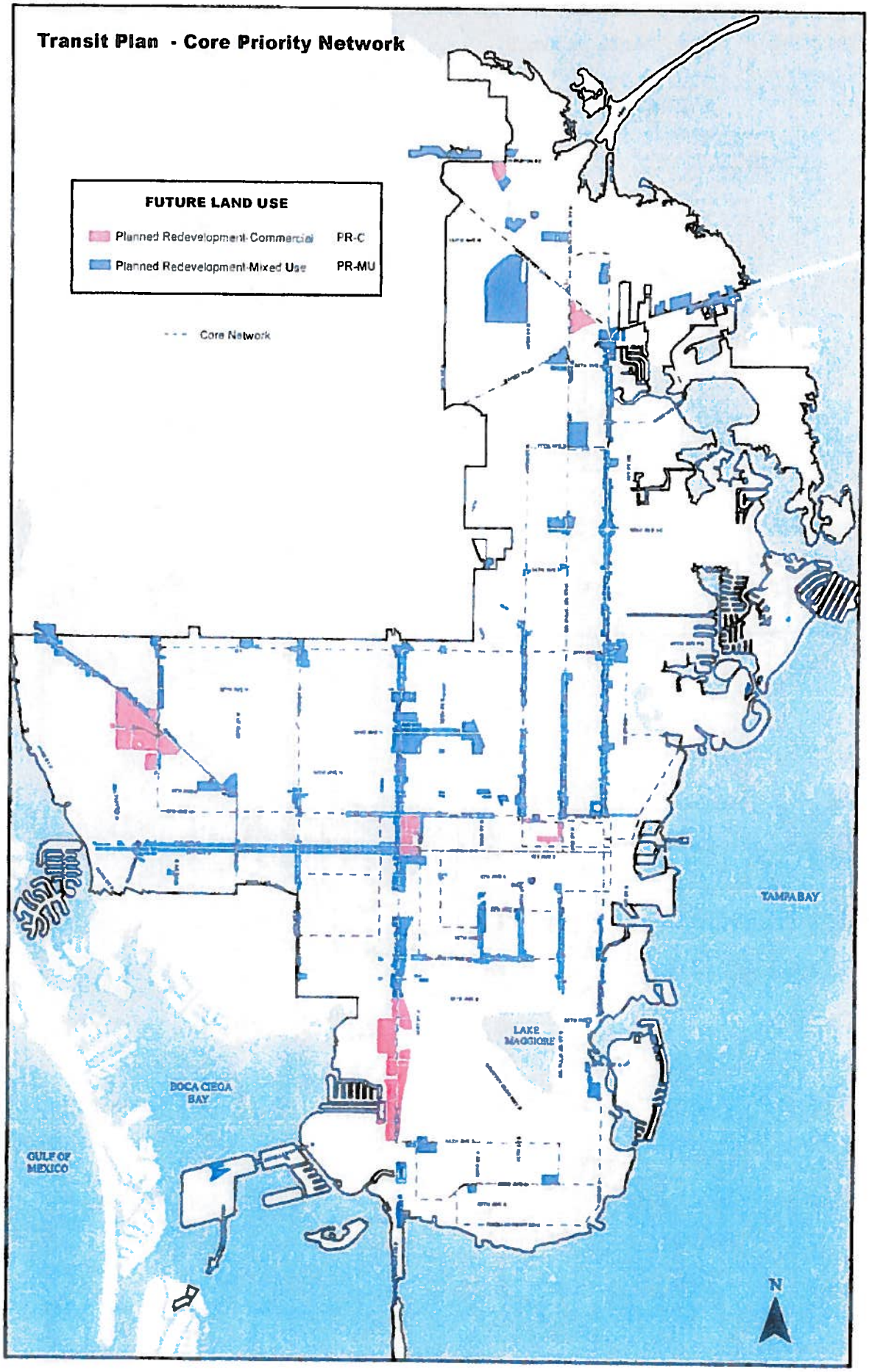
V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

