City of St. Petersburg

JOINT MEETING
CITY COUNCIL – COMMITTEE OF THE WHOLE
COMMUNITY PLANNING & PRESERVATION - WORKSHOP

Meeting of August 8, 2019 @ 9:00 A.m.

Sunshine Center - Lobby

A. Call to Order **City Council Chair Charlie Gerdes**
Community Planning and Preservation Chair Jeff Rogo

B. Discussion Items:

a. Third Party Local Historic Designation Process

b. Potential Eligible List

C. Next Meeting – **TBD**

D. Adjournment

Attachments:
Staff Report

Staff Report to the St. Petersburg City Council and Community Planning & Preservation Commission
Prepared by the Planning & Development Services Department,
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on August 8, 2019
at 9:00 a.m., in the Main Auditorium, Sunshine Center,
330 Fifth Street North, St. Petersburg, Florida.

APPLICATION INITIATION FOR LOCAL HISTORIC LANDMARK DESIGNATION

BACKGROUND

The City of St. Petersburg has been one of Florida's Certified Local Governments (CLGs) since the CLG program was established in this state in 1986. As a CLG, the City is responsible for maintaining a historic preservation ordinance executed by a regularly-convening commission. St. Petersburg's Historic and Archaeological Preservation Overlay was updated in 2015 following approximately five (5) years of research and community input.

The St. Petersburg Register of Historic Places is the official list of historic resources, be they buildings, sites, structures, objects, archaeological sites, local historic districts, or multiple property landmarks, which have been determined by City Council to meet criteria established by the Historic and Archaeological Preservation Overlay. Designation to this list (commonly referred to as "local designation,") deems resources' preservation "a public necessity." As of 2019, there are 110 individual local historic landmarks. In addition, there are ten (10) local historic districts, which, unless initiated by City action, must follow a distinct designation process from that of individual landmarks and are, therefore, not directly being considered herein.

A six (6) month moratorium on the submission of local historic landmark applications from individuals other than the owner of the property in question was enacted on May 15, 2019.

ATTACHMENTS

A. May 16, 2019 Moratorium Resolution
B. Portions of St. Petersburg, Florida Code of Ordinances Section 13.30.070, Historic and Archaeological Preservation Overlay
C. Florida Certified Local Government Guidelines
D. Initiation Responsibility in Florida CLGs

E. "Property owner support for applications for historic landmark designation," 2010 Memorandum from staff of Planning and Economic Development Department to Members of City Council Public Services & Infrastructure Committee
F. Resources Listed in the St. Petersburg Register of Historic Places as of July 2019
G. List of Third Party Initiated Applications for Designation in St. Petersburg since 1986
H. Map of Demolitions in National Register Historic Districts in St. Petersburg since 2000
I. "Protecting Potential Landmarks Through Demolition Review," publication of the National Trust for Historic Preservation
J. Potentially Eligible List
K. Staff Report from 2018 Proposed Update to the List of Potential Eligibility
L. Designated Properties in St. Petersburg
M. Public Comments Received through August 1, 2019

Attachment A:
May 16, 2019 Moratorium Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA DECLARING AND ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF THIRD-PARTY APPLICATIONS FOR LOCAL LANDMARK HISTORIC DESIGNATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council is the governing body of the City of St. Petersburg ("City") and is vested with all legislative powers of the City to regulate the use of property for the purposes of maintaining the health, safety and welfare of the City's residents and visitors; and

WHEREAS, Florida law recognizes that local governments may impose moratoria on zoning decisions and other development approvals to promote effective planning and to ensure that a community's land use issues are not exacerbated during times of regulatory change; and

WHEREAS, on April 9, 2019, the City's Community Planning and Preservation Commission ("CPPC") expressed a desire to meet with City Council to discuss current challenges with administration of the City's Historic and Archaeological Preservation Overlay ("HAPO") ordinance; and

WHEREAS, during City Council proceedings on May 9, 2019, several members of the Council body expressed discomfort with the current process set forth in the HAPO for initiation of applications for historic designation by non-owners other than the City, also known as third-party applications; and

WHEREAS, increasingly adversarial public hearings are occurring in which citizens have expressed concerns over the HAPO's third-party application process, and particularly, the impact that these applications have on a landowner's property rights and plans for their property when an application is filed prior to the owner's notification and involvement in said efforts; and

WHEREAS, the increase of third-party applications has had, and continues to have, a deleterious impact on the administrative efficiency of the City's Urban Planning and Historic Preservation Division, due to the expenditure of unplanned effort and taxpayer resources to respond to these non-owner, non City-initiated applications for historic designation; and

WHEREAS, such proliferation of third-party applications has also increased the amount of litigation related to the City's historic preservation program; and

WHEREAS, members of the public, the CPPC, and the City Council, and concurrent with the aforementioned discussions regarding third-party applications, have also expressed their desire to address the implications of the City's potentially eligible list as set forth in the HAPO; and

WHEREAS, the City Council finds that it is in the interest of the general welfare, which includes the valid public objectives of determining the most appropriate methods for preservation, protection, perpetuation and use of local landmarks, the efficient administration of the HAPO by the City, and the reduction of exposure to litigation, to undertake a thorough analysis of the sections of the City Code related to historic preservation, with particular focus on the process for initiation

of applications for historic designation and the process for establishing the City's list of properties that are potentially eligible for designation; and

WHEREAS, the City Council considers a six-month moratorium on the acceptance of third-party applications for historic designation to be a proper exercise of its police powers while the City's elected officials, Commission volunteers and City Administration and staff engage with the public to consider potential changes to the HAPO.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg that a six (6) month moratorium on the City's acceptance of third-party applications for local landmark historic designation is hereby declared and adopted, as follows:

1. No third-party applications for local landmark designation shall be accepted by City staff for six (6) months from the effective date of this resolution.

2. For the purposes of this resolution, third-party applications shall mean applications for local landmark designation initiated by any individual, organization or association who is not the property owner or the City.

3. During this six month period, City staff is hereby requested to engage with the City Council and the Community Planning and Preservation Commission to discuss current concerns regarding the process for initiation of applications for historic designation and the process for including properties on the City's potentially eligible list for historic designation.

4. City staff is hereby further requested to make recommendations to City Council as to potential changes to sections of the City Code regarding historic preservation based on such discussions and based on community input.

5. This moratorium does not apply to the establishment of historic districts under the duly enacted process set forth in the City Code, nor does it apply to the City's emergency or expedited action processes.

This resolution shall become effective immediately upon its adoption.

Legal: _____

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Attachment B:

Portions of St. Petersburg, Florida Code of Ordinances Section 13.30.070, Historic and Archaeological Preservation Overlay

SECTION 16.30.070 [LINK]
HISTORIC AND ARCHAEOLOGICAL PRESERVATION OVERLAY

THIRD PARTY APPLICATIONS

16.30.070.2.5. Designation of local landmarks.

A. *Generally*. Upon recommendation of the Commission, the City Council shall consider local landmark designation by ordinance of individual buildings, structures, objects, archaeological sites, 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.

B. *Application requirements*. Consideration of the designation of a local landmark 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. Where multiple property owners are co-located within a multi-family development or building (e.g., condominiums, townhouses, etc.), the owners' representative association (e.g., a condominium or homeowners association) may be recognized as the property owner for the purpose of submitting an application for individual designation of the multi-family development or building. The City shall charge a fee for each application. Such fee shall be waived for City-initiated applications or where properties are individually listed in the NRHP or are the subject of an active application for individual listing in the NRHP. This fee exemption does not include contributing resources to a district listing 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:

   a. A written description of the architectural, historical, or archaeological significance of the proposed local landmark specifically addressing and documenting those related points contained in the criteria of this section;

   b. The date of construction of each of the structures on the property;

   c. Photographs of the property; and

   d. The legal description and a map of the property to be designated as a local landmark or upon which the local landmark is located.

   e. Where multiple property owners are co-located within a multi-family development or building, documentation shall be included showing compliance with association regulations, including material change authorizations, where applicable.

2. Additional requirements for historic districts. On applications for the designation of historic districts, the applicant shall also submit:

   a. Evidence of the support of the historic district from the owners of 50 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), of the tax parcels within the proposed district except for City initiated applications. Such evidence shall be obtained in the following manner:

      (1) The City shall mail to all property owners of each tax parcel within the proposed historic district, as listed in the Public Records of Pinellas County, and at the applicant's sole expense, a City issued ballot requesting the owner to return by mail a signed ballot showing support or opposition/nonsupport for the application;

      (2) The POD shall obtain a certificate of mailing on the date of the mailing, and only City issued ballots that have a postmark within 60 days of the date of mailing, or have been physically received by the POD within 60 days the date of mailing and have been date stamped by the City, shall be counted;

      (3) 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";

      (4) City owned tax parcels shall not have a vote and shall not be counted toward the total number of tax parcels;

      (5) Once a signed ballot is received by the City, the signor's 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);

      (6) Applications must be filed within six months of a determination by the City that the requirements of this subparagraph have been complied with in their entirety;

      (7) The POD shall not accept an application which does not meet this requirement.

   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

   d. A list of contributing and noncontributing resources.

C. *Additional requirements.*

1. An application for individual designation shall require a simple majority vote of the Commission and City Council. When a property owner is opposed to the individual designation, a supermajority vote of the Commission and City Council is required. An application for district designation shall require a simple majority vote of the Commission and City Council, regardless of whether there is opposition from one or more property owners located within the proposed district boundary.

2. A designation application made by a non-owner shall not be made or accepted for a property with an unexpired site plan approval.

3. If an application for individual designation is denied by the City Council, a new application to designate the same property (unless it is part of a local historic district designation application) shall not be initiated for five years from the date of the failed public hearing. The City Council or property owner may initiate an application for individual designation at any time, regardless of previous denials.

4. If an application for district designation is denied by City Council, a new application to designate the same or substantially similar district shall not be initiated for five years from the date the application was certified complete for the previously failed effort. The City Council may initiate an application for district designation at any time, regardless of previous denials.

5. If an application for district designation is denied by the City Council, a new application for individual designation of buildings located within the boundary of the failed district may be initiated by the owner, a non-owner or the City Council at any time, unless otherwise prohibited by this subsection.

6. One complete copy of a non-owner 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 non-owner initiated designation application for an individual property shall mail notice of each public hearing at least 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 14 days prior to the public hearing.

D. *Criteria for designation of property* . The City of St. Petersburg uses locally adopted criteria modeled after recognized national historic standards for determining the significance of historic properties. At least one or more criteria each, under a two-part test for designation as a local landmark must be met, as evaluated herein. As part of the first test for local landmark designation, a property proposed for designation must meet the general 50 years of age requirement. Also under the first test, at least one or more of nine criteria must be met. The second test involves the property's integrity, of which at least one or more of seven factors of integrity (i.e., location, design, setting, materials, workmanship, feeling,

and association) must be met; however, feeling and association, without meeting at least one other factor, are insufficient to support designation.

1. The Commission shall recommend the designation of property as a local landmark after the public hearing if the principal structure is at least 50 years old and it meets one or more of the following criteria:

    a. Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;

    b. Its location is a site of a significant local, state, or national event;

    c. It is identified with a person who significantly contributed to the development of the City, state, or nation;

    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;

    e. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;

    f. It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;

    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;

    h. Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development; or

    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 factors of integrity as they apply to the property. The property shall meet at least one of the following factors of integrity; however, feeling and association, without meeting at least one other factor, are insufficient to support designation:

    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.

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 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 50 years if it is of exceptional importance and meets one or more of the general criteria.

4. Additional criteria for designation of hexagon block sidewalk preservation areas.

   a. Evidence of approval of the property owners of greater than 50 percent of the linear 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 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.

b. The hexagon block sidewalk preservation area contributes an aesthetic or cultural interest and value which enhances the character of the City.

c. A proposed hexagon block sidewalk preservation area shall contain a minimum of four abutting city blocks or a minimum of 1,500 linear feet of sidewalk. Preservation areas should contain at least 66 percent of the total linear 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 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.* After evaluating the testimony, evidence, and other material presented to the Commission, the Commission shall:

1. Recommend approval, denial or approval with modifications of the application within 60 days.

2. Within this 60-day period, the Commission may vote to defer its recommendation if adequate information is not available to make a recommendation 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 review and action. If the Commission recommends a designation, it

shall explain how the proposed local landmark 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. The report shall include a discussion of 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.

H. *Permit issuance.* 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 of the following has occurred:

1. City Council designates the property and a certificate of appropriateness is issued;
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.

I. *City Council review and designation.* The City Council shall schedule a public hearing on the proposed designation within 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 adhere to the following:

1. Approve, deny or approve with modifications of the Commission recommendation.
2. Within this 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.
4. If the Commission recommends individual designation, then a simple majority vote of the City Council is required to approve the application. When the property owner is opposed to the individual designation, a supermajority vote of both the Commission and City Council is required.

5. If the Commission recommends against individual designation, then a supermajority vote of the City Council is required to reverse the Commission recommendation and approve the application.

6. If the Commission recommends district designation, then a simple majority vote of the City Council is required to approve the application, regardless of whether a property owner located within the district boundary is opposed to the district designation.

7. If the Commission recommends against district designation, then a supermajority vote of the City Council is required to reverse the Commission recommendation and approve the application.

8. 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.

9. If a designation is made, the Comprehensive Plan including the land use map shall automatically be amended to show the designation with no further action by City Council necessary.

10. The POD shall notify the applicant and property owner of the decision relating to the 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 and with the City Clerk.

J. *Amendments and rescissions.* The designation of any local landmark 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.

16.30.070.2.10. Expedited actions; stop work order; non-designated properties.

A. The City Council may call a special 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 meeting or discusses the property at a regular City Council session within that period. The City Council may 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. 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 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.

POTENTIALLY ELIGIBLE LIST

16.30.070.2.11. 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 the St. Petersburg Register of Historic Places.

1. The property records and planning and permitting database should identify all properties listed individually or as a contributing resource 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 local landmark.
2. Upon receipt of a complete application (or substantially complete as determined by the POD) for a site plan that includes demolition, the POD shall delay the processing of the site plan and the issuance of a permit for the demolition of a property which is potentially eligible for designation as an individual local landmark and which is identified as such in the property records and planning and permitting database, for 30 days.
3. The City will notify by e-mail or letter mailed first class mail to the members of the Commission and any resident or community group who annually files their name with the POD requesting notice of any applications for a site plan that includes demolition for a property which is potentially eligible for designation as an individual local landmark 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 has been the subject of an application for historic designation which has been denied and which is not on appeal; and

d. The property 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.

Attachment C:
Florida Certified Local Government Guidelines

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

INTRODUCTION

Since its initial enactment by Congress in 1966, and through its subsequent amendment, the National Historic Preservation Act, as amended (16 U.S.C. 470, et. seq.) has established a program of identification, evaluation, and protection of historic and prehistoric properties based on the National Register of Historic Places. The act also has formalized roles for a decentralized historic preservation partnership that includes federal, state, tribal, and local governments. Part of the national program is carried out by the states, under the direction of the National Park Service of the Department of Interior. Participating states receive funding assistance in the form of annual grants from the federal Historic Preservation Fund to support their efforts. Funds are normally used to support the programs of the State Historic Preservation Office. A portion of these funds may be regranted in the form of subgrants for survey and planning and community education activities.

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), also contains the legal basis for the federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Act directs the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for the certification of local governments to participate in this partnership. This document contains Florida's procedures.

Under the Certified Local Government program, the State: 1) delegates certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provides, from its annual Historic Preservation Fund apportionment, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of participation in the Certified Local Government program, and 2) the procedures for certification of local governments and for transfer of federal grant funds to participating Certified Local Governments.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

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Appendix D – Certified Local Government Agreement

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

A. Definitions

1. **Appropriate Chief Elected Local Official**: the mayor, county executive, or otherwise titled administrative official who is the head of the local political jurisdiction, which is the Certified Local Government.
2. **Commission**: a board, council, commission, or other similar collegial body which is established in accordance with Section B.2. of these guidelines.
3. **Designation**: the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation includes the identification and registration of resources according to the State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.
4. **Florida Master Site File**: the state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of several paper and computer files maintained by the Division of Historical Resources, Florida Department of State.
5. **Historic Preservation Fund**: the source from which monies are appropriated to fund the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.
6. **Local Government**: the city, county, township, municipality, or any other general purpose political subdivision in the state.
7. **National Register of Historic Places**: the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
8. **Protection:** the local review process under State or local law for proposed demolition or, changes to, or other action that may affect historic properties designated pursuant to a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.
9. **State Historic Preservation Officer**: the official designated pursuant to s.267.031(7), Florida Statutes, to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

B. Requirements

The following requirements are contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470). Local governments desiring to become and remain Certified Local Governments must meet all of the following requirements:

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

1. **Enforce appropriate state or local legislation for designation and protection of historic properties.** In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions:

   a) The purpose of the legislation shall be clearly stated and shall include authority for appointment of a Commission to be responsible for the designation and protection of historic properties.
   b) The legislation must clearly define criteria and a process the same as or substantially the same as that identified in the National Historic Preservation Act of 1966, (U.S.C. 470 et. seq.), as amended, for the designation of historic properties. The legislation shall state that boundaries for any historic districts or individual properties identified in or by the mechanisms contained in the legislation must be clearly established.
   c) The legislation shall provide for the authority for and the establishment of a process for the review and rendering of a decision upon all proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts established under the legislation or which may directly affect historic properties designated under the legislation. This authority shall include provisions for delay of demolition but not for the indefinite stay of a demolition.
   d) The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the legislation and, in the case of alterations, shall achieve the purposes of the *Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*
   e) The legislation shall include provisions for enforcing decisions, including penalties for non-compliance. A right of and mechanism for appeal must exist in the legislation.
   f) Specific time frames for reviews and for consideration of alternatives should be identified.
   g) Provisions for public and owner notification and public hearings for designation and project reviews shall be established, per B.4., below.

2. **The local government shall establish a historic preservation review commission (Commission) composed of professional and lay members** in accordance with paragraph B.2.c., below.

   a) Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.
   b) Appointments shall be made by the appropriate local official of the jurisdiction concerned.
   c) To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in

history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.

d) Commission members should be residents of the jurisdiction for which they serve.

e) Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.

f) The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years' duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.

g) Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.

h) Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.

i) Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.

j) The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions) or by other means that the State Historic Preservation Officer determines appropriate.

k) The legislation shall contain specific time limits within which the Commission shall act.

l) The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.

m) The Commission shall adopt Rules of Procedure for use in all transactions involving the public.

n) All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.

3. **The local government shall maintain a system for survey and inventory of historic properties.** The term "historic property" or "historic resource" means any prehistoric or historic district,

site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

a) The Certified Local Government shall initiate and continue an approved process to identify historic properties within the jurisdiction.
b) A detailed inventory of the designated districts, sites, and structures within the jurisdiction of local government must be maintained. The local inventory system shall be developed in consultation with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master Site File number. This documentation also applies to the CLG Inventory. The address for the Florida Master Site File is: Florida Master Site File, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
c) All inventory material shall be kept: 1) safe, secure, and in an accessible location, 2) current, and 3) regularly provided to the State Historic Preservation Officer for incorporation into the Florida Master Site File.
d) All inventory material shall be considered as public records and shall be available for public inspection per s.119.07, Florida Statutes, except as provided for in Section 304 of the National Historic Preservation Act of 1966, as amended (16 USC 470).
e) Commission members shall be encouraged to participate in the survey process and in preservation planning carried out by the Certified Local Government.

4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.

a) All Commission meetings shall be publicly announced, open to the public and have a previously advertised agenda. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but not less than four meetings shall be held each year.
b) Minutes of all actions of the Commission including reasons for making decisions, must be kept on file and available for public inspection, per s.286.011 Florida Statutes.
c) All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.
d) Rules of Procedure adopted by the Commission shall be available for public inspection, per s.119.07, Florida Statutes.
e) Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register of Historic Places according to requirements found in 36 CFR Part 60, incorporated by reference. Objections by owners of properties proposed for nomination must be notarized.

5. Local governments shall satisfactorily perform the responsibilities listed in B.1. through B.4., above, and those specifically delegated to them by the State Historic Preservation Officer.

C. Procedures

1. Certification of Local Governments in Florida

a) The appropriate local official shall request certification from the State Historic Preservation Officer. The request for certification shall include:
   1. A written assurance by the appropriate official that the local government will fulfill all the requirements for certification. Requirements for certification include: enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of a historic preservation review commission (Commission) composed of professional and lay members, per B.2., above; maintenance of a system for survey and inventory of historic properties, per B.3., above; provision for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4. above; and satisfactory performance of any additional responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.
   2. A copy of the local legislation, per B.1., above.
   3. A map of the local government jurisdiction with any and all existing designated historic districts and individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government shall be clearly demonstrated. This map shall be updated regularly through the incorporation of additions and deletions of districts and individual properties, and alterations of historic district boundaries.
   4. A copy of the Commission's Rules of Procedure.
   5. Resumes for each member of the Commission including, where appropriate, credentials or member expertise in fields related to historic preservation, per B.2.c., above, and Appendix A, below.
   6. Resumes for staff members, if there is professional staff.

b) The State Historic Preservation Officer shall respond to the appropriate local official within 45 calendar days after receipt of an adequately documented written request for certification. The State Historic Preservation Officer will review the request and certify by letter of certification if the government fulfills the requirements. The State Historic Preservation Officer will prepare a written certification agreement which lists the specific responsibilities of the local government when certified. The written request, letter of certification and signed certification agreement by the State Historic Preservation Officer and the chief elected local official as well as a signed review checklist by the state shall be forwarded to the Secretary of the Interior by the State Historic Preservation Officer. If the Secretary of the Interior does not object within 15 working days after receipt, the State Historic Preservation Officer's certification of the local government to participate in the national historic preservation program shall be effective the date signed by the National Park Service.

c) The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days after receipt of a documented written request which is inadequate. The State Historic Preservation Officer shall indicate how inadequacies can be corrected in this notification.

d) Amendments to the delegation of responsibilities provided in the certification agreement shall be initiated by mutual agreement of the State Historic Preservation Officer and the local government. The amendment shall be prepared by the State Historic Preservation Officer and submitted to the Secretary of the Interior. If the Secretary of the Interior does not object within 15 working days after receipt, the amendment to the certification agreement shall be effective.
e) The local government may appeal a denial of certification by the State Historic Preservation Officer to the Secretary of Interior.

2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.

a) Once a local government is certified, it remains certified without further action unless officially decertified.
b) The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to assure that each government is meeting the requirements for certification. Reviews shall be conducted at least once every four years, but may be conducted more frequently at the discretion of the State Historic Preservation Officer if deemed appropriate. Reviews shall be preceded by notice of at least 30 days.
c) The Certified Local Government will supply at least 30 calendar days' advance notice of Commission meetings to the State Historic Preservation, Officer.
d) A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notice of meetings, Certified Local Governments shall submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days after such actions. The Certified Local Government shall also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately. Proposed amendments of the local historic preservation ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to the date scheduled for adoption.
e) The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Officer. The annual report shall include any amendments to the local historic preservation ordinance, changes in Rules of Procedure, a summary of Commission activities including but not limited to the number of proposals reviewed, new designations, revised resumes, appointments to the Commission, a review of survey and inventory activity with a description of the system used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and shall cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Officer within 30 calendar days after receipt.
f) The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid pursuant to C.3., Transfer of Funds, below.
g) Review of the historic preservation grants-in-aid expenditures, as well as review of the annual report, shall form the basis of the State Historic Preservation Officer's evaluation of the Certified Local Government.

h) If the State Historic Preservation Officer's evaluation of a Certified Local Government indicates inadequate performance, that assessment will be documented, and ways to improve performance to acceptable levels shall be delineated by the State Historic Preservation Officer. The Certified Local Government shall have a sufficient period of usually not less than 30 nor more than 180 days to implement the improvements. If, at the end of this period, the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer will recommend decertification of the local government to the Secretary of the Interior, citing specific reasons for the recommendation.

i) Local governments may petition the State Historic Preservation Officer to be decertified voluntarily and without prejudice

j) Grounds for investigations of decertification shall include revocation of the local ordinance, failure to comply with provisions incorporated into the local ordinance, failure to maintain a Commission, failure to maintain a survey and identification program, failure to provide for adequate public participation in the local historic preservation program, and failure to keep the State Historic Preservation Officer informed about Certified Local Government activities and actions.

k) The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closeout procedures as specified in The Historic Preservation Fund Grants Manual.

3. Transfer of Funds.

a) Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant apportionment on a competitive basis. Selection criteria for such competition will be announced at least two months prior to the grant selection meeting.

1. At least ten percent of Florida's annual Historic Preservation Fund Grant will be reserved for certified local governments.
2. Any year in which the annual Historic Preservation Fund state grant appropriation for all states exceeds $65,000,000, one half of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.
3. There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation regrant funding from the Florida State Historic Preservation Office is not assurance that funds will be available the following year or that a Certified Local Government will receive grant funding the following year.

b) Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund apportionment is required by the Secretary of the Interior to:

1. Maintain adequate financial management systems. Local financial management systems shall be in accordance with the standards specified in OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." Local financial management systems shall be

auditable in accordance with OMB Circular A-133. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.

2. Adhere to all requirements of the Historic Preservation Fund Grants Manual.
3. Adhere to any requirements mandated by Congress regarding the use of such funds. The State Historic Preservation Officer will advise Certified Local Governments of such requirements and will include a summary of such information in the materials made available to Certified Local Governments making application for funds, per C.3.c., below.

c) The requirements listed in C.3.b., above, shall be used by the State as minimum requirements for local governments receiving Historic Preservation Funds; they also shall be included in the State's required written grant agreement with the local government.

d) Certified Local Governments shall make applications for funds described in Federal Requirements and in C.3.a., above, on the time schedule and using the procedures identified in Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid (See Appendix B). As applicants for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment, Certified Local Governments will follow procedures for applying for federal funds identified in Federal Requirements and in Subsection 1A-35.007, Florida Administrative Code. Certified Local Governments which are awarded funds under these rules and during other special application periods allowed for under the rules will be considered subgrantees of the Florida State Historic Preservation Office.

e) Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund apportionment shall be awarded on a competitive basis, per C.3.d., above, for historic preservation survey and planning, and community education activities. When evaluating Certified Local Government grant applications, the State shall:

1. Provide that the amount awarded any applicant must be sufficient to produce a specific impact.
2. Ensure that the funds awarded will be sufficient to generate effects directly as a result of the funds transfer.
3. Note that requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the amount set aside for the Certified Local Governments share.
4. Ensure that no Certified Local Government will receive a disproportionate share of the allocation.

f) Submission of an application for a portion of Florida's annual Historic Preservation Fund apportionment, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for other state grant or federal regrant funds available under the terms of Chapter 1A-35, Florida Administrative Code, referenced in C.3.d., above.

g) Historic Preservation regrant funding cannot be matched by other Federal Program grants, with the exception of Community Development Block Grant funds, as specified in Section 105(a)(9) of the Housing and Community Development Act of 1974, P.L. 93-388. Historic Preservation Fund regrants to Certified Local Governments

must be used for activities which further the goals of identification, evaluation, protection, and preservation of cultural resources.

h) Use of Historic Preservation regrant funding will be subject to all existing restrictions imposed by the Historic Preservation Fund Grants Manual. In accordance with the requirements of the manual, indirect costs may be charged as part of the Certified Local Government grant only if the Certified Local Government subgrantee meets the requirements of the Manual and has a current indirect cost rate approved by the cognizant Federal agency. Otherwise, only direct costs may be charged.

4. Certified Local Government Participation in the Florida National Register of Historic Places Nomination Process.

a) The Commission complements the Florida National Register Review Board in the review of proposed nominations to the National Register. Sponsors of National Register nomination proposals located in areas served by a Certified Local Government shall have their proposals reviewed at the local level. Proposals for properties in areas not served by a Certified Local Government shall be reviewed by the Florida National Register Review Board. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida National Register Review Board will be reviewed to ascertain if they are located in an area served by a Certified Local Government. If a Certified Local Government serves the area, the State Historic Preservation Officer shall forward the nomination proposal to the local Commission.

b) The local Commission will develop or receive the documentation necessary to nominate properties to the National Register. The Commission shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the Commission shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the Commission shall place the item on its agenda for the next meeting or, should notification provisions outlined in C.4.c., below, make this impossible, for the earliest possible regular meeting.

c) The Commission shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the Commission meeting at which the nomination proposal will be considered.

1. Owner(s) of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.
2. Appropriate local official(s). In the case of a Commission whose area of jurisdiction is a county, these will be the Chairman of the Board of County Commissioners and such other contact persons as may be designated, and the appropriate local official of a municipality if the property to be considered is located within municipal boundaries. In the case of a Commission whose area of jurisdiction is a municipality, this will include the appropriate municipal official(s) and the Chairman of the Board of County Commissioners. Within 30 days after receipt of the nomination proposal, the appropriate local official(s) shall submit in writing to

the Commission a recommendation as to whether or not the property shall be nominated to the National Register.

3. State Historic Preservation Officer.

d) Nomination proposals shall be considered by the Commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the Commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Commission and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within 30 days after the Commission meeting at which they were considered. If either the Commission or appropriate local official(s) or both support the nomination, the State Historic Preservation Officer shall schedule the nomination proposal for consideration by the Florida National Register Review Board as part of the normal course of business at the next regular meeting. The consideration of the nomination will be handled pursuant to Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).

e) If both the Certified Local Government Commission and appropriate local official(s) recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no farther action on the nomination proposal unless an appeal is filed within 30 calendar days with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination proposal submitted by the State Historic Preservation Officer to the Secretary of the Interior.

f) Any person or organization which supports or opposes the nomination of a property to the National Register shall be afforded the opportunity to make its views known in writing. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the State Historic Preservation Officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the State Historic Preservation Officer, per C.4. above

g) Nomination proposals to be considered by the Commission shall be on file at Commission headquarters for at least 30 days but not more than 75 days prior to the Commission meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as a local library, courthouse, or other public place so that written comments regarding a nomination proposal can be prepared.

h) Appeals. Any person may appeal the decisions of a local Commission. Appeals shall be directed to the State Historic Preservation Officer in writing within 30 calendar days of the State Historic Preservation Officer's receipt of the written decision of the Commission. Nominations or proposals which have been appealed shall be considered by the Florida National Register Review Board as part of the normal course of business at its next regular meeting. If the opinion of the Florida National Register Review Board is that the property or properties is or are significant and merit nomination to the National Register, the State Historic Preservation Officer shall notify the Commission, within 30 days after the National Register Review Board meeting, of

its intent to forward the nomination to the National Register with a recommendation that the property or properties be listed. The State Historic Preservation Officer reserves the right, as in the case of any nomination proposal from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revision prior to forwarding the proposal to the National Register. Other appeal procedures promulgated by the National Park Service, Department of the Interior, pertaining to local or state actions shall be followed by Certified Local Governments and by the State Historic Preservation Officer. Decisions of the State Historic Preservation Officer may be appealed to the National Park Service in accordance with the procedures in 36 CFR 60.12.

i) Certified Local Government review and notification procedures do not apply when a Federal agency nominates a property under its ownership or control. Certified Local Governments are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations. [36 CFR (c) (d) provide regulatory guidance regarding Federal reviews and comment periods.]

Attachment D:
Initiation Responsibility of Florida CLGs

Local Landmark Initiation in Certified Local Governments in Florida

CLG Name	Who may initiate a designation application?				
	Owner	HPC	Council	Staff/City	Third Party
Arcadia	✓	✗	✓	✗	✗
Auburndale	✓	✓	✗	✗	✗
Belleair	✓	✓	✓	✗	✗
Bonita Springs	✓	✗	✗	⊖	✗
Boynton Beach	✓	✓	✓	✓	✗
Broward County	✓	✓	✓	⊖	⊖
Cedar Key	✓	✓	✓	⊖	⊖
Clay County	✓	⊖	⊖	✗	⊖
Collier County	✓	✓	✗	✗	✗
Coral Gables	✓	✓	✗	✓	✓
Daytona Beach	✓	✗	✗	✗	✗
DeLand	✓	✓	✗	⊖	✗
Delray Beach	✓	✓	✓	⊖	✗
Eatonville	✓	✓	✗	✗	✗
Eustis	✓	✗	✓	✗	✗
Fernandina Beach	✓	⊖	✓	⊖	✗
Fort Lauderdale*	✓	✓	✓	⊖	✓
Fort Myers	✓	✓	✓	✓	✗
Fort Pierce	✓	✓	✗	✗	✗
Gainesville	✓	✓	✓	✗	✗
Gulfport	✓	⊖	⊖	✗	✗
Highlands County	✓	✓	✓	✗	⊖
Hillsborough County	✓	✓	⊖	✓	✓
Hollywood*	✓	✓	✓	✗	⊖
Homestead	✓	✓	✗	✓	✗
Islamorada	✓	✗	✗	✗	✗
Jacksonville	✓	✓	✓	✓	✗
Jupiter	✓	⊖	⊖	✗	⊖
Key West	✓	✓	✓	✗	✗
Keystone Heights	✓	⊖	⊖	✗	✗

CLG Name	Who may initiate a designation application?				
	Owner	HPC	Council	Staff/City	Third Party
Kissimmee	✓	✗	✓	✗	✗
Lake Park	✓	⊖	✗	✓	✗
Lake Worth	✓	✗	✓	✗	✗
Lakeland	✓	✓	⊖	⊖	✓
Lee County	✓	✓	✓	✓	⊖
Leesburg	✓	✗	✗	✗	✗
Manatee County	✓	✓	✗	✗	✗
Melbourne	✓	⊖	✗	⊖	✗
Miami*	✓	✓	✓	✓	⊖
Miami Beach	✓	✓	✓	✓	⊖
Miami-Dade County	✓	✓	✓	✓	✗
Micanopy	✓	✓	✓	✓	✓
Monroe County	✓	✗	✗	✗	⊖
Monticello	✓	✗	✗	✗	✗
Mount Dora	✓	⊖	⊖	✗	✗
New Smyrna Beach	✓	✓	✓	✓	✓
Newberry	✓	✗	✗	✗	✗
Oakland Park	✓	✓	✓	✓	✗
Ocala	✓	✓	✗	✗	✓
Orlando*	✓	✓	⊖	⊖	✓
Palatka	✓	✓	✗	✗	✗
Palm Beach	✓	✓	✗	✗	✗
Palm Beach County	✓	✓	✓	⊖	⊖
Pinellas County	✓	✗	✗	⊖	✗
Plant City	✓	✓	⊖	⊖	✓
Pompano Beach	✓	✓	⊖	⊖	⊖
Quincy	✓	✓	⊖	✓	⊖
Sanford	✓	⊖	⊖	⊖	⊖
Sarasota County	✓	⊖	⊖	⊖	✓
Sarasota City	✓	⊖	⊖	⊖	⊖
St. Augustine	✗	⊖	✗	✗	✗
St. Cloud	⊖	⊖	⊖	✓	⊖

CLG Name	Who may initiate a designation application?				
	Owner	HPC	Council	Staff/City	Third Party
St. Johns County	✓	✓	✓	✓	✓
St. Pete Beach	✓	✗	✗	✗	✗
St. Petersburg	✓	✗	✓	✗	✓
Tallahassee/Leon County	✓	⊖	✓	✗	⊖
Tampa*	✓	✓	✓	✓	✓
Tarpon Springs	✓	✓	✓	✓	✗
Titusville	✓	⊖	✗	✗	✗
Vero Beach	✓	⊖	⊖	⊖	⊖
Volusia County	✓	✓	✓	✓	✗
Wakulla County	✓	⊖	⊖	✗	✗
Welaka	⊖	✓	⊖	⊖	⊖
West Palm Beach	✓	✓	✓	✓	✗
Windermere	✓	✓	✓	✗	✗

***Floridian peer cities identified for additional evaluation**

✓ Allowed

⊖ Allowed in certain cases or not explicitly stated in Code

✗ Not allowed

Floridian Peer Cities

Given the great diversity of population size and developmental background found in the 75 Certified Local Governments in Florida, five (5) "peer cities" that feature commonalities in population size, selection of historic resources, or cultural heritage were selected for further evaluation:

Fort Lauderdale, Florida

- Population (2010): 165,521
- Owner initiation: allowed
- Historic Preservation Board initiation: allowed
- City Commission initiation: allowed
- City staff or administration initiation: unclear
- Third party initiation: allowed

Hollywood, Florida

- Population (2010): 140,768
- Owner initiation: allowed
- Historic Preservation Board initiation: allowed

- City Commission initiation: allowed
- City staff or administration initiation: not allowed
- Third party initiation: allowed by any organization "whose purpose is to promote the preservation of historic properties"

Miami, Florida

- Population (2010): 399,457
- Owner initiation: allowed
- Historic Preservation Board initiation: allowed
- City Commission initiation: allowed
- City staff or administration initiation: not allowed
- Third party initiation: allowed by any Miami-Dade County's Historic Preservation Board and nonprofit organizations that have an interest in historic preservation

Orlando, Florida

- Population (2010): 238,300
- Owner initiation: allowed
- Third party initiation: allowed

Tampa, Florida

- Population (2010): 335,709
- Owner initiation: allowed
- Historic Preservation Board initiation: allowed
- City Commission initiation: allowed
- City staff or administration initiation: allowed
- Third party initiation: allowed

Florida CLGs Comparison

Tools Used for Prevention of Demolition of Historically Significant, but Undesignated Resources

Demolition Delay

- Bonita Springs
- Gainesville
- New Smyrna Beach
- Tarpon Springs
- West Palm Beach

Automatic Initiation of NRHP Listed Resources

- Eatonville
- Sarasota County

Historic Review of List of Undesignated Historic Resources

- Bonita Springs
- Hillsborough County
- Lake Worth Beach
- Miami
- St. Johns County

Historic Review of Structures Listed on NRHP or Deemed Eligible for NRHP

- Lakeland
- New Smyrna Beach
- Sarasota (City)
- St. Augustine

Historic Review Related to Age of Structures

- Deland
- Gainesville
- Miami Beach
- Tampa
- Volusia County

Historic Review of All Properties

- Kissimmee
- St. Johns County

Emergency Action Provision

- Hillsborough County
- New Smyrna Beach
- St. Johns County
- Tampa
- Tarpon Springs
- West Palm Beach

Attachment E:

"Property owner support for applications for historic landmark designation," 2010 Memorandum from staff of Planning and Economic Development Department to Members of City Council Public Services & Infrastructure Committee

st.petersburg
www.stpete.org

TO: Members of City Council Public Services & Infrastructure Committee

FROM: Kimberly Hinder, Planner III, Planning and Economic Development Department KH

DATE: Meeting of January 14, 2010

SUBJECT: Property owner support for applications for historic landmark designation

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This memo responds to a Council referral regarding applications for historic landmark designation and property owner support. This issue arose at the December 3, 2009 City Council meeting during the first reading of the ordinance to designate the Detroit Hotel as a local historic landmark. The owners of the Detroit Hotel expressed strong opposition to the designation.

At this time, the consent or support of the property owner is not required for an application to be submitted to the City to designate a structure or site as a historic landmark. City Code Section 16.30.070.2.5 (H) regarding City Council review and designation provides that designations over an owner objection shall be by a supermajority vote. A number of applications for historic designation have been approved by City Council over the objection of the property owner, including Sunken Gardens (1998), the Princess Martha Hotel (1987), Mercy Hospital (1994), the Seaboard Coastline Railroad Station (1993), Manhattan Casino (1994), and the Jungle Country Club/Admiral Farragut Academy (1992). Some of these were initiated by the City of St. Petersburg, while others were initiated by individuals or local non-profit organizations such as the North Shore Neighborhood Association (now Historic Old Northeast) and Booker Creek Preservation, Inc.

A review of other certified local governments in Florida finds few which require owner support for an application for historic designation (Fort Walton Beach, Islamorada, Town of Lake Park). Some governments limit applications to be submitted either by the owner or initiated by the local government thru the Historic Preservation/Planning Commission, City Council, or County Commission (Tallahassee, Leon County, City of Sarasota). Other local governments (Collier County, Lee County, Kissimmee, Orlando, Lakeland, Jacksonville, and Hollywood) allow a third party to submit a designation application. Some of these municipalities have specific notice requirements when a designation application is submitted by a third party. In Collier County, for example, owners shall be provided two notices by certified mail with return receipt requested, at least 30 days but no more than 45 days prior to any hearing regarding the historic designation by the Preservation Board or by the Board of County Commissioners (BCC). The first notice shall provide all pertinent information regarding the designation and the Preservation Board's scheduled meeting date to consider the designation. The second notice shall indicate when the

BCC will consider the official designation. In addition, a notice of public hearing shall be advertised in a newspaper of general circulation 15 days prior to the public hearing for the BCC.

It is appropriate to consider the issue of owner consent related to applications for historic designations, since the City's Land Development Regulations are intended to balance private property rights with public interest including preservation of historic structures. While requiring owner support for a designation application would eliminate contentious applications, it also may preclude some structures which merit historic designation from being designated. Council could consider modifying the designation application process based on the source of the application – owner initiated, City initiated or third party initiated – and/or Council may wish to consider a code amendment regarding the property owner notification process when a third party submits a designation application for their property.

Attachment F:
Resources Listed in the St. Petersburg Register of Historic Places as of July 2019

CITY OF ST. PETERSBURG, FLORIDA

ST. PETERSBURG REGISTER OF HISTORIC PLACES

Urban Planning and Historic Preservation Division
Planning and Economic Development Department
City of St. Petersburg
Municipal Services Center
One Fourth Street North, 8th Floor
St. Petersburg, Florida 33701

Local Historic Designations

1986 - Present

Year	City File #	Building/Site	Address	Designation Date
1986	HPC #86-01	Weedon Island	Riviera Bay & 94th Ave N	August 1986
	HPC #86-02	John Williams House	511 Second St S	May 1986
	HPC #86-03	Open Air Post Office	400 First Ave N	May 1986
	HPC #86-04	Vinoy Park Hotel	501 Beach Drive NE	May 1986
	HPC #86-05	Henry Veillard House	262 Fourth Ave N	June 1986
	HPC #86-06	Casa Coe da Sol	510 Park St	June 1986
	HPC #86-08	Snell Arcade	405 Central Ave	June 1986
	HPC #86-09	St. Petersburg High School	2501 Fifth Ave N	August 1986
	HPC #86-10	Alexander Hotel	535 Central Ave	August 1986
	HPC #86-11	Casa de Muchas Flores	1446 Park St	August 1986
1987	HPC #87-01	Roser Park Historic District		July 1987
1988	HPC #88-01	Bethel A.M.E. Church	912 Third Ave N	April 1988
	HPC #88-02	Granada Terrace Historic District		April 1988
1989	HPC #88-03	St. Petersburg Woman's Club	40 Snell Isle Blvd	January 1989
1990	HPC #90-01	City Hall (Municipal Utilities Building)	175 Fifth St N	October 1990
	HPC #90-02	Carnegie Mirror Lake Library	280 Fifth St N	October 1990
1991	HPC #90-04	Tramor Cafeteria	123 Fourth St S	January 1991
	HPC #90-03	YMCA Building	116 Fifth St S	October 1991
	HPC #91-01	Benjamin Boone House	601 Fifth Ave N	October 1991
	HPC #91-02	State Theater	685-687 Central Ave	October 1991
	HPC #91-03	Fannye A. Ponder Council House Site	1835 Ninth Ave S	October 1991
1992	HPC #91-04	Comfort Station	300 Block of Second Ave NE	January 1992

Year	City File #	Building/Site	Address	Designation Date
1992	HPC #91-05	Maximo Park Archaeological Site		January 1992
	HPC #91-06	Glen Oaks Cemetery	2012 Auburn St S	February 1992
	HPC #92-01	Admiral Farragut Academy (Jungle Country Club)	501 Park St N	November 1992
1993	HPC #92-02	First Congregational Church	240 Fourth St N	January 1993
	HPC #92-03	Seaboard Coastline Railroad Station	420 22nd St S	April 1993
	HPC #93-01	St. Petersburg Lawn Bowling Club	536 Fourth Ave N	April 1993
	HPC #93-02	Dennis / McCarthy Hotel	326 First Ave N	April 1993
	HPC #93-03	First United Methodist Church	212 Third St N	April 1993
	HPC #93-04	Bayboro House	1719 Beach Drive SE	October 1993
	HPC #93-05	Melrose Clubhouse	1801 Melrose Ave	November 1993
1994	HPC #93-07	Bay Gables	136 Fourth Ave NE	January 1994
	HPC #93-08	Sunset Golf and Country Club Clubhouse	600 Snell Isle Blvd N	February 1994
	HPC #94-01	St. Petersburg Shuffleboard Club	559 Mirror Lake Drive	March 1994
	HPC #93-06	Henry-Bryan House	146 Fourth Ave NE	April 1994
	HPC #94-02	Old Southeast Hexblock Sidewalk District	Old Southeast Neighborhood	August 1994
	HPC #94-03	Coliseum	535 Fourth Ave N	September 1994
	HPC #94-04	Mercy Hospital	1344 22nd St S	December 1994
	HPC #94-05	Manhattan Casino	642 22nd St S	December 1994
	HPC #94-06	First Baptist Church	120 Fourth St N	December 1994
	HPC #94-07	Rose Garden House	2955 Central Ave	December 1994
	HPC #94-08	Flori-de-Leon Apartments	130 Fourth Ave N	December 1994
	HPC #94-09	C. Perry Snell House	501 Second St S	December 1994
1995	HPC #95-01	Thomas Whitted House	656 First St N	March 1995
	HPC #95-02	Robert West House	101 Sixth Ave NE	June 1995
	HPC #95-03	Princess Martha Hotel	401 First Ave N	October 1995
	HPC #95-05	Green-Richman Arcade	689 Central Ave	September 1995

Year	City File #	Building/Site	Address	Designation Date
1996	HPC #96-01	S.H. Kress Building	475 Central Ave	September 1996
	HPC #96-02	William L. Rawls House	734 Grove St N	October 1996
1997	HPC #96-03	Boyce Guest House	205 Sixth Ave NE / 635 Bay St NE	March 1997
	HPC #96-04	Harlan Hotel	15 Eighth St N	March 1997
	HPC #97-01	Robert Lavery House	236 17th Ave SE	June 1997
	HPC #97-02	Dr. Robert Swain Dental Office	1501 22nd St S	September 1997
	HPC #97-03	Swain Apartments	1511 22nd St S	September 1997
	HPC #97-04	Ponce de Leon Hotel	95 Central Ave	November 1997
1998	HPC #97-06	Ninth Street Bank & Trust Co.	895 Central Ave	May 1998
	HPC #98-01	St. Petersburg High School at Mirror Lake	701 Mirror Lake Drive N	April 1998
	HPC #98-02	Hotel Cordova	253 Second Ave N	April 1998
	HPC #98-03	Turner's Sunken Gardens	1825 Fourth St N	May 1998
	HPC #98-04	Trinity Presbyterian Church / Happy Worker's Day Nursery	902 19th St S	October 1998
	HPC #98-05	Women's Town Improvement Association	336 First Ave N	October 1998
	HPC #98-06	Domestic Science & Manual Training School	440 Second Ave N	October 1998
1999	HPC #98-07	Ernest H. Lewis House	1604 22nd Ave S	January 1999
	HPC #98-08	St. Petersburg Federal Savings and Loan	556 Central Ave	January 1999
	HPC #99-01	Hoxie-Day Gravesites	5300 19th St N	August 1999
	HPC #99-03	Bruce Blackburn House	1422 22nd Ave S	December 1999
2001	HPC #01-01	Pennsylvania Hotel	300 Fourth St N	March 2001
	HPC #00-01	Tenth Street Church of God	207 10th St N	July 2001
	HPC #00-02	Mari-Jean Hotel	2349 Central Ave	July 2001
	HPC #00-03	Royal Theater	1011 22nd St S	October 2001
2002	HPC #02-02	Emerson Apartments	305 Fifth St S	August 2002

Year	City File #	Building/Site	Address	Designation Date
2002	HPC #02-03	Clyde Remington House	602 24th Ave N	October 2002
2003	HPC #02-04	Robert McCutcheon House	4727 Sixth Ave N	March 2003
	HPC #02-07	Wellington Lake House	619 65th St S	March 2003
	HPC #02-10	Pinellas Point Mound	1811-1827 Mound Place S	March 2003
	HPC #03-01	American Maid Ice Cream Company Building	1601 Third St S	April 2003
	HPC #02-08	Publix Groceries	1720 16th St N	October 2003
2004	HPC #04-01	Euclid Church of Christ	919-921 10th Ave N	April 2004
	HPC #02-01	Nolen Grocery	2300 First Ave N	April 2004
	HPC #04-02	Ainsworth House	3800 Dr. M.L.K. Jr. St N	July 2004
	HPC #04-03	Almon Jones-Jay Black House	3624 Dr. M.L.K. Jr. St N	July 2004
2006	HPC #05-01	Monticello Apartments	750 Third St N	January 2006
	HPC #06-11	Hangar #1 Albert Whitted Municipal Airport	341 Eighth Ave SE	December 2006
2007	HPC #07-03	Sunset Hotel	7401 Central Ave	October 2007
2008	HPC #07-01	Dodd Residence	103 Wildwood Lane SE	February 2008
	HPC #08-01	James Henry Residence	950 12th St N	October 2008
	HPC #07-02	Crescent Lake Water Tower	1320 Fifth St N	December 2008
2009	HPC #08-02	Merhige Residence	404 Sunset Drive S	January 2009
	HPC #09-01	McKeage Residence	209 Park St S	April 2009
	HPC #09-02	St. Peter's Episcopal Church	140 Fourth St N	December 2009
	HPC #09-03	Ridgely Residence	600 Beach Drive NE	August 2009
	HPC #09-06	Jordan Elementary School	2392 Ninth Ave S	December 2009
2010	HPC #09-04	Detroit Hotel	201-215 Central Ave	March 2010
	10-90300001	Pace Residence	705 16th Ave NE	May 2010
	HPC #09-05	Jones-Laughner Residence	556 Beach Drive NE	June 2010

Year	City File #	Building/Site	Address	Designation Date
2011	11-90300001	Jennie Hall Pool Complex	2650 10th Ave S	December 2011
	11-90300002	Mathis Residence	7321 Third Ave N	December 2011
	11-90300003	Lantern Lane Apartments	340 Beach Drive NE	December 2011
2012	12-90300001	First Church of Christ, Scientist (Palladium Theater)	253 Fifth Ave N	May 2012
	12-90300002	Maximo Park Archaeological Site - Expansion of Boundaries	6600 34th St S	July 2012
	12-90300003	Maurice & Thelma Rothman Residence	1018 Park St N	September 2012
	12-90300004	Merriwether Building	951-963 22nd St S	October 2012
2013	13-90300002	Binnie-Bishop Hotel	256 First Ave N	August 2013
	13-90300003	Washington-Harden Grocery and Moure Building	901-903 22nd St S and 909-913 22nd St S	October 2013
	13-90300004	Custer-Moore Residence	1014 Alhambra Way S	November 2013
2014	13-90300005	North Ward School	327 11th Ave N	**Denied**
	14-90300002	Lang's Bungalow Court Historic District		June 2014
	14-90300001	Cade Allen Residence	3601 Foster Hill Drive N	September 2014
	14-90300004	Euclid Elementary School	1090 10th St N	September 2014
2015	15-90300002	Acheson-Mackey Residence	3900 Dr. M.L.K. Jr. St N	November 2015
2016	16-90300001	Sargent House	806 18th Ave NE	May 2016
	16-90300002	Central National Bank / Pheil Hotel & Theatre	400, 410, & 472 Central Ave	**Denied**
	15-90300001	Block 25 Historic District		**Denied**
2017	16-90300007	Gassman House	630 14th Ave S	January 2017
	16-90300003	Aiken House	118 Fifth Ave N	**Withdrawn**
	16-90300004	Pricer House	126 Fifth Ave N	**Withdrawn**
	16-90300005	Burnside House	136 Fifth Ave N	February 2017
	16-90300006	Henry House	142-142 ½ Fifth Ave N	**Withdrawn**
	16-90300008	700 Block of 18th Avenue Northeast District		March 2017

Year	City File #	Building/Site	Address	Designation Date
2018	17-90300005	North Shore Section - Welch's Mediterranean Row Local Historic District		April 2018
	18-90300001	Kenwood Section - Southeast Kenwood Local Historic District		June 2018
	18-90300002	Grace Lutheran Church / American Baptist Church of the Beatitudes	2812 Eighth St N	**Withdrawn**
	18-90300003	Harold Smith House	810 35th Ave N	**Void**
	18-90300004	Foster Grove House	3650 Foster Hill Drive N	August 2018
	18-90300006	New Redeemer Evangelical Lutheran Church	4355 Central Ave	September 2018
	18-90300007	Roser Park Local Historic District Expansion	801-829 10th Ave S	September 2018
	18-90300005	Huggins-Stengel Field	1320 Fifth St N	October 2018
	18-90300009	Norwood School	2154 27th Ave N	**Withdrawn**
2019	18-90300008	Kenwood Section - NW Kenwood Local Historic District		April 2019
	17-90300006	Driftwood Historic District		May 2019
	19-90300001	Wilmarth Apartments / Holiday Motel	415 24th Ave N / 2436 Fourth St N	**Denied**
	18-90300010	Doc Webb Estate	774 36th Ave N	**Denied**

Attachment G:

List of Third Party Initiated Applications for Designation in St. Petersburg since 1986

ST. PETERSBURG CITY COUNCIL

Meeting of May 16, 2019

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

FROM: Derek Kilborn, Manager, Urban Planning and Historic Preservation Division

SUBJECT: **New Business Item (G5 and) G6: Third Party Application Process for Local Historic Landmark Designation**

To assist your evaluation of third-party applications, Historic Preservation staff has prepared the following inventory:

110 Total no. of individual, local landmarks
37 Total no. of third-party applications
9 Total no. of third-party applications, owner opposed, approved
6 Total no. of third-party applications, owner support, approved
7 Total no. of third-party applications, owner opposed, denied
1 Total no. of third-party applications, owner opposed, deferred
13 Total no. of third-party applications, owner opposed, withdrawn
1 Total no. of third-party applications, owner opposed, incomplete app

Nine (9) Third-Party, Owner Opposed, Approved:

1992 - Glen Oaks Cemetery
1993 - Henry-Bryan House
1994 - Mercy Hospital
1998 - Sunken Gardens
2010 - Detroit Hotel
2010 - Jones-Laughner Residence
2013 - Binnie-Bishop Hotel
2015 - Acheson-Mackey Residence
2017 - Virginia Burnside House

Six (6) Third-Party, Owner Support, Approved:

1994 - Shuffleboard Club
1997 - Ninth Street Bank & Trust Co.
1998 - Hoxie-Day Gravesites
1998 - Women's Town Improvement Assoc.
2011 - Jennie Hall Pool
2018 - Huggins-Stengel Field

Seven (7) Third Party, Owner Opposed, Denied

1987 - The Soreno Hotel
1987 - Princess Martha Hotel [1]
2010 - Blocker Residence
2014 - North Ward School
2016 - Central National Bank / Pheil Hotel & Theatre
2018 - Doc Webb Estate
2018 - Holiday Motel

One (1) Third Party, Owner Opposed, Deferred:

1987 - Dennis/McCarthy Hotel [2]

Thirteen (13) Third-Party, Owner Opposed, Withdrawn:

2006 - Vinoy-Laughner Thematic Listing:
- 136-138 10th Avenue NE
- 145 14th Avenue N
- 532 Beach Drive NE
- 556 Beach Drive NE
- 209 13th Avenue NE
- 756 Bay Street NE
- 716 1st Street N

2008 - Crislip Arcade
2013 - Endicott Residence
2017 - Henry House
2017 - Pricer House
2017 - Aiken House
2018 - Grace Lutheran Church/American Baptist Church of Beatitudes

One (1) Third-Party, Owner Opposed, Application Determined Incomplete

2018 - Harold Smith House[3]

Special Note:

Five (5) applications could not be confirmed using the digital record. Additional research is required to determine whether the who initiated the following applications and whether they include owner support:

HPC 86-07
HPC 02-05
HPC 02-06
HPC 02-09
HPC 06-01

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[1]The Princess Martha Hotel was later designated with owner support after a City initiated application in 1995.
[2] The Dennis/McCarthy Hotel was later designated with owner support after a City initiated application 1993.
[3] Third party application filed but deemed incomplete by City staff. Demolition permit was released to the property owner and subject building subsequently demolished.

For your information and context, third party applications are not the only application type to have owner opposition. The following applications also included owner opposition:

Seven (7) City-Initiated, Owner Opposed, Application Approved:

1986 - St. Petersburg High School
1990 - YMCA Building
1991 - State Theater
1992 - Seaboard Coastline RR Station
1992 - Jungle Country Club/Admiral Farragut Academy
1994 - Manhattan Casino
1995 - Southside Junior High School

One (1) City-Initiated, Owner Opposed, Application Denied:

1997 - Crislip Arcade

Three (3) City-Initiated, Owner Opposed, Application Deferred:

2006 - Detroit Hotel [4]
2006 - First Church of Christ Scientist aka Palladium Theater [5]
2006 - Blocker Residence

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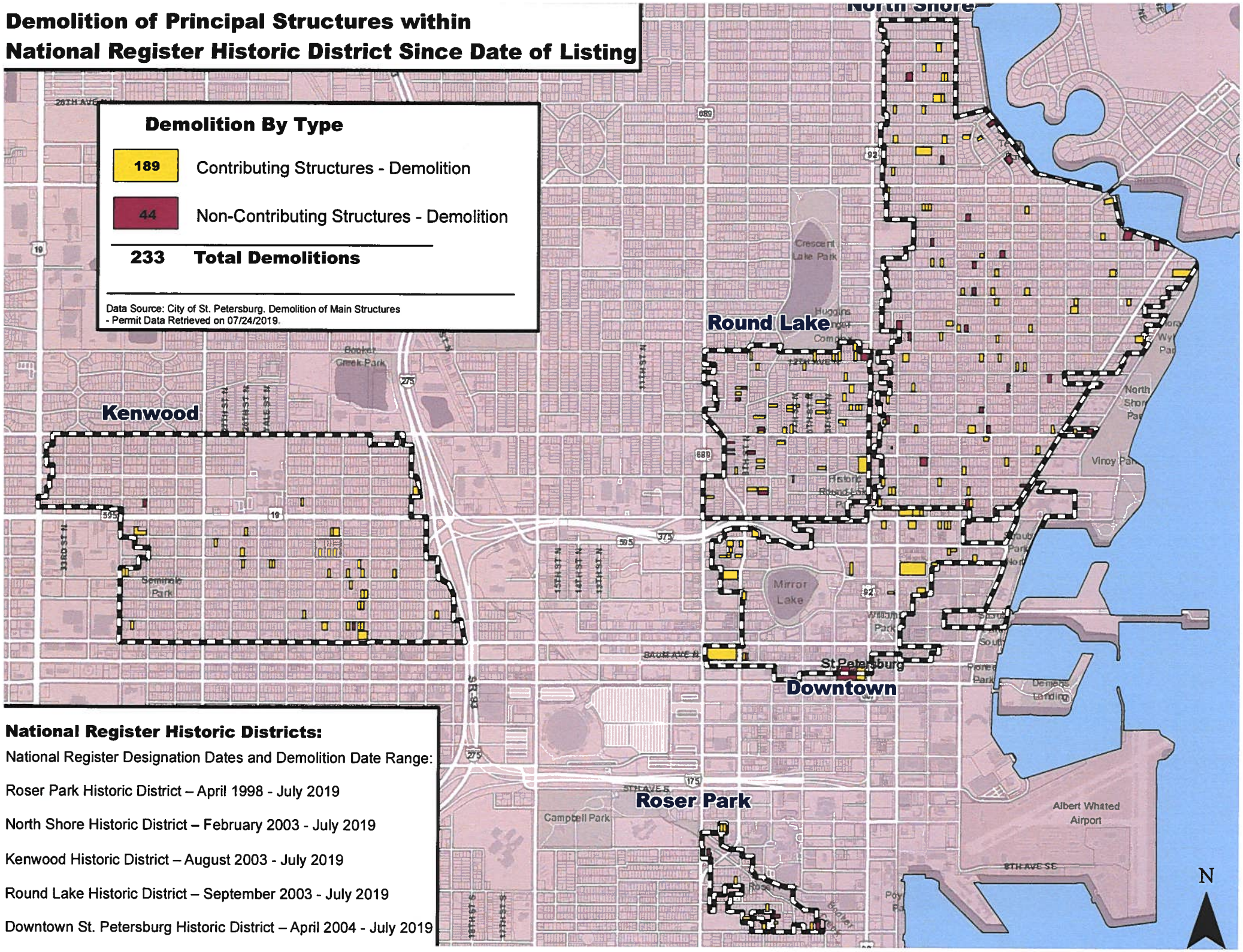
[4] The Detroit Hotel was later designated after a third-party initiated application with owner opposition in 2009.
[5] The First Church of Christ Scientist aka Palladium Theater was later designated with owner consent after a City initiated application in 2012.

Attachment H:

Map of Demolitions in National Register Historic Districts in St. Petersburg since 2000

Demolition of Principal Structures within National Register Historic District Since Date of Listing



National Register Historic Districts:

National Register Designation Dates and Demolition Date Range:

Roser Park Historic District – April 1998 - July 2019

North Shore Historic District – February 2003 - July 2019

Kenwood Historic District – August 2003 - July 2019

Round Lake Historic District – September 2003 - July 2019

Downtown St. Petersburg Historic District – April 2004 - July 2019

Attachment I:
"Protecting Potential Landmarks Through Demolition Review," publication of the National Trust for Historic Preservation

A National Trust preservation law publication . . .

Protecting Potential Landmarks Through Demolition Review

by Julia H. Miller

NATIONAL TRUST
for HISTORIC PRESERVATION®

1785 Massachusetts Avenue, NW
Washington, D.C. 20036
202.588.6035

The National Trust for Historic Preservation provides leadership, education, and advocacy to save America's diverse historic places and revitalize our communities. Support for the National Trust is provided by membership dues, endowment funds, individuals, corporate and foundation contributions, and grants from federal and state agencies.

The National Trust's Law Department provides educational materials and workshops on legal developments in historic preservation law for the benefit of citizens, organizations, and governmental institutions throughout the United States. Through this work, the Trust helps communities protect their heritage, their homes and businesses, their neighborhoods, and their history.

For further information, contact the Law Department at 202-588-6035 or send an email to law@nthp.org. Also visit our website at www.nthp.org/law.html.

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Cover Photo: Redwood Street Historic District, Baltimore, MD (Historic American Buildings Survey, NPS)

Protecting Potential Landmarks through Demolition Review

By Julia H. Miller*

Last year, the wrecking ball fell twice in downtown Baton Rouge—almost. Two historic buildings, the 1910 S.H. Kress Building, the site of a 1960 civil rights protest at the then all-white, lunch counter of the five and dime, and the adjacent Welsh & Levy Building, built in 1885, were spared only after the owner backed off his plans to demolish the buildings for a surface parking lot in response to public outcry. The fate of a third building, the Old Baton Rouge Ice Plant, proved less fortunate. This 1880s one-story brick building was demolished for a riverfront condominium project. Once used for ice production, the building had been located on the Mississippi River on one of the city's few remaining intact blocks dating from the Nineteenth Century.

Baton Rouge has since taken steps to protect its unprotected resources and other communities can too. Through the adoption of a "demolition review ordinance," older buildings (generally those over 50 years) cannot be demolished without review by a preservation commission or special committee to determine whether a building is historically significant. If the building qualifies as significant, then a commission may delay the issuance of a demolition permit to explore preservation alternatives, such as designating the building as a historic landmark or finding a purchaser who may be interested in rehabilitating the building.

What is a Demolition Review?

Demolition review is a legal tool that provides communities with the means to ensure that potentially significant buildings and structures are not demolished without notice and some level of review by a preservation commission. This process creates a safety net for historic resources to ensure that buildings and structures worthy of preservation are not inadvertently demolished.

Demolition review does not always prevent the demolition of historically significant buildings or structures. Rather, as the name suggests, it allows for review of applications for demolition permits for a specific period of time to assess a building's historical significance. If the building is deemed significant, then issuance of the permit may be delayed for a specific period of time to pursue landmark designation, or alternatively, to explore preservation solutions such as selling the property to a purchaser interested in rehabilitating the structure or finding alternative sites for the proposed post-demolition project.

What is the Difference between "Demolition Review Laws" and "Demolition Delay" or "Interim Protection" Provisions used in Preservation Ordinances?

Demolition review laws are typically, but not exclusively, separate and distinct from historic preservation ordinances. They preclude the demolition of *any* building or structure over a certain age, or any building or structure identified for protection—regardless of significance—for a specific period of time, to allow for a determination of historical or architectural merit. Historic properties may or may not be designated as a landmark at the culmination of this process, depending upon a law's specific terms, and such laws may or may not include a

*Special Counsel and Legal Education Coordinator, National Trust for Historic Preservation

"demolition delay" or "waiting period" component.

The nomenclature can be confusing. Demolition review laws are sometimes called "demolition delay ordinances" or simply, "demolition ordinances."

Demolition delay provisions in historic preservation ordinances are used to prevent the demolition of buildings or structures that have already been designated as historic landmarks or as contributing structures in a historic district for a specific amount of time, usually ranging from 6 to 24 months. During that time, the preservation commission, preservation organizations, concerned citizens, and others may explore alternatives to demolition, such as finding a purchaser for the structure or raising money for its rehabilitation.

These provisions are typically used by communities that lack the authority to deny demolition permits. For example, in North Carolina, local jurisdictions generally only have the authority to delay a demolition permit up to 365 days unless the structure at issue has been determined by the State Historic Preservation Officer to have "statewide significance." *See* N.C. Gen. Stat. § 160A.400.14.

Interim protection provisions are also found in preservation ordinances. They preclude the demolition or alteration of buildings or structures during the period in which the building is under consideration for historic designation. The objective is to preserve the status quo pending designation and to prevent anticipatory demolitions. For further information, see Edith M. Shine, "The Use of Development Moratoria in the Protection of Historic Resources," 18 PLR 3002 (1999).

Why Do Communities Adopt Demolition Review Procedures?

Demolition review procedures help to prevent the demolition of historically significant buildings. Given the vast numbers of older buildings in cities and towns across the United States, it is virtually impossible for a community to identify all buildings that should be protected under a historic preservation ordinance in advance. By establishing a referral mechanism, communities can be assured that buildings meriting preservation will not fall through the cracks. The delay period provides an opportunity for the municipality or other interested parties to negotiate a preservation solution with the property owner, or to find persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them.

Demolition review procedures have also been adopted to protect buildings that may not meet the standards for designation but nonetheless embody distinguishing features that help to make a community an attractive place to live or work. For example, demolition review provisions are being used to address the proliferation of "teardowns" in many of our older neighborhoods. By delaying demolition for a period of time, concerned residents may be able to negotiate the preservation of character-defining houses on a case-by-case basis. *See, e.g.* Santa Monica, California, and Highland Park, Illinois.

Which Properties are Subject to Demolition Review Procedures?

Demolition review ordinances typically set forth objective criteria for determining which properties are subject to review. For example, a demolition review ordinance may require some level of review for all buildings built before a specific date or all buildings that have attained a certain age on the date the permit application is filed. Many communities use "50 years" as the critical benchmark. *See, e.g.* Boston, Massachusetts, Boulder, Colorado, and New Castle, Delaware. A few jurisdictions have opted for a shorter time period, largely in recognition of their younger building stock, see, e.g. Santa Monica, California (which uses a 40-year benchmark), and Gainesville, Florida (all structures listed in the state's "master site

file" and/or 45 years of age). Still others utilize a specific date. See, e.g. Alameda, California, and Weston, Massachusetts, which protect all buildings constructed prior to 1945.

Alternatively, the demolition ordinance may only apply to properties identified on a historic survey or listed on a state historic register or the National Register of Historic Places. Chicago, for example, requires review for the roughly 6,200 buildings designated as "red" or "orange" on its 1996 Historic Resources Survey. Montgomery County, Maryland, stays the issuance of a demolition permit for properties included on its Locational Atlas and Index of Historic Sites.

Finally, some communities limit the scope of protection afforded to buildings located within a specific geographic area. Baton Rouge's newly-enacted demolition ordinance, for example, applies only to its downtown buildings. Boston's law governs any buildings located in its downtown area, Harborpark, and neighborhood design overlay districts, in addition to all those that are at least 50-years old.

Keep in mind that the viability of this system may depend upon an applicant's representation or a permit official's ability to verify or accurately determine a building's age. Boston addresses this issue by insisting that all demolition permit applications be referred to the city's landmark commission. Staff to the commission makes the determination as to whether the building is subject to review.

In Wilton, Connecticut, the burden of establishing the age of the building rests on the demolition permit applicant. Applications must include a statement regarding the size and age of the building or structure to be demolished with verification through independent records such as tax assessment records or the city's cultural resource survey. Santa Monica bases its age determination on the date the original permit for the building or structure was issued. Alameda, California's law provides that the age is to be determined by review of city records. Weston, Massachusetts, protects against the potential problem that the date of a building or structure cannot be determined by record by also requiring the review of all properties of "unknown age."

What Actions Generally Trigger Demolition Review?

All demolition review procedures are triggered by the filing of an application for a demolition permit. The scope of demolition work requiring review, however, varies from jurisdiction to jurisdiction. In addition, requests for permits to move or substantially alter buildings may also require review.

In Boulder, demolition review is required for the demolition or removal of any building over fifty years old. Demolition includes the act of either demolishing or removing—

- Fifty percent or more of the roof area as measured in plan view (defined as the view of a building from directly above which reveals the outer perimeter of the building roof areas to be measured across a horizontal plane); or
- Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage"; or
- Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an alley.

[Illustrations omitted.] To meet the exterior wall retention standard,

- The wall shall retain studs or other structural elements, the exterior wall finish, and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;

- The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls.

In Davis, California, the city's demolition review procedures apply to "the destruction, removal, or relocation of a structure not classified as an `incidental structure,' or the permanent or temporary removal of more than twenty-five percent (25%) of the perimeter walls of a structure." Incidental structures are accessory buildings such as sheds, fences, play structures, and so forth.

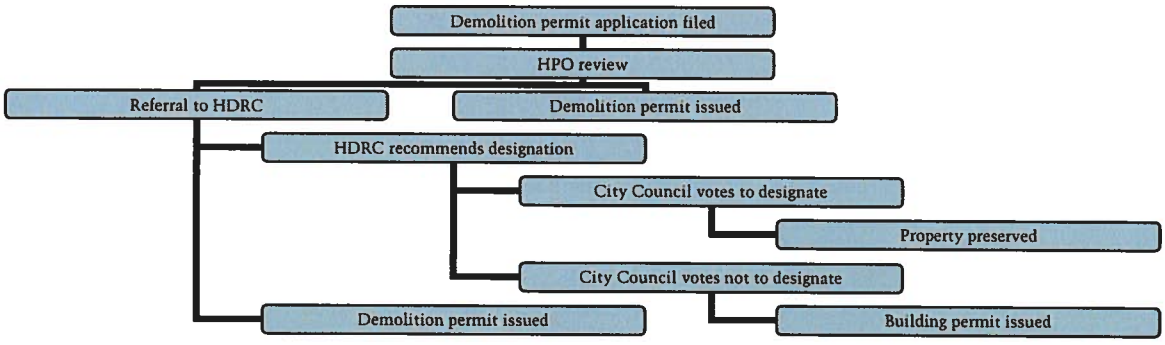
In Newton, Massachusetts, the demolition review requirement applies to any permit, without regard to whether it is called a demolition permit, alteration permit, or building permit, if it involves total and partial demolitions. A "total demolition" is "[t]he pulling down, razing or destruction of the entire portion or a building or structure which is above ground regardless of whether another building or structure is constructed within the footprint of the destroyed building or structure." A "partial demolition" is "[t]he pulling down, destruction or removal of a substantial portion of the building or structure or the removal of architectural elements which define or contribute to the character of the structure."

A few jurisdictions have narrowed the number of applications requiring review by limiting referrals to projects entailing the demolition of at least 500 square feet of gross floor area. *See, e.g.*, Concord, New Hampshire, and Monroe, Connecticut.

How is Demolition Review Accomplished?

Under typical demolition review procedures, the permitting official is directed to refer a demolition permit application to a review body for an initial or preliminary determination of significance. In San Antonio, for example, all demolition permits are referred to the city's Historic Preservation Officer (HPO) to determine within 30 days whether or not a building or structure is historically significant. If the HPO finds the building significant, the HPO is required to forward the application to the Historic and Design Review Commission (HDRC) for review and recommendation as to significance. If the HDRC concurs in the HPO's finding of significance, then the Commission must recommend designation to the City Council. Buildings and structures not deemed significant at any time during these proceedings may be demolished.