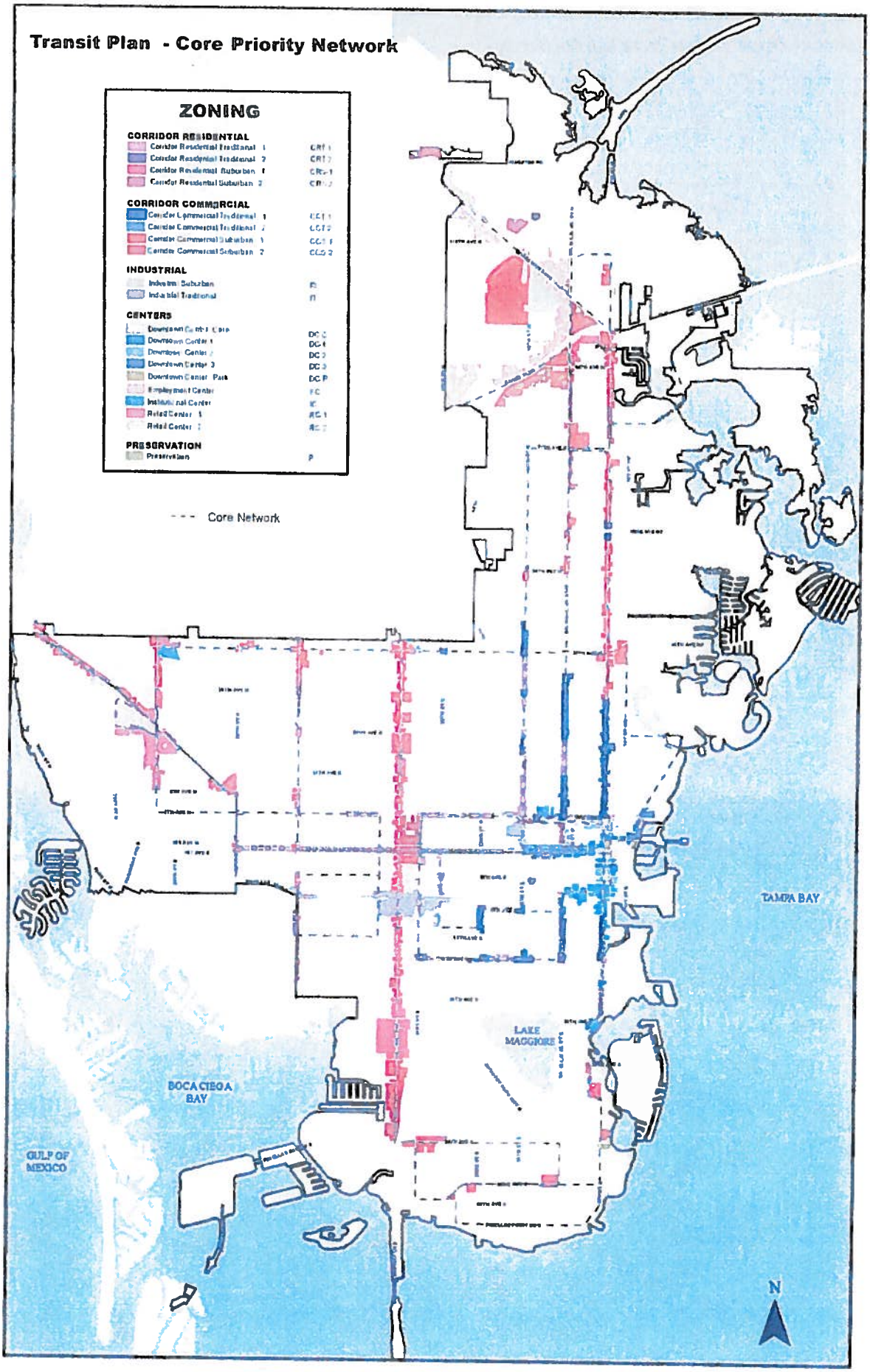
Benefit: It is not anticipated that there will be any direct housing cost reductions associated with this incentive, however it is anticipated that mixed-use development in or near the City's activity centers and transportation hubs will include affordable/workforce housing.

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written.