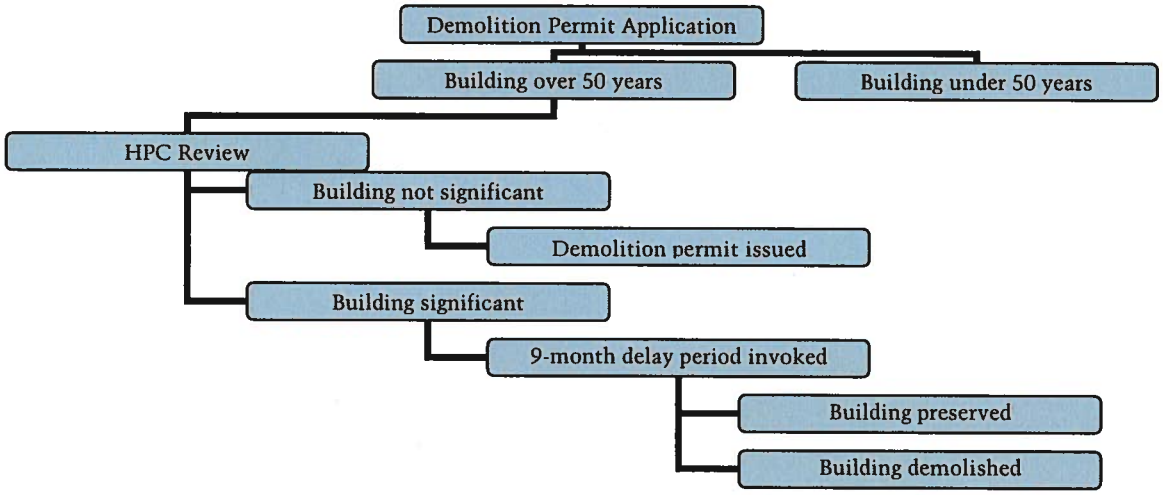
San Antonio Demolition Review Process



Santa Monica and Chicago also delay issuance of a demolition permit to allow for the landmark designation of the building, if warranted. In Santa Monica, the demolition permit may be issued if no application to designate is filed within 60 days. Chicago's demolition ordinance delays issuance of permit up to 90 days "in order to enable the department of planning and development to explore options to preserve the building or structure, including, but not limited to, possible designation of the building or structure as a Chicago Landmark in accordance with Article XVII of Chapter 2-120 of this code."

Some demolition review laws simply provide for a delay in the issuance of a permit to explore preservation-based solutions. New Castle County, Delaware utilizes this approach. The county may delay issuance of a demolition permit for any building "thought to be over 50 years old" for a period up to 10 days, during which time the Historic Review Board must make a determination whether the building is historically significant. If the building is deemed significant, then the board may order further delay up to 9 months from the date the application was initially filed to seek demolition alternatives.

New Castle County Demolition Review Process



In Boston, the Inspectional Services Department must transmit a copy of an application for a permit to demolish a building to the Boston Landmarks Commission within three days. The commission staff, in return, must make a determination within 10 days as to whether the building is (1) subject to review and (2) significant under specific criteria. If the property is determined not to be significant, then no further review is required. If the property is significant, the commission must hold a public hearing to determine whether the building should be subject to demolition delay. A decision on whether to delay the permit must be made within 40 days from the date the demolition permit application was initially filed.

To invoke the delay period, the commission must find that, in considering the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. Factors for consideration include: (a) the building's historic, architectural, and urban design significance; (b) whether the building is one of the last remaining examples of its kind in the neighborhood, the city, or the region; and (c) the building's condition. If the commission finds that the building is subject to demolition delay, issuance of the demolition permit may be delayed for up to 90 days from the close of the public hearing. A "Determination of No Feasible Alternative" may be issued during the public hearing or prior to the expiration of the 90-day period if the commission finds that there are no feasible alternatives to demolition.

Who Makes the Determination of Significance?

In most cases, the historic preservation commission makes the determination of significance, with initial review by the staff to the commission. *See, e.g.*, Boston, Massachusetts, Davis, California, and San Antonio, Texas. Variations, however, do exist from community to community. In Santa Monica, for example, demolition permit applications are forwarded directly to each of the members of the landmarks commission. In Boulder, initial review is performed by the city manager and two designated members of the landmarks board. If the property is significant, then the matter is referred to the city's landmarks board. In the cities of Keene and Concord, New Hampshire, the demolition review committee, comprised of three members of each city's heritage commission, is responsible for conducting the initial review, making an official determination of significance, and holding a meeting to explore preservation alternatives.

What Evidence Must be Submitted for Review?

Most jurisdictions require the submission of sufficient information to enable the decision maker to make an informed decision on a building's age and significance. In Santa Monica, for example, a completed application form must be submitted to the landmarks commission, along with a site plan, eight copies of a photograph of the building, and photo verification that the property has been posted with a notice of intent to demolish.

Boston requires the submission of photographs of both the subject property and any surrounding properties with a demolition permit application. In addition, the applicant must provide a map identifying the location of the property, a plot plan showing the building footprint and those in the immediate vicinity; plans for site improvements, including elevations if a new structure is planned, and the notarized signatures of all owner's-of-record along with proof of ownership. Additional materials may be required if a public hearing on the issue of whether the property is "preferably preserved" is held. Items such as a structural analysis report, adaptive reuse feasibility studies, the availability of alternative sites for the proposed project, effects of post-demolition plans on the community, and other materials the commission may need to make a feasibility determination may be requested.

Newton, Massachusetts has comparable requirements. In the case of partial demolitions involving alterations or additions, the town also requires the submission of proposed plans and elevation drawings for the affected portion of the building.

What Standards are Used to Determine Historical Significance?

In Gainesville, Florida, the preservation planner is essentially charged with determining whether the structure would qualify as a landmark under the city's historic preservation ordinance. A demolition permit may be issued if the planner finds that the structure "is not designed in an architectural `high style' or a recognized vernacular building pattern, and it does not have historic events or persons associated with it."

In New Castle County, Delaware, the Historic Review Board makes a determination as to whether the building or structure is historically significant, based on the criteria for listing in the New Castle County Register of Historic and Architectural Heritage.

In Baton Rouge, Louisiana, the city's planning commission is charged with determining whether "[t]he structure is individually listed on the National Register of Historic Places or included in a National Register Historic District, or the structure is classified as National Register Eligible or Major Contributing in the historic building survey of the Central Business District."

In Westfield, Connecticut, individual findings of significance are not made. Rather, to invoke the 90-day, demolition delay period, the structure must be listed in or located within a historic district listed in the National Register of Historic Places, the State Register of Historic Places, the Westfield Historical Commission Register of Historic Places, or a local historic district created under the city's historic preservation ordinance. To be included on the city's historic register, the property must "contain or reflect distinctive and demonstrably important features of architectural, cultural, political, economic or social significance to the City of Westfield."

In Boulder, a preliminary finding on whether there is "probable cause" for designation as an individual landmark is made. If there is "probable cause," then the matter is required to be referred to the landmark commission for a public hearing on the eligibility of the building for designation as a landmark. In addition to determining whether the building meets the objectives and standards for landmark designation under its preservation ordinance, the Boulder commission must also take into account: (1) "[t]he relationship of the building to the character of the neighborhood as an established and definable area;" (2) "the reasonable condition of the building;" and (3) "the reasonable projected cost of restoration or repair." If the building is found to merit designation, then a delay period not to exceed 180 days from the date the demolition permit application was initially filed may be invoked.

Cities and towns enacting demolition review procedures in Massachusetts may not invoke a delay period until the building or structure at issue is found to be both "significant" and "preferably preserved." The term "preferably preserved" essentially means that it is in the public's interest to preserve the building. In some cases, a determination may be made to seek landmark status. Newton's "demolition delay ordinance" is illustrative. Under the city's law, a significant building is "any building or structure which is in whole or in part fifty years or more old" and which:

> (1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water; or
>
> (2) is listed on or is within an area listed on the National Register of Historic Places or eligible for such listing, or listed on or is within an area listed on the State Register of Historic Places, or eligible for such listing; or
>
> (3) has been determined by the commission or its designee to be a historically significant building after a finding that it is:
>
> > a) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America: or
> >
> > b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or
> >
> > c) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district.

A building or structure is "preferably preserved" if issuance of the requested demolition permit "would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton."

What Procedures are Used to Evaluate Significance?

The notice and hearing requirements set forth in demolition review ordinances normally address two concerns. One is meeting the constitutional rights of the applicant to due process. The other is ensuring that the community knows about the pending demolition and has a meaningful opportunity to participate in the proceedings. Determinations of significance are generally held upon review by a city's historic preservation commission at a public hearing.

Notice. Individual notice is often required when specific findings are made affecting the applicant's request for a demolition permit. For example, in Boulder, notice must be provided to the applicant upon a finding by an initial review committee that probable cause exists that the building or structure may be eligible for designation as an individual landmark. The applicant is also entitled to notice of the public hearing before the full commission regarding the property's eligibility for landmark status and notice of the commission's final decision to stay the demolition permit for a period of 180-days to explore preservation alternatives.

Public notice requirements under demolition review ordinances can also be extensive. In situations where delay periods may be invoked for the purpose of exploring preservation alternatives, public awareness can be critical. In Monroe, Connecticut, for example, concerted efforts are made to inform the public. The city's ordinance requires publication of notice in newspaper of general circulation and individually-mailed notice to the city's historic district commission, the town historian, the Monroe Historical Society, and all abutting property owners. In addition, the city is required to post for at least 30 days a 36 by 48" sign visible from nearest public street with the words "DEMOLITION" printed on the sign with the letters being at least 3 inches in height. Among other requirements, Gainesville, Florida, requires that the historic preservation planner post a sign on the property "notifying the public of the owner's intent to demolish the structure in order to allow interested parties to come forward and move the structure upon consent of the owner."

Hearings. Public hearings are typically required under demolition delay provisions to determine whether the building or structure posed for demolition is historically significant. See, e.g. Baton Rouge, Louisiana, Boston, Massachusetts, Boulder, Colorado, Westfield, Connecticut, Gainesville, Florida, and Concord, New Hampshire. Some demolition delay laws also use the public hearing format to consider alternatives for demolition delay. The Westfield, Connecticut, ordinance, for example, specifically states that "[t]he purpose of said Hearing shall be to discuss, investigate and evaluate alternatives that will allow for the preservation of such buildings, structures, features/components or portions thereof." It provides, however, that [t]he applicant's intended use/reuse of the property is not a topic of the hearing."

How Long Do Delay Periods Typically Run?

The delay periods invoked under demolition review ordinances run from 30 days to two-years, with most falling within the 90-day to six-month range. In some jurisdictions, the length of the delay period may be prescribed by state law. For example, in Connecticut, § 29-406(b) of the Connecticut General Statutes authorizes any town, city, or borough to impose a waiting period of not more than ninety days. Also note that the effective length of equivalent waiting periods can vary significantly, depending upon the date upon which the delay is measured. Boston, for examples, measures its 90-day delay period from the close of the public hearing. Chicago, in comparison, measures its 90-day delay period from the application filing date.

Communities with longer delay periods sometimes include specific provisions that enable the issuance of a demolition permit prior to the expiration of the waiting period if spe-

cific conditions are met. For example, in Lake Forest, Illinois, the city's 2-year waiting period for all demolition permits may be waived or shortened, upon a finding by the Building Review Board, after holding a public hearing, that—

a. The structure itself, or in relation to its environs, has no significant historical, architectural, aesthetic or cultural value in its present restored condition; or

b. Realistic alternatives (including adaptive uses) are not likely because of the nature or cost of work necessary to preserve such structure or realize any appreciable part of such value; or

c. The structure in its present or restored condition is unsuitable for residential, or a residentially compatible use; or

d. The demolition is consistent with, or materially furthers, the criteria and purpose of this section and Section 46-27 of the Zoning Code.

In Newton, Massachusetts a demolition permit may be issued before the expiration of the city's 12-month delay period if the Newton Historical Commission is satisfied that the permit applicant:

- has made a "bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or
- has agreed to accept a demolition permit on specified conditions approved by the commission.

See, also, Boston's Demolition Delay Ordinance, which provides for the issuance of a finding of "no feasible alternative to demolition" at the public hearing or any time prior to the expiration of the delay period.

Also note that some jurisdictions insist that the property be secured during the demolition delay period. In Boston, for example, the applicant is required to secure the building during the review period. If the building is lost during this period due to fire or other causes, then the action is treated as an unlawful demolition.

How are Demolition Alternatives Explored?

The historic preservation commission usually sits at the center of the preservation effort. The commission will work with the owner and other interested organizations, public agencies, developers, and individuals who may be instrumental in developing a workable solution. Boston's demolition review ordinance specifically identifies who must be asked to participate in the city's investigation of alternatives. In addition to the owner, the Landmarks Commission must invite the Commissioner of Inspectional Services, the Director of the Boston Redevelopment Authority, and the Chairperson of the Boston Civic Design Commission, and any other individual or entity approved by the applicant. In Boulder, the Landmarks Board may "take any action that it deems necessary and consistent with this chapter to preserve the structure, including, without limitation, consulting with civic groups, public agencies, and interested citizens."

The range of alternatives that may be pursued may be specifically identified in the ordinance or left to the preservation commission's discretion. In addition to considering the possibility of landmark designation, the moving of a building to an alternative location, and the salvaging of building materials, the Boulder Landmarks Board is empowered to "take any action that it deems necessary . . . to preserve the structure." In Wilton, Connecticut, the Wilton Historic District Commission or the Connecticut Historical Commission is charged

with "attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition" during the 90-day delay period.

Alternatives that are often considered include the possibility of rehabilitating the building with the assistance of tax incentives or other financial assistance; adapting the building to a new use; removing the building to another site; finding a new owner who is willing and able to preserve the building; incorporating the building into the owner/applicant's redevelopment plans; and using an alternative site for the owner/applicant's project.

The submission of specific information pertaining to the property is generally required. An applicant, for example, may be required to submit a structural engineer's report and information on the cost of stabilizing, repairing, rehabilitating, or re-using the building, plans for the property upon demolition, and the availability of other sites that would meet the applicant's objectives.

What Exceptions May Apply to the Strict Application of Demolition Review Laws?

Many demolition review laws recognize exceptions upon a showing of economic hardship or where the public safety is at stake. In Gainesville, Florida, for example, the demolition delay period may be waived by the historic preservation board if the applicant can demonstrate "economic hardship." As is generally the case with the consideration of economic hardship claims under historic preservation ordinances, the burden of proof rests on the applicant to show that retention of the property is not economically viable and the applicant must set forth specific relevant information to make his or her case.

Virtually every demolition review law recognizes an exception on public safety grounds. Gainesville also provides that "any structure that has been substantially burned or damaged by an event not within the landowner's control with more than 50 percent of the structure affected" may also be demolished, regardless of the building's significance.

Weston, Massachusetts provides the following exception:

> Emergency Demolitions
>
> Notwithstanding the following provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.
>
> No provision of this by-law is intended to conflict with or abridge any obligations or rights conferred by G.L.c.143 regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of Chapter 143 shall control.

Once the Delay Period Expires, What Other Restrictions May Apply?

Some jurisdictions also require the submission of documentation of the property and/or the salvage of significant architectural features prior to the issuance of the demolition permit. Boulder, Colorado, expressly authorizes the city manager to require the submission of documentation about the building prior to the issuance of a demolition permit, such as a de-

scription of significant events, information on its occupants, photographs, plans, and maps. In Keene, New Hampshire, the demolition review committee is required to "photographically document the building" prior to demolition. In addition, the salvage of significant architectural features is encouraged.

How are Demolition Review Ordinances Enforced?

Experience has shown that historic buildings will be demolished, without regard to protections against demolition, if the ramifications for non-compliance are minor or insignificant. Accordingly, communities generally seek to establish penalties that will, in fact, discourage violations from occurring. Commonly used penalties, for example, include the imposition of significant fines for each day of the offense, and the preclusion of a permit to develop or occupy the property for specific period of time.

In New Castle County, Delaware, the county attorney is authorized by ordinance "to take immediate action prosecute those responsible" for the demolition of structures determined to have historic significance prior to the issuance of a demolition permit. In addition, building permits for the parcel affected may be withheld for a period of one to three years. Violators of the demolition ordinance in Monroe, Connecticut, may be subject to a fine amounting to the greater of one thousand dollars or the assessed value of the property for each violation. In Highland Park, Illinois, a person who violates the demolition review ordinance may be assessed a fine equal to "90 percent of the fair market value of the cost of the replacement of such regulated structure."

Newton, Massachusetts, authorizes the imposition of a $300 fine and two year ban on the issuance of a building permit against anyone who demolishes a historically significant building or structure without first obtaining and fully complying with the provisions of a demolition permit issued in accordance with its demolition review ordinance. However, a waiver on the building permit ban may be obtained in instances where reuse of the property would "substantially benefit the neighborhood and provide compensation for the loss of the historic elements of the property" either through reconstruction of the lost elements or significant enhancement of the remaining elements. As a condition to obtaining the waiver, however, the owner must execute a binding agreement to ensure that the terms agreed to are met.

Do Demolition Delay Ordinances Work?

On December 15, 2003, a Chicago Tribune article written by architectural critics, Blair Kamin and Patrick T. Reardon, made headline news. Kamin and Reardon reported that, in a year's time, only one of 17 buildings slated for demolition had been preserved under the city's much acclaimed "demolition delay ordinance." The critics asserted that the city's much-touted effort to preserve the buildings coded red or orange on Chicago's 1996 Historic Resources Survey through the imposition of a 90-day waiting period on demolition permits, wasn't working. They attributed the loss of the buildings to the city's failure to make preservation a priority and by not providing sufficient legal protections and financial incentives to get the job done.

In the same article, Kamin and Reardon also reported that the Chicago Landmarks Division had made a contrary assessment. Sixteen out of the 17 orange-rated buildings posed for demolition were not recommended for designation because they had failed to meet the criteria for landmark status and the one building that was saved would have been demolished but for the demolition delay ordinance.

It cannot be denied, as Kamin and Reardon noted, that demolition review laws seem to support an "ad hoc" approach to landmark designation. The buildings being designated are

those threatened by demolition rather than those most deserving. Also, the question of what is preserved often depends upon who cares about the matter, rather than the historical or architectural merit of the building at issue.

Keep in mind, however, that the need for such laws really stems from the fact that it is impossible to designate every building worthy of protection in advance, especially in cities like Chicago, where over 17,000 buildings have been listed on the city's historic survey. Historic preservation commissions are often understaffed, and often cities simply lack the resources or political will to protect all of their historic properties in advance.

Indeed, in Massachusetts, where over 100 demolition review laws have been adopted, demolition review laws are considered overwhelmingly successful. According to the Massachusetts Historical Society, demolition delay enabled the preservation of the Coolidge Corner Theater and a Lustron house in Brookline. Negotiations under Eastham's delay provision enabled a historic house to be moved rather than demolished. Demolition review requirements have also helped to stem the tide of teardowns in residential areas in Newton, and resulted in the rehabilitation of the circa-1710 Foster Emerson House in Reading. For more information, see Christopher Skelly, "Preservation through ByLaws and Ordinances" (Massachusetts Historical Commission 2003).

What Else do I Need to Know About Demolition Review Laws?

By now you should be aware that demolition review laws can vary significantly. In developing your own program, it is important to understand not only how such laws work generally, but also to think about how such a law would work in your own community. Basic considerations include the types and number of buildings likely to require review, who should conduct that review, and how the law would relate to your city or town's historic preservation program. Communities should also seek to —

- **Establish an efficient process.** Provide a quick and efficient means for ensuring that permits on non-significant buildings are not held up unnecessarily. The number of demolition permit applications filed in a given year can sometimes be staggering. The San Antonio Historic Preservation Office, for example, reports that it reviews approximately 900 applications per year.
- **Have resources in place which help applicants and/or permitting officials determine the age and significance of their buildings.** In other words, take the guesswork out of the process.
- **Avoid making the safety net too small.** It is important to ensure that potential landmarks are, indeed, subject to the law's protections. In communities with resources from the recent past, for example, it may be necessary to establish a threshold date that is commensurate with those resources. Communities relying on specific dates rather than the age of the building may find the need to amend the ordinance over time. If demolition review is limited to a category of buildings or list of structures, comprehensive survey work must be done prior to the law's enactment to ensure that all buildings meriting protection are included.
- **Keep the community informed.** Effective notice provisions, such as the posting of a large sign, are critical. Members of the public cannot respond to a demolition threat unless they know about it.
- **Don't make the delay period too short.** Without a meaningful delay period, leverage is lacking. It takes time to find a new buyer or a new site, or to even make an assessment as to whether an adaptive reuse project would work.

- **Give the preservation commission the necessary tools to negotiate a solution.** Preservation solutions are more likely to be forthcoming with some level of financial assistance or tax savings. Enable the commission to draw on the expertise of other city officials when necessary and invite critical players to the table. Demolition review provides an invaluable opportunity to improve communication between a preservation commission and its staff, and other governmental officials and the development community.
- **Enable the property to be designated, if designation is warranted.** Negotiated preservation is no substitute for a strong preservation ordinance.
- **Enforce your ordinance**. Ensure that the penalties effectively deter non-compliance and be prepared to enforce your ordinance if violations occur.

Where Can I Find Examples of Demolition Delay Ordinances?

Listed below are examples of demolition delay ordinances that have been adopted around the country.

California

Alameda City Code § 13-21-7.
http://www.ci.alameda.ca.us/code/Chapter_13/21/7.html

Davis Building Ordinance § 8.18.020
http://www.city.davis.ca.us/pb/pdfs/planning/forms/
Demolition_Permit_Requirements.pdf

Santa Monica Municipal Code § 9.04.10.16.010 (as amended by Ordinance No. 2131 (July 27, 2004)).
http://www.codemanage.com/santamonica/

Colorado

Boulder Revised Code § 10-13-23.
http://www3.ci.boulder.co.us/cao/brc/10-13.html#Demolition

Connecticut

Monroe Demolition Delay Ordinance
http://www.cttrust.org/index.cgi/1049

Wilton Demolition Ordinance
http://www.cttrust.org/index.cgi/1049

Delaware

New Castle County Code § 6.3.020(B).
http://www.municode.com/resources/online_codes.asp

Florida

Gainesville Code of Ordinances § 6-19.
http://www.municode.com/resources/online_codes.asp

Illinois

Chicago, Illinois. Municipal Code of Chicago § 13-320-230(a)-(c) and § 2-76-215.
http://egov.cityofchicago.org/webportal/COCWebPortal/COC_EDITORIAL/DemolitionPermits.txt

Highland Park Ordinances, Ch. 17 §§ 170.040.
http://www.cityhpil.com/govern/ordinances.html

Lake Forest, Illinois, Building Scale and Environmental Ordinance § 9-87.
http://www.cityoflakeforest.com/pdf/cd/bsord.pdf

Louisiana

Baton Rouge and East Baton Rouge Parish Demolition and Relocation Ordinance
http://municode.com/resources/on-line_codes.asp

Massachusetts

Boston Zoning Code, Art. 85, §§ 1-8.
http://www.cityofboston.gov/bra/pdf/ZoningCode/Article85.pdf

Cambridge Municipal Code Ch. 2.78, Art. II
http://bpc.iserver.net/codes/cbridge/index.htm

Newton Revised Ordinances, Ch. 22, Art. III, § 22-44.
http://www.ci.newton.ma.us/legal/ordinance/chapter_22.htm#art1

Town of Weston Bylaws, Art. XXX.
http://www.lmstrategies.com/whc/by-law1.htm

Maryland

Montgomery County Code, Part II § 24A-10
http://www.amlegal.com/montgomery_county_md/

New Hampshire

Concord Code of Ordinances, Art. 26-9 §§16-9-1 through 16-9-5.
http://municode.com/resources/on-line_codes.asp

Keene Code of Ordinances, Art. IV, §§ 18-331 through 18-335.
http://municode.com/resources/on-line_codes.asp

Texas

San Antonio Unified Development Code. Art. 4, § 35-455(b)(2).
http://www.sanantonio.gov/dsd/pdf/udc_article4_04.pdf

Attachment J:
Potentially Eligible List

Properties Potentially Eligible for Local Historic Landmark Designation

The following tables identify the fifty-five (55) properties that made up the Potentially Eligible List (PEL) when it was formally adopted on January 3, 2006. Table 1 represents the current PEL. Since the its establishment, ten (10) properties from the PEL have been designated as local historic landmarks following City Council's approval of five (5) owner-initiated, three (3) City-initiated, and two (2) third party-initiated applications. They have therefore been removed from the list.

Table 2 shows properties that have been designated as local historic landmarks and therefore removed from the PEL. Table 3 shows properties that have been removed from the PEL because they have been demolished or denied local historic landmark designation. The PEL presently contains 40 remaining properties.

Table 1

Potentially Eligible List Extant Properties Identified During 2006 Historic Preservation Summit as of July 31, 2019			
	Property Name	**Alternative Name**	**Address**
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 First Avenue North
9	St. Mary's Catholic Church		515 Fourth Street South
10	Unitarian Universalist Church		719 Arlington Avenue North
11	Trinity Lutheran Church		467 Fourth Avenue North
12	Christ United Methodist Church		451 First Avenue North
15	YWCA	Endicott Funeral Homes	655 Second Avenue South
16	Waterfront Park Apartments Cooperative		483-99 First Street South
17	Sarven Apartments		249 Fourth Avenue North
18	Heritage Hotel		234 Third Avenue North
20	Tomlinson Adult Education Center	Tomlinson Vocational School	296 Mirror Lake Drive North
21	Lyceum	Mirror Lake Christian Church	302 Grove Street North
22	Randolph Hotel		200 Fourth Street North
23	Orange Blossom Catering		220 Fourth Street North
24	Coburn Apartments		232 Fourth Street North
25	Poulsen Apartments		215 Fifth Street North
26	St. Charles Hotel		243-45 Central Avenue
27	St. James Hotel		235 Central Avenue
28	Jannus Landing		200 First Avenue North
29	Tamiami Hotel		242 First Avenue North
31	Vinoy House		532 Beach Drive Northeast

Potentially Eligible List Extant Properties Identified During 2006 Historic Preservation Summit as of July 31, 2019			
	Property Name	**Alternative Name**	**Address**
32	Fire Station #1		128 Third Street South
33	Crislip House	Tessmer Apartments	205 Fourth Avenue North
34	Bussey House		211 Fourth Avenue North
35	Davenport House		259 Fourth Avenue North
36	Endicott House		233 Third Street North
37	Mitchell Apartments	Stanton Apartments	211 Third Street North
38	Victoria Apartments		341 Third Street North
39	Williams Park and Bandshell		330 Second Avenue North
41	Jungle Prado		1700 Park Street North
42	William and Mary Hotel	YWCA Young Ladies' Residence	811 Jackson Street North
45	Woodlawn Elementary School		1600 16th Street North
46	Free Clinic Building	Post Office Distribution Center	863 Third Avenue North
48	C. Perry Snell's 3rd Residence		375 Brightwaters Boulevard Northeast
49	C. Perry Snell's 4th Residence		360 Coffee Pot Riviera Northeast
50	Marbleside Building	St. Petersburg Federal Savings and Loan	33 Sixth Street South
51	Snell Isle Apartments		222 Snell Isle Boulevard Northeast
52	Hegrado Apartments		200-210 22nd Avenue Northeast

Since the its establishment, ten (10) properties from the PEL have been designated as local historic landmarks following City Council's approval of five (5) owner-initiated, three (3) City-initiated, and two (2) third party-initiated applications. They have therefore been removed from the list.

Table 2

Properties Removed from the PEL Following Designation as Local Historic Landmarks				
	Property Name	**Address**	**Designation No.**	**Designation Application Initiation**
1	Detroit Hotel	201-215 Central Avenue	09-04	Third party
8	Lantern Lane Apartments	340 Beach Drive Northeast	11-90300003	Owner
13	St. Peter's Episcopal Church	140 Fourth Street North	09-02	Owner
14	First Church of Christ Scientist	253 Fifth Avenue North	12-90300001	City
30	Binnie-Bishop Hotel	256 First Avenue North	13-90300002	Third party
40	Hangar 1, Albert Whitted Airport	107 Eighth Avenue Southeast	06-11	Owner
43	Jordan Elementary School	2390 Ninth Avenue South	09-06	City
44	Euclid Elementary School	1015 Tenth Avenue North	14-90300004	Owner
54	Water Tower	Crescent Lake	07-02	City
55	Sunset Hotel	7401 Central Avenue	07-03	Owner

A total of five (5) of PEL properties have been removed from the list following the City Council denial of three (3) third party-initiated designation applications[1] and the demolition of one (1) PEL property following the requisite 30-day hold with no designation application filed.

Table 3

Properties Removed from the PEL Due to Demolition or Denial of Local Historic Landmark Designation			
	Property Name	**Address**	**Status**
2	Central National Bank	400 Central Avenue	Third party-initiated designation application 16-90300002 denied; buildings demolished in 2016
3	Pheil Hotel	410 Central Avenue	
19	Blocker Residence	145 Fourth Avenue Northeast	Third party-initiated designation application 10-90300002 denied; building extant
47	George Gandy House	2700 Driftwood Road South	No designation application filed; building demolished in 2018
53	Holiday Motel	2402-36 Fourth Street North	Third party-initiated designation application 19-90300001 denied; demolition pending

[1] Designation application 16-90300002 proposed the designation of two PEL properties, the Central National Bank at 400 Central Avenue and the Pheil Hotel at 410 Central Avenue, under a single file number.

Attachment K:

Staff Report from 2018 Proposed Update to the List of Potential Eligibility

st.petersburg
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Staff Report to the St. Petersburg Community Planning & Preservation Commission
Prepared by the Planning & Development Services Department,
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on December 11, 2018 at 2:00 p.m., in City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

UPDATE to the LIST of POTENTIAL ELIGIBILITY

INTRODUCTION

The identification and listing of historic properties potentially eligible for local landmark designation ("PEL") is authorized by Section 16.30.070.2.11 of the St. Petersburg City Code, Chapter 16, Land Development Regulations.

This request is to certify an updated list of historic properties potentially eligible for local landmark designation. Whereas the details of this request are outlined throughout the following report, it is important to note in summary that certification of the updated list does not constitute an official local landmark designation of the listed properties. Furthermore, certification of the updated list does not add any regulatory constraint on the property owner, *except in the case of demolition*. While the Urban Planning and Historic Preservation Division encourages improvements that maintain the historic integrity of the listed properties, property owners or tenants are allowed to make any interior or exterior modifications without historic preservation review. Demolitions are outlined in the following report section titled, "What is the immediate effect of listing?"

BACKGROUND

The original PEL, containing 55 properties, was first conceived in 2005 at the request of then-Mayor Rick Baker. The PEL was intended to identify properties that are considered *eligible* for local landmark designation but were not yet officially processed and designated as a local landmark by the City Council. The purpose was to help identify properties eligible for designation and provide preservation-related information to the property owners. Comprehensive Plan Policy HP1.4 states:

> "By December 2008, the City will identify and recommend to the Community [Planning and] Preservation Commission, a list of properties eligible for inclusion in the St. Petersburg Register of Historic Places and shall provide information to the owners regarding the benefits of designation. The list shall be updated annually."

Following a public meeting with the then-named Historic Preservation Commission on December 6, 2005, the PEL was approved by the Mayor and formally established on January 3, 2006. Since adoption of the original list, ten (10) properties have been designated individual local landmarks, one (1) was processed for designation but denied by the City Council, and three (3) were demolished.

To date, the list has not been updated annually as prescribed by the Comprehensive Plan policy. The current request is an attempt to correct this deferral by updating the list using information already on file and as described throughout this report.

Following adoption of the updated Historic and Archaeologic Preservation Overlay in mid-2015, the Urban Planning and Historic Preservation Division initiated this effort to update the City's listing of historic properties potentially eligible for local landmark designation. On February 25, 2016, the City's Urban Planning and Historic Preservation Division hosted a public information meeting at the St. Petersburg Main Library. During this meeting, City Staff presented an overview of the project initiative. On March 8, 2016, a public hearing by the City's Community Planning and Preservation Commission ("CPPC") was conducted; however, final action was deferred to allow more time for additional surveys to be completed. Since limited resources and staff commitments to other private-initiated applications have resulted in little progress toward executing addition surveys, the CPPC recently requested that this earlier update from 2016 be returned for a new public hearing.

CURRENT REQUEST

Starting in 1993, a series of architectural and cultural resource surveys were completed for the City's older (mostly residential) neighborhoods. These surveys were prepared by private consultants specializing in historic property assessment.

1993	Child's Park Neighborhood Profile
1993	Final Survey Report: Old Southeast Neighborhood Survey
1994	Survey of North Shore, Roser Park, and a portion of Round Lake: Phase II
1994	Historic Preservation certification Application: ICBS Store Building
1995	Kenwood Neighborhood Final Survey Report
1996	Architectural/Historic Survey of Crescent Heights/Crescent Lake/Uptown
1997	Final Survey Report (Phase V): Woodlawn, Allendale Terrace, Euclid/St. Paul Neighborhood
2000	Architectural/Historic Survey of the 22nd Street South Corridor
2000	Architectural/Historic Survey of the Jungle Avenue/Park Street Area
2000	Architectural/Historic Survey of the Brightwaters Section of Snell Isle
2006	Certified List of Potentially Eligible Properties
2008	Some Industrial Park Project II Redevelopment Area: Historic Structures Study
2009	Cultural Resource Reconnaissance Survey for the Downtown St. Petersburg Intermodal Center
2015	Draft Final Cultural Resource Assessment Survey: I-275/SR 93-2015

The surveys each include an inventory of properties and most importantly, a short-list of properties determined eligible for individual listing on the National Register and/or designation as a local landmark. Those properties identified within the surveys as eligible for individual listing and/or designation have been extracted and added to the proposed update. Except as noted otherwise, these properties make up nearly all of the proposed additions.

Several properties were identified in the original surveys, but excluded from the proposed update due to designation, demolition, or alterations that diminished or destroyed the historic integrity of the subject property.

Designated	3601 Foster Hills Dr. No., Residence
Designated	175 – 5th Street North, St. Petersburg City Hall
Designated	951 – 22nd Avenue South, Merriwether Building
Demolished	605 – 24th Avenue North, Residence
Demolished	205 – 5th Avenue Northeast, Residence

Demolished	850 - 22nd Street South, Commercial
Alterations	606 – 20th Avenue Northeast, Residence
Alterations	240 Brightwaters Boulevard Northeast, Residence
Alterations	1700 – North Shore Drive Northeast, Residence
Alterations	7610 – Dartmouth Avenue North, Residence
Alterations	2137 – 9th Avenue South, Church

In addition to the surveys, two (2) properties – 1450 16th St. No. and 2600 Dr. Martin Luther King Jr. St. No. - were independently identified by the State Historic Preservation Office ("SHPO"), Florida Division of Historic Resources, as individually eligible and noted as such on the Florida Master Site File.

Several properties included in the 2016 proposed update have been removed from the existing and proposed list due to demolition.

Demolished	1819 - 11th Avenue North, Residence
Demolished	2700 Driftwood Road, George Gandy House / Mullet Farm (2006 List)
Demolished	410 Central Avenue, Pheil Hotel and Theater (2006 List)
Demolished	400 Central National Bank (2006 List)

WHAT DOES IT MEAN TO BE IDENTIFIED AS INDIVIDUALLY ELIGIBLE?

The identification and listing of property as *individually eligible* simply means that, based on a preliminary assessment, the subject property *likely* qualifies for designation as a local landmark. It *does not mean* that a listed property is, or will shortly become, an officially designated local landmark. The process for becoming a designated local landmark is very specific, includes at least two (2) public hearings, the participation of the property owner, and approval of an ordinance by the City Council. While the City invites the owners of listed property to consider the merits of becoming a local landmark, designation is not the purpose or effect of this particular initiative.

WHAT IS THE IMMEDIATE EFFECT OF LISTING?

As noted in the introduction, inclusion on the PEL does not add any regulatory constraint on the property owner, *except in the case of demolition*. While the Urban Planning and Historic Preservation Division encourages improvements that maintain the historic integrity of the listed properties, property owners or tenants are allowed to make any interior or exterior modifications without historic preservation review.

Regarding demolition, properties included on the PEL are flagged in the city's planning and permitting database. When an application for demolition permit is submitted, a site plan application is also required for the new development that is proposed to replace the listed building(s). When an application for demolition permit and site plan is received and determined complete, a 30-day stay of demolition is activated. A letter of notification is then sent to the list of individuals and entities who register for such notification. If a third-party application to designate the listed property is not received by the noticed deadline, then the demolition permit is released and demolition of the listed property may commence. If a third-party application to designate is received, then the demolition request is stayed pending the results of the designation process and final determination by City Council.

DESCRIPTION OF LIST CONTENT

The updated list has been modified to include relevant information pertaining to the type, alternative names, evaluation source, assessment code, and the year the property was added. The evaluation source and assessment code are particularly important in knowing the basis for inclusion.

The evaluation source is a cross reference to the various surveys described in this report, and it is complemented with a map showing the completed survey areas. The assessment code follows the National Register Criteria for Evaluation pertaining to historic properties, describes the historic significance of historic properties, and distinguishes between important past events, important persons, distinctive architecture, whether the property yields important information about history or pre-history, and historic significance having a religious use or association.

In addition to the 2016 update, this request includes several new additions resulting from different initiatives and community discussions that have occurred since 2016. To minimize confusion, City Staff is presenting these separate from the original 2016 update and requesting independent consideration of each list, described and included below:

Glenn Quincy Johnson, Architect (Attachment C)

Since 2017, City historic preservation staff has been working with several property owners interested in pursuing a Multiple Property Listing recognizing the contributions of Glenn Q. Johnson.

Glenn Quincy Johnson was born in Chicago, IL in 1908 and became a registered architect in that state in 1937. In 1951, a friend brought him to St. Petersburg to work on a development in Coquina Key. Though the Coquina Key project never came to fruition, Johnson teamed up with designer George Leonard Ely once in the Sunshine City to create the "Visionaire" home, now often called "Birdcages" for their open design. Constructed between 1953 and 1958, these homes were inspired by Philippine tree houses to create a building form suited to the local climate. Ely and Johnson, like forward-thinking homebuilders across the United States, sought to reconsider the domestic form by combining new materials with non-traditional shapes. The homes Ely and Johnson designed often featured living areas raised above utility rooms, carports, and bedrooms and facing prevailing breezes to maximize air flow; they were marketed as being "air conditioned by nature." Johnson and Ely constructed a small cluster of Birdcage homes in Pinellas Point which retain a high degree of integrity and are cherished by their owners for their innovative design. Johnson also constructed a handful of Birdcage style homes throughout the city, some of which remain. Many of his commercial and multi-family designs have been highly altered or destroyed since their construction in the mid-twentieth century, but the First Federal Savings and Loan Bank at 800 49th St N has been identified as a noteworthy example of Johnson's efforts to maximize light and air while avoiding the ill effects of Florida's heat.

William Harvard Sr., Architect (Attachment D)

In February 2016, a *National Register of Historic Places Multiple Property Documentation Form* was completed by Janus Research titled "The Architecture of William B. Harvard, Sr. in St. Petersburg, Florida 1946 – 1966." The form included evaluation of 12 properties, two of which were already included on the 2006 listing of potentially eligible properties.

2006	Williams Park Band Shell, 330 2nd Avenue North
2006	St. Petersburg Federal Savings and Loan / Marbleside, 33 6th Street South

William B. Harvard, Sr., who designed numerous buildings in St. Petersburg between the 1930s and the 1980s, was said to have broken "the crust of tradition…for all local designers." Harvard's buildings were among the first Mid-Century Modern designs to be constructed in a city that had previously been dominated by the Mediterranean Revival and vernacular styles. Exhibiting deep overhangs, acute angles, and eye-catching contrasts in massing, the form of Harvard's buildings was inspired by a desire to shelter inhabitants from the harsh Florida sun while maximizing views and interaction between interior and exterior spaces. As the designer of some of the most noteworthy buildings of the era, Harvard played an active role in

creating the post-World War II architectural identity of St. Petersburg, Florida. Ranging from the Williams Park Band Shell to his design for the massive Pasadena Community Church, Harvard's designs remain some of the most recognizable Mid-Century Modern resources in the city and have become iconic representations of St. Petersburg's postwar growth. A Multiple Property Listing nomination to the National Register of Historic Places was prepared for Harvard's designs in St. Petersburg has been prepared by an independent consultant and is in the process of being reviewed by the Community Planning and Preservation Commission before being forwarded to the Florida State Historic Preservation Office.

Cade Bush Allen, Builder and Developer (Attachment E)

Several local landmark designations have been approved for their association with Cade Allen Bush, demonstrating the important contribution of Allen to residential development in the Allendale neighborhood and City of St. Petersburg. In addition to these designation reports, two separate publications authored by Burton Allen, grandson, provide exceptional documentation about the history of Allen and his portfolio of work:

1. Allen, Burton, Eva Marie Allen Lewis, Rena Allen McClendon Leadbetter. *Cade B. Allen, A Life Remembered.* St. Petersburg: 2007.
2. Allen, Burton, Allen Family. Homes by Cade Allen Bush. St. Petersburg: 2013.

2018	3650 Foster Hill Dr. No., Foster Grove House
2017	956 39th Ave. No., Frank Broadfield House
2015	3900 Dr. Martin Luther King Jr. St. No., Acheson-Mackey House
2014	3601 Foster Hill Dr. No., Cade Allen Residence
2004	3624 Dr. Martin Luther King Jr. St. No., The Almon Jones-Jay Black House
2004	3800 Dr. Martin Luther King Jr. St. No., Ainsworth House

Cade Bush Allen, a mason originally from Lownanville, New York, came to St. Petersburg with his mother in 1911. He soon opened a real estate office downtown and established himself as "the man with the bargains." Allen bought and sold land near downtown St. Petersburg and in the area of Crescent lake, where he also operated a small truck farm, during the 1910s. In the early 1920s and at the dawn of the Florida Land Boom, Allen purchased a citrus grove at the outskirts of town and near the last stop on the streetcar line. On the former grove and additional land he purchased in the area of Dr. Martin Luther King St. N. and 38th Ave. N., Allen began to develop homes in his own distinct and eclectic style. Combining notions of sensibility and safety captured by the Colonial revival style with inspiration from the imaginative Mediterranean Revival styles that were the focus of many Florida developers of the era, Allen's designs are highly recognizable to most St. Petersburg locals.

2812 8th Street North (No Attachment)

On February 16, 2018, a local landmark designation application was submitted by the Crescent Heights Neighborhood Association for the Grace Evangelical Lutheran Church, located at the address alternatively referred to as 801 28th Avenue North and 2812 8th Street North. The application was subsequently withdrawn on an understanding that the building would be protected through addition to the potentially eligible list. At the time, City staff performed an initial evaluation and concluded that the building is eligible for local landmark designation.

Finally, the updated list includes properties that were previously listed, but have since been denied for designation by the City Council. While the properties are included here for information purposes only, the properties are no longer considered part of the official *List of Eligibility*.

PUBLIC INPUT

On February 25, 2016, a public information meeting was held at the St. Petersburg Main Library. Nineteen individuals registered on the sign-in sheet; approximately 25 individuals attended. On March 8, 2016, a public hearing by the CPPC was conducted and a final decision deferred. Given the amount of time that has passed, the City's Urban Planning and Historic Preservation Division hosted a recent public information meeting on November 27, 2018, at the St. Petersburg Main Library. Approximately 25 individuals attended. For each meeting, a direct mail notification was sent to the registered owner of record as maintained through the Pinellas County Property Appraiser's Office.

City staff received several general inquiries about this initiative and received the following written requests to be removed from the proposed list:

411 Cordova Blvd.	Alon and Susie Goren	Requesting to be removed	William Harvard Sr.
1140 14th Ave. No.	David Kramer	Requesting to be removed	2016 Update

RECOMMENDATION and NEXT STEPS

City Staff recommends the CPPC certify the updated list of eligible properties. Following certification, the subject properties will be flagged in the City's planning and permitting database, and the online map of eligible properties will be updated accordingly. An interactive map of existing eligible properties is currently available online, please visit: https://bit.ly/2C0HpAm.

The CPPC should conduct separate votes for each of the following requested updates:

1. Original 2016 update
2. Glenn Quincy Johnson, Architect
3. William Harvard Sr., Architect
4. Cade Bush Allen, Builder and Developer
5. 2812 8th Street North

As additional properties are listed on the National Register; identified within any future historic, architectural, archaeological, or cultural resource survey; or identified by SHPO as individually eligible, they will be included as part of any future request to update the list. Further, City staff will continue to monitor future changes to existing properties on the list. Where modification may make properties ineligible for consideration, City staff will recommend to the CPPC that they be removed.

Finally, City staff will continue to work with property owners, as well as, the preservation and business community to make additional improvements to the management of the list.

ATTACHMENTS

- A - Original "Potentially Eligible List"
- B – Proposed Update
- C - Glenn Quincy Johnson, Architect
- D - William Harvard Sr., Architect
- E - Cade Bush Allen, Builder and Developer
- F - Map of Completed Surveys (Evaluation Sources)

ATTACHMENT A

Original "Potentially Eligible List"

Properties Potentially Eligible for Local Landmark Designation
2006 Historic Preservation Summit

	Property Name	Alternative Name	Address
1	Detroit Hotel		201-215 Central Avenue
2	Central National Bank	Wachovia Bank	400 Central Avenue
3	Pheil 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 First Avenue North
8	Gray's Hotel	Lantern Lane Apartments	340 Beach Drive Northeast
9	St. Mary's Catholic Church		515 Fourth Street South
10	Unitarian Universalist Church		719 Arlington Avenue North
11	Trinity Lutheran Church		467 Fourth Avenue North
12	Christ United Methodist Church		451 First Avenue North
13	St. Peter's Episcopal Church		140 Fourth Street North
14	Palladium Theater	First Church of Christ Scientist	253 Fifth Avenue North
15	YWCA	Endicott Funeral Homes	655 Second Avenue South
16	Waterfront Park Apartments Cooperative		483-99 First Street South
17	Sarven Apartments		249 Fourth Avenue North
18	Heritage Hotel		234 Third Avenue North
19	Mansion by the Bay	Blocker Residence	145 Fourth Avenue Northeast
20	Tomlinson Adult Education Center	Tomlinson Vocational School	296 Mirror Lake Drive North
21	Lyceum	Mirror Lake Christian Church	302 Grove Street North
22	Randolph Hotel		200 Fourth Street North
23	Orange Blossom Catering		220 Fourth Street North
24	Coburn Apartments		232 Fourth Street North
25	Poulsen Apartments		215 Fifth Street North
26	St. Charles Hotel		243-45 Central Avenue
27	St. James Hotel		235 Central Avenue
28	Jannus Landing		200 First Avenue North
29	Tamiami Hotel		242 First Avenue North
30	Bishop Hotel		256 First Avenue North
31	Vinoy House		532 Beach Drive Northeast
32	Fire Station #1		128 Third Street South
33	Crislip House	Tessmer Apartments	205 Fourth Avenue North
34	Bussey House		211 Fourth Avenue North
35	Davenport House		259 Fourth Avenue North
36	Endicott House		233 Third Street North
37	Mitchell Apartments	Stanton Apartments	211 Third Street North
38	Victoria Apartments		341 Third Street North
39	William Park and Bandshell		330 Second Avenue North

40	Hangar 1, Albert Whitted Airport		107 Eighth Avenue Southeast
41	Jungle Prado		1700 Park Street North
42	William and Mary Hotel	YWCA Young Ladies' Residence	811 Jackson Street North
43	Jordan Elementary School		2390 Ninth Avenue South
44	Euclid Elementary School		1015 Tenth Avenue North
45	Woodlawn Elementary School		1600 16th Street North
46	Free Clinic Building	Post Office Distribution Center	863 Third Avenue North
47	George Gandy House	Mullet Farm	2700 Driftwood Road South
48	C. Perry Snell's 3rd Residence		375 Brightwaters Boulevard Northeast
49	C. Perry Snell's 4th Residence		360 Coffee Pot Riviera Northeast
50	Marbleside Building	St. Petersburg Federal Savings and Loan	33 Sixth Street South
51	Snell Isle Apartments		222 Snell Isle Boulevard Northeast
52	Hegrado Apartments		200-210 22nd Avenue Northeast
53	Holiday Motel		2402-36 Fourth Street North
54	Water Tower		Crescent Lake
55	Sunset Hotel		7401 Central Avenue

ATTACHMENT B

PROPOSED UPDATE

LIST OF ELIGIBLE PROPERTIES

City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to PEL
			Allendale Terrace and Vicinity			
745	35th Ave. N.	Building		5	C	2018
774	36th Ave. N.	Building	Doc Webb House	5	C	2018
944	39th Ave N.	Building		5	C	2018
3410	Dr. MLK Jr. St. N.	Building		5	C	2018
3725	Dr. MLK Jr. St. N.	Building		5	C	2018
			Bayou Highland Neighborhood and Vicinity			
4700	Sunrise Dr. S.	Building	Mayor Patterson House	15	B	2018
			Childs Park Neighborhood and Vicinity			
4668	15th Ave. S.	Building	St. Andrews Russian Orthodox Church	1	CC: A	2018
3940	18th Ave. S.	Building	Childs Park Elementary School	1	C	2018
1789	34th St. S.	Building	Diner	1	A, C	2018
			Clam Bayou Neighborhood and Vicinity			
3747	34th St. S.	Building	St. Batholomew Episcopal Church	16	A, C	2018
			Crescent Heights Neighborhood and Vicinity			
525	22nd Ave. N.	Building		4	C	2018
476	23rd Ave. N.	Building		4	C	2018
732	23rd Ave. N.	Building		4	C	2018
701	24th Ave. N.	Building		4	C	2018
780	25th Ave. N.	Building		4	C	2018
647	28th Ave. N.	Building	Four Square Model	4	C	2018
704	29th Ave. N.	Building		4	C	2018
2238	7th St. N.	Building		4	C	2018
			Crescent Lake Neighborhood and Vicinity			
865	17th Ave. N.	Building		4	C	2018
845	20th Ave. N.	Building		4	C	2018
855	20th Ave. N.	Building		4	C	2018
870	20th Ave. N.	Building		4	C	2018
2402-	4th St. N.	Building	Holiday Motel	4, 11	A, C	2006
1827	8th St. N.	Building		4	C	2018
1840	8th St. N.	Building		4	C	2018
2135	Dr. MLK Jr. St. N.	Building		4	C	2018
Crescent Lake Park		Site	Crescent Lake Park	4	C, D	2018
			Downtown Core and Fringe			
200	1st Ave. N.	Building	Jannus Landing	11	A, C	2006
242	1st Ave. N.	Building	Tamiami Hotel	11	A, C	2006

451	1st Ave. N.	Building	Christ U.M.C	11	CC:A	2006
501	1st Ave. N.	Building	Suwannee Hotel	11	C	2006
483	1st St. S.	Building	Waterfront Park Apts.	11	C	2006
230	1st St. S.E.	Building	Al Lang Field	10	A, B	2018
330	2nd Ave. N.	Site and Structure	Williams Pk and Bandshell	11	A, B, C	2006
655	2nd Ave. S.	Building	Endicott Funeral Home	11	A, C	2006
234	3rd Ave. N.	Building	Heritage Hotel	11	C	2006
863	3rd Ave. N.	Building	P.O. Distribution Bldg./Free Clinic	11	A, C	2006
211	3rd St. N.	Building	Mitchells/Stanton Apts.	11	C	2006
233	3rd St. N.	Building	Endicott House	11	C	2006
341	3rd St. N.	Building	Victoria Apartments	11	C	2006
128	3rd St. S.	Building	Fire Station #1	11	A, C	2006
357	3rd St. S.	Building	Sumner Residence	10	C	2018
205	4th Ave. N.	Building	Crislip House	11	C	2006
211	4th Ave. N.	Building	Bussey House	11	C	2006
249	4th Ave. N.	Building	Sarven Apartments	11	C	2006
259	4th Ave. N.	Building	Davenport House	11	C	2006
467	4th Ave. N.	Building	Trinity Lutheran Church	11	CC:A	2006
200	4th St. N.	Building	Randolph Hotel	11	C	2006
220	4th St. N.	Building	Orange Blossom Catering	11	C	2006
232	4th St. N.	Building	Coburn Apartments	11	C	2006
446	4th St. S.	Building	ICBS Store Building	12	C	2018
515	4th St. S.	Building	St. Mary's Catholic Church	11	CC:A	2006
215	5th St. N.	Building	Poulsen Apartments	11	C	2006
33	6th St. S.	Building	Marbleside Building	11	C	2006
719	Arlington Ave. N.	Building	Unitarian Univ. Church	11	CC:A	2006
235	Central Ave.	Building	St. James Hotel	11	A, C	2006
243	Central Ave.	Building	St. Charles Hotel	11	A, C	2006
425	Central Ave.	Building	Preston Hotel/Alden Hotel/McCrory's 5 & 10	11	C	2006
449	Central Ave.	Building	Florida Arcade	11	C	2006
465	Central Ave.	Building	Lerner Stores	11	C	2006
480	Central Ave.	Object	Street corner clock	10	A, C	2018
302	Grove St. N.	Building	Lyceum/First Christian Church	11	C	2006
296	Mirror Lk. Dr. N.	Building	Tomlinson Adult Edu. Ctr.	11	C	2006
Central Yacht Basin		Site	Site of Jannus/Benois first flight	1984/1985 D.O.E.	A, B	2018
Euclid St. Paul and Vicinity						
1129	11th St. N.	Building		4	C	2018
900	14th Ave. N.	Building		4	C	2018
920	14th Ave. N.	Building		4	C	2018
1028	14th Ave. N.	Building		4	C	2018

1060	14th Ave. N.	Building		4	C	2018
1075	14th Ave. N.	Building		5	C	2018
1078	14th Ave. N.	Building		4	C	2018
1080	14th Ave. N.	Building		4	C	2018
1107	14th Ave. N.	Building		5	C	2018
1140	14th Ave. N.	Building		4	C	2018
1000	15th Ave. N.	Building		5	C	2018
1010	15th Ave. N.	Building		5	C	2018
1600	16th St N.	Building	Woodlawn Elementary	11	C	2006
1450	16th St. N.	Building	Armory			2018
1258	19th St. N.	Building		4	C	2018
		Fruitland Heights Neighborhood and Vicinity				
	22nd Ave. S	Site	St. Bartholomew Cemetery	15	A, D	2018
		Grand Central District and Vicinity				
1850	Central Ave.	Building		14	A, C	2018
		Greater Pinellas Point Neighborhood and Vicinity				
1535	Manor Way S.	Building		1985 D.O.E.	C	2018
		Greater Woodlawn Neighborhood and Vicinity				
800	24th Ave. N.	Building		4	C	2018
2600	Dr. MLK Jr. St. N.	Building	Security Federal S&L	15	A, C	2018
		Highland Oaks Neighborhood and Vicinity				
2227	29th St. S.	Building		1994	C	2018
		Historic Kenwood Neighborhood and Vicinity				
2741	2nd Ave. N.	Building		3	C	2018
2900	7th Ave. N.	Building		3	C	2018
		Historic Old Northeast Neighborhood and Vicinity				
126	11th Ave. N.E.	Building	Westminster Presbyterian Church	2	CC: A	2018
360	13th Ave. N.E.	Building	San Rafael Apartments	2	C	2018
201	14th Ave. N.	Building		2	C	2018
106	14th Ave. N.E.	Building		2	C	2018
116	14th Ave. N.E.	Building		2	C	2018
155	14th Ave. N.E.	Building		2	C	2018
406	14th Ave. N.E.	Building		2	C	2018
350	16th Ave. N.E.	Building		2	C	2018
446	16th Ave. N.E.	Building		2	C	2018
605	18th Ave. N.E.	Building		2	C	2018
645	18th Ave. N.E.	Building		2	C	2018
656	18th Ave. N.E.	Building		2	C	2018
200	22nd Ave. N.E.	Building	Hegrado Apartments	11	C	2006
2501	4th St. N.	Building	Fire Station No. 4	2	tbd	2018
166	6th Ave. N.E.	Building	Lew Brown House	2	C	2018
237	6th Ave. N.E.	Building	M&M Boarding House	2	C	2018
1650	Beach Dr. N.E.	Building		2	C	2018
1730	Beach Dr. N.E.	Building		2	C	2018

532	Beach Dr. N.E.	Building	Vinoy House	11	C	2006
2200	Coffee Pot Blvd. N.E.	Building		2	C	2018
360	Coffee Pot Riviera N.E.	Building	C. Perry Snell's 4th Residence	11	B, C	2006
1800	N. Shore Dr. N.E.	Building		2	C	2018
Historic Park Street Neighborhood and Vicinity						
7430	Dartmouth Av. N	Building		8	C	2018
250	Park St. N.	Building		8	C	2018
Historic Uptown Neighborhood and Vicinity						
811	Jackson St. N.	Building	William and Mary Hotel	11	C	2006
Jordan Park Neighborhood and Vicinity						
2240	9th Ave. S.	Building		7	C	2018
Jungle Prada Neighborhood and Vicinity						
7995	Bogey Ave. N.	Building		8	C	2018
	Elbow Ln.	Archaeo-logical Site	Potential DeNarvaez Landing Site/Jungle Prada	11, 15	D	2018
815	Jungle Ave. N.	Building		8	C	2018
1700	Park St N.	Archaeo-logical Site	Jungle Prado	11	A, C, D	2006
939	Park St. N.	Building		8	C	2018
1700	Park St. N.	Building	Jungle Prada	11	C	2018
Melrose Mercy / Pine Acres Neighborhood and Vicinity						
531	16th St. S.	Building	Perkins House	AARC Property	B, C	2018
Old Pasadena Neighborhood and Vicinity						
7227	2nd Ave. S.	Building		8	C	2018
100	Park St. S.	Building		8	C	2018
Old Southeast Neighborhood and Vicinity						
236	17th Ave. S.E.	Building		6	C	2018
1745	Beach Dr. S.E.	Building		6	C	2018
1947	Beach Dr. S.E.	Building		6	C	2018
Palmetto Park Neighborhood and Vicinity						
515	22nd St. S.	Building		7	C	2018
531	22nd St. S.	Building	Soft Water Laundry	AARC Property	tbd	2018
2361	7th Ave. S.	Building	Macedonia Freewill Baptist Church	16	CC: A	2018
Ponce de Leon Neighborhood and Vicinity						
2154	27th Ave. N.	Building	Norwood School	14	A, C	2018
Riviera Bay Neighborhood and Vicinity						
10000	Gandy Blvd.	Building		15	A, C	2018
Salt Creek Neighborhood and Vicinity						
263	13th Ave. S.	Building	Florida Power Plant	1984-85 D.O.E.	tbd	2018

Snell Isle Neighborhood and Vicinity						
375	Brightwaters Blvd. N.E.	Building	C. Perry Snell's 3rd Residence	9, 11	B, C	2006
222	Snell Blvd. N.E.	Building	Snell Isle Apartments	11	C	2006
240	Brightwaters Blvd. N.E.	Building		9	C	2018
375	Brightwaters Blvd. N.E.	Building		9,11	B, C	2018
125	Estado Way N.E.	Building		9	C	2018
120	Maron St. N.E.	Building		9	C	2018
The Deuces (Incl. portions of Melrose/Pine Acres Neighborhood and Wildwood Heights Neighborhood)						
927	22nd St. S.	Building		7	C	2018
2137	9th Ave. S.	Building		7	CC: A	2018

Evaluation Source:	
1	Child's Park Neighborhood Profile - 1993
2	Survey of North Shore, Roser Park, and a portion of Round Lake: Phase II - 1994
3	Kenwood Neighborhood - Final Survey Report - 1995
4	Architectural/Historic Survey of Crescent Heights/Crescent Lake/Uptown - 1996
5	Final Survey Report (Phase V): Woodlawn Subdivision, Allendale Terrace, Euclid/St Paul's Neighborhood - 1997
6	Final Survey Report: old Southeast Neighborhood Survey - 1993
7	Architectural/Historic Survey of the 22nd Street South Corridor - 2000
8	Architectural/Historic Survey of the Jungel Avenue/Park Street Area - 2000
9	Architectural/Historic Survey of the Brightwaters Section of Snell Isle
10	Cultural Resource Reconaissance Survey for the Downtown St. Petersburg Intermodal Center Alternatives - 2009
11	Certified List of Potentially Eligible Properties - 2006
12	Historic Preservation Certification Application: ICBS Store Building - 1994
13	Dome Industrial Park Project II Redevelopment Area: Historic Structures Study - 2008
14	Draft Final Cultural Resource Assessment Survey: I-275/SR-93 - 2015
15	Staff evaluation

NR Criteria for Significance:	
A	Related to an important past event
B	Related to an important person
C	Representative of distinctive architecture or technology
D	Able to yield important information about history or prehistory
CC:A	Historic Significance having a religious use or association

ATTACHMENT C

GLENN QUINCY JOHNSON, ARCHITECT

LIST OF ELIGIBLE PROPERTIES

City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to PEL
Bayou Bonita Neighborhood and Vicinity						
4610	Cypress Way. S	Building	Bayou Bonita Birdcage	Johnson, Gary	C	2018
4619	Sunrise Dr. S.	Building	Bayou Bonita Birdcage	Johnson, Gary	C	2018
Disston Heights Neighborhood and Vicinity						
800	49th St. N.	Building	First Federal Savings and Loan	Johnson, Gary	C	2018
Greater Pinellas Point						
856	68th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
712	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
724	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
725	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
736	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
746	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
749	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
780	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
880	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
711	Pinellas Pt. Dr. S	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
721	Pinellas Pt. Dr. S	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
731	Pinellas Pt. Dr. S	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
741	Pinellas Pt. Dr. S	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
751	Pinellas Pt. Dr. S	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
Lake Pasadena Neighborhood and Vicinity						
319	61st St. N.	Building	Henry Silverberg House	Johnson, Gary	C	2018

ATTACHMENT D

WILLIAM HARVARD, SR., ARCHITECT

LIST OF ELIGIBLE PROPERTIES

City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to PEL
Allendale Terrace and Vicinity						
750	34th Ave. N.	Building	N.U. Bond Residence	Harvard MPS	C	2018
801	37th Ave. N.	Building	William Harvard, Sr. Residence	Harvard MPS	C	2018
Central Oak Park Neighborhood						
3745	9th Ave. N.	Building	St. Petersburg Main Library	Harvard MPS	C	2018
Downtown Core and Fringe						
256	3rd St. N.	Building	Schuh Office Building	Harvard MPS	C	2018
Greater Pinellas Point Neighborhood and Vicinity						
4200 54th Ave. S. (Eckerd College)		Building	Lewis House	Harvard MPS	C	2018
4200 54th Ave. S. (Eckerd College)		Building	Bininger Center for the Performing Arts	Harvard MPS	C	2018
Greater Woodlawn Neighborhood and Vicinity						
2714	Dr. MLK Jr. St. N.	Building	Harvard + Jolly Office	Harvard MPS	C	2018
Old Pasadena Neighborhood and Vicinity						
210	70th St. S.	Building	Pasadena Community Church	Harvard MPS	C	2018
Snell Isle Neighborhood and Vicinity						
1001	31st Terr. NE.	Building	Wood Residence	Harvard MPS	C	2018
411	Cordova Blvd. N.E.	Building	John Knowlton Residence	Harvard MPS	C	2018

ATTACHMENT E

CADE BUSH ALLEN, BUILDER and DEVELOPER

LIST OF ELIGIBLE PROPERTIES

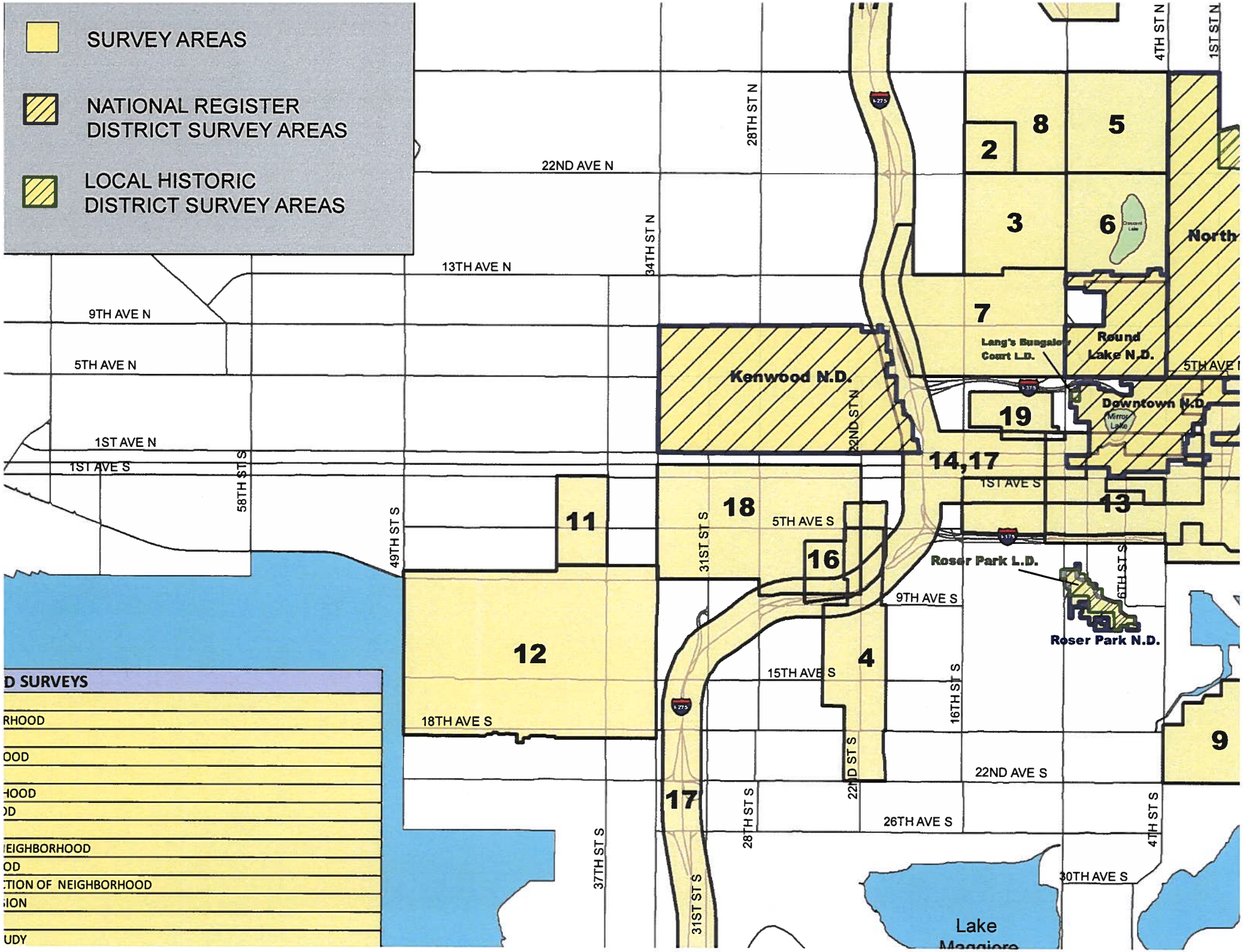
City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to PEL
Allendale Terrace and Vicinity						
3801	11th St. N.	Building		Allen, Burton	C	2018
4041	11th St. N.	Building		Allen, Burton	C	2018
4046	11th St. N.	Building		Allen, Burton	C	2018
4181	14th St. N.	Building		Allen, Burton	C	2018
767	36th Ave. N.	Building		Allen, Burton	C	2018
842	36th Ave. N.	Building		Allen, Burton	C	2018
917	38th Ave. N.	Building		Allen, Burton	C	2018
945	38th Ave. N.	Building		Allen, Burton	C	2018
1020	38th Ave. N.	Building		Allen, Burton	C	2018
1027	38th Ave. N.	Building		Allen, Burton	C	2018
933	39th Ave. N.	Building		Allen, Burton	C	2018
944	39th Ave. N.	Building		Allen, Burton	C	2018
945	39th Ave. N.	Building		Allen, Burton	C	2018
955	39th Ave. N.	Building		Allen, Burton	C	2018
1007	39th Ave. N.	Building		Allen, Burton	C	2018
1016	39th Ave. N.	Building		Allen, Burton	C	2018
1017	39th Ave. N.	Building		Allen, Burton	C	2018
1035	39th Ave. N.	Building		Allen, Burton	C	2018
1038	39th Ave. N.	Building		Allen, Burton	C	2018
1045	39th Ave. N.	Building		Allen, Burton	C	2018
930	40th Ave. N.	Building		Allen, Burton	C	2018
945	40th Ave. N.	Building		Allen, Burton	C	2018
955	40th Ave. N.	Building		Allen, Burton	C	2018
915	41st Ave. N.	Building		Allen, Burton	C	2018
935	41st Ave. N.	Building		Allen, Burton	C	2018
1006	41st Ave. N.	Building		Allen, Burton	C	2018
1020	41st Ave. N.	Building		Allen, Burton	C	2018
1035	41st Ave. N.	Building		Allen, Burton	C	2018
1055	41st Ave. N.	Building		Allen, Burton	C	2018
1310	43rd Ave. N.	Building		Allen, Burton	C	2018
3405	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3410	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3520	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3700	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3725	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3822	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3605	Foster Hill Dr. N.	Building		Allen, Burton	C	2018
3650	Foster Hill Dr. N.	Building		Allen, Burton	C	2018
3741	Foster Hill Dr. N.	Building		Allen, Burton	C	2018
3803	Haines Rd. N.	Building		Allen, Burton	C	2018

1247	Monticello Blvd. N	Building	Allen, Burton	C	2018
		Downtown Core and Fringe			
250	Mirror Lake Dr. N	Building	Allen, Burton	C	2018

ATTACHMENT F

MAP OF COMPLETED SURVEYS (EVALUATION SOURCES)


SURVEY AREAS
NATIONAL REGISTER DISTRICT SURVEY AREAS
LOCAL HISTORIC DISTRICT SURVEY AREAS
22ND AVE N
13TH AVE N
9TH AVE N
5TH AVE N
1ST AVE N
1ST AVE S
5TH AVE S
9TH AVE S
15TH AVE S
18TH AVE S
22ND AVE S
26TH AVE S
30TH AVE S
58TH ST S
49TH ST S
37TH ST S
34TH ST N
28TH ST N
22ND ST N
31ST ST S
28TH ST S
22ND ST S
16TH ST S
6TH ST S
4TH ST S
4TH ST N
1ST ST N
Kenwood N.D.
Lang's Bungalow Court L.D.
Round Lake N.D.
Downtown N.D.
Roser Park L.D.
Roser Park N.D.
Lake Maggiore
Crescent Lake
Mirror Lake
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D SURVEYS
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Attachment L:
Designated Properties in St. Petersburg

Designated Properties in St. Petersburg

Evaluation of Designated Percentage of Properties of Historic Age

The City of St. Petersburg contains a total of **86,207** properties:[1]

- 110 (0.13%) are designated as individual local historic landmarks,
- 493 (0.57%) are designated as contributing properties within local historic districts,
- 100 (0.12%) are designated as noncontributing properties within local historic districts, and
- 17 parcels of City parkland are located within local historic districts.

In total, 720 of 86,207 tax parcels within the City of St. Petersburg are designated to the St. Petersburg Register of Historic Places, whether individually or as contributing or noncontributing resources to local historic districts. This accounts for 0.84% of the parcels in the city.

According to Pinellas County Property Appraiser data, 62,293 properties (72% of total within the city) were developed in or before 1969, therefore meeting the first threshold of minimum age for consideration of historic significance. Designated properties, whether individual local historic landmarks or properties within the boundaries of local historic district, account for only 1.16% of the properties that surpass the age threshold. The fact that such a low percentage of properties over 50 years old have been designated – or even considered for designation – underscores the importance of the *Criteria for designation of property* and factors of historic integrity (as defined by City Code Section 16.30.070.2.5.D) in the identification, evaluation, and proposed designation of local historic landmarks.

Designation Source	Contributing Properties	Noncontributing Properties	City Parkland	Total Parcels
Individual Local Historic Landmarks	110	0	0	110
Driftwood	35	13	0	48
Granada Terrace	34	37	7	78
Kenwood Section – NW	215	30	0	245
Kenwood Section – Seminole Park	23	2	1	26
Kenwood Section - SE	91	6	0	97
Lang's Bungalow Court	12	2	0	14
North Shore Section – 200 Block 10th Ave NE	13	1	0	14
North Shore Section – 700 Block 18th Ave NE	10	0	0	10
North Shore Section – Welch's Mediterranean Row	10	0	0	10
Roser Park	50	9	9	68
Total	**603**	**100**	**17**	**720**

[1] Number of tax parcels as of July 2019.