Transit Plan - Core Priority Network
ACTIVITY CENTERS
Central Avenue Corridor Activity Center
Central Plaza Activity Center
Gateway Activity Center
Intown Activity Center
Tyrone Activity Center
Core Network
TAMPA BAY
LAKE MAGOIORE
BOCA CIEGA BAY
GULF OF MEXICO
N


Transit Plan - Core Priority Network
FUTURE LAND USE
Planned Redevelopment-Commercial PR-C
Planned Redevelopment-Mixed Use PR-MU
Core Network
TAMPA BAY
LAKE MAGGIORE
BOCA CIEGA BAY
GULF OF MEXICO
N


Transit Plan - Core Priority Network
ZONING
CORRIDOR RESIDENTIAL
Corridor Residential Traditional 1
Corridor Residential Traditional 2
Corridor Residential Suburban 1
Corridor Residential Suburban 2
CORRIDOR COMMERCIAL
Corridor Commercial Traditional 1
Corridor Commercial Traditional 2
Corridor Commercial Suburban 1
Corridor Commercial Suburban 2
INDUSTRIAL
Industrial Suburban
Industrial Traditional
CENTERS
Downtown Center 1
Downtown Center 2
Downtown Center 3
Downtown Center Park
Employment Center
Industrial Center
Retail Center 1
Retail Center 2
PRESERVATION
Preservation
Core Network
TAMPA BAY
LAKE MAGGIORE
BOCA CIEGA BAY
GULF OF MEXICO
N

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STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
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INCENTIVE PLAN RECOMMENDATIONS

Potential Additional Incentive #12

The waiving of special assessment fees in return for the creation of affordable housing.

I. Current Status: St. Petersburg currently does _X_ does not ___ have a program for this incentive.

II: Explanation of existing regulation regarding this incentive:

SPECIAL ASSESSMENT LIEN MODIFICATION PROGRAM
POLICY:

The Mayor or his Designee, (the Person Officially Designated (POD")) is authorized to settle and release Special Assessment Liens by waiving interest on Special Assessment Liens upon the payment of the principal amount due, and in certain instances release all or a portion of the principal amounts, or accept conveyance of certain real property encumbered by City Special Assessment Liens in accordance with this Special Assessment Lien Modification Program ("Program").

The intent of the Program is to promote reinvestment and revitalization of property by providing a property owner reasonable relief from burdensome accumulated interest on existing Special Assessment Liens provided the property is currently being maintained in accordance with the City Code (i.e. has no active codes enforcement cases).

PROCEDURES:

A. APPLICATION & INFORMATIONAL NOTICE. All applications shall be made by the owner of the property ("Applicant") through the POD (currently the City Billing and Collections Department).

1. The Applicant shall be informed that the City of St. Petersburg has no power or authority to compromise, reduce, abate, or cancel special assessments and/or interest imposed pursuant to Chapter 170 of the Florida Statutes, which consist of the following:

CODE: TYPE

1 SSA (SANITARY SEWER)
2 AIA (AREA IMPROVEMENT)
3 SPA (PAVING)
4 SWA (SIDEWALK)
6 SDA (DRAINAGE)
8 DRG (DREDGE)
10 SEA (SEAWALL)

The property owner at the time these assessments were imposed was afforded the opportunity to protest the above-described special assessments at a public hearing during the assessment procedure prior to confirmation of the special assessment by City Council. These categories of special assessments, as confirmed by City Council, remain a lien on the real property even if the property is subsequently conveyed to a new owner.

After the confirmation of the special assessments by City Council, the property owner's sole recourse for any challenge to special assessments imposed pursuant to F.S. 170.01 and/or interest thereon is through the court system.

Notwithstanding the above, the City of St. Petersburg is authorized to make changes to those special assessments that are not imposed pursuant to F.S. 170.01. These assessments include the following:

CODE: TYPE
5 LCA (LOT CLEARING)
7 DEM (DEMOLITION)
7 SBA (SECURE AND BOARD)
7 INS (INSPECTION)

B. SPECIAL ASSESSMENT LIEN REVIEW PROCESS.

1. Applications.

1.1. The application shall be made on a standardized form provided by the POD (currently the Billing and Collections Department).
1.2. Applications shall require an application fee of $250 to defer administrative costs of the program payable at the time of application.
1.3. Any waiver or forgiveness of interest or principal, either full or partial, shall cause the property to be subject to Article IV. Chapter 17.5 — Accessibility in Housing Constructed with Public Funds of the St. Petersburg City Code. This condition will be noted in the land management system by the POD (currently Construction Services & Permitting) to ensure that the requirement is met on any future new construction occurring on the property.