Attachment M:
Public Comments Received through August 1, 2019

UNITED STATES POSTAL SERVICE

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Ms. Laura Duvekot
Historic Preservation
City of St. Petersburg
Municipal Services Building
One 4th Street North
St. Petersburg, FL 33701

aura, 7-2-19

CITY OF ST. PETERSBURG
JUL 08 2019
PLANNING & DEVELOPMENT SERVICES

I now have an extraordinary City Council,
ive and highly in favor of Historic Preservation.

ully, the city can strengthen its ordinance with
nable adjustments as per and *in conformance* with
ate and National standards for defining historic significance.

Best Regards Always,

John M. Schuh

Dear: 6-28-19

Enclosed is a great New York Times article on the Origins and Value of Zoning in maintaining development scale, environmental quality, livability and functioning in a City to promote public health, safety and human welfare.

A review of our Zoning Code might lead to the generation of a reliable checklist to provide quality protection for existing greenspace in requirements, setbacks rather than zero lot line fencing or construction; and protection to maintain the quality of our Urban Forest Canopies in neighborhoods and urban core and strip areas for all species for individual protection by size as in prior ordinances beyond live oaks alone.

Or in the cases of preservation of worthy historic structures, the current need in this City to define historic significance in documentation first, rather than only relying on the owner's intentions as to interest and other permitting to the contrary prior to documentation and denying this, as currently indicated in the pamphlet concerning The St. Petersburg Register of Historic Places at present.

This is inverse to the organized standards in procedure for review and documentation of historic significance found in the State and National guidelines for determining and documenting historic significance of a potential historic property in nominations to the National Register of Historic Places -- there, historic significance determination is a first step and owner decision a last step, and only after prior review for historic significance by the Keeper of the National Register in these reviews at the State and Federal levels by these guidelines.

LETTER SENT TO ALL 8
CITY COUNCIL MEMBERS
W/ ATTACHMENTS
AS MARKED.

There is more public and private capital in the historic value at stake in these documenting cases overlooked and the high need to grant specifying and protection to those which are worthy of preservation or by a buyer of means as cultural and private resources where they exist, prior to any proposed modification or demolition.

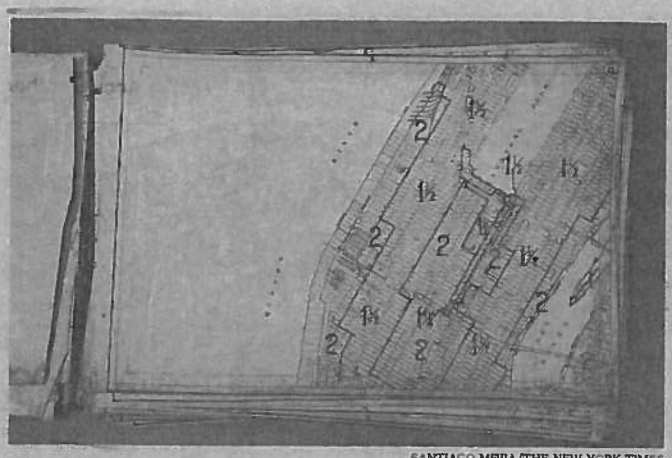
The current interpretation that these Historic Registers *only offer mere optional honorific recognition*, as so often claimed locally, is a serious dismissive error in order of importance, interpretation logic and law that overlooks first, the routinized process present by rule that once initiated, requires determination of historic significance of an identified property prior to any proposed owner initiated denial.

And second, the potential by rule during this *timeout identification period* for protection potential by applied existing zoning and/or time to identify a buyer of means in preservation purchase by marketing and contract in interim steps identified locally, and/or by any other level of government approvals required in property prior to loss or refusal of preservation easement attached to property before that original owner's sale or demolition application.

I hope this is useful and you enjoy. Thanks again!

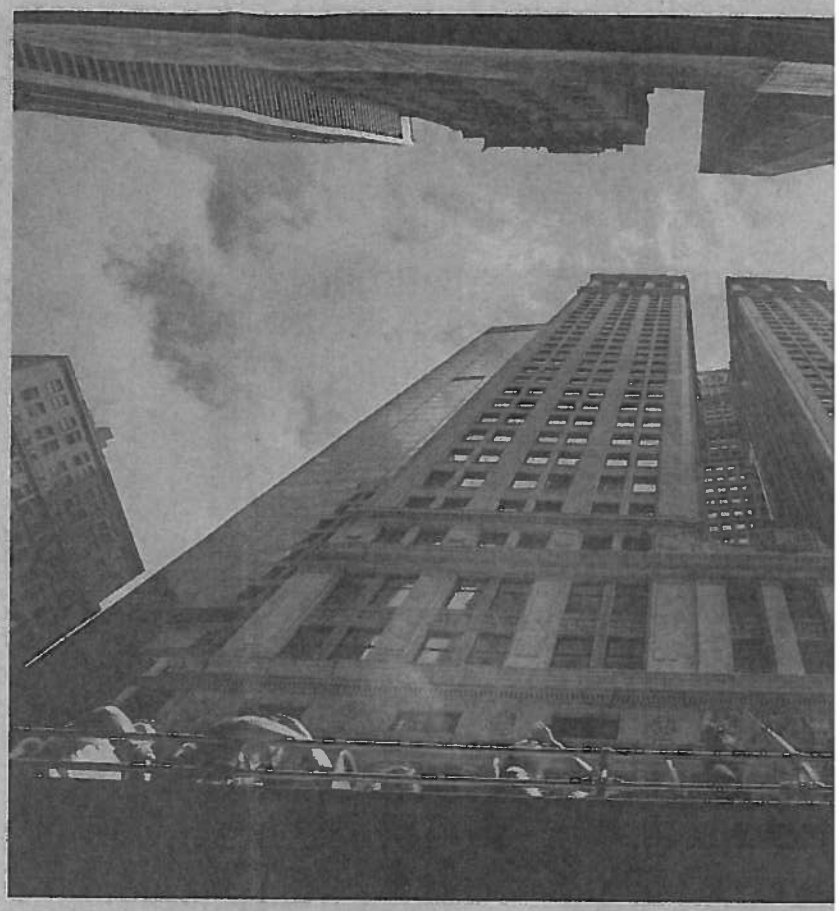
Best Regards,

John M. Schuh
2425 Oakdale Street South St. Petersburg, FL 33705
(727) 458-9212



SANTIAGO MEJIA/THE NEW YORK TIMES

These maps, now relics, are kept by the City Planning Department; the 1916 Zoning Resolution was superseded in 1961.



The sheer size of the Equitable Building, above, a space hog of its time, was among several factors that drove the creation of the 1916 Zoning Resolution. Right, the 1913 rendering.

BUILDING BLOCKS

Zoning Arrived 100 Years Ago, Changing New York Forever

By DAVID W. DUNLAP

Oh, stop blaming the Equitable Building.

Urban lore says that the massive Equitable Building at 120 Broadway in Lower Manhattan — a 40-story extrusion of a whole city block, unrelieved by setbacks and capable of housing 16,000 workers at once — was responsible for the enactment 100 years ago, on July 25, 1916, of New York City's first Zoning Resolution.

But while the completion of the building in 1915 added fuel, the fire was already burning. New York, it had been agreed for some time, was spinning out of control.

For one thing, the city's new privately built subway system was spurring a huge speculative development boom along its route. (It is no coincidence that some of the biggest apartment buildings on the Upper West Side — the Ansonia, the Apthorp and the Belnord — are a block or less from a subway stop.)

For another thing, the merchants of Fifth Avenue were losing their retail customers and watching the value of their properties drain away, as big loft buildings for garment manufacturers muscled in around them.

"The time has come when effort should be made to regulate the height, size and arrangement of buildings," George McAneny, the borough president of Manhattan, declared in a 1913 measure establishing what amounted to a zoning committee.

Regulations, he wrote, were needed "to arrest the seriously increasing evil of the shutting off of light and air from other buildings and from the public streets, to prevent unwholesome and dangerous congestion both in living conditions and in street and transit traffic, and to reduce the hazards of fire and peril to life."

It was New York's good fortune that Mr. McAneny held political power when he did. Though he played many roles over a long civic career (including a few years as the executive manager of The New York Times), Mr. McAneny was at heart a city planner.

Reducing population density and traffic congestion.

He and Edward M. Bassett were the chief architects of the 1916 Zoning Resolution.

Under its rules, buildings in strictly residential zones were permitted to rise only as high as the streets in front of them were wide; a ratio of one to one, put another way. (Side streets in Manhattan are typically 60 feet wide.)

These "1" zones cover most of the oversized maps in a portfolio titled, "Height / July 25, 1916," that the City Planning Department still keeps. They are relics now, since the 1916 Zoning Resolution was superseded in 1961.

Also visible on the maps are "1¼" zones, "1½" zones, "2" zones and, in Lower Manhattan, a "2½" zone, where buildings could rise without setback for two and a half times the width of the street that they fronted. (That would have confined the Equitable Building to 18 stories, The New York Times calculated.)

Height restrictions were "only one of many important features of the law," The Times said. "The law is designed to check the invasion of retail districts by factories and residence districts by factories and businesses. It is aimed to prevent an increase of the congestion of streets and of subway and streetcar traffic in sections where the business population is already too great for the sidewalks and transit facilities."

In other words, it was as much a planning document as a zoning document.

That was its genius, said Carl Weisbrod, who is the director of the City Planning Department and the chairman of the City Planning Commission.

He credited Mr. McAneny and Mr. Bassett with creating a revolutionary document couched in accepted common-law and constitutional doctrines: that landowners are not entirely free to create nuisances to those around them; and that local governments may police conduct in the name of public health, safety and welfare.

"So much of this was to get the courts to feel comfortable that this was a natural and obvious use of the police power," Mr. Weisbrod said, "when what it really was a dramatic change." (A key decision came 10 years later when the United States Supreme Court upheld the constitutionality of a zoning law in Euclid, Ohio.)

"The reduction of density in Manhattan is directly a product of the 1916 Zoning Resolution," Mr. Weisbrod said. The 1910 population of Manhattan was 2,331,542, or 164 people per acre. In 2010, the population was 1,585,873, or 109 people per acre.

As for the reviled Equitable Building, it is now an official New York landmark.

And the headquarters of the City Planning Department.

NATIONAL REGISTER OF HISTORIC PLACES
NOMINATION PROCEDURE

FLORIDA DEPARTMENT OF STATE – KEN DETZNER – SECRETARY OF STATE

The National Register of Historic Places is an official listing of sites and properties throughout the country that reflect the prehistoric occupation and historical development of our nation, states, and local communities. It is maintained by the Keeper of the National Register, National Park Service, U.S. Department of the Interior.

The nomination of historic resources in Florida for listing in the National Register is a function of the State Historic Preservation Officer, Florida Division of Historical Resources. Anyone interested in having a particular property listed may submit a nomination proposal to the State Historic Preservation Office. The nomination proposal must meet National Register standards. It is the responsibility of the person submitting the proposal to provide the necessary information and materials. The staff of the Division is available for consultation on preparation of proposals.

Upon receipt of a nomination proposal, the following procedures will be carried out.

1. The nomination proposal and all accompanying documentation will be evaluated by the professional staff of the Bureau of Historic Preservation. If possible, a staff member will visit the site as a part of the evaluation process.

2. The owner(s) of the property and the chief local elected officials will be notified in writing that the property is being proposed for nomination and given the opportunity to comment on the property.

3. The proposal will be submitted for consideration and recommendation by the Florida National Register Review Board which is charged with reviewing all nomination proposals to the National Register of Historic Places from the State of Florida.

4. Upon the favorable recommendation of the Review Board, a formal nomination will be prepared for the submission by the State Historic Preservation Officer to the Keeper of the National Register in Washington, D.C. Special procedures also exist for processing proposals when the Board and the State Historic Preservation Officer do not agree on the eligibility of the property for listing.

5. The Keeper of the National Register and his staff undertake the final review and make the final decision whether or not to list the property. If the owner of a private property objects to the nomination, the property will not be listed, but the site may be submitted to the Keeper of the National Register for a formal determination of eligibility for listing.

6. The owner is then notified in writing as to the final decision.

For further information about the National Register nomination process, please contact us at the address or phone number below.

BUREAU OF HISTORIC PRESERVATION - R.A. GRAY BUILDING
500 SOUTH BRONOUGH STREET - TALLAHASSEE, FLORIDA 32399-0250
TELEPHONE (850) 245-6333 OR 1-800-847-7278, FAX (850) 245-6437

NATIONAL REGISTER OF HISTORIC PLACES
PROGRAM DESCRIPTION

FLORIDA DEPARTMENT OF STATE – KEN DETZNER – SECRETARY OF STATE

The National Register of Historic Places is an official listing of historically significant sites and properties throughout the country. It is maintained by the National Park Service, U.S. Department of the Interior. It includes districts, sites, buildings, structures, and objects that have been identified and documented as being significant in American history, architecture, archaeology, engineering or culture. These sites and properties reflect the prehistoric occupation and historical development of our nation, state, and local communities.

Listing in the National Register does not, in itself, impose any obligation on the property owner, or restrict the owner's basic right to use and dispose of the property as he or she sees fit. It does, however, encourage the preservation of significant historic resources in three ways.:

1. by providing official recognition of the historic significance of the property and encouraging consideration of its historic value in future development planning,

2. by imposing limited protection from activities involving funding, licensing, or assistance by Federal agencies that could result in damage or loss of its historic values, and

3. by making the property eligible for Federal financial incentives for historic preservation

Redevelopment of a listed property which involves Federal funding, licensing, or assistance will be subject to review by the State Historic Preservation officer and the Advisory Council on Historic Preservation to assure that adequate and appropriate consideration is given to the preservation of the historic qualities for which it was originally listed. This review requirement will also apply to any Federally funded, licensed, or assisted activities undertaken by others that could have an adverse effect on the property.

Federal financial incentives for historic preservation include tax credits for the rehabilitation of income producing properties.

For further information on the National Register program, please contact us at the address or phone number below.

BUREAU OF HISTORIC PRESERVATION - R.A. GRAY BUILDING
5OO SOUTH BRONOUGH STREET - TALLAHASSEE, FLORIDA 32399-0250
TELEPHONE (850) 245-6333 OR 1-800-847-7278
FAX (850) 245-6437

...toration master plan, and no other building

NATIONAL REGISTER OF HISTORIC PLACES
CRITERIA FOR LISTING

FLORIDA DEPARTMENT OF STATE – KEN DETZNER – SECRETARY OF STATE

The ***National Register of Historic Places*** is an official listing of sites and properties throughout the United States that reflect the prehistoric occupation and historical development of our nation, states, and local communities. It is maintained by the Keeper of the National Register, National Park Service, U.S. Department of the Interior.

The following criteria are used by the State Historic Preservation Officer and the Keeper of the National Register in evaluating properties for eligibility for listing in the ***National Register***.

Criteria for Evaluation:

1) Districts, sites, buildings, structures, and objects may be considered to have significance in American history, architecture, archaeology, engineering, and/or culture if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

a) are associated with events that have made a significant contribution to the broad patterns of our history; and/or
b) are associated with the lives of persons significant in our past; and/or
c) embody the distinctive characteristics of type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
d) have yielded, or may be likely to yield, information important in prehistory or history.

Criteria Considerations:

2) Ordinarily cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years shall not be considered eligible for the ***National Register***. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

a) religious property deriving its primary significance from architectural or artistic distinction or historical importance; or
b) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
c) a birthplace or grave of an historical figure of outstanding importance if there is no appropriate other building directly associated with his productive life; or
d) a cemetery which derives its primary significance from graves of persons of transcendent importance; or
e) a reconstructed building, when it is accurately executed in a suitable environment and

NATIONAL REGISTER OF HISTORIC PLACES
RESULTS OF LISTING
IN FLORIDA

FLORIDA DEPARTMENT OF STATE – KEN DETZNER - SECRETARY OF STATE

The National Register of Historic Places is an official listing of properties throughout the country that reflect the prehistoric occupation and historic development of our nation, states, and local communities. The Register is maintained by the National Park Service under the Secretary of the Interior. It is used primarily as a planning tool in making decisions concerning the development of our communities to ensure, as much as possible, the preservation of buildings, sites, structures, and objects that are significant aspects of our cultural and historic heritage. Sometimes there are misunderstandings as to what listing in the National Register will mean for a property owner. The following is an outline of what it will do and what it will not do.

WILL DO

- The National Register **provides recognition** that the property is deemed by the federal and state governments to be significant in our history at the national, state, and/or local levels. Most properties are significant because of their local significance.

- The National Register **identifies** the properties that local, state, and federal planners should carefully consider when developing projects. Projects involving federal funding, permitting, licensing, or assistance and that may result in damage or loss of the historic values of a property that is listed in the National Register or is eligible for listing are reviewed by the State Historic Preservation Office and the federal Advisory Council on Historic Preservation. A similar review takes place under state law for state or state-assisted undertakings. A typical example of projects that are given such review is road construction or improvement. For more information, call the Compliance Review Section of the Florida Bureau of Historic Preservation at (850) 245-6333.

- Listing may make a property eligible for a **Federal Income Tax Credit**. If a registered property that is income producing undergoes a substantial rehabilitation carried out according to the Secretary of the Interior's Standards for Rehabilitation, the owner may apply for a 20% income tax credit. The credit amounts to 20% of the cost of the rehabilitation. For more information, contact the Architectural Preservation Services Section of the Florida Bureau of Historic Preservation at (850) 245-6333.

- In 1992, the Florida Legislature passed legislation that allows counties or cities to grant **ad valorem tax relief** for owners of properties that are listed or eligible for listing in the National Register or in a local district. When a property is improved its value is increased and the assessment is raised accordingly. The ad valorem tax legislation provides that the increase in assessed value of the improved property will be exempted for up to 10 years from taxation for those portions of the tax bill affected by local option county or municipal exemption ordinances. This provision is available for both income and non-income producing properties. Contact your local property appraiser to see if this provision is available.

- Listing may make a property exempt from certain **Federal Emergency Management Act (FEMA)** requirements and eligible for some **American Disabilities Act (ADA)** and **building safety code** adjustments. For more information, call the Architectural Preservation Services Section of the Bureau of Historic Preservation at (850) 245-6333.

- Listing or being determined eligible for listing is not required for receiving **state preservation grants**. The competition for the grants is intense, however, and this official recognition adds weight to the argument that a property is significant and should be awarded a grant. For more information, call the Grants and Education Section of the Bureau of Historic Preservation at (850) 245-6333.

WILL NOT DO

- Listing in the National Register or being determined eligible for listing does not automatically preserve a building, and does not keep a property from being modified or even destroyed.

- Unless an undertaking is state or federally funded, or regulated by local ordinance, private property owners may deal with their property in any way they see fit. Architects in the Bureau of Historic Preservation are available to provide advice concerning the best ways to approach rehabilitation needs while maintaining the historic character of a property. For more information, call the Architectural Preservation Services Section at (850) 245-6333.

- Private owners are not required to open their listed property to the public for visitation.

- The federal and state governments will not attach restrictive covenants to a property or seek to acquire it because of its listing in the National Register.

BUREAU OF HISTORIC PRESERVATION - R.A. GRAY BUILDING
500 SOUTH BRONOUGH STREET - TALLAHASSEE, FLORIDA 32399-1250
TELEPHONE (850) 245-6333 OR 1-800-847-7278
FAX (850) 245-6437

The Open-Air Post Office is listed in both the St. Petersburg Register of Historic Places and the National Register of Historic Places for its distinctive architecture.

What is the difference between the St. Petersburg Register and the National Register?

There is sometimes confusion caused by the fact that historic designation can take two different forms in St. Petersburg.

- The *National Register of Historic Places* is overseen by the National Park Service. This designation is largely honorary and involves the documentation and evaluation of historic properties and districts through the lens of established criteria.
- The *St. Petersburg Register of Historic Places* also includes recognition and documentation, but additionally creates a zoning overlay that ensures the resource's long-term stability.
- Local designation follows criteria derived from those established by the National Park Service. In fact, *a great number of our historic resources are listed at both the local and the national level.*

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www.stpete.org

CITY OF ST. PETERSBURG
URBAN PLANNING
& HISTORIC PRESERVATION
DIVISION
727.893.7871
hispres@stpete.org

For more information on the City of St. Petersburg's historic preservation program, local landmarks, and incentives for preservation, please visit www.stpete.org/history.

THE ST. PETERSBURG REGISTER OF HISTORIC PLACES

An overview of designation and its effects

The St. Petersburg Register of Historic Places is an official list of the Sunshine City's historically significant resources. This designation is the result of official action taken by City Council, generally after a nomination is brought forward by an owner and recommended by city staff.

A set of nine contextual criteria are used to evaluate a property, site, or district's significance. To be listed in the St. Petersburg Register of Historic Places, a resource must be found to meet at least one of the following:

- A reminder of *cultural or archaeological heritage*;
- The site of a *significant event*;
- *Identified with a person* who significantly contributed to the city, state, or nation;
- The *work of a master builder*, designer, or architect;
- Recognized for the quality of its *architecture*;
- Architecturally *valuable for the study of a period* or method of construction;
- A definable area possessing a *significant concentration* of resources united in past events or aesthetically;
- A definable area *united in culture* or design; or
- *Contributing information* important to prehistory or history.

An evaluation of a resource's historic integrity also takes place during the listing process. *Historic integrity is measured by what remains of a resource's location, design, setting, materials, workmanship, feeling, and association.*

How will designation change the way I maintain and update my property?

City Staff provides valuable input to owners of locally designated properties to ensure that the long-term treatment of properties listed in the St. Petersburg Register is sympathetic to their historic appearance and materials.

Most minor exterior alterations are reviewed by staff; more intensive projects such as replacing a historic element with a different material, additions, and demolitions must be evaluated by the Community Planning & Preservation Commission. Approval for either type of project results in the issuance of a Certificate of Appropriateness, or COA. Interior alterations are only reviewed as part of tax exemption applications.

In 2016, 91% of COA applications were limited to quick staff reviews. A total of 99% of COA applications were ultimately approved.

What are the economic benefits to local historic designation?

The *Rehabilitation Ad Valorem Tax Exemption* program is available to owners of properties listed in the St. Petersburg Register of Historic Places *or* the National Register. This program currently exempts up to 12.1 mils of certain property taxes for a ten-year period following qualifying improvements.

Buildings in the St. Petersburg Register may be eligible for *adaptive reuse* for suitable land use types that would otherwise be prohibited.

Certain *Florida Building Code Exemptions* are allowed for buildings listed in the National Register of Historic Places or the St. Petersburg Register of Historic Places, generally when code compliance would negatively impact a resource's historic integrity. A complete list of incentives for Historic Preservation is available from city staff.

"Different analysts in different parts of the country using different methodologies have, for the most part, found very consistent results: in general, properties subject to the protections of a local preservation ordinance tend to have rates of appreciation greater than the local market as a whole and greater than similar, undesignated neighborhoods." – PlaceEconomics, 2016

There are sometimes conflicting claims about the effect of designation on property values. As demonstrated by the national research firm PlaceEconomics in the quote above, the impact is generally positive.

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PRESERVATION INCENTIVES for HISTORIC PROPERTIES

The following is a list of resources and considerations pertaining to historic preservation:

1. **Rehabilitation Ad Valorem Tax Exemption**
   Local program for qualifying residential or non-residential historic properties that exempts up to 12.1 mils of certain property taxes for a ten-year period. The program allows approximately $121 per every $10,000 of qualified expenses spent on an approved rehabilitation. For a $50,000 rehabilitation, this would equal approximately $605 saved every year, or over $6,000 over the ten-year period. There is presently no cap to the calculable rehabilitation expenses exempted. (*St. Petersburg City Code Section 16.30.070.7.4*) This benefit applies to property that is individually listed in the National Register of Historic Places, is designated individually as a Local Historic Landmark, or is identified as a contributing resource within a National Register Historic District or local historic district.
2. **Rehabilitation Tax Credit**
   Federal program for qualifying income-producing historic properties that allows a direct dollar for dollar reduction in the amount of income taxes owed. The amount of credit is 20% of the qualifying cost of the rehabilitation. For a $50,000 rehabilitation, this would equal a $10,000 credit on federal income taxes. This benefit applies to property that is individually listed in the National Register of Historic Places, or is identified as a contributing resource within a National Register Historic District
3. **Courtesy Design and Maintenance Assistance**
   City staff is credentialed in historic preservation and architectural history, and routinely provides courtesy assistance to the owners of historic properties with their maintenance and design decisions.
4. **Adaptive Reuse**
   Landmark buildings may be re-purposed for land use types that are otherwise prohibited within the applicable zoning category. (*St. Petersburg City Code Section 16.30.020*). This benefit applies to property that is individually listed in the National Register of Historic Places, or is designated individually as a Local Historic Landmark.
5. **Certificate of Appropriateness Program (COA)**
   Local program for qualifying historic properties that allows streamlined design review for certain rehabilitation or restoration projects. In addition, compatibility input and historic research are also available for qualifying historic properties at no additional cost. This benefit applies to property that is designated individually, or is located within a local historic district.
6. **Floor Area Ratio Exemption**
   Qualified local historic landmark properties are exempt from inclusion in the gross floor area calculation, meaning it has no depreciative impact on the development potential of new construction. (*St. Petersburg City Code Section 16.20.120.6.1*) This benefit applies to property that is designated individually as a Local Historic Landmark. Designation may be processed simultaneously with development approvals.
7. **Florida Building Code Exemption**
   Pursuant to Section 1201 of the Florida Building Code, certain exemptions may be granted to protect the elements, spaces, and features that make qualified buildings historic or architecturally significant. Contributing resources within a National Register district and local historic landmarks can both qualify for this exception. For more information: http://goo.gl/NgsU2f.

8. **Transfer of Development Rights for Historic Properties**
   Qualified local historic landmark properties may receive financial benefits through the sale of certain development rights attributable to other property owners who purchase them.

9. **Certified Local Government Grants and Assistance**
   As a certified local government in historic preservation, matching grants are available for qualifying historic properties from the State of Florida for historic surveys, design assistance, acquisition, and rehabilitation preservation projects. Several grant categories are available with the most common for a small matching grant up to $50,000, while special category grants are available up to $500,000. Eligible applicants include state agencies, universities, local governments and units of local governments, as well as non-profit organizations. This could be a larger award where the owner or tenant qualifies, or a smaller award where the City partners to develop streetscape improvements and other enhancements, such as interpretative signage. For more information: http://goo.gl/C6wwYK.

10. **Conservation / Preservation Easement Incentive**
    Pursuant to FL Statute 704.06, tax deductions are available for donating certain architectural easements held by a local, state, and federal non-profit organization or government. A preservation easement is a voluntary legal agreement that protects a significant historic, archaeological, or cultural resource. An easement provides assurance to the owner of a historic or cultural property that the property's intrinsic values will be preserved through subsequent ownership. In addition, the owner may obtain certain tax benefits. For example, a façade easement donation allows a historic property to be used as it currently is, as well as, allowing compatible changes into the future, while preserving its exterior character and possibly increasing the economic viability of the building to future tenants. The Snell Arcade, located at the intersection of Central Avenue and 4th Street North, is one example of a building with an existing façade easement.

11. **Florida Coastal Partnerships Initiative**
    As a linked program, matching grants and funding may be available locally through the State of Florida for historic working waterfronts and disaster-prone historic resources for improving resiliency to coastal hazards, revitalization, small construction projects, etc. Awards typically range from $30,000 and no less than $10,000 for construction projects or land acquisition; and no more than $15,000 and no less than $10,000 for planning, design and coordination activities.

12. **Florida Mitigation Assistance Program**
    Funding is available through local communities, the State of Florida, and FEMA for retrofitting historic properties to become less prone to flooding. This includes design and construction assistance.

13. **Brownfields Grants**
    As a linked program, a variety of grants may be available for historic properties affected by, or having a perception of being affected by contamination. This includes federal tax incentives, grants for technical assistance and assessments, loans, etc. For more information: http://goo.gl/yBwEqx or contact Brian Caper, Economic Development Division, (+1) 727-893-7035.

14. **Community Development Block Grant (CDBG) funding**
    An array of funding and assistance is available for historic preservation activities within CDBG areas and neighborhoods including historic surveys, plans, rehabilitation, etc.

CITY OF ST. PETERSBURG'S HISTORIC PRESERVATION MAP MODULE

In order to identify the status of your property, please visit the City of St. Petersburg's Historic Preservation map module, an interactive mapping feature:

1. Click on the link: http://goo.gl/R8LOfh
2. Click on the following icon to reveal information layers:
3. Click on the small arrow to the left of each check box to reveal additional sub-layers of information
4. Click on the checkbox to activate a layer for viewing on the interactive map
5. Enter your street address into the search box at the upper left corner or manually zoom

Laura Duvekot

From: Susie Goren <susiegoren@bellsouth.net>
Sent: Thursday, July 25, 2019 4:56 PM
To: Derek Kilborn
Cc: Laura Duvekot; Kelly K. Perkins
Subject: Re: ST. PETERSBURG MEETING NOTICE: Third-Party Designation Applications

Please accept our written comments and opposition for the Council and CPPC. Kindly reply receipt of comments please :

We, as tax paying citizens and proud homeowners in our beautiful city of St Petersburg, **STRONGLY OPPOSE the Third Party designation for Historic Preservation**. This ordinance is **severely flawed**, it practically gives a random Third Party **more rights than the actual property owner**. There is **no way to control the motives** behind the Third Party that files against your property. Third Party designation requires such a **small fee and minimal effort to file the application**, that the **motives of the Third Party could be completely unrelated to Historic Preservation**. Simply harboring ill will toward a property owner or builder, selfishly not wanting a particular style of house near you or not wanting the hassle of new construction on your street all of these reasons could prompt a Third party to apply for Historic Designation on a property in which they hold no ownership or rights. In addition, it is **creating huge financial burdens on homeowners to defend their property once this application is filed**. Instead of homeowners having rights, they are now forced to build defense teams and defensive strategies to maintain a little say and control over their most valuable asset, their Home. **Homeowners Equity is being challenged and attacked**, this can have huge negative impacts on an Asset and is preposterous to allow a Third Party to potentially negatively impact your financial asset.

The amount of **divisiveness, heated arguments and stress this ordinance is creating** in our community is extreme. This ordinance is not bringing people together, it is not creating a proud, cohesive community.

Third Parties wishing to preserve Historic Properties should be raising money to purchase and restore such properties. They should not be relying on others funds and financial investments to further their cause or desires.

Several comments about this being similar to Zoning and re-Zoning is preposterous. Zoning involves equality in a designated area, an entire street, neighborhood or area is re-zoned. Historical Designation, in certain cases, is **singling out a property and imposing huge burdens on the Homeowners**. If we want our city to grow and prosper, you can NOT allow a Third Party to have such rights. People do not want to bring their money to an area to invest where this is an extremely flawed system in place. Again, allowing Third Parties to have any say with such large financial assets/ investments such as Property is a huge deterrent for our City.

We also **STRONGLY OPPOSE** our property 411 Cordova Blvd NE from being placed on the **PEL list**. We have a steel beam home in a very severe flood area that is NOT financially feasible to raise. With global warming predictions and the unique environment our home is located, this is preposterous to place such a massive burden on a homeowner. This would completely leave us **exposed to huge risks and completely tie our hands in protecting and managing our property/investment**.

We greatly appreciate the opportunity to be heard.

Kind Regards-

Alon & Susie Goren

Sent from my iPad

On Jul 25, 2019, at 10:05 AM, Derek Kilborn <Derek.Kilborn@stpete.org> wrote:

<image002.png>

RE: Third-Party Designation Applications

This is a letter of notice regarding an upcoming joint meeting between the City of St. Petersburg's City Council ("Council") and Community Planning and Preservation Commission ("CPPC"). City Code Section 16.30.070.2.5 relating to the designation of individual local landmarks and listing in the St. Petersburg Register of Historic Places, authorizes third-party applications to be initiated by any individual, organization, or association, who is not the property owner or City Council. On May 16, 2019, City Council passed a six-month moratorium on the filing of third-party designation applications and requested a joint meeting with the members of the CPPC to discuss the matter:

- **Committee of the Whole**
- Date: August 8, 2019
- Time: Start at 9:00 a.m.
- Location: Sunshine Senior Center
- Address: 330 5th Street North, St. Petersburg, 33701

You are receiving this courtesy notice because of your participation in an earlier information meeting(s) or public hearing(s) relating to the City's List of Potentially Eligible Properties ("PEL") or you sent a written correspondence relating to the PEL or one of the more recent third-party designation applications.

This meeting is intended to focus on the subject of third-party designation applications over property-owner objection. While not mentioned by City Council at the time of their request for this meeting, City Staff anticipates that their discussion will include the separate matter of procedures for listing in the PEL. *This is a public meeting, but typically does not include an opportunity for public comments*. You may submit written comments prior to the meeting; written comments should be received by Thursday, August 1, in order to be included in the distribution of meeting materials. Prior to the meeting and afterwards, City Staff will link related materials and future meeting notices at the following web address:

- http://www.stpete.org/planning_zoning/current_planning_projects.php
- Current Planning Projects > Designation Applications, Third Party

Finally, the meeting will not be televised live; however, it will be recorded and made available for online streaming shortly afterwards. A video link will be added at the above web address, when available. If you have any questions, require additional information, or would like to submit written comments, please contact our Historic Preservation staff:

- Laura Duvekot, Historic Preservationist, (727) 892-5451, Laura.Duvekot@stpete.org
- Kelly Perkins, Historic Preservationist, (727) 892-5470, Kelly.Perkins@stpete.org

Respectfully,

Derek S. Kilborn, Manager
Urban Planning and Historic Preservation Division
Planning and Development Services Department
City of St. Petersburg, Florida
(+1) 727.893.7872

Your Sunshine City

Laura Duvekot

From: karla@leavelle.com
Sent: Tuesday, July 30, 2019 9:25 AM
To: Laura Duvekot
Cc: Council
Subject: LHD and third party designation

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Dukekot,

I live at 126 15th Ave. NE. I'm sick of the threat that any day someone can decide that my home should be designated historic or that my block can become a LHD. With the change that was made four years ago, god forbid if I'm out town when the application/vote is submitted since all that is needed is a simple majority. Further, given what happened in Driftwood where your department only allow a change of vote if it was a yes, as a property owner I feel under siege by both the preservationist and the city.

I hope that you see fit to do away with the third party designation. The bureaucratic absurdity of what happened with the Dr. Webb house is squarely the result of this insidious third party designation. And frankly, the idea that a third party designation could apply if a small group wants to designate a block is equally absurd.

Karla Leavelle
703 626 4333 (M)

Laura Duvekot

From: Richard <richard@moderntampabayhomes.com>
Sent: Tuesday, July 30, 2019 2:14 PM
To: Laura Duvekot; Kelly K. Perkins
Cc: arniebcummings@yahoo.com; Donna Jamieson
Subject: Upcoming meeting

We would like to voice our concern that any involuntary historic designation , whether it be by block by block or individually.,s a flawed and subject to abuse by others to push their self interest . It is divisive . It is inequitable .Lastly the process does not work . Any process that requires a 3 year process (and still counting) to get a building permit should be proof enough that this makes no sense .
In the case of 736 , a few neighbors got together and convinced others to apply for a designation specifically targeting my property . This was not about preservation .It was about controlling what happened to my property. This was admitted in a public hearing where the spokesperson for the group stated that they would want to reverse the designation if they were not succusfful in their attempt to stop us from building .
This use of the designation process for self-dealing is obvious and needs to be fixed .
I would like an opportunity to go into greater detail at the hearing coming up.
Thank you for your consideration

Richard McGinniss
MTBH
Modern Tampa Bay Homes
Office (727)820-1480
Richard@moderntampabayhomes.com
www.ModernTampaBayHomes.com
"Taste Acquired"

Kelly K. Perkins

From: bob@griendling.com
Sent: Wednesday, July 31, 2019 2:58 PM
To: Laura Duvekot; Kelly K. Perkins
Cc: Darden Rice; Council; Derek Kilborn
Subject: Third party designations

I am writing to express my strong opposition to "third party historic designations." I include among them local historic districts (LHDs), which are also third party designations where the tyranny of a simple majority can deny citizens the full value, comfort and security of their homes.

1. **Third party designations and local historic districts are an infringement on owners' property rights.** A neighbor should not be able to restrict what another can do with their property on a thin whim of declaring the house "historic," especially when the designations have been abused. Third party designations are nothing more than a neighbor wanting to protect his view of a neighbor's house façade. Historic properties are just that—something historic happened there; They were part of our shared history. Architecture is not historic.

2. **Third party designations and local historic districts processes jeopardize the social cohesion of neighborhoods**. The latest controversies regarding the Doc Webb house and Driftwood demonstrate the lasting damage these efforts at building architectural museums can do to a neighborhood. Those denied selling the property to the highest bidder or incur significant expense renovating their home to satisfy their neighbors are resentful. Rightfully so.

3. **Third party designations and local historic districts are unnecessary to preserve the character of St. Pete neighborhoods.** Character is not a façade. We can appreciate facades and wish that many of them are preserved in a manner that reflects respected architectural styles. But doing so at all costs is detrimental to the character of a neighborhood. For example, the character of Old Northeast is the result of not of the buildings but the resilience of the people who lived there through the first Florida land bust, the Great Depression and various real estate crashes. Moreover, the Department of the Interior lauds Old Northeast for its "eclectic" architecture. Yet the historic preservation guidelines separate houses in a local historic district as either conforming or non-conforming. How does a house conform to eclecticism? Most newer homes either conform to certain styles or contribute new ones that complement the neighborhood.

4. **The process has been subverted and abused by the formation of tiny LHDs.** How can the city justify making one block of homes a LHD? How can a few blocks here, no difference in substance from a few blocks over, be historic when the other blocks are not? The process has been hijacked for no other reason than to prevent someone from doing as they please with their home. This is not the intent of LHDs.

5. **The process for forming LHDs and other third party designations is flawed.** Currently, all that is required before a ballot to apply for a LHD is distributed is a single public hearing, the announcement of which is often the first time impacted neighbors learn of the proposal. Immediately afterwards, LHD proponents begin canvassing their neighbors and collecting signatures, leaving little time for neighbors to learn all there is to know about living under LHD restrictions. At the very least if LHDs are to continue to be forced on citizens, once a proposed application is made public, the city should hold at least three public meetings for impacted homeowners and require a three month waiting period before

ballots are distributed. This will give residents time to research the implications before voting to apply for a LHD.

6. **The balloting process needs reforming.** If LHDs are to continue, impacted homeowners ought to have the opportunity to change their vote on the application if they learn information that changes their mind while the balloting is still open. What possible reason is there to not allow them to change their vote?

Finally, I'd like to make a proposal as I did in this commentary https://stpetecatalyst.com/community-voices-st-petes-historic-preservation-system-is-broken-lets-do-away-with-3rd-party-designation/ in St. Pete Catalyst. Make it easier for individuals to designate their own homes historic and eliminate local historic districts. Reduce the cost to apply for historic designation to $25 instead of $200. Streamline the process. If it is something people like, many, maybe most, homeowners will do so, leaving those who do not want to their property rights.

Respectfully submitted for inclusion in info. available to participants at the August 8 meeting on this topic.

Bob Griendling
126 15th Ave. NE
St. Petersburg, FL 33704
703.362.4686

To: Laura Duvekot (Laura.Duvekot@stpete.org),
Kelly Perkins (Kelly.Perkins@stpete.org),

CC: Darden Rice (Darden.Rice@stpete.org)
council@stpete.org
Gina Driscoll (Gina.Driscoll@stpete.org)

RE: LHD Designation

When we purchased our home in 2016, we were excited about many things in Old Northeast. We liked that there was no HOA or HOA restrictions, that we had a true community of mostly single-family homes with a few apartments, renters and even a residential group home all within blocks. To now learn that a 3rd party can designate and thereby control what we do with our home is extremely disappointing. We are deeply concerned because such 3rd party designation doesn't consider or share in;

- any of the increased cost of maintenance,
- added cost of any changes or modifications,
- loss of potential personal use - whether now or in the future,
- added limitations on the sale of our asset,

3rd party designation is prejudicial, discriminatory and unfair for several reasons:

1. We did not move into a neighborhood that had restrictive or controlling covenants and allowing 3rd party designation after the fact, would impose them. Such designation would be prejudicial as the rest of the neighborhood wouldn't have the same restrictions. Homes that are currently in poor repair or poorly maintained would not be required to meet the same standards applied to the proposed designation homes. Most individuals want to paint, repair, remodel, display or change their homes to meet their personal expression and would not be limited, but we would be unfairly restricted to do so.
2. Some individuals state that having multiple historic residences can help raise the overall value of a community. In a neighborhood like Old Northeast, a few designated homes are not going to have a huge overall community value impact. Not when you have homes being spit from single family to multi-family use, apartments, residential group homes and nursing homes. Further, to subject a few individuals to unwillingly bear the increased expense of maintaining designated homes is unfair if the whole community is benefiting.
3. 3rd party and block designation actually causes many homes to get caught up is the web of preservation blocks, where the community likely would actually benefit from their replacement, but because of the designation, they are much more difficult to replace. And those homes which in many cases are in disrepair, will only fall into further disrepair as maintenance is more expensive.
4. We understand that some of the concern, offered by 3rd party designees, is because they don't want to see new mega homes being built. In these cases, the idea of preservation is wrongly being used for personal interests. Ironically, many of the homes they want to now designate were allowed to be built years ago, because there were no restrictions on them. Allowing new homes to be built is part of growth and we can already see many of these newer homes have added more beauty and diversity to our community. In other words, our community is very diverse, and it is that diversity that makes the neighborhood a community.

5. 3rd party designation is blatantly discriminatory against a homeowners' personal rights and unfairly financially penalizes the homeowner. If the city wanted to support the take over or control the property of a private citizen, it would be required to follow eminent domain laws and compensate that individual with a fair market value for the homeowner's losses and/or costs. Yet here the city, by supporting 3rd party designation, is saddling the homeowner with added cost to repairs, modifications, limits potential use and because of these restrictions, diminished the home value a future buyer.
6. Over the decades in St Pete, home construction has grown using different styles, looks, features and construction. And as we continue in the future, that same growth will continue. Most of the homes that 3rd parties want designated offer little if any long term historical value and therefore only create a short-term burden on the owner.
   Because of this, 3rd party designation and preservation becomes a case that buildings with little historic worth, are preserved by rules and regulations that will only keep neighborhoods in a kind of aesthetic staleness, which benefits only a small number of people at expense of others. If the preservation rules you are discussing today were in place in the past, many of the beautiful homes and buildings you like, would never have been built. The opportunity cost of preservation is future greatness.

I attended and spoke at the recent council meeting in December and was not directly notified about the meeting taking place on August 8th. Ann made numerous calls and was able to speak with Derek Kilborn last week and received word about the meeting. Additionally, Ann made several attempts to contact Darden Rice and has not gotten any response. This whole designation process seems less than transparent and seems biased against the actual homeowner. Ann and I love St Petersburg and believe in personal expression. We purchased our home because we loved its features and have no intention of changing it, other than improving it for our daily personal needs and use. We did not purchase this home with the idea or understanding that maintaining it was going to cost more and be limited in scope because of the whims of others. We have done our homework, reviewed statues, spoken with neighbors on all sides and throughout the neighborhood and are adamantly opposed to our house being designated and will do everything within our means to protect **our** most valuable asset.

Respectfully,

Richard Jensen and Ann Kerben

Laura Duvekot

From: pamella Settlegoode <psettlegoode@msn.com>
Sent: Thursday, August 1, 2019 2:39 AM
To: Derek Kilborn
Cc: Darden Rice; Steve L. Kornell; Mayor; Laura Duvekot; Kelly K. Perkins
Subject: Third-Party Designation: Joint Meeting/Written Comments

Dear Mr. Kilborn:

I take this opportunity to write concerning the upcoming meeting, August 8th, concerning the subject of "third-party designation over property-owner objection" and the entire zoning process, associated with the current administration. Some months ago it came to my attention, through a series of city mailings and public notices, that my property, located at **3741 Foster Hill Drive North, in the Allendale Terrance sub-division, St. Petersburg, FL 33704**, was added to the city's list of Preservation Eligible Properties. I oppose my property being identified by city staff to be included in this list. Please do not misunderstand my intent.

I support historic preservation, but also recognized that our city leaders have come on board only recently and reluctantly. Precisely why organizations such as the former St. Pete. Preservation was formed--to educate the public and city leaders as to the importance of protecting and preserving our history for current and future generations. I am a fourth generation Floridian, who was raised in St. Petersburg and matriculated in its public schools; both my parents attended, and graduated St. Petersburg High School. I was born in 1949, so I lived through much of the historic destruction, approved by city leaders and officials, that was occurring when I was in high school during the late 1960's. In my mind, one of the most memorable events was the city approval of the demolition of the grand Florida Theatre (which for years thereafter stood as blighted parking lot). The citizens spoke their objections, but the city did not listen. Whereas, across the bay, when I became a student at the University of Tampa, the city leaders there were considering, seriously, the same fate for the, not as grand, but majestic nevertheless, Tampa Theatre. I lived in the Palma Ceia neighborhood, which aligned with other neighborhoods to protest this plan. We spoke, and the city leaders in Tampa listened. Then we formed a foundation that would preserve, protect and promote the theatre forevermore. I have remained a steadfast supporter and patron member of the Tampa Theatre every since those days. When I relocated to Portland, Oregon to attend graduate school, and remained a resident there for 22 years, my family remained a supporter of ongoing preservation efforts associated with the Tampa Theatre. Moreover, while residing in Portland, my family purchased property in one of Portland's oldest, historic neighborhoods, with many homes listed on the National Historic Register. I was a long-standing member of our neighborhood association, including serving on its board of directors, eventually elected to serve as its president. Southwest Hills Residential League (SWHRL) was a

very old and a very large neighborhood association, representing several neighborhoods, with a 22 member board, who elected not to join the city's Office of Neighborhood Associations. It was the oldest and largest (in area and population) neighborhood association in the Portland Metro area, and very effective at preservation efforts in the Neighborhood, as well as throughout the city. The City of Portland is often voted and recognized as being one of the most "livable" cities in the United States, but it didn't arrive that way with cooperative city leaders. In the Neighborhood's interest, residents spoke, SWHRL spoke, but the city did not listen. SWHRL filed many lawsuits involving the city, which we won. Then the city had to listen, and the character of the Neighborhood was preserved and protected.

I feel it important to share this part of my own history of dedication to the cause of the preservation of old, stately, architecturally unique structures, so that you may demonstrate some understanding and respect for my views on this subject. Most important to me, concerning my homesteaded property and your office and staff including it in your Eligible Properties List, I desire that you listen. Please, kindly remove my property from this listing, it does not qualify, as I don't agree with the process, therefore I do not desire my property to participate. Please listen and consider the property owners designated. I must emphasize this, because in the past fourteen years that I have owned this circa 1926 property, in all my attempts to repair, restore and preserve it, whenever the city, and its large staffed officials, including building inspectors needed to be involved, they have not listened to me. Moreover, they have not listened to the craftspeople and architects I have employed throughout the process. It has been quite traumatizing to me, and cost me a considerable amount of money. I feel that for some reason myself and my property have been singled out, not for equal protection, or "how can we help you?," rather for retaliation. The only city staffer who actually listen to me and seemed to actually know the particulars about the difficulties of projects associated with an old house, was long time building department official Rick Dunn. Mr. Dunn seemed to empathized with my difficulties and frustrations dealing with inept, ill-prepared and mean-spirited staffers and inspectors assigned to my property. Mr. Dunn concluded: *They just aren't trained to understand and deal appropriately with the problems associated with improvements to an old building*.

Mr. Kilborn, I do not know what your credentials are in urban planning and historic preservation, and from what I have observed in past meetings with you and during public hearings I believe you mean well in your preservation efforts. I think it can be safely assumed that you were knowing in at least one of the battles I had to endure, for several years, and lost, though several expensive attempts were made to appease city officials, to no avail. Where was your help in these matters? Certainly you must know the architectural "character of Allendale" as was argued throughout several public hearings re. my property and how one of my improvements, it was falsely argued by a staffer, did not "meet the character of Allendale." That's not what the residents of Allendale expressed, including my architect who grew up in the house across the street from mine, and continues to reside in

Allendale. It is not what longtime Allendale resident and historian Ray Arsenault expressed (Ray authored a book on the history of St. Petersburg, 1888-1950, which included a section on Allendale Terrace). Most glaring, it wasn't what the recognized by the city, neighborhood representative, Nina Light expressed in her letter of support for the project (which the staffer did not share the document with me). So, where were you then, with your knowledge and dedication to historic preservation? You could have step up, and I think it would have mattered. Mayor Kriseman and Darden Rice were steadily informed of the problem. I think Darden helped the best she could, as council had placed limitations on hearing appeals. The mayor, during several public events, when approached said he would meet with me. I called, many times as instructed by him, but he refuses to return my calls concerning the meeting he promised. The mayor talks a lot, but he doesn't really listen. The perception is that he listens to developers and people who happen to have wealth and influence, but for the common citizen he is thin-skinned and elusive. Sincerely, there are several projects I admire our mayor for (e.g. Compete Streets), yet for the average resident, he doesn't seem to want to know, or help with our problems. It's sad and concerning.

In conclusion, and for the above concerns expressed, I recommend the City Council resoundingly reject the Third-Party Designation Applications plan of preservation. Also for the fact that a third-party petitioning a government to force a homesteaded property owner to list their home on some form of local historic register, based upon city staffers identifying eligible properties, does not meet the intent of the U.S. Constitution. There's probably something in the Florida constitution as well, though I'm less familiar. It is unconstitutional also for a government to force the same, unless a fair market value is provided, paid and accepted by the property owner, otherwise it would be an illegal taking. With certainty, if approved, there will be costly legal challenges. Evidently, the council members, when presented with this plan by staffers, were wise to declare a resolution adopting a moratorium, for further study and consideration. In reading through the resolution's document, I applaud its declarations. These highlight that council members are indeed listening to the challenges from city residents and homeowners. If such an over zealous plan moves forward, and is approved, the result will be "adversarial....with deleterious impact on...Historic Preservation Division...also increased the amount of litigation related to the City's historic preservation program" as cited in the resolution. Besides, in the end, there is absolutely no advantage to a property owner, here in St. Petersburg, to go through the process of having their property listed on the Local Landmark Historic Designation. Two of the homes on my street currently were approved for this local destination. I supported the cause, because my neighbors evidently wanted to pay the application fees and chose to go through the public process, which included them paying for the knickknack flag/marker plate. It's all nice and good, but it will offer no real protection in future developments, as proved true in Allendale when a Third-Party method was used against a developer who purchased a fine house on MLK; follow the money, because it usually prevails.

Most sincerely,

Pamella E. Settlegoode, Ph.D.
3741 Foster Hill Drive North
St. Petersburg, FL 33704
727.520.7903

450 Roser Park Dr. S
St. Petersburg, Fl 33701

July 31, 2019

City of St. Petersburg
175 5th St. N.
St. Petersburg FL 33701

Dear City Council & CPPC Members:

It is heartening to hear changes to the Historic Preservation and Archeological Overlay Ordinance are under consideration in regards to third-party designations. While I understand the City's need to get past the issue of the pending PEL, I'm concerned with the lack of communication regarding consideration of changes to third-party designation of historic districts. Any designation of any property without the property owner's approval is a third-party designation. So, why wasn't a moratorium on applications for local historic districts put in place as it was for individual, third-party, landmark applications? The concern and havoc and lawsuits regarding third party designations are arising from both types and this discontent will only continue to bombard your agendas until solutions are found for all third-party applications. I request everyone consider extending the moratorium on individual applications while enacting a similar moratorium on district applications; giving more sufficient time to handle the issues at hand and preventing further distraction by new issues.

The National Register of Historic Places does not allow listings without the property owner's approval. The City should follow this example and not allow third-party designations without the property owner's approval. Will this make it harder to get listings on the local register? Yes, but taking away an owner's property rights should be hard. The City and Preservationist should work hard with the owners to get their approval or to transfer ownership of properties truly worthy of designation. Not only could this approach be fairer to property owners but the City would be more discerning on accepting applications, immediately reducing the burden placed on the CPPC, City Council and your supporting staff.

It is clear from past meetings the goal of the Preservation Office is to designate as many properties as possible, working hand-in-hand with Preserve the Burg to deliver applications and staff reports quickly with little time for owners to digest, much less counter, the allegations. The release of the application and staff report is fast and usually only one week before the CPPC hearing. The average citizen doesn't have time to research the consequences of designation much less the time needed to find and hire their own preservationist as an expert witness to refute allegations they find to be unsubstantiated and/or untrue at the CPPC hearing. If they don't have the presence of mind to know the deck is stacked against them or can't afford to hire a legal expert to guide them through the City's procedures and ordinances along with a preservation expert, property owners don't have a chance and the City is liable for recording historical inaccuracies as truth based on "maybe", "most likely" and inflationary language. A historic designation process that does not provide property owners with an opportunity for an independent review of the documentation being used to determine which properties are significant is inherently unfair to the property owners and to taxpayers. At a minimum, the City should introduce another player, not connected to the Preservation Office or Preserve the Burg to participate in the entire application process and protect property owners from hostile designations and misinformation while enforcing defensible vs. subjective applications. In addition, more time for public input should be sought for third party designations.

Overall, the City's desire to capitalize on historic tourism dollars shouldn't force a smaller portion of property owners, especially homeowners, to pay the larger personal and monetary cost that comes with the preference of others being forced on the owners. The prioritization of objects over the needs of the owner, their family and their home should stop.

Respectfully yours,

Elizabeth Schuh

Kelly K. Perkins

From: Michael Labbee <michael@phlfirm.com>
Sent: Thursday, August 1, 2019 5:32 PM
To: Derek Kilborn
Cc: Laura Duvekot; Kelly K. Perkins; Council; Tyler Hayden
Subject: Re: ST. PETERSBURG MEETING NOTICE: Third-Party Designation Applications

To whom it may concern,

Please accept the following as a written submission for consideration at the August 8, 2019, Committee of the Whole meeting.

1. **Any discussion regarding Third-Party Designation <u>must</u> include consideration of Historic District Designation.**

Council, as many of you recognized during recent hearings regarding potential designation of local historic districts, the owner-opposed third-party historic landmark designations have divided citizens and neighbors throughout the City. While I applaud your consideration of improvements to the individual third-party initiated landmark designation process—doing so without also addressing the procedure for historic district designation would be a mistake.

The policy reasons underlying your concerns with owner-opposed third-party initiated individual landmark designations (e.g., depriving an owner of constitutionally protected property rights over their objection) are magnified in the context of historic district designation. Unlike in the context of individual landmark designation, when it is a single applicant arguing against a single landowner, in the historic district context the landowner must defend against not only the applicant but also those owners of other property within the proposed district that support designation. This results in the City Council often believing that an application for district designation is owner supported when it is only partially so—some owners are vehemently opposed to designation.

So long as any individual homeowner within a proposed historic district opposes such designation, they should receive the same protections as an owner of property facing individual landmark designation. Their property rights are no less important and are impacted just as significantly. A landowner's opposition should not be diluted by the type of designation being sought (i.e. individual versus district).

2. **To maintain impartiality, the City's historic preservation department can no longer act as both adviser and advocate for historic designation applicants.**

Under the City's current historic preservation overlay (the "Ordinance"), the City's historic preservation office:

a. Assists individuals with preparing applications for historic designation;
b. Meets behind closed doors with would be applicants to ensure a more favorable outcome for those seeking designation;
c. Conducts the balloting process to gauge support for historic district designation from beginning to end including, but not limited to, tabulating the ballots;
d. Advises City Council regarding the criteria for historic designation including, but not limited to, through the preparation of a taxpayer-funded staff report which largely mirrors the application that staff itself assisted in drafting; and
e. During hearings, before the Community Planning and Preservation Commission as well as the City Council, staff acts as an advocate for the Applicant.

Staff has admitted that once an Application is accepted, they have never recommended against historic designation—i.e., the Applicant's position. Indeed, during the recent Driftwood designation hearings, staff affirmatively argued for a particular legal interpretation of the Ordinance that would favor the Applicants. A far cry from serving as a neutral advisor on substantive criteria. By doing so, staff crossed the line from advisor to advocate.

An alternative, more balanced procedure would limit staff's role within the designation process. For example, the department (i.e. historic preservation) that will advise council regarding the substantive criteria for designation should not be responsible for accepting applications and conducting the balloting process for historic districts. Rather, the role of the historic preservation department should be limited to authoring a staff report containing analysis of whether the application meets the Ordinance's substantive criteria and responding to questions from the CPPC and City Council—but not advocating for a particular outcome.

Additionally, the CPPC and City Council's consideration should be limited to those facts presented to the opposing landowner in advance of the hearing. For example, during the recent Driftwood hearings staff routinely appeared at hearings with supposed evidence that was previously withheld from the registered opponents despite public records requests seeking same (e.g. the full and complete set of ballots cast as well as access to the native format excel spreadsheet tallying votes). Doing so constitutes trial by ambush, a practice universally abhorred by Florida courts.

3. A simple majority is an insufficient hurdle for altering constitutionally protected property rights.

Currently, the City's Ordinance allows a simple majority of tax parcel owners to initiate an application for historic district designation which has the effect of freezing the remaining property owners' ability to alienate their property. Once an application for historic district designation is certified as complete, a landowner—that is opposed to district designation—is tossed into a bottomless bureaucratic quagmire. Indeed, if the landowner wants to make any change to their property requiring a City-issued permit they must first obtain a Certificate of Appropriateness from the very same staff members to whom they are opposed in the historic designation process. Moreover, they must also defend their position against any third parties that appear for public comment during a hearing on the COA including, but not limited to, the Applicants to whom they are opposed in the historic district designation process. This not only negatively impacts countless potential property sales but it also prohibits quick protective action in the face of an overwhelming storm event (i.e. floodproofing a waterfront home). A more unjust and unsafe procedure is difficult to fathom.

Moreover, the Applicants for historic district designation often don't even reside in the proposed district or within miles of same. Instead, they enjoy the ability to interfere with another's rights from afar with impunity.

If the City is not going to consider eliminating third-party owner opposed applications all together, it should—at a minimum—revert back to its pre-2015 Ordinance which required a greater showing of support to begin the process for historic district designation. The undersigned is of the opinion that no application for third-party historic designation (either individual or district) should be certified as complete <u>without evidence of support from all impacted property owners</u>. Only City initiated applications should be exempt from this requirement. Doing so would ensure that properties of true, legitimate historical value could still be protected in the face of owner opposition but not through the whims of a simple majority, but instead only after sufficiently convincing our elected City officials to take action.

Sometimes the best policy is to repeal a bad policy.

<u>Conclusion</u>

The natural concerns which this Council has come upon beg the question, why do we allow third-party owner-opposed historic designation? If an individual wants to protect a landmark, it is free to do so by purchasing the property in the open market and, thereafter, pursing designation. The City should encourage and even facilitate

historic designation of owner-initiated applications. But the City should look with caution upon third-party applications. As the great philosopher John Locke once said:

> *"Being all equal and independent, no one ought to harm another in his life, health, liberty or possessions. The end of law is not to abolish or restrain, but to preserve and enlarge freedom."*

Kind regards,

Michael Labbee

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From: Derek Kilborn <Derek.Kilborn@stpete.org>
Date: Thursday, July 25, 2019 at 10:05 AM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Cc: Laura Duvekot <Laura.Duvekot@stpete.org>, "Kelly K. Perkins" <Kelly.Perkins@stpete.org>
Subject: ST. PETERSBURG MEETING NOTICE: Third-Party Designation Applications

RE: Third-Party Designation Applications

This is a letter of notice regarding an upcoming joint meeting between the City of St. Petersburg's City Council ("Council") and Community Planning and Preservation Commission ("CPPC"). City Code Section 16.30.070.2.5 relating to the designation of individual local landmarks and listing in the St. Petersburg Register of Historic Places, authorizes third-party applications to be initiated by any individual, organization, or association, who is not the property owner or City Council. On May 16, 2019, City Council passed a six-month moratorium on the filing of third-party designation applications and requested a joint meeting with the members of the CPPC to discuss the matter:

- **Committee of the Whole**

- Date: August 8, 2019
- Time: Start at 9:00 a.m.
- Location: Sunshine Senior Center
- Address: 330 5th Street North, St. Petersburg, 33701

You are receiving this courtesy notice because of your participation in an earlier information meeting(s) or public hearing(s) relating to the City's List of Potentially Eligible Properties ("PEL") or you sent a written correspondence relating to the PEL or one of the more recent third-party designation applications.

This meeting is intended to focus on the subject of third-party designation applications over property-owner objection. While not mentioned by City Council at the time of their request for this meeting, City Staff anticipates that their discussion will include the separate matter of procedures for listing in the PEL. *This is a public meeting, but typically does not include an opportunity for public comments*. You may submit written comments prior to the meeting; written comments should be received by Thursday, August 1, in order to be included in the distribution of meeting materials. Prior to the meeting and afterwards, City Staff will link related materials and future meeting notices at the following web address:

- http://www.stpete.org/planning_zoning/current_planning_projects.php
- Current Planning Projects > Designation Applications, Third Party

Finally, the meeting will not be televised live; however, it will be recorded and made available for online streaming shortly afterwards. A video link will be added at the above web address, when available. If you have any questions, require additional information, or would like to submit written comments, please contact our Historic Preservation staff:

- Laura Duvekot, Historic Preservationist, (727) 892-5451, Laura.Duvekot@stpete.org
- Kelly Perkins, Historic Preservationist, (727) 892-5470, Kelly.Perkins@stpete.org

Respectfully,
Derek S. Kilborn, Manager
Urban Planning and Historic Preservation Division
Planning and Development Services Department
City of St. Petersburg, Florida
(+1) 727.893.7872

Your Sunshine City

Kelly K. Perkins

From: harris9496@aol.com
Sent: Thursday, August 1, 2019 5:41 PM
To: Kelly K. Perkins; Laura Duvekot
Cc: Council; Gina L. Driscoll
Subject: Stop Historic Designation over Owner Objection

Saint Petersburg's historic designation process is broken. More often than not, the process is being manipulated by individuals or groups of individuals whose goal is to control the property of others. Look at what is going on throughout the city: lawsuit after lawsuit, abusive behavior between neighbors, and countless hours of argument, review, and revisiting by city bodies. How much taxpayer money would be saved by ending these divisive processes?

True preservation requires action, yet action and responsibility are both blatantly absent from the current process. The city likes to impose historic designation, but does so without:

- Adequately and fairly weighing evidence for and against designation;
- Giving proper consideration to FEMA regulations and flood amelioration; or
- Assuming any financial or administrative responsibility for ensuring historic structures and districts remain in good repair.

Structures require regular upkeep and improvement to remain in good repair. Trees and vegetation need attention and regular pruning to ensure good health, containment of invasive species, and non-interference with utilities and structures. Without these attentions, property and landscape will deteriorate, and no historic designation can prevent that. These responsibilities and expenses fall solely upon homeowners. Once the City imposes historic designation, affected residents are on their own

"Third-party applications" are not only individual to individual, but also include applications from individuals to impose historic designation onto neighborhoods. Different neighborhood homeowners have different situations, goals, and even realities. One key example is waterfront vs. non-waterfront properties within the same neighborhood. No one can honestly argue that both groups face the same realities, yet all can currently be bound together within the City's process. FEMA and flood realities are different for the two groups, as are insurance, weather wear, and even structural needs.

Again, the City's current HD process is broken and is being abused. Designating historic districts has become a cottage industry within St. Petersburg, and it is causing more problems, ill will, and expense than benefit. It is reprehensible that this process gives random individuals influence and control over the property rights and finances of others. Historic designation is not a harmless benefit when forced upon taxpaying citizens. **Let those who feel that their own properties merit historic preservation pursue**

that status individually and in willing groups, and stop imposing historic restrictions and financial burdens on those who do not want them.

We who own the property, pay the taxes on it, and incur the expense of keeping it up want – and have earned – to have our rights respected. Please stop third-party designations, including those for neighborhoods, over the objections of owners.

Regards,

Michelle Harris & Eduardo Zavala

Kelly K. Perkins

From: Laura Duvekot
Sent: Friday, August 2, 2019 8:46 AM
To: Kelly K. Perkins
Subject: FW: Historic Preservation Abuse

Best regards,

Laura Duvekot
Historic Preservationist II
Urban Planning and Historic Preservation Division
Planning and Development Services Department
City of St. Petersburg, Florida

727.892.5451
laura.duvekot@stpete.org

From: Arnie Cummings <arniebcummings@yahoo.com>
Sent: Thursday, August 1, 2019 10:58 AM
To: Laura Duvekot <Laura.Duvekot@stpete.org>; Derek Kilborn <Derek.Kilborn@stpete.org>; Council <Council@stpete.org>; Darden Rice <Darden.Rice@stpete.org>
Subject: Historic Preservation Abuse

This writing is intended to communicate my vehement opposition to the current historic designation and administration processes in anticipation of the upcoming council meeting regarding third-party designation applications over property-owner objection.

For the record, my residence is included in the one-block 18th Ave NE LHD, and my property rights have been confiscated and grossly limited over my objections. My long-standing plans for building out my property have been rendered practically impossible, and my personal family plans regarding my home have been crushed. I now live in a neighborhood block with a toxic atmosphere, where neighbors resent each other, and where civility and social cohesion between neighbors is only a memory of times past.

The current historic designation process is flawed, and results in unfair and unnecessary burdens placed on property owners who need to build or re-build, and in many cases is nothing short of abusive. Comments are as follows:

- **Property owners should have the option of electing historic designation. It should not be a forced conscription of basic property rights!**

- Third party designations are essentially a hostile attack on someone else's property rights, and in my opinion, should not be allowed. There is little difference between a single third-party hostile takeover and the Local Historic District designations. A LHD does not effect all property owners equally. Some are greatly impacted negatively, while others have little or no impact. A LHD is really just a wholesale hostile takeover since it effects multiple properties.

- The historic designation process has been weaponized to enable a third-party or a simple majority to confiscate the property rights of others, based on their personal whimsical notion of architectural correctness. As in the case of our little 18th Ave NE block, the entire purpose had absolutely nothing

whatsoever to do with preservation of any structure. It had everything to do with neighbors wanting to control the future of someone else's property. This is utterly frustrating and insulting, particularly for those owners that purchased property prior to designation, with the full expectation of the ability to exercise their rights of use.

- The formation of small LHD's is being abused as a similar form of third-party designations. A small simple majority is all it takes. This has become a tactic to isolate and splinter opposition. In the case of my own experience, the work and organization of the bully historic lobby had already been done, the deck stacked, and the outcome assured; before the targeted property owners even knew such a thing was possible and in motion. Those of us who were the target of the assault were completely left out of the early discussion or consideration. The organizers followed the letter of the law, but the system is flawed and unjust. Such clandestine attacks should not be tolerated.

- The designation process is deeply flawed. The City spends considerable time and resources concocting the designations that strip property rights before many owners even know or understand what the effects of historic designation entail. There needs to be public outreach and education for ***all*** potentially effected property owners before they are involuntarily or unknowingly forced into inclusion. There needs to be time for full disclosure and public discussion. The City should be compelled to make contact with every property owner and provide them with full disclosure of what historic designation means, including the loss and limitation of rights.

- The current process of confrontational quasi-judicial hearings with opposing parties is flawed and ineffective. In many cases, individual property owners, who may have large investments and personal lives at stake, have only 3-minute bursts in which to speak, while the historic lobby lines up armies of casually effected parties. This is a perversion of the process. Opponents and stakeholders should be somehow be brought into arbitration meetings to work out differences and solutions.

- The process for obtaining a COA (or a demo permit) within a historic district is flawed and unduly burdensome on the property owner. Neighbors feel obscenely over-empowered to dictate their neighbors building plans; some even to the point of suing the City when they don't get their way. Innovation and artistic interpretation are difficult to legislate. Non-professionals have entirely too much influence. The City has only fuzzy notions of what is acceptable to build or re-build, and is of practically no help to the property owner to determine what is desired or acceptable. The entire burden is placed on the property owner to appease all parties, many of whom don't necessarily agree with each other. The parties are not required, nor some voluntarily willing, to meet and discuss differences and find solutions.

- The quasi-judicial CPPC hearings are a non-productive and confrontational circus. With the delays required due to meeting notices and calendars, and the presumptive deference given to the historic lobbyists (which includes the City), the time and expenses for the property owner drag seemingly endlessly. It becomes a case of an isolated property owner pitted against a well-oiled bully lobby, that only knows how to object, and the City legal system. Everyone has the opportunity to object and interfere with the property owner's plans, but no one is positioned or interested in providing any kind of meaningful input or assistance to the property owner to help determine what is acceptable or desirable. It is really only determinable in the war-like atmosphere of CPPC hearings. This phenomena is detrimental to the point where any properties so effected are poisoned by the process, and property values plummet. No one wants to willingly purchase or develop a property where the needed or intended exercise of

basic property rights are absurdly prohibitive, exceedingly prolonged and expensive, and the outcome practically impossible to determine.

- Historic designation should be voluntary. No one is preventing anyone from preserving their property. If the City wants to provide incentives or assistance, that would be great. The system we currently have, however, is the opposite of encouragement and assistance. Stripping property owners of their basic rights by brute force, at the whim of a hostile third-party or slim simple majority, is a formula for abuse, anger and contempt.

The fact that there have been no recent hearings, workshops, or discussions allowing for public two-way discussion on this subject is an indication of how tone-deaf the City leaders are regarding the growing pool of dissatisfaction developing by property owners negatively impacted. Real property rights are fundamental and essential. Stripping those rights can have profound and negative impacts on individuals, essentially trapping them in ownership of a property that can't be reasonably managed or enjoyed. For those injured property owners who have had their property rights involuntarily ripped away by a flawed and unfair legal system, there is no option but passionate opposition to the current direction of the City of St Petersburg leadership.

Please include this commentary in the information packages available to the all participants of the August 8th meeting regarding historic designations.

Most sincerely,

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July 30, 2019

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St. Petersburg Community Planning & Preservation Commission (CPPC)
Municipal Services Center
One Fourth Street North (8th Floor)
St. Petersburg, FL 33701

Re: PEL Historic Designations; Third Party Applications;
Notice of Opposition and Intent to File Suit

Dear Ladies and Gentlemen:

This firm has the distinguished pleasure of representing the following persons and their associated properties with regard to the Potential Eligible List for Designation ("PEL"):

Mary Patricia Moore, YWCA aka Endicott Funeral Homes at 655 Second Ave South St. Petersburg, FL; Anthony Amico, Jr., Janus Landing/Tamiami Hotel/Bishop Hotel, at 200, 242 and 256 First Ave North St. Petersburg, FL; Dr. Gisela Garcia-Leyva, Bussey House, at 211 Fourth

Ave North St. Petersburg, FL; Sharron Mitcham at 120 Maron Street N.E., St. Petersburg FL; and Doug and Charki Schafer at 800 24th Ave North, St. Petersburg, FL.

I respectfully ask that you thoughtfully consider this memorandum as it pertains to the Committee of the Whole scheduled to occur between CPPC members and City Council Members on August 8th beginning at 9:00 a.m. relating to third party designations and the Potential Eligible List for certification.

It should come as no surprise that my clients adamantly oppose the PEL designation and demand the City remove them and their respective property interests from the list **immediately and permanently**. Although my firm does not have representative authority to contest designation on behalf of many other unwary owners subject to the improper PEL designation, my firm has received numerous calls and emails from owners on the list who equally oppose such designation.

The Section on Preservation of Historic Properties was instituted to protect "the interest of the health, prosperity, safety, welfare and economic well-being of the people."[1] To accomplish the purposes of preservation, the Community Planning and Preservation Commission (CPPC) was established.

The actions necessary to accomplish the intent of preserving historic properties by the Commission include the following:

"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 local landmarks; 3. Regulating alterations, demolitions, relocations, and new construction to local landmarks; 4. Recommending specific design review criteria for local landmarks; 5. Working with and advising the federal, state and county governments and other departments or commissions of the City; 6.

[1] See Section 16.30.070.2 – Preservation of Historic Properties.

Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation (emphasis added); 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."[2]

Nowhere mentioned do the duties of Commissioners *necessary* for accomplishing its goals state that preservation of local landmarks and local districts shall be made over owner objection. On the contrary, owner initiated and owner supported applications for designation represent the cornerstone of prior designations for landmarks in our City.

Applications going as far back as 1989 through 1994 illustrate that every single application submitted in that time period was owner initiated or heavily owner supported.[3] The applications include letters written by the owners urging the City to designate their properties as local landmarks. In each application, a portion of the application was designed to obtain the opinions of the owner. At present, it is irrelevant to the City if an owner strongly objects to the designation. It is also noteworthy that any third party, including the City, can move forward with designation against owner objection.