2. Application, Affirmation, and Options

2.1. Applicant Affirmation: All Applicants must affirm that Applicant was not, at the time the Special Assessment Lien(s) was incurred:

2.1.1. An owner of the Property;
2.1.2. An agent or other representative of the owner of the Property
2.1.3. Related to the owner of the Property; or
2.1.4. An officer, director, employee or agent of an entity that owned the Property.

2.2. Option A. - Interest Waiver upon payment of all Special Assessment Lien Principal: The following Criteria shall be utilized to waive interest and release Special Assessment Liens upon the completion of substantive rehab or new construction on the Property as evidenced by final inspection or certificate of occupancy and the payment of all Special Assessment Lien principal amounts:

2.2.1 City shall waive the interest portion of Special Assessment Liens (except for capital improvement assessments pursuant to Chapter 170, F.S.) upon payment of Principal amount;
2.2.2. Only interest accrued on Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be waived. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application: and
2.2.3 .Property is currently being maintained in accordance with the City Code.
2.2.4. All applications received by the POD prior to December 31, 2013, unless extended by action of City Council, will not require rehab or new construction as a precondition of the Special Assessment Liens being released.
2.2.5. Notwithstanding the above, for all applications received by the POD seeking relief under this Section 2.2 prior to December 31, 2013; the Applicant Affirmation shall not be required and interest accrued during the Applicant's ownership can be waived.
2.3. Option B - Alternative Application (Offer of Deed in Lieu of Paying Special Assessment Liens).
In lieu of making an application for release of Special Assessment Liens, the owner may offer to convey the property to the City, and the City may accept conveyance of the property in lieu of paying the Special Assessment Liens where:
2.3.1 There is clear unencumbered title as demonstrated by the Applicant.
2.3.2 There is approval of the conveyance by the Real Estate & Property Management Department (Real Estate) in accordance with City Real Estate policy, including but not limited to investigation of items that would disqualify the property from being conveyed to the City, including but not limited to substantive real estate taxes owed, title concerns, contamination, property in litigation or bankruptcy proceeding); and
2.3.3. The Mayor, or the City Administrator authorizes Real Estate to proceed with the acquisition without additional City Council action including the payment of reasonable and customary closing related costs and real estate taxes.

NOTE: The City may accept a property with real estate taxes owed in situations where there is a public purpose for the property, it is located within an area that the city is acquiring property, or any other reason where the acquisition of the property would benefit the City. Accepting the conveyance of property in lieu of payment can also provide new infill housing opportunities as the current market rebounds, however, a funding source for payment of any real estate taxes, title insurance, and reasonable closing costs would need to be identified.

2.4. Option C - Principal Reduction when the Just Market Value is less than the Special Assessment Lien principal amount: The POD is authorized to reduce the principal amount for certain specific instances subject to conditions using the following criteria:
2.4.1. Applicant must have planned new construction, substantive rehab, or development that will increase the tax base, result in job creation, or have other significant economic benefit to the City to support the request to waive any principal. Any release authorized will be effective only upon completion of the substantive rehab, new construction or development presented as evidenced by a final inspection, certificate of occupancy or similar documentation. An agreement for the release of
Special Assessment Liens will be used if necessary.
2.4.2. Applicant may apply for a reduction or release of principal in situations where the current Pinellas County Property Appraisers market value of a vacant parcel of land is less than the Special Assessment Lien amount. In such case, the Applicant would pay the principal amount of the Special Assessment Lien or the Pinellas County Property Appraisers market value or a state certified independent real estate appraisers market value of the property, whichever is less, in full settlement
of the Special Assessment Lien with interest and any principal released upon completion of substantive rehab or new construction and compliance with all terms of an agreement to release said Special Assessment Liens, subject to any such appraisals being reviewed by Real Estate prior to acceptance.
2.4.3. Release of any principal amount greater than $10,000 shall require approval of City Council.
2.5. Option D - Removal of Principal and Interest on Special Assessment Liens and recommendation of release of Code Enforcement Board Liens. The POD may approve removal of the principal and interest amounts subject to a Development Agreement for Release of Special Assessment Liens ("Development Agreement") in accordance with the following:
2.5.1. The intent of this section is to encourage new residential construction to facilitate owner-occupied single-family housing.
2.5.2. If an application under this Option D is approved, the Development Agreement shall require an administrative fee of $1,000 payable at the time of execution of the Development Agreement.
2.5.3. Only Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be considered. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application.
2.5.4. Any authorized release of Special Assessment Liens will be effective only upon completion of the construction of the proposed residence within one (1) year from the date of the Agreement and in compliance with all terms of said Development Agreement that will be administered by the POD (currently Housing & Community Development department).
2.5.5. The Development Agreement shall require Applicant to make the subject property Applicant's homesteaded principal residence and Applicant shall occupy the property prior to the release of Special Assessment Liens or Code Enforcement Board Liens on the property. Alternatively, if Applicant does not intend to make the subject property Applicant's homesteaded residence, the property must be conveyed to a New Owner

who will make the property the New Owner's homesteaded principal residence.
2.5.6. In no event will the City liens and assessments be released if the subject property will be used as a rental property.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: The advantages of the program are it provides a tool and incentive to make it more affordable to redevelop a property that is lying dormant. The property, when completely renovated is added to the tax rolls at its fair market value, and the City is able to recover tax benefits.

Disadvantages: There is not a disadvantage to continuing and marketing this incentive. Although the City may not receive payment of the special assessment with interest, the increased property taxes and result from the improved or newly constructed unit offset this loss of revenue.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: The benefit to public health is the removal of blight and a decent place in which to raise your family.

Negative Effects: There are no negative effects to the public health, safety or welfare.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ Varies (Specify how the savings benefit the eligible household(s).)

Benefit: The continued implementation of this incentive promotes reinvestment in and revitalization of problem properties by allowing the developer to invest more into the project if the cost to acquire the property is reduced through the waiver of the special assessment lien.

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written.

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CITY OF ST. PETERSBURG
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
INCENTIVE PLAN RECOMMENDATIONS

Incentive #13
The identification of existing sources that can be made available to affordable housing developers to provide assistance in locating eligible home buyers and renters for newly constructed affordable housing units.

I. Current Status: St. Petersburg currently **does** have a program for this incentive.

II: Explanation:

The Housing and Community Development Department (HCD) works with a variety of local non-profit housing counseling agencies to assist affordable housing developers to identify eligible buyers and renters. In addition, HCD will continue to participate in the HOPE (Home Ownership for People Everywhere) Expo. The Hope Expo is usually held on the first Saturday in June and is an event that brings together non-profit housing counseling agencies, lenders, and potential home buyers.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages: There is no reason to change this incentive. The City will continue to assist affordable housing developers to identify eligible buyers and renters and will continue to participate in the HOPE Expo.
Disadvantages: There is no disadvantage to continuing this incentive.

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits: Providing a method for affordable housing developers to identify eligible buyers and renters reduces the carrying costs borne by the developer during the rent up period and reduces the marketing time and effort which may ultimately reduce the cost to produce affordable housing. Reducing the cost of affordable housing may encourage increased production of units. Production of affordable housing units to shelter very low, low, and moderate income households does benefit public health, safety and welfare.
Negative Effects: There are no negative effects to public health, safety or welfare.

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ __varies__ (Specify how the savings benefit the eligible household(s).)

Benefit: The reduction of time and money required to market a property could help to reduce the project cost, possibly allowing more units to eventually be constructed.

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive as written.

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INCENTIVE PLAN RECOMMENDATIONS

Incentive #14
Rebates for Residential Rehabs Program (RRRP).