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[2] See Section 16.30.070.2 – Preservation of Historic Properties.

[3] On June 19, 1986, the St. Petersburg Historic Preservation Commission (HPC) approved unanimously to recommend Casa Coe da Sol for historic landmark designation. This property was already a recognized national landmark at the time of the City's decision and the owner supported designation; On August 21, 2019, the HPC approved unanimously to recommend Case de Muchas Flores for historic landmark designation. This property was already a recognized national landmark on the National Register of Historic Places at the time of the City's decision and the owner was not opposed; On October 17, 1991, the HPC approved unanimously to recommend the Boone House for historic landmark designation. This designation was City-initiated and the owner was not opposed; On October 7, 1993, the City initiated historic designation for the Bayboro House after a historic survey was conducted on the entire Old Southeast Neighborhood and the consultant who prepared the survey recommended historic designation for the property. The owner supported the designation of the Bayboro House; On September 1, 1994, the HPC voted unanimously to recommend historic designation of the Coliseum, which was owned at that time by the City of Saint Petersburg. The City/owner supported the designation of the Coliseum; and on December 1, 1994, the HPC voted 8-1 to recommend historic designation of the Rose Garden House. This designation was citizen-initiated by the owners of the property who supported the designation.

St. Petersburg's Comprehensive Plan provides, "The City will endeavor to initiate and process a minimum of three (3) applications each year for properties identified on the historic and archeological resource inventories to determine their eligibility for designation as a local landmark, historic district or National Register Landmark."[4] At this time, the City is requesting the CPPC and City Council add more than two hundred properties to its list for potential future designation, a far cry from three applications per year.

In 2011, David Goodwin, as Director of Planning and Economic Development, wrote to Chair Commissioner James Kennedy and to all members of City Council.[5] The letter was also provided to Mayor Foster at the time. The letter recites certain information from 2005 regarding then acting Mayor Baker creating this Potential Eligible List for Designation. According to the letter, a list was prepared in 2006 and a summit was arranged to be attended by all owners on the list.

Goodwin writes, "During discussions about the Blocker House historic designation at the January 10, 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…".

According to this letter, the list was approved by Mayor Baker, and did not go through the standard procedures set by Code. The approval was void of a proper hearing and the City now relies upon this list to catapult an additional two hundred properties for potential designation.

Indeed, the letter states, "[i]n spite of 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

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[4] St. Petersburg Comprehensive Plan, Chapter 12, Historic Preservation Element HP2.3

[5] See letter from Dave Goodwin, Director of Planning and Economic Development to The Honorable James Kennedy, Chair, and Members of City Council Dated January 27, 2011; Subject: List of Potential Historic Landmarks.

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." In the original memorandum, the word "initiate" is bolded and underlined to emphasize the importance of owner support. Currently, the notice sent to owners uses a different word: "participation" – not consent, not support, but participation. It is clear from my letters to the City that property owners do not want to be designated, let alone be on a list.

On January 14, 2010, Kimberly Hinder, as Planner III, prepared a memorandum acknowledging that "it is appropriate to consider the issue of owner consent related to applications for historic designations, since the City's Land Development Regulations are *intended to balance private property rights* with public interest including preservation of historic structures."[6]

At a public hearing on March 8, 2016, various commissioners voiced their reservations about moving forward with the PEL designation.[7] In the executive session, the hearing minutes provided the following: Commissioner Michaels stated, "that because there is no community consensus, his inclination is to defer this item . . . ." Commissioner Chair Carter in particular "stated his desire to serve as chair with representatives from the business and preservation communities, and to set a date of 60-90 days to return with a recommendation to the City *backed by community support*." And finally, Commissioner Reese was reported at the time to be "very concerned about rushing and still having an incomplete list. She wants to ensure enough time is given to input from the various communities…".

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[6] See Memorandum from Kimberly Hinder, Planner III, Planning and Economic Development Department in response to a Council referral regarding applications for historic landmark designation and property owner support. The memorandum states "this issue arose at the December 3, 2009 City Council meeting during the first reading of the ordinance to designate the Detroit Hotel as a local historic landmark. The owners of the Detroit Hotel expressed strong opposition to the designation".

2 See minutes of public hearing dated March 8, 2016 regarding request for certification of the updated list of historic properties potentially eligible for local landmark designation.

In a motion which passed 6-1, Commissioner Burke voted against deferring certification, "asking staff to bring back alternatives to the Potentially Eligible Designation List (PEL list) that would still accomplish the same things." Mr. Kilborn represented a "task force" would be arranged to provide an alternative to the PEL list. The owners are not aware as to whether such task force has been created or exists.

The only support for moving forward with the Potential Eligible List for Designation at this hearing in 2016 were City staff and members of the St. Petersburg Preservation Society, a private third party group who is the driving force advocating for designations. The minutes represent that not a single owner was present for such a meeting in 2016. Decisions were being made and intentions to move forward against owner support were being discussed and the owners were none the wiser.

The first notifications sent to owners being affected by the PEL designation were sent out by the City within two weeks of Thanksgiving 2018. Upon detailed examination, it has been confirmed that most owners did not receive the PEL list or Notice of Hearing that took place on December 11, 2018. For the owners who did receive the notice and were in attendance at the CPPC hearing, the outcry among ***every owner*** present in the room was significant.[8]

Dr. Gisela Garcia in particular, submitted over twenty letters from members of our community to express total opposition to the forced placement on this PEL designation. Dr. Gisela

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[8] See *Tampa Bay Times* article by Waveney Ann Moore published January 1, 2019 following a December 11, 2018 hearing in front of CPPC, where property owner, Gorin, lamented "This has caused a lot of stress on our family, not knowing what this potential list is going to do to our property. We did not purchase it with a historic designation, nor do we want one. And I feel like we should have these rights as a taxpaying citizen." Commissioner Wannamacher, an architect by trade, stated "I have looked at several of them and found a few that, in my opinion, I would not vote to be on the list…Taking a large list like this and approving it, I'm concerned about that." Commissioner Winters said the new list was "too ambitious" and Commissioner Gwendolyn Reese "stated she was concerned that individual homes were listed and that homeowners didn't understand why they had been included."
See also *Tampa Bay Times* Article by Waveney Ann Moore published February 7, 2019 in which Dr. Gisela Garcia stated, "They basically take your rights away as a property owner. Then your property values plummet the minute you are on that list." Other property owners were reportedly "furious" and "frustrated" about the PEL list and called the entire designation process "nuts."

Garcia passionately provided the CPPC with information about her purchase of her home and why she purchased her property- because it was beautiful and she intended to keep it that way. She has spent years and thousands of dollars maintaining her property on her own. She does not need the City to come in after all this time and money to tell her how to do something she has been doing for several years. Dr. Gisela Garcia told the CPPC that she came to this country to have rights, not to be imprisoned by a local government.

The owners at the December 11, 2018 hearing had countless questions, valid concerns, and felt completely blindsided by such a unilateral effort. And unfortunately, owners are already starting to incur financial damages as a result of being marked for designation on the PEL.

Very recently, Ms. Moore lost a multi-million dollar contract due her *potential* placement on the PEL designation. Ms. Moore, like many other owners, cannot positively state to prospective buyers that their properties are not encumbered by government regulation. It is worth noting that even the *threat* of the PEL certification is causing owners to lose contracts to sell their properties. Ms. Moore, and many others, are under particularly challenging and time sensitive constraints restricting their ability to freely market their properties and otherwise receive fair market value.

Yet, City Staff have misrepresented to the public that the PEL designation does not adversely affect their property values. In a 2016 meeting concerning the designation of "Block 25" as an historic district, it was represented that property prices actually rise with historically designated properties. These misrepresentations are being made with the knowledge that under City Code, "The City recognizes that local landmarks exist on sites which have potential for larger developments to occur."[9]

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[9] See Section 16.60.040.1.17(A)

The absurdity in the argument that historic designation increases property values is self-evident. The processes alone for rehabilitative work to an historic structure are incredibly burdensome. If it were in fact true that property values would increase with designation, nearly every person in this City would be pounding the City's doors to designate their properties. Instead, the public is enraged and demanding to be off the list and to never become designated.

The City is also not clear to the public on what is required for disclosures. A February 14, 2019 email written from Ms. Duvekot to Mr. Hecht regarding restrictions and notifications required at the time of sale is particularly disturbing.[10]

It is in fact quite improbable that City officials could know every required seller's disclosure under the law, especially those which constitute material disclosures affecting the value of the property. It is similarly impossible for City officials to know if historic designation truly affects a sale or if the designation even has an impact on the sale price due to any number of factors, such as the financial constraints and incredibly burdensome process put on the owners in the event demolition is sought, the COA process, and the uncertainty associated with how long the PEL designation actually lasts. Without case law determining if PEL disclosure is in fact required by a property owner, it is a reckless endeavor for City officials to advise property owners in such a way that could create liability for them.

The reality is that a seller of a property is legally required to disclose to prospective buyers all land-use and development restrictions that materially affect the value of a property.[11] A buyer will want to investigate whether the buyer's planned use is permitted under current restrictions;

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[10] Ms. Duvekot stated to Mr. Hecht, "Inclusion on the PEL does not affect the sale of a property, nor does it have any effect on the property's development if the 'potentially eligible' resource is demolished." Mr. Hecht noted that "[i]n particular, I would be concerned if there were any restrictions or notifications required if we sell our home in the future or any alterations to the home" to which Mr. Duvekot responded, "There are no restrictions on alteration for PEL resources. There are no restrictions or notification requirements for the sale of PEL properties. The PEL list is public record and can be located on the City's Historic Preservation Map."

[11] See *Johnson v. Davis, 480 So.2d.625 (Fla. 1985).*

whether any of the restrictions can be changed or varied; or whether the buyer's plans may prove infeasible on the seller's property. Knowledge of such limitations may also help the broker to more successfully market the property to the proper target audience. Any restriction on free use affecting the value of the property not readily ascertainable by the buyer must be expressed in clear and unambiguous terms.[12] At this time, there exists a cloud of ambiguity over such disclosures.

It is worth noting that every year, our city provides the National Park Service with an annual park service annual products report for CLGs. Based on records requested from the City[15], the reports began in 2005 with then-acting Manager of the Urban Planning and Historic Division, Kimberly Hinder, providing the reports. Every year, the City answers a series of standard questions regarding programs the City is offering to the public under the Grants Division. The form asks whether the City has a CLG Inventory Program, if the City has a local register program to create local landmarks, if there is a tax incentive program, whether there is a local government preservation grants/loan program, whether there is an historic preservation regulatory law, and whether the City has a program to acquire historic properties through purchase or donation. The City prepares these reports and provides a list of historically designated properties to the Historic Preservation Grants Division.

Notably, the Grants Division does not request whether a list is being maintained by the City to organize eligible properties for *potential* designation by imposing real property constraints. Indeed, when the new Manager of the Urban Planning and Historic Division, Derek Kilborn, took over Hinder's role in 2013, the reports became more thorough in documentation due to the number of code amendments made between 2013 and 2017. In the reports reviewed to date, there is no

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[12] See *Johnson v. Davis, 480 So.2d.625 (Fla. 1985).*

[15] See Public Records Request Dated December 7, 2018 from Sole Law, PLLC.

mention of this "potential eligible list" of properties made in any of the reports to the Grants Division. The City is simply not required to do so to receive grant funding.

Only more recently did the City put into effect such a code identifying potentially eligible landmarks which are not locally designated. The Code for identification of potentially eligible landmarks which are not locally designated specifically excludes properties "that have been the subject of an application for historic designation which has been denied and which is not on appeal."[18]

In 2016, the City attempted to designate Block 25 a/k/a "First Block" as a historic district. Starting in 2013, City Staff compiled several staff reports of each individual property at the "Block 25."[19] In order to win designation, the City had to demonstrate that the individual properties contributed historical resources sufficient to establish an historic district. City staff attempted to persuade City Council members by providing a thorough analysis of each property individually, along with the pertinent ordinance, and supporting documents.[20]

The owners fiercely contested the designation. In a super majority vote by City Council in favor of the owners against designation, the City failed. Among the properties that were under threat of designation in 2016 are Mr. Amico's *exact same properties as referenced herein, despite the matter being already ruled upon by City Council*. The City is once again attempting to seek designation of Mr. Amico's properties, ignoring the decision of City Council. The City is attempting to do this because Mr. Amico filed plans with the City in 2015 for construction of a high rise building where his properties exist. The City rejected Mr. Amico's plans, as evidenced

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[18] See Section 16.30.070.2.11(4)(c), St. Petersburg Code.
[19] See Community Planning and Preservation commission Local Designation Request Staff Report; Case No. HPC-15-90300001.
[20] See City-Initiated Application to Honorable Amy Foster, Chari and Members of City Council for Meeting of October 20, 2016.

in the staff report prepared by the City in 2016 when the City attempted to designate Block 25 as an historic district.[21]

The City is attempting to force Mr. Amico on the PEL Designation with knowledge that his plans call for demolition of his properties. By forcing Mr. Amico on the PEL designation, the City is violating the very Code they are attempting to enforce with the PEL designation.[22] City Code Section 16.30.070.2.11(4)(c) specifically states that the requirement for delay and notice set for in the section for potentially eligible landmarks, which are not locally designated, do not apply in circumstances where the application has been denied and is not on appeal. The City did not appeal the decision of City Council in 2016.

To make matters more suspect, the Code was also recently amended to allow the five-year prohibition for designation of a landmark that has failed designation to be waived if designation is *initiated by City Council*.[23] Thus, the very people the City elects as its voice from each district now have the authority to initiate designation against its own citizens they swear to protect. That is like having a Judge sue you and preside over his own case as Judge and jury. It's hard to imagine anything more unconstitutional, more unfair, and more undemocratic than that.

I urge the City to re-think very carefully about how they proceed against Mr. Amico and all property owners affected by the PEL designation. By permitting Mr. Amico's properties in particular to even grace this list within three years of a failed designation attempt by the City sends the message that City Council's decisions mean nothing, and the City is above its own Codes. Owners are better off not putting up a fight, knowing that the Council's decisions are meaningless since the City will fight until they finally get their "win," no matter how many attempts it takes.

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[21] See City-Initiated Application to Honorable Amy Foster, Chari and Members of City Council for Meeting of October 20, 2016.
[22] See City Code Section 16.30.070.2.11(4)(c).
[23] See Sections 16.30.061.2.5(C)(3) & Section 16.30.061.2.5(c)(4)

What then is the reason to have a City Council body if one cannot rely on their ultimate vote and decision?

Florida's state policy regarding historic properties is contained in § 267.061, Florida Statues, which declares that it is Florida's policy to: a) foster conditions using measures that include financial and technical assistance for a *harmonious coexistence of society and state historic resources*, and b) encourage the *public and private preservation* and utilization of elements of the state's historically built environment (emphasis added).[24]

The PEL designation does not achieve a harmonious environment. What the PEL Designation does is effectively bypass the codified rules promulgated by the City to abruptly designate a property as historical. The City argues that inclusion on the PEL Designation does not make a property historical, and that only at the time of proposed demolition would the City or any third party move to designate a property. However, the City acknowledges in their own Resolution dated May 9, 2019, "The increase in third-party applications has had, and continues to have, a deleterious impact on the administrative efficiency of the City's Urban Planning and Historic Preservation Division, due to the expenditure of unplanned effort and taxpayer resources to respond to these non-owner, non City-initiated application for historic designation; and such proliferation of third-party applications has also increased the amount of litigation related to the City's historic preservation program."[25] Notably, these third parties (private organizations) are among the list of parties that receive immediate email notification when a property is flagged for a demolition permit.[26]

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[24] See Fla. Stat. § 267.071(1)(a)(4) and § 267.071(1)(a)(5).

[25] See A Resolution of The City Council of the City of St. Petersburg, Florida Declaring and adopting a six-month moratorium on the acceptance of third-party applications for local landmark historic designation; and Providing an Effective Date.

[26] See Section 16.30.070.2.11(3), St. Petersburg Code, which states "The City will notify by e-mail or letter mailed first class mail to the members of the Commission and any resident or community group who annually files their name with the POD requesting notice of any applications for a site plan that includes demolition for a property which is

The City made it so easy for a third party to force more than two hundred owners into immediate processing for historic designation. The City states there are other cities that provide for third-party designation against owner consent. By this incredibly simplistic reasoning, the City of St. Petersburg would not be an outlier. The City, however, does not even address the details of those programs, their Certificate of Appropriateness (COA) process, or the TDR, H process involved with credits issued once a property is designated and an application is applied for. They left out the details for a reason.

The effect of St. Petersburg's PEL designation is crushing financially and extremely restrictive to an owner. Once a property becomes designated, owners must go through a COA approval process to perform work on their properties. Owners presently burdened with the COA approval process have found the process discouraging, expensive, laborious, and time consuming. City Code Section 16.30.070 requires the issuance of a COA prior to any exterior alteration to a locally designated landmark or a locally designated historic district. These exterior alterations include the following work: changes to walls, roof, or windows; painting unpainted masonry; additions; relocation; and demolition. Building new structures and demolition requests within a historic district also require a COA.

The COA process has proven to be frustrating to property owners due to the City's inability to timely process the requests and because of the uncertainty and ambiguity surrounding the necessary elements of the application. There are, for instance, different COA requirements for window replacement, new construction, and demolition. Owners have to jump through arbitrary

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potentially eligible for designation as an individual local landmark and which is identified as such in the property records and planning and permitting database."

hoops to comply with the various evaluation criteria and the approval process has no definite end to it.[28]

Further, under Section 16.30.070.2.3(B)(5), the Code states "The POD shall determine when an application is complete and may request additional information when such application is determined to be incomplete." Mr. Amico has been advised time and time again by the City that he would have to show proof of full funding and/or guaranteed financing to build upon his properties *to obtain COA approval.* That information is not contained nor required on any of the COA applications supplied by the City. This presents an arbitrary requirement by the City directed to Mr. Amico without any legal basis.[29]

One thing is for certain, however: all COAs must be satisfied and approved through inspection by Historic Preservation staff. The City, however, cautions in its "Certificate of Appropriateness Application Packet" that approval of a COA request by the CPPC or the Historic Preservation Division does not grant or imply other variances from the City Code, FEMA regulations, or other applicable codes. A footnote contained in the COA Approval Matrix (updated February 10, 2015) advises applicants that the POD may refer a COA application for public hearing review when 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

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[28] For example, one COA applicant who filed an application in 2006 to replace roof tile with like material on a historic home was given a COA approval with the conditions that the roof replacement material be like in kind (terra cotta) and that <u>any</u> additional damage discovered requiring repair of exterior features shall require additional approval. The roof is an exterior feature. If one small leak had been discovered, would the owner have to reapply for COA approval and then wait indefinitely for a response while their home had a roof exposure? Another property owner filed a COA application in 2007 to make repairs to a structure and to clean the exterior of the building. The COA was approved with the condition that the cleaning be undertaken using the "gentlest techniques and least possible degree of intervention. Sandblasting is not an allowable method." Obviously, this owner faced ambiguity as to what constitutes the "gentlest" cleaning techniques.

[29] In a meeting between Mr. Amico and city staff, Mr. Amico was advised that to build a new structure, he would need full financials approved before the issuance of a COA, which is a development impossibility unless you fund the development entirely by cash, creating an extremely onerous financial burden on property owners. In order to build a new development, developers often need to show lenders pre-sales, which is a requirement for financing. Owners cannot obtain the pre-sales to show lenders if developers cannot get their site plans approved by the City.

a CPPC decision. Property owners can't help but wonder who has ultimate decision-making authority when it comes to COA approval.

Owners like Sharron Mitcham cannot afford such uncertainty. Ms. Mitcham purchased her property in Old Northeast in 2018. To her complete surprise, her property was riddled with mold, which went undetected by an inspection. Her twelve-year old grandson's health is at major risk. Sharron's immediate steps would be to seek mold remediation and possibly undergo a partial demolition of her home due to the intense spread of the mold growth so her grandson's asthma would not worsen. With the PEL designation, she has to be more concerned about someone blocking her ability to quickly act, secure her home, and help her family due to this completely ridiculous property constraint. Suddenly a third party's concern over keeping Sharron's home historic is more important than Sharron and her minor grandson's health. That is deplorable and is clearly not the intent of the Code. It is the City's job to protect the public welfare, above all else. The thirty-day wait period after seeking demolition and entire COA process would be exceptionally harmful for Sharron and anyone else in Sharron's position.

In addition to the onerous procedures laid out by the COA approval process, the City's TDR, H so-called "process" associated with our City is directly related to the PEL designation. The City attempts to achieve a balancing act by providing owners of landmark properties a method to receive certain credits, acknowledging that many of these owners will suffer a loss of significant building rights.[30]

"Transfer of development rights, historic (TDR, H) for locally-designated historic structures and sites is an economic development incentive to preserve historically significant

[30] See Section 16.70.040.1.17(a): "The City recognizes that local landmarks exist on sites which have potential for larger development to occur".

buildings within our community."[31] The TDR, H program "allows historical property owners to benefit from the development potential by allowing the sale of the development rights *with the condition that the building or site be resorted and retained.*"[33] According to City Code, the TDR, H program is intended to accomplish two goals: 1) to provide an incentive for owners of local landmarks to preserve their properties; and 2) to allow owners *to sell what would normally be their development rights to a third party in the private market.*

TDR, H credits do not expire. TDR, H credits can be retained or sold immediately. And, TDR, H credits may be cancelled and the development rights returned to the landmark or landmark site.[34]

Under the current framework, once the POD has reviewed an application for TDR, H credits, the POD establishes an historic preservation plan required for each site. ***The designated landmark must complete any restoration or rehabilitation work required by the plan.***[35]

To understand the flaws in the application approval process, a review of previous applications is necessary. According to documents received by the City, there are seven (7) landmarks that have received TDR, H credits.[36]

The Hotel Detroit, which was designated as a historic landmark in 2009, submitted an application for TDR, H credits in September, 2015.[37] A review of the TDR, H report provided by the City indicates that the Hotel Detroit TDR, H application is "under review."[38] My office has not

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[31] See Section 16.70.040.1.17 (A).
[33] See Section 16.70.040.1.17(a).
[34] See Section 16.70.040.1.17 (H).
[35] See Section 16.70.040.1.17(D). The Code goes on to state that "failure to comply with the restoration or rehabilitation work or maintenance program for the landmark or landmark site which is required by the historic preservation plan shall be a violation of this section".
[36] See Registry for Transfer of Development Rights, Historic.
[37] See TDR Application for Hotel Detroit submitted by Sole Law, PLLC dated September 18, 2015 to the City of St. Petersburg. The application was hand delivered, complete with payment, a survey of the property, a title report, and request for review for 20x the gross floor area for the Detroit Hotel. A receipt was obtained at the time of application, and See Application Requirements for TDR Credits in 2015 provided by the City.
[38] See Registry for Transfer of Development Right, Historic.

received a single letter, email, or phone call on the status of these credits to be issued. It takes over four years for the City to process an application for TDR, H credits for the "Queen Mother" of St. Petersburg[39] and apparently one hearing to attempt to force more than two hundred owners on a list they do not understand.

The City forgot to mention this horrific procedure to my clients and other objectionable owners. They also forgot to mention that they too can be "under review" for four years (or more). If the Queen Mother cannot get an application approved in this City, who can?

Notwithstanding this four-year delay, the TDR, H program has a multiplier system[40] to provide credits, which will likely authorize square footage credits in excess of what is legally buildable under the Code to the private market under the current method. In 2009, when reports were drafted regarding the TDR, H credits, there was data to support there existed 27,968,580 square feet at 20x buildable square footage credits *already existing* to transfer within the TDR, H program.[41] This report was prepared at a time when it was noted that there was minimum building development.

Since coming off the heels of the recession in 2009, significant building development has occurred in the Downtown Core and numerous properties have been designated as local landmarks. Therefore, presently, if all two hundred plus owners are designated (in addition to over 110 current

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[39] Detroit Hotel 215 Central Avenue Designation Report; St. Petersburg Community Preservation Commission Staff Report Case No. HPC 09-04/09-90300006 pg. 15 : "Built in 1888, the Detroit Hotel represents the foremost structural reminder of the cultural heritage of St. Petersburg remaining the city...As the "Queen Mother" of St. Petersburg's hotels the Detroit paved the way for the city's tourist economy and development...It was the Detroit that led the way in development of the city and the tourist economy for which we are so well known".

[40] See Section 16.70.040.1.17(E) : "For a local landmark, the amount of transferable floor area will be determined by subtracting the gross floor area of the entire local landmark from the maximum buildable square footage. Only existing floor area shall be eligible for calculating the amount of TDR, H credits. 2. The term "maximum buildable square footage," in the DC zoning districts, shall be the base density and shall not include any bonus FAR..."

[41] See Memorandum by Julie Weston, Development Services Director to Members of City Council Public Safety and Infrastructure Committee for Meeting Dated July 16, 2009; Subject: Issues raised by CONA, City Council, the Community Preservation Commission, and Cathedral Church of St. Peter concerning the Historic Transfer of Development Rights (TDRs) and associated regulations.

designations), owners of TDR, H credits cannot sell that much buildable square footage to buyers. To state it another way, the City would have to rebuild itself two times over to satisfy all TDR, H credits that would be issued if the City keeps designating properties at such an intense rate. This creates a fundamental economic crisis because there will be an excessive surplus of TDR, H credits flooding the market, *even if buyers were willing and able to buy the TDR, H credits*. This results in a reduction of price allotted for TDR, H credits and forces sellers to fight with each other to sell to buyers, creating a completely controlled buyer's market, driving prices down. The market could potentially attempt to correct this over time; however, the problem is there is no real buyer's market.

David Goodwin, Director of Planning and Economic Development drove this point home: "Ultimately a market demand for the TDRs must exist for the proposed program to have any real impact."[42] David Goodwin noted that the existing program is left entirely between a private developer and owner(s) of a landmark with established TDR, Hs available. It was noted that developers are only incentivized to provide payment to workforce housing or downtown mass transit. Goodwin stated that "allowing the developer to pay directly to the City could increase the chance the historic bonus FAR would be used by giving the developer an arguably easier opportunity to make a payment to the City instead of identifying and negotiating with private property owners." On December 3, 2009, in one attempt to rectify this problem, the Code was amended to require developers to pay the first .5 FAR bonus to the city for historical grants *provided such work was being performed on a designated landmark.*[43]

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[42] See Memorandum prepared by Dave Goodwin, Director of Planning and Economic Development to Members of Council Public Safety & Infrastructure Committee regarding a Meeting Dated January 28, 2010 on the subject of discussion about the program to disperse funds received by the City from historic Transfer of Development Rights.

[43] See Section 16.70.040.1.17; See also Memorandum prepared by Dave Goodwin, Director of Planning and Economic Development to Members of Council Public Safety & Infrastructure Committee regarding a Meeting Dated January 28, 2010 on the subject of discussion about the program to disperse funds received by the City from historic Transfer of Development Rights; See also Section 16.20.130.5.2.: "If the proposed development is replacing a contributing

Otherwise, it is simply an option to dedicate funds to historic grants. With the incredibly challenging constraints imposed by the COA process and the intent of the Code to prevent demolition and maintain the structures of the historical properties, the question arises as to whether there will be any opportunity for the owners to be compensated for their FAR loss in building rights, particularly when developers particularly avoid properties riddled with future building constraints.

It is therefore no surprise that the memorandums written in 2009 and 2010 consistently state "Since the creation of the program, four properties have established historic TDRs which are now available for transfer. Those properties are: the YMCA at 116 5th Street South, the Snell Arcade at 401 Central Avenue, the Flor-de-Leon Apartments at 130 4th Avenue North, and the Sunset Hotel at 7401 Central Avenue . . . **to date, no TDRs have been purchased or transferred since the LDRs were adopted in 2007.** Since no credits have been transferred or sold, the City's Historic Preservation Grant Program, which would be funded by the $.50 fee for each square foot of development credit transferred, *does not have an established account or policies and priorities to administer the funds* (emphasis added)." This is particularly eye-opening when you consider the amount of properties that had been designated by 2010 and <u>not one</u> TDR, H credit had been sold or transferred by that time.

The intent of the TDR, H credit program was to compensate owners for the City's taking of their property's development potential. Unfortunately, the actual effect has been to compensate owners with valueless credits. The memorandum goes on to say, "Several cases in recent months

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resource to a local landmark district, the first 0.5 bonus FAR shall be through the use of transfer of development rights (TDR, H) purchased from a designated local landmark. Thereafter, any bonus or combination of bonuses is allowed."

have identified a need for clarification on several issues regarding the Historic TDR program."[45] My clients agree.

Imagine more than two hundred properties being designated and all applying for their TDR, H credits with no buyers in site for the purchase. Imagine more than two hundred applications in queue for approval and "under review" for several years. These are just a couple of areas of concern the City will find itself entangled with if the PEL designation is certified.

Doug and Charki Schafer, a retired couple, live in the NT2 zoning district. Because of their location, they are prohibited from applying for TDR, H credits. The Code makes a specific exclusion to property owners not located within the DC (Downtown Center) and CCS (Corridor Commercial Suburban) zoning districts.[46] Therefore, the TDR, H potential for applications only apply to a select few, but the PEL designation applies to all owners in all zoning districts. The Schafers are left with something valueless. And because their property is not located within the Downtown Core, they are left with nothing at all for the loss of their property rights. Instead, even a partial demolition of any kind (driveway, garage, etc) would trigger the thirty-day opportunity for a third party to designate the Schafer's residence.[47]

The PEL designation is so sweeping, it affects owners in various zoning districts of the City. A plethora of residential homeowners outside of the Downtown Core will be forced to engage in a rehabilitation plan with no TDR, Hs to be issued due to the zoning constraints as set forth in the Code. And if residential owners decide not to comply with guidelines and instructions issued

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[45] See Memorandum of Additional information concerning Historic Transfer of Development Rights from Julie Weston, Development Services Director to Members of the City Council Public Safety & Infrastructure Committee Dated August 16, 2009.

[46] Note that Under Section 16.70.040.1.17(a), "The TDR program is <u>not</u> applicable to contributing or non-contributing properties in a historic district, *except for those contributing properties in historic districts which lie wholly within the Downtown Center zoning districts* as defined by the City's Land Development Regulations."

[47] The Code does not clarify the type of demolition application that would trigger the time period for a third party to move against the owner's consent for designation.

by the Preservation Commission, the Preservation Commission can take enforcement action. Thus, a residential owner becomes saddled with the burden to comply with Section 16.30.070.2.9 titled "Maintenance and repair of local landmarks and property in historic districts" while receiving nothing in return, and all against their objection. This is the definition of a government taking. The fact that anyone thinks this is reasonable is jaw-dropping.

Under the current TDR, H framework, a sending party (owner of designated property) can send TDR, H credits to a receiving party (the developer) when all of the following occur: 1) the developer requires additional FAR; 2) *the developer is affecting an existing local landmark*; 3) *the sending party has fulfilled their entire preservation plan* as outlined by the City at their own expense; and 4) the landmark property is located in the DC and CCS Core. At this point, the developer can purchase TDR, H credits.[48] It is hard to imagine such a perfect scenario limited to the downtown area of St. Petersburg for building development.

It is clear that the Code fails to address fundamental realities and is void of practicality. The City has failed to respond to an application submitted in 2015 for one of the City's most iconic buildings. The property owners of this City are faced with a designation process that can be imposed upon them against their will, without actual compensation. Owners have lost faith in the City's systems and the City staff members who encourage forcing designations against the owners' consent.

There are several questions for the CPPC and City Council to consider: What happens when a seller wants to sell their credits and the seller has not completed the rehabilitation requirements as required by the POD?

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[48] See Section 16.70.040.1.17.

What happens when a property such as the Hotel Detroit, that was designated historic in 2009, spends hundreds of thousands of dollars in rehabilitation work (and is still waiting for their TDR, H credits to be approved), and demands credit for such rehabilitation by the City for failing to process their application? The Code is silent on this issue.

When does the obligation for the rehabilitation work placed on the owner end? When the City determines the correct work to be done at the time of issuing the preservation plan to the owner, it would not be feasible to foresee the maintenance and rehabilitative work for an indefinite period of time for a property. Does the owner continue to get credit at another time? Is the owner ever freed from the reaches of the City to force further rehabilitation work not previously outlined with the preservation plan?

The City should clarify if historic designations and the restrictions they imply are like other land use restrictions like restrictive covenants, deed restrictions and subdivision restrictions which run with the land in perpetuity. Does the inclusion on the PEL list mean that a property will remain on the PEL designation in perpetuity? When is the property owner released from uncertainty, if ever?

Ultimately, when does the obligation for the owner end? When does the City's power stop?

The City is more concerned with forcing designation than providing codified resources to help its citizens. These are precisely the types of government takings that result in numerous, burdensome, and expensive lawsuits against the City that can be avoided at the outset. A recent example of a similar government taking case involved Section 171.5 of the City of Sunny Isles Beach, Florida's Code of Ordinances, where a similarly overly burdensome historic preservation code was challenged for being void and unconstitutional.

The Sunny Isles' code was challenged in the case of *Temple B'Nai Zion, Inc. v. City of Sunny Isles Beach, Florida and Norman S. Edelcup*. The Temple argued that the City of Sunny

Isles Beach had singled out the Temple as a historic site under the city's zoning code. The Temple was opposed to the historic designation. The Temple alleged that by designating the Temple as a historic site (over owner objection), the city had selectively enforced the historic site provisions of its zoning code in violation of the Federal Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment.

During a March 28, 2006 meeting of the City of Sunny Isles Beach's Historic Preservation Board meeting, the city's historian, Richard C. Shulman, expressed belief that the Temple met the criteria for historic designation, despite the owner's opposition. In response, Mayor Edelcup interrupted the meeting and stated that this "is a legal issue, and again, if the Board wants to carry it forward, you will never find an owner that is willingly going to want the site made historic because they can't do anything other than to maintain it as a historic site. We just have to go through the legal process, and the courts will determine whether or not there is enough justification, *whether the owner wants it or not*." The Historic Preservation Board reluctantly agreed to explore further whether the Temple should be declared a historic site.

Notably, a prudent commissioner, George "Bud" Scholl, made the following statement for the record:

> Okay . . . I think a lot of us a missing the point. The fact is from my perspective the point is property rights . . . . In this case I really believe that if we are going to burden somebody's property rights, and this Commission is going to make a ruling here, and it's going to set a precedent, and you have heard me say sometimes we are judge and jury up here, and I think we need to be very careful when we are doing that and really look at the core issue. . . The core issue is are we going to burden somebody's property rights and take something away from them over some arguments that I think are a little flimsy personally. I don't really buy into the veracity of these arguments. . . . We have to discount our perspective toward the actual property and look at the fact that we are going to take away somebody's property rights, whether it's a temple, a single-family home, a rich condominium developer. I don't care. These things need to be protected, and I think we have to hold them . . . at a very, very high standard if we are going to burden them.

The City of Sunny Isles Beach considered the Temple's historic designation four times over the course of four years. During that time, the city bombarded the Temple with multiple code enforcement violations at the direct order of Mayor, who had a personal vendetta against the Temple Rabbi and the Orthodox Jewish Sephardic membership, which is not unlike our current Mayor who publicly announced he vowed to "win the war" against Mr. Amico in 2016.[49]

The Temple filed suit against the City and the Mayor personally for several violations, including counts for equal protection and substantive due process under the Fourteenth Amendment pursuant to 42 U.S.C. § 1983. Notably, the Temple also sued the City of Sunny Isles Beach for a declaration that Section 171.5 of the City Code of Ordinances is unconstitutionally vague, and therefore, void for vagueness, because it vests the Historic Preservation Board and City Commission of the city with unbridled and unreviewable discretion in designating a property a "historic site."

The Commission and City Council Members need to proceed with great caution before reaching their decision, which will affect over two hundred property owners. Any such takings by the City will force property owners to protect their rights by filing numerous lawsuits against the City.