I. Current Status: St. Petersburg currently **does** have a program for this incentive.

II: Explanation:

Background: The Rebates for Residential Rehabs Program (RRRP) was conceived by Council Chair Karl Nurse and supported by the Mayor and City Council to create a program that would create an incentive for investors to provide qualified improvements to single family and multi-family homes located in the NSP-3 area. This geographical area was expanded in October 2013 to single family and multi-family homes located in the CRA Southside area. Many of these properties are being purchased as foreclosures by investors who plan to rent the properties. Typically repairs consist of cosmetic renovations and don't address repairs for roofs, structural, electrical, plumbing or mechanical components. They also don't provide energy and water efficiency improvements for tenants or future property owners. Creating an incentive program will revitalize these buildings which will create a lasting impact in the CRA Southside neighborhoods by raising property values and saving tenants and property owner's money in energy costs. The RRR program provides a 30% rebate to qualified owners of record for properties located in the CRA Southside target area on qualified repairs. The program requires a minimum investment of $10,000 towards eligible improvements and requires projects be completed within 180 days of the permit issuance. A rebate applicant may receive one (1) rebate per permit application. National Register and local landmark listed or designated structures may qualify for additional ad valorem tax benefits, which are calculated separately in addition to the savings offered by this Program.

Procedure: The rebate is available for single family residential properties

and multi-family residential properties located in the CRA Southside area. Staff will verify the property is located in an approved CRA Southside area. Applicant must be the property owner of record and must hire licensed contractors to make repairs. The owner of record information can be verified through the Pinellas County Property Appraiser's office if our database does not show the most current owner.

An application for the RRR program along with the Cost Breakdown for Improvements worksheet must be submitted prior to commencing any work to be eligible for the rebate. A typical building permit application is also required along with any applicable construction documents. Applicant is also required to submit exterior and interior "before" and "after" photographs. These can be submitted electronically to permits@stpete.org with the permit application number.

Plan Review staff will review the worksheet to determine what improvements and associated costs meet the program requirements. The Cost Breakdown for Improvements worksheet will be stamped as "Approved" and provided to the applicant along with the approved plans. Both must be on site for the Inspector. Upon approval of the permit application and eligible improvements, the permit will be issued. At the time of the permit issuance staff will schedule a preliminary inspection for the next business day. The inspection staff will visit the construction site to review and verify the Cost Breakdown for Improvements worksheet. Inspection comments will indicate any items that are determined to be ineligible for the rebate. Inspector will return the signed/approved Cost Breakdown worksheet to the Construction Services Permit Supervisor for scanning. Assigned Permit Staff will enter the Approved rebate amount and name and address of the person requesting the rebate, into the Naviline database. Contractor will make improvements and schedule all required inspections within the required 180 days. Any hardship extensions to the 180 day deadline must be requested in writing and be approved by the Building Official. A request for an extension to the 180 days must be accompanied by a description of impediments preventing the completion on time. The maximum extension permitted will be 60 days. Upon completion of project the applicant will apply for a Certificate of Completion, pay all outstanding fees, submit "after" photos and provide final release of lien forms for all contractors/subcontractors. The technician issuing the Certificate of Completion will submit a request for rebate payment which

will be processed within 10 business days of request. Summary: This program will enhance residential property values located within the CRA Southside area and provide increased energy efficiency and hurricane hardening. The improvements will result in homes being more efficient, safer and affordable to operate and maintain. At the recommendation of City Administration and CM Karl Nurse we will provide a 30% rebate for individual, family or investment groups will create an incentive for property owners to make these types of repairs. As an incentive for accelerated efforts for rehabilitations in the target rebate areas initial permit fees for a qualified project will be included in the total rebate for projects completed in compliance with the program. Permits applications dated between August 20, 2014 and December 31, 2014 will qualify for rebate of applicable initial permit fees.

III. Explanation of Advantages/Disadvantages of Changing or Adopting this Incentive:

Advantages:
Disadvantages:

IV. Provide an explanation as to any negative effects or benefits to public health, safety, or welfare.

Benefits:
Negative Effects:

V. Housing Cost Reduction Anticipated from Implementing this Recommendation: $ _____ (Specify how the savings benefit the eligible household(s).)

Benefit:

VI. Recommendation of Advisory Committee:

The Committee voted to support the continuation of this incentive program which encourages renovation of existing housing units in order to provide more affordable housing options.

St. Petersburg City Council

Consent Agenda
Meeting of April 2, 2015

TO: The Honorable Charles W. Gerdes, Chair, and Members of City Council

SUBJECT: A resolution authorizing the Mayor or his designee to accept a grant from the Florida Department of Highway Safety and Motor Vehicles ("FDHSMV") and the Federal Motor Carrier Safety Administration ("FMCSA") in the amount of $45,000 to fund the Police Department's purchase of portable computing devices and mounting hardware to enable the department to increase e-crash reporting, and to execute a grant agreement and all other documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of $45,000 from the increase in the unappropriated balance of the Operating Fund (0001), resulting from these additional revenues, to the Police Department, Information & Technology Services (140-1401), Federal Motor Carrier Safety Administration ("FMCSA") Safety Data Improvement Project ("SADIP") Grant (tbd); and providing an effective date.

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EXPLANATION: The St. Petersburg Police Department ("Department") does not currently participate in an electronic crash (e-crash) reporting program and the current methods rely on inefficient and often duplicated workflows to generate, process, audit and disseminate traffic crash and citation records to incident stakeholders. The use of portable computing devices to utilize existing crash records system software will ensure the completeness and accuracy of commercial motor vehicle crash electronic reporting and the administrative auditing function performed by the Department. The use of the electronic crash records system software ensures the completeness and accuracy of data through its software validation process. All crash reports go through the software validation process before they are transferred to the central repository, audited by the Traffic Unit and ultimately, forwarded to DHSMV.

Federal Motor Carrier Safety Administration ("FMCSA") Safety Data Improvement Project ("SADIP") Grant has been awarded by the Federal Motor Carrier Safety Administration ("FMCSA") and the Florida Department of Highway Safety and Motor Vehicles ("FDHSMV") to the City of St Petersburg in the amount of $45,000 for the purchase of portable computing devices and mounting hardware. The Grant requires no matching funds. 100% of the Grant funds will be allocated to the Police Department for portable computing devices and mounting hardware.

RECOMMENDATION: The administration recommends that City Council adopt the attached resolution authorizing the Mayor or his designee to accept a grant from the Florida Department of Highway Safety and Motor Vehicles ("FDHSMV") and the Federal Motor Carrier Safety Administration ("FMCSA") in the amount of $45,000 to fund the Police Department's purchase of portable computing devices and mounting hardware to enable the department to increase e-crash reporting, and to execute a grant agreement and all other documents necessary to

effectuate this transaction; approving a supplemental appropriation in the amount of $45,000 from the increase in the unappropriated balance of the Operating Fund (0001), resulting from these additional revenues, to the Police Department, Information & Technology Services (140-1401), Federal Motor Carrier Safety Administration ("FMCSA") Safety Data Improvement Project ("SADIP") Grant (tbd); and providing an effective date.

COST/FUNDING INFORMATION: The grant will provide funds through April 6, 2018. A supplemental appropriation in the amount of $45,000 from the increase in the unappropriated balance of the Operating Fund (0001) resulting from these additional funds, to the Police Information & Technology Services (140-1401), Federal Motor Carrier Safety Administration Safety Data Improvement Project Grant (tbd) is required.

Approvals:

Administration: _____ Budget: _____

Legal: 00213344.doc V. 2

Resolution No. 2015-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A GRANT FROM THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES ("FDHSMV") AND THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION ("FMCSA") IN THE AMOUNT OF $45,000 TO FUND THE POLICE DEPARTMENT'S PURCHASE OF EQUIPMENT FOR PORTABLE COMPUTING DEVICES AND MOUNTING HARDWARE TO ENABLE THE DEPARTMENT TO INCREASE E-CRASH REPORTING, AND TO EXECUTE A GRANT AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $45,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE OPERATING FUND (0001), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE POLICE DEPARTMENT, INFORMATION & TECHNOLOGY SERVICES (140-1401), FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION ("FMCSA") SAFETY DATA IMPROVEMENT PROJECT ("SADIP") GRANT (TBD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the St. Petersburg Police Department ("Department") does not currently participate in an electronic crash (e-crash) reporting program and the current methods rely on inefficient and often duplicated workflows to generate, process, audit and disseminate traffic crash and citation records to incident stakeholders; and

WHEREAS, the use of portable computing devices to utilize existing crash records system software will ensure the completeness and accuracy of commercial motor vehicle crash electronic reporting the administrative auditing function performed by the Department; and

WHEREAS, The use of the electronic crash records system software ensures the completeness and accuracy of data through its software validation process, assuring that all crash reports go through the software validation process before they are transferred to the central repository, audited by the Traffic Unit and ultimately, and forwarded to DHSMV; and

WHEREAS, the Florida Department of Highway Safety and Motor Vehicles ("FDHSMV") and Federal Motor Carrier Safety Administration ("FMCSA") have awarded a grant to the City of St Petersburg in the amount of $45,000 for the purchase of the portable computing devices and mounting hardware.

WHEREAS, 100% of the grant funds will be allocated to the Police Department for the

purchase of the portable computing devices and mounting hardware; and

WHEREAS, a supplemental appropriation from the increase in the unappropriated balance of the Operating Grant Fund (0001) resulting from these grant funds is required.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to accept a grant from the Florida Department of Highway Safety and Motor Vehicles ("FDHSMV") and Federal Motor Carrier Safety Administration ("FMCSA") in the amount of $45,000 to fund the Police Department's purchase of portable computing devices and mounting hardware to enable the Department to increase e-crash reporting and and to execute a grant agreement and all other documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Operating Fund (0001) resulting from these additional revenues, the following supplemental appropriation for FY2015:

Operating Fund (0001)

Police Department, Information & Technology Services (140-1401), Federal Motor Carrier Safety Administration Safety Data Improvement Project Grant (TBD)	$45,000

This Resolution shall take effect immediately upon its adoption.

Approvals:

Legal: /s/ RBB Administration:

Budget:

Legal: 00213316.doc V. 1

MEMORANDUM

Council Meeting of April 2, 2015

TO: Members of City Council

FROM: Mayor Rick Kriseman

RE: Confirmation of Appointment to the Social Services Allocations Committee

I respectfully request that Council confirm the appointment of Carol Jones as a regular member to the Social Services Allocations Committee to fill an unexpired three-year term ending September 30, 2016.

I respectfully request that Council confirm the appointment of Armanda Lampley as a regular member to the Social Services Allocations Committee to serve an unexpired three-year term ending September 30, 2015.

Copies of their resumes have been provided to the Council office for your information.

RK/cs
Attachments
cc: C. Smith, Veterans, Social and Homeless Services Manager

A RESOLUTION CONFIRMING THE APPOINTMENT OF REGULAR MEMBERS TO THE SOCIAL SERVICES ALLOCATIONS COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the appointment of Carol Jones, as a regular member, to the Social Services Allocations Committee to fill an unexpired three-year term ending September 30, 2016.

BE IT FURTHER RESOLVED that City Council reappoints Armanda Lampley, as a regular member, to the Social Services Allocations Committee to serve a three-year term ending September 30, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

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City Attorney (or Designee)

MEMORANDUM

Council Meeting April 2, 2015

TO: Members of City Council

FROM: Mayor Rick Kriseman

RE: Appointment as Code Enforcement Special Magistrate

I respectfully request that Council appoint David L. Herzik as a Code Enforcement Special Magistrate to serve an unexpired three-year term ending December 31, 2016.

A copy of Mr. Herzik's bio has been provided to the Council office for your information.

RK/cs
Attachment
cc: T. Yost, Codes Compliance and Assistance Director

A RESOLUTION APPOINTING DAVID L. HERZIK AS A SPECIAL MAGISTRATE TO EXERCISE THE POWERS OF A MUNICIPAL CODE ENFORCEMENT BOARD AS PROVIDED IN CHAPTER 162, FLORIDA STATUTES, AND IN ACCORDANCE WITH CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the City Code provides for the appointment of a Special Magistrate having the powers and duties of the Code Enforcement Board, pursuant to Part I of Chapter 162, Florida Statutes, and City Code.

BE IT FURTHER RESOLVED THAT David L. Herzik is a resident of the City and is otherwise qualified for appointment to the office of Special Magistrate.

THEREFORE, BE IT RESOLVED that this Council hereby appoints David L. Herzik as a Special Magistrate to serve an unexpired three-year term ending December 31, 2016.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

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City Attorney or (Designee)