The CPPC and City Council should be well aware of a very recent United States Supreme Court ruling on local governments taking private property rights, *Knick v. Township of Scott*, 139

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[49] See Tampa Bay Times Article Published November 3, 2016 by Charlie Frago: "Mayor Rick Kriseman said a recent attempt to protect the block by making it a local landmark district was a battle the city lost. But he vowed to win the war to preserve what he calls St. Petersburg's most historic block. The high-rise is being pitched by Tony Amico, the majority-owner of the popular downtown block bounded by Second and Third Streets and First Avenue N and Central Avenue." The article goes on to state, "The mayor said as long as he's in office, the city won't vacate the alley running down the middle of the block. That would make development difficult, the mayor said." The article goes on, "Amico said he has offered to work with preservationists and offered a compromise: he'll keep the facade of the historic buildings intact. The mayor said that isn't enough." Mayor Kriseman refuses to vacate the alley and the air rights over the alley. **It should come as no surprise that it was Mr. Amico who applied for the TDR, H credits for the Hotel Detroit, which still remains "under review."**

S. Ct. 2162 (2019). As a result of the *Knick*, plaintiffs who allege local governments are violating the Takings Clause of the U.S. Constitution may proceed **directly in federal court rather than first litigating in local circuits, overturning a 34-year old precedent set by a 1985 Supreme Court ruling.**

In particular, the United States Supreme Court stated emphatically:

> "A property owner acquires a right to compensation immediately upon an uncompensated taking because the taking itself violates the Fifth Amendment. See *San Diego Gas & Electric Co. v. San Diego*, 450 U.S. 621, 654, 101 S. Ct. 1287, 67 L. Ed. 2d 551 (Brennan, J., dissenting);"
>
> "We now conclude that the state-litigation requirement imposes an unjustifiable burden on takings plaintiffs, conflicts with the rest of our takings jurisprudence, and must be overruled;" and
>
> "If a local government takes private property without paying for it, that government has violated the Fifth Amendment – just as the Taking Clause says – without regard to subsequent state court proceedings. And the property owner may sue the government at that time in federal court for the 'deprivation' of a right 'secured by the Constitution.' 42 U.S.C. §1983"

My clients and I will therefore be able to avoid many of the initial delays typically involved in filing takings claims, saving thousands of dollars and significant time in our judiciary system. Defenses afforded to local governments such as issues relating to ripeness, standing, or exhaustion of every administrative and state law remedy no longer stand in the way.

My clients have attempted to let their concerns be known to the City. I have attempted to strongly encourage the City to work with owners. I have not been met with any type of productive response indicating the City will work on a resolution that allows owners to opt out of such demise, or at least come up with a procedure to provide the freedom of choice.

In fact, at the CPPC hearing on December 11, 2018, it was represented that the City would hold public workshops for the public to attend to clarify many of these issues. My firm has followed up with the City since December 11, 2018 and we are not aware of any public workshops

that have been held. Instead, my firm received formal notice on July 25, 2019 that a Committee of the Whole meeting was scheduled to take place on August 8th at 9:00 am, with all responses objecting to the PEL certification to be provided by August 1st, providing my office and my clients a total of five business days to voice our objections for the record.[50]

We cannot forget that these decisions directly affect real people and their families. My clients include long-standing citizens of St. Petersburg, business owners who employ many residents of our City, and retired workers looking to spend the rest of their years in peace with their families contributing to the community. However, they are tired. They are tired of being singled out and they are tired of this abuse of power and control. The City Council's decision will not only affect more than two hundred people on this PEL designation, but the hundreds of others that will feel the financial pressure and loss in property rights (such as the respective owners' family members, employees, tenant relationships, etc.). Moreover, because a limitless number of properties can be designated, City Council's decision will likely impact thousands of additional property owners in the near future.

Be advised that certification of this list will leave me no choice but to file a lawsuit in Federal court with damages exceeding eighty-million dollars in damages. Mr. Amico's properties alone include properties with the highest FAR building rights in our City by Code. Mr. Amico has already secured a judgment for a related takings claim, and the award in attorneys' fees and damages were in the several millions.[51] Should this list be approved and certified at the City Council stage, my clients have authorized my firm to immediately seek redress in the Federal court

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[50] See Email Notification from Derek Kilborn on July 25, 2019. Five business days is not sufficient notice for the general public.

[51] See Final Judgment awarding Beach Group Investments, Inc. (Mr. Amico) $15,344,349.00 in damages. The court reserved ruling on the award for attorneys' fees, which was later determined to be $3,300,000.00, for a total award of approximately $19 Million Dollars in favor of Mr. Amico's company as plaintiff in a takings claim against the State of Florida.

system, where costs and fees are extraordinarily higher, and where we will be afforded a judiciary competent to analyze many Federal cases involving local governments infringing on private property rights. It goes without saying after reviewing the contents of this memorandum, the pathway for significant filings by the Hotel Detroit, Mr. Amico, and every owner affected by the PEL designation has opened up considerably. You are being sent this memorandum to protect the citizens of St. Petersburg and the City from itself.

The city has a lot to lose on this one.

GOVERN YOURSELF ACCORDINGLY.

Kathryn J. Sole, Esq.

Enc.:

Letter from Dave Goodwin, Director of Planning and Economic Development to The Honorable James Kennedy, Chair, and Members of City Council Dated January 27, 2011; Subject: List of Potential Historic Landmarks;
Memorandum from Kimberly Hinder, Planner III to Members of City Council Public Services & Infrastructure Committee Dated January 14, 2010;
Resolution of the City Council of the City of St. Petersburg Dated May 09, 2019;
Detroit Hotel 215 Central Designation Staff Report: Case No. HPC-09-04/09-90300006;
Community Planning and Preservation commission Local Designation Request Staff Report; Case No. HPC-15-90300001;
Memorandum to Members of Council public Safety & Infrastructure Committee from Dave Goodwin, Director of Planning and Economic Development Dated January 28, 2010;
COA Application Dated February 21, 2007;
COA Application Dated September 8, 2006;
COA Application Packet;
Tampa Bay Times Article Published January 4, 2019 by Waveney Ann Moore;
Tampa Bay Times Article Published February 7, 2019 by Waveney Ann Moore;
Tampa Bay Times Article Published November 3, 2016 by Charlie Fargo;
City of St. Petersburg Community Planning and Preservation Commission Public Hearing Minutes Dated March 8, 2016;
Memorandum by Julie Weston, Development Services Director to Members of City Council Public Safety and Infrastructure Committee for Meeting Dated July 16, 2009; Subject: Issues raised by CONA, City Council, the Community Preservation Commission,

and Cathedral Church of St. Peter concerning the Historic Transfer of Development Rights (TDRs) and associated regulations;
City-Initiated Application to Honorable Amy Foster, Chair and Members of City Council for Meeting of October 20, 2016;
Registry for Transfer of Development Right, Historic;
Email Correspondence from Laura Duvekot to David Hecht dated Monday, February 4, 2019;
Detroit Hotel 215 Central Avenue Designation Report; St. Petersburg Community Preservation Commission Staff Report Case No. HPC 09-04/09-90300006;
TDR Application for Hotel Detroit submitted by Sole Law, PLLC dated September 18, 2015 to the City of St. Petersburg;
Public Records Request Dated December 7, 2018 from Sole Law, PLLC;
Application Requirements for TDR Credits in 2015 provided by the City in 2015;
Fla. Stat. § 267.071(1)(a)(4) and § 267.071(1)(a)(5);
Resolution of The City Council of the City of St. Petersburg, Florida Declaring and adopting a six-month moratorium on the acceptance of third-party applications for local landmark historic designation; and Providing an Effective Date;
Memorandum of Additional information concerning Historic Transfer of Development Rights from Julie Weston, Development Services Director to Members of the City Council Public Safety & Infrastructure Committee Dated August 16, 2009;
St. Petersburg Comprehensive Plan Chapter 12, Historic Preservation Element HP2.3
Section 16.30.070.10 – Historic and Archeological Preservation Overlay;
Section 16.70.040.1.17 – Transfer of Development Rights, Historic;
List of Eligible Properties City of St. Petersburg, Florida;
Final Judgment of *Beach Group Investments LLC vs. State of Florida*;
Johnson v. Davis, 480 So.2d.625 (Fla. 1985);
Temple B'Nai Zion, Inc. v. City of Sunny Isles Beach, Florida and Norman S. Edelcup;
Knick v. Township of Scott, 139 S. Ct. 2162 (2019) 727 F.3d 1349 (11th Cir. 2013).

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SECTION 16.30.070. - HISTORIC AND ARCHAEOLOGICAL PRESERVATION OVERLAY

Sections:

Footnotes:
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***State Law reference—** Historical resources, F.S. ch. 267.*

16.30.070.1. - Generally.

16.30.070.2. - Preservation of historic properties.

16.30.070.2.1. Purpose and declaration of public policy.

A. The City Council declares as a matter of public policy that the preservation, protection, perpetuation and use of local landmarks 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 City, the state and nation. The 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 having a special historic, architectural, archaeological, aesthetic or cultural interest and value to this 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;
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 Certified Local 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 Certified Local 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 local landmarks;
   3. Regulating alterations, demolitions, relocations, and new construction to local landmarks;
   4. Recommending specific design review criteria for local landmarks;
   5. Working with and advising the federal, state and county governments and other departments or commissions of the City;
   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. 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. 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 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 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. The Com shall prepare and keep on file available for public inspection a written annual report of its historic preservation acti 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 shall provide expertise in historic preservation or a closely related field. Other 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.

A. *Generally* . Upon recommendation of the Commission, the City Council shall consider local landmark designation by ordinance of individual buildings, structures, objects, archaeological sites, 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.

B. *Application requirements* . Consideration of the designation of a local landmark 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. Where multiple property owners are co-located within a multi-family development or building (e.g., condominiums, townhouses, etc.), the owners' representative association (e.g., a condominium or homeowners association) may be recognized as the property owner for the purpose of submitting an application for individual designation of the multi-family development or building. The City shall charge a fee for each application. Such fee shall be waived for City-initiated applications or where properties are individually listed in the NRHP or are the subject of an active application for individual listing in the NRHP. This fee exemption does not include contributing resources to a district listing 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:
   a. A written description of the architectural, historical, or archaeological significance of the proposed local landmark specifically addressing and documenting those related points contained in the criteria of this section;
   b. The date of construction of each of the structures on the property;
   c. Photographs of the property; and
   d. The legal description and a map of the property to be designated as a local landmark or upon which the local landmark is located.
   e. Where multiple property owners are co-located within a multi-family development or building, documentation shall be included showing compliance with association regulations, including material change authorizations, where applicable.
2. Additional requirements for historic districts. On applications for the designation of historic districts, the applicant shall also submit:
   a. Evidence of the support of the historic district from the owners of 50 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), of the tax parcels within the proposed district except for City initiated applications. Such evidence shall be obtained in the following manner:

(1) The City shall mail to all property owners of each tax parcel within the proposed historic district, as of Pinellas County, and at the applicant's sole expense, a City issued ballot requesting the owner to ballot showing support or opposition/nonsupport for the application;

(2) The POD shall obtain a certificate of mailing on the date of the mailing, and only City issued ballots that have a postmark within 60 days of the date of mailing, or have been physically received by the POD within 60 days the date of mailing and have been date stamped by the City, shall be counted;

(3) 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";

(4) City owned tax parcels shall not have a vote and shall not be counted toward the total number of tax parcels;

(5) Once a signed ballot is received by the City, the signor's 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);

(6) Applications must be filed within six months of a determination by the City that the requirements of this subparagraph have been complied with in their entirety;

(7) The POD shall not accept an application which does not meet this requirement.

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

d. A list of contributing and noncontributing resources.

C. *Additional requirements* .

1. An application for individual designation shall require a simple majority vote of the Commission and City Council. When a property owner is opposed to the individual designation, a supermajority vote of the Commission and City Council is required. An application for district designation shall require a simple majority vote of the Commission and City Council, regardless of whether there is opposition from one or more property owners located within the proposed district boundary.

2. A designation application made by a non-owner shall not be made or accepted for a property with an unexpired site plan approval.

3. If an application for individual designation is denied by the City Council, a new application to designate the same property (unless it is part of a local historic district designation application) shall not be initiated for five years from the date of the failed public hearing. The City Council or property owner may initiate an application for individual designation at any time, regardless of previous denials.

4. If an application for district designation is denied by City Council, a new application to designate the same or substantially similar district shall not be initiated for five years from the date the application was certified complete for the previously failed effort. The City Council may initiate an application for district designation at any time, regardless of previous denials.

5. If an application for district designation is denied by the City Council, a new application for individual designat located within the boundary of the failed district may be initiated by the owner, a non-owner or the City Coun unless otherwise prohibited by this subsection.
6. One complete copy of a non-owner 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 non-owner initiated designation application for an individual property shall mail notice of each public hearing at least 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 14 days prior to the public hearing.

D. *Criteria for designation of property* . The City of St. Petersburg uses locally adopted criteria modeled after recognized national historic standards for determining the significance of historic properties. At least one or more criteria each, under a two-part test for designation as a local landmark must be met, as evaluated herein. As part of the first test for local landmark designation, a property proposed for designation must meet the general 50 years of age requirement. Also under the first test, at least one or more of nine criteria must be met. The second test involves the property's integrity, of which at least one or more of seven factors of integrity (i.e., location, design, setting, materials, workmanship, feeling, and association) must be met; however, feeling and association, without meeting at least one other factor, are insufficient to support designation.

1. The Commission shall recommend the designation of property as a local landmark after the public hearing if the principal structure is at least 50 years old and it meets one or more of the following criteria:
   a. Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;
   b. Its location is a site of a significant local, state, or national event;
   c. It is identified with a person who significantly contributed to the development of the City, state, or nation;
   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;
   e. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
   f. It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
   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;
   h. Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development; or
   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 factors of integrity as they apply to the property. The property shall meet at least one of the following factors of integrity; however, feeling and association, without meeting at least one other factor, are insufficient to support designation:

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.

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 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 50 years if it is of exceptional importance and meets one or more of the general criteria.

4. Additional criteria for designation of hexagon block sidewalk preservation areas.

a. Evidence of approval of the property owners of greater than 50 percent of the linear 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 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.

b. The hexagon block sidewalk preservation area contributes an aesthetic or cultural interest and value which enhances the character of the City.

c. A proposed hexagon block sidewalk preservation area shall contain a minimum of four abutting city blocks or a minimum of 1,500 linear feet of sidewalk. Preservation areas should contain at least 66 percent of the total linear 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 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.* After evaluating the testimony, evidence, and other material presented to the Commission, the Commission shall:

1. Recommend approval, denial or approval with modifications of the application within 60 days.
2. Within this 60-day period, the Commission may vote to defer its recommendation if adequate information is not available to make a recommendation 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 review and action. If the Commission recommends a designation, it shall explain how the proposed local landmark 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. The report shall include a discussion of 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.

H. *Permit issuance.* 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 of the following has occurred:

1. City Council designates the property and a certificate of appropriateness is issued;
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.

I. *City Council review and designation.* The City Council shall schedule a public hearing on the proposed designation within 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 adhere to the following:

1. Approve, deny or approve with modifications of the Commission recommendation.
2. Within this 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.
4. If the Commission recommends individual designation, then a simple majority vote of the City Council is required to approve the application. When the property owner is opposed to the individual designation, a supermajority vote of both the Commission and City Council is required.
5. If the Commission recommends against individual designation, then a supermajority vote of the City Council is required to reverse the Commission recommendation and approve the application.
6. If the Commission recommends district designation, then a simple majority vote of the City Council is required to approve the application, regardless of whether a property owner located within the district boundary is opposed to the district designation.
7. If the Commission recommends against district designation, then a supermajority vote of the City Council is required to reverse the Commission recommendation and approve the application.
8. 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.
9. If a designation is made, the Comprehensive Plan including the land use map shall automatically be

amended to show the designation with no further action by City Council necessary.

10. The POD shall notify the applicant and property owner of the decision relating to the 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 and with the City Clerk.

J. *Amendments and rescissions.* The designation of any local landmark 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.

A. *Certificate of appropriateness (COA)*. No person may undertake any of the following actions affecting a local landmark or property within a local landmark district without first obtaining a COA:

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;
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, except when part of an application for an ad valorem tax exemption. Whenever any alteration, new construction, demolition, or relocation is undertaken on a local landmark or within a local landmark district without a COA, the Building Official is authorized to issue a stop work order.

A COA shall be in addition to any other building permits required by law. The issuance of a COA shall not relieve the property owner of the duty to comply with other federal, state and local laws and regulations.

Certain ordinary repair and maintenance activities that are otherwise permitted by law may be undertaken without a COA. The final determination of what work 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 review shall 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 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.* No permits shall be issued for an alteration, new construction, demolition or relocation affecting a local landmark without first directing the applicant to the POD to determine if a COA is required. The applicant shall complete an application form provided by the POD which shall include the following information:

1. Drawings, sketches and plans 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 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 will impact the seven factors of integrity which contribute to the local landmark; and
   b. Why the relocation is necessary.

(7) Each application for a COA shall be accompanied by the required fees.

C. *Review of a COA.*

1. The Commission shall hold a public hearing and approve, by resolution, a COA approval matrix for local landmarks and archaeological sites. 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 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 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.* Modifications to a COA 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. The POD shall determine when an action affects a local landmark or property within a local landmark 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 shall be established by the City Council.

E. *General criteria for granting a COA.* In approving or denying applications for a COA for alterations, new construction, demolition, or relocation, the Commission and the POD shall evaluate the following:

1. The effect(s) of the proposed activity on the local landmark;
2. The relationship between such activity and other structures on the property 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 and materials of the local landmark or the property will be affected;
4. Whether the denial of a COA would deprive the property owner of reasonable beneficial use of the property;
5. Whether the plans may be reasonably carried out by the applicant;
6. A COA for a noncontributing structure 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 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 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 should be used for its historic purpose or be adaptively fit into 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.
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 without sufficient documentary evidence, 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, as appropriate.
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, texture, and other visual qualities and, where reasonable, 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 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 and scale of the proposed new construction shall be visually compatible with contributing resource
2. The relationship of the width of the new construction 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 the new construction 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 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, and balconies to sidewalks of the new construction shall be visually compatible with contributing resources in the district.
7. The relationship of the materials and texture of the facade of the new construction shall be visually compatible with the predominant materials used in contributing resources in the district.
8. The roof shape of the new construction shall be visually compatible with contributing resources in the district.
9. Appurtenances of the new construction such as walls, gates and fences, vegetation and landscape features, shall, if necessary, form cohesive walls of enclosures along a street, to ensure visual compatibility of the new construction with contributing resources in the district.
10. The mass of the new construction 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 shall be visually compatible with contributing resources in the district in its orientation, flow, and directional character, whether this is the vertical, horizontal, or static character.
12. New construction shall not destroy historic materials that characterize the local landmark or contributing property to a local landmark district. The new construction shall 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 and its environment, or the local landmark district.
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 and its environment would be unimpaired.

H. *Additional guidelines for demolition* . In approving or denying applications for a COA 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 or contributing property can be found.
2. No COA 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 the applicant provide additional information to be used in making the 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 th 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 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 for demolition even though the local landmark, or property within a local 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 for the relocation of a local landmark or to relocate a building or structure to a property in historic district, the Commission and the POD shall also use the following additional guidelines:

1. The contribution the local landmark makes to its present setting;
2. Whether there are definite plans for the property the local landmark is being moved from;
3. Whether the local landmark can be moved without significant damage to its physical integrity; and
4. The compatibility of the local landmark to its proposed site and adjacent properties.
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 window replacement.* The City's historic preservation office, State of Florida Division of Historic Resources, and U.S. Department of Interior Technical Preservation Services can provide additional information relating to window repair and replacement for individual landmark buildings and properties within local historic districts. While preservation and repair of historic windows is often preferable, property owners may replace windows provided that each replacement window meets the following criteria:

1. *Impact resistance.* The replacement window and glass shall be impact resistant;
2. *Energy performance.* The replacement window shall be Energy Star qualified for *southern* climate zones;
3. *Depth in wall.* The replacement window shall be setback into the wall the same distance as the historic window;
4. *Frame size, shape and exterior trim.* The replacement window shall be the same size and shape as the historic window and opening. Historic openings shall not be altered in size. Existing, exterior trim shall be retained, where practicable;
5. *Configuration.* The replacement window shall have the same light configuration as the historic window. If the historic window configuration cannot be determined, the replacement window configuration shall be appropriate to the architectural style of the subject building;
6. *Proportions.* The replacement window shall have the same visual qualities of the historic window, where commercially reasonable:
   a. *Muntins and mullions.* Where provided, muntins and mullions shall have the same dimensions and profile of the historic muntins and mullions.
   b. *Stiles.* For hung windows, stiles shall align vertically and be the same width at the upper and lower sashes.
   c. *Top, meeting and bottom rails, and blind stop.* The top, meeting and bottom rails of a hung window, including the corresponding blind stop, shall have the same dimensions and profile of the historic window.
7. *Finish.* The finished surface and appearance shall match the historic window, where practicable.

K. *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 City policies and ordinances.
2. All construction shall be done in accordance with 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.

L. *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.

M. *Emergency conditions; designated properties* . In any case where the Building Official determines that there are emergency conditions dangerous to life, health or property affecting a local landmark or a property in a historic district, the Building Official may order the remedying of these conditions (including demolition) without the approval of the Commission or issuance of a required COA. The POD shall promptly notify 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. Conformity with the COA.

All work performed pursuant to a COA shall conform to all provisions of such COA. The POD may inspect any work being performed to ensure such compliance. In the event work is not in compliance with such COA 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.

16.30.070.2.9. Maintenance and repair of local landmarks and property in historic districts.

A. Every owner of a local landmark 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 a designated archaeological site, the owner shall maintain the property in such a manner so as not to adversely affect the archaeological integrity of the site.

B. *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. *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.

16.30.070.2.10. Expedited actions; stop work order; nondesignated properties.

A. The City Council may call a special 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 meeting or discusses the property at a regular City Council session within that period. The City Council may 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. Within the stop wo period the Commission shall meet and seek alternatives that may remove the threat to the property, determine if t 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 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. 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 the St. Petersburg Register of Historic Places.

1. The property records and planning and permitting database should identify all properties listed individually or as a contributing resource 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 local landmark.
2. Upon receipt of a complete application (or substantially complete as determined by the POD) for a site plan that includes demolition, the POD shall delay the processing of the site plan and the issuance of a permit for the demolition of a property which is potentially eligible for designation as an individual local landmark and which is identified as such in the property records and planning and permitting database, for 30 days.
3. The City will notify by e-mail or letter mailed first class mail to the members of the Commission and any resident or community group who annually files their name with the POD requesting notice of any applications for a site plan that includes demolition for a property which is potentially eligible for designation as an individual local landmark 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 has been the subject of an application for historic designation which has been denied and which is not on appeal; and
   d. The property 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.

(Code 1992, § 16.30.070.2; Ord. No. 893-G, § 39, 9-4-2008; Ord. No. 959-G, § 2, 12-3-2009; Ord. No. 985-G, § 44, 7-15-2010; Ord. No. 100-H, §§ 1, 13, 12-19-2013; Ord. No. 157-H, § 1, 9-17-2015; Ord. No. 303-H, § 1, 9-21-2017)

16.30.070.3. - Archaeological protection and preservation.

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.

(Ord. No. 893-G, § 39(16.30.070.3.1), 9-4-2008; Ord. No. 157-H, § 1, 9-17-2015; Ord. No. 303-H, § 1, 9-21-2017)

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. § 872.05).

(Ord. No. 157-H, § 1, 9-17-2015)

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 $500.00 per day fine for each violation and, in addition, shall forfeit to the City all archaeological 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.

(Ord. No. 157-H, § 1, 9-17-2015)

16.30.070.4. - Procedure for ad valorem tax exemption for historic properties.

A. *Generally*. State statutes (currently F.S. §§ 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 historica structure as determined by a review for a COA which may include additions and accessory structures (e.g., a g guest cottage, storage/utility structure) so long as the new construction is compatible with the historic charact building and site in terms of size, scale, massing, design, and materials and preserves the historic relationship 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 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;
2. A contributing resource to a local historic district;
3. A property listed in the NRHP;
4. A contributing resource in a historic district listed in the NRHP; or
5. A property proposed for listing as an individual or contributing resource on either historic register. "Proposed" in this instance means that a local landmark application or NRHP nomination 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 nomination. A property must be officially designated as a local landmark or contributing resource by the City or by the federal government's keeper of the NRHP 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 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 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. After such review, the POD shall notify the property owner in writing of the following:

      (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

      (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.

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. 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. 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, 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 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 this section, the property owner shall have 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 15 days, the property owner shall have 30 days from receipt of the written response to comply with the requirements of this section. The POD may grant an extension to this provision for up to an additional (60 days if such request is made prior to the expiration of the initial period. At the end of this period 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 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 60 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 15 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 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 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.

(Code 1992, § 16.30.070.4; Ord. No. 157-H, § 1, 9-17-2015)

16.30.070.5. - Civil penalties.

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.

(Code 1992, § 16.30.070.5; Ord. No. 157-H, § 1, 9-17-2015)

16.70.040.1.17. - Transfer of development rights, historic.

A. *Purpose and intent.* Transfer of development rights, historic (TDR, H) for local landmarks is an economic development incentive intended to help preserve historically significant buildings within our community. The City recognizes that 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 owners to benefit from the development potential by allowing the sale of the development rights with the condition that the local landmark be restored and retained. The TDR program is not applicable to contributing or non-contributing properties in a historic district, except for those contributing properties in historic districts which lie wholly within the Downtown Center zoning districts as defined by the City's Land Development Regulations.

B. *Applicability.* Transfers of development rights, historic, are allowed from any individually designated local landmark as part of an overall plan to preserve the historic resource but may not be transferred from any property (other than a local landmark) 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 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. 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. The POD shall approve, approve with conditions or deny the requested credits based on compliance with this section.
2. Reserved.
3. Applications for local landmark historic designation and TDR, H credits may be processed simultaneously; however, no TDR, H credits shall be issued until the

property is historically designated.

4. Issuance of TDR, H credits certificate. Upon approval by the POD, a TDR, H credits certificate indicating the approved number of units or amount of FAR shall be issued by the POD. Once TDR, H credits are established, the local landmark 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 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.
    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.

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 subtracting the gross floor area of the entire local landmark from the maximum buildable square footage. Only existing floor area shall be eligible for calculating the amount of TDR, H credits.
2. 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 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.
3. TDR, H credits shall not be approved if there are outstanding code violations for which the owner has received written notice.

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 and any development rights not established or transferred; and

b. Runs with the land, binding the property owner and all future owners.

2. 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.

3. If the allowable density or intensity of the site increases (e.g., change in zoning or development rights established by code), 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 by following the procedures for the establishment of the credits.

H. *Reserved.*

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.

(Code 1992, § 16.70.040.1.17; Ord. No. 876-G, § 30, 2-21-2008; Ord. No. 959-G, § 1, 12-3-2009; Ord. No. 100-H, § 6, 12-19-2013; Ord. No. 131-H, § 13, 12-18-2014; Ord. No. 157-H, § 5, 9-17-2015)

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December 7, 2018

Via Email and U.S. First Class Mail
Chan Srinivasa, City Clerk
City of St. Petersburg Custodian of Public Records
P.O. Box 2842
St. Petersburg, FL 33731
Email: chandrahasa.srinivasa@stpete.org

Re: Public Records Request

Dear Mr. Srinivasa:

Pursuant to Florida Statute 119 of the Sunshine Law, this law firm hereby requests copies of documents pertaining to City of St. Petersburg's Urban Planning & Historic Preservation team and the City's Community Planning and Preservation Committee and/or Economic Development Department. Specifically, we are interested in all initiatives taken to add privately-owned properties to the listing of historic properties potentially eligible for local landmark designation ("PEL"). Therefore, I am hereby requesting copies of the following documents:

1. Copies of the architectural and cultural resource surveys prepared by any and all private consultants since 1993, including the complete inventory of properties and shortlist of properties determined eligible of individual listing on the National Register or designation as a Local Landmark;

2. Copies of any correspondence between the City of St. Petersburg and/or the Community Planning and Preservation Commission and any private consultant regarding the surveys described above;

3. A list of all properties presently flagged as PEL in the City's planning and permitting database;

4. Any documents regarding the matching grants that fund the preparation of district nominations to the National Register of Historic Places, including the names and addresses of the entities providing the grants;

5. Any documents or correspondence regarding federal, state or municipal grants or identifying the entities providing grants and/or other funding for historic preservation, designation or planning to the City of St. Petersburg;

6. Copies of all contracts and/or agreements between the City and any entity hired to perform services in connection with the initiatives taken to add privately-owned properties to the listing of historic properties potentially eligible for local landmark designation;

7. Copies of all Local Landmark Program Designation Reports provided to or prepared by the St. Petersburg Register of Local Landmarks;

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8. Any documents regarding the National Historic Preservation Act of 1966 ("NHPA") and/or documents evidencing efforts taken by the City of St. Petersburg to establish compliance with the NHPA;

9. Copy of the most recent Historic and Archeological Preservation Ordinance;

10. Minutes of every meeting of the Community Planning and Preservation Commission since its inception in February 2014;

11. Documents regarding the Local Landmarks Program;

12. Documents regarding the Monuments and Markers Program;

13. Documents regarding the Ad Valorem Tax Exemption Program;

14. Documents regarding the Transfer of Development Rights Program;

15. Copies of any correspondence between the City of St. Petersburg any other entity or individual regarding any of the four (4) programs listed above;

16. Copies of all Certificates of Appropriateness issued for changes affecting Local Landmark properties;

17. Copies of all correspondence between the City of St. Petersburg and the State Historic Preservation Office;

18. Documents regarding Section 106 reviews performed since 1993;

19. Copies of all correspondence between Derek S. Kilborn and/or Laura Duvekot and/or any other member of the Urban Planning and Historic Preservation Division, Planning and Economic Development Department and any other entity or individual regarding recent initiatives taken to add privately-owned properties to the listing of historic properties potentially eligible for local landmark designation.

Please provide the requested documents and other available public records regarding the recent initiatives taken to add privately-owned properties to the listing of historic properties potentially eligible for local landmark designation.

You may contact my office upon receipt of this letter regarding production fees, cost deposit and delivery specifications.

SOLE LAW
555 5th Avenue North, St. Petersburg, FL 33711
www.SoleLaw.com | 727.490.9086

I anticipate a response from your office within the next seven (7) days regarding the requested documents. In no response is received by then, further request will be made. Thank you for your attention to this matter.

Truly yours,

Kathryn J. Sole, Esq.
SOLE LAW, PLLC

KJS:mt

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TO: Members of City Council Public Services & Infrastructure Committee

FROM: Kimberly Hinder, Planner III, Planning and Economic Development Department KH

DATE: Meeting of January 14, 2010

SUBJECT: Property owner support for applications for historic landmark designation

---

This memo responds to a Council referral regarding applications for historic landmark designation and property owner support. This issue arose at the December 3, 2009 City Council meeting during the first reading of the ordinance to designate the Detroit Hotel as a local historic landmark. The owners of the Detroit Hotel expressed strong opposition to the designation.

At this time, the consent or support of the property owner is not required for an application to be submitted to the City to designate a structure or site as a historic landmark. City Code Section 16.30.070.2.5 (H) regarding City Council review and designation provides that designations over an owner objection shall be by a supermajority vote. A number of applications for historic designation have been approved by City Council over the objection of the property owner, including Sunken Gardens (1998), the Princess Martha Hotel (1987), Mercy Hospital (1994), the Seaboard Coastline Railroad Station (1993), Manhattan Casino (1994), and the Jungle Country Club/Admiral Farragut Academy (1992). Some of these were initiated by the City of St. Petersburg, while others were initiated by individuals or local non-profit organizations such as the North Shore Neighborhood Association (now Historic Old Northeast) and Booker Creek Preservation, Inc.

A review of other certified local governments in Florida finds few which require owner support for an application for historic designation (Fort Walton Beach, Islamorada, Town of Lake Park). Some governments limit applications to be submitted either by the owner or initiated by the local government thru the Historic Preservation/Planning Commission, City Council, or County Commission (Tallahassee, Leon County, City of Sarasota). Other local governments (Collier County, Lee County, Kissimmee, Orlando, Lakeland, Jacksonville, and Hollywood) allow a third party to submit a designation application. Some of these municipalities have specific notice requirements when a designation application is submitted by a third party. In Collier County, for example, owners shall be provided two notices by certified mail with return receipt requested, at least 30 days but no more than 45 days prior to any hearing regarding the historic designation by the Preservation Board or by the Board of County Commissioners (BCC). The first notice shall provide all pertinent information regarding the designation and the Preservation Board's scheduled meeting date to consider the designation. The second notice shall indicate when the

BCC will consider the official designation. In addition, a notice of public hearing shall be advertised in a newspaper of general circulation 15 days prior to the public hearing for the BCC.

It is appropriate to consider the issue of owner consent related to applications for historic designations, since the City's Land Development Regulations are intended to balance private property rights with public interest including preservation of historic structures. While requiring owner support for a designation application would eliminate contentious applications, it also may preclude some structures which merit historic designation from being designated. Council could consider modifying the designation application process based on the source of the application – owner initiated, City initiated or third party initiated and/or Council may wish to consider a code amendment regarding the property owner notification process when a third party submits a designation application for their property.

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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

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CITY OF ST. PETERSBURG
COMMUNITY PLANNING & PRESERVATION COMMISSION
PUBLIC HEARING
March 8, 2016

DRAFT

PUBLIC HEARING

B. Listing of Historic Properties Potentially Eligible for Local Landmark Designation — **Contact Person: Derek Kilborn, 893-7872**

Request: Certification of the updated list of historic properties potentially eligible for Local Landmark Designation.

Staff Presentation

Derek Kilborn gave a PowerPoint presentation based on the staff report.

Commissioner Michaels asked if the Assessment Codes A through D are documented or are they an interpretation of staff. Mr. Kilborn stated that these are codes extracted from existing architectural, historic and cultural resource surveys that were independently produced by consultants and individuals who are credentialed in historic property assessment. Staff determined what the code would be in those cases where there was some ambiguity about the actual code assignment itself.

Commissioner Michaels asked about the Assessment Code for the Pheil Hotel & Theater and the Central National Bank building. Mr. Kilborn and Mr. Frey explained the procedure of assigning Assessment Codes and how the finer details will be reviewed during a designation process, if an application is submitted.

Mr. Dema advised the Commission to keep the discussion to the list, as a whole, and not to any individual property on the list to avoid potential conflicts.

Commissioner Rogo asked about the Evaluations Source of "Self-Evident" and "Distinction." Mr. Kilborn stated that in addition to the surveys, there were a couple properties added to the list that had individual determinations of eligibility ("Self-Evident") from the State Historic Preservation Office. In regards to the "Distinction" evaluation of the St. Bartholomew Church, it is the oldest church in the county and has an extensive narrative and history behind it. It was formally identified in 2010 as a property that should be included in some kind of update, thus it was included in this list.

Commission Chair Carter stated for the record that they have been after a comprehensive list of this nature for a number of years and has nothing to do with the Pheil Hotel & Theater and Central Bank property. He then voiced his support of the list.

Commissioner Burke asked about the significance of the list. Mr. Kilborn stated that the only regulatory condition imposed by this list is a 30-day stay if a demolition permit is requested. Mr. Kilborn went on to say

that at times when City staff meets with the public, realtors, business and/or historic preservation community, staff is asked to provide more transparent information about what properties in the City are identified as historically significant. This list attempts to identify those properties that have been evaluated and preliminarily as individually eligible.

Public Hearing

The following people spoke against the request stating that the list needs to be more comprehensive, or to remove or sunset the list entirely:

Paul Carder, 341 – 5th St S
Sharon Winters – 806 – 18th Ave NE
Emily Elwyn, 836 – 16th Ave NE and representing St. Petersburg Preservation Inc.
Peter Belmont, 102 Fareham Place N and representing St. Petersburg Preservation Inc.
Howard F. Hansen, 3810 – 20th Ave N and representing St. Petersburg Preservation Inc.
Travis Norton, 100 – 2nd Ave N and representing St. Petersburg Area Chamber of Commerce

Robin Reed, 705 – 16th Ave NE and representing the Historic Old Northeast NA, was not present to speak but filled out a card indicating that she is against the list.

Executive Session

Commissioner Michaels stated that because there is no community consensus, his inclination is to defer this item for six months and to put together a task force with representatives of the stakeholders, including the CPPC, in an effort to return with an agreement.

Commission Chair Carter agrees that there should be a deadline, but feels it should be 60 to 90 days. He went on to say that the list should be comprehensive and agrees with forming a task force. He stated his desire to serve as Chair with representatives from the business and preservation communities, and to set a date of 60-90 days to return with a recommendation to the City backed by community support. Mr. Kilborn voiced his concern with the 60-90 day timeline due to the vacancy of one Historic Preservationist resulting in a backlog of current projects, and feels that six months is a more reasonable target date given their current resources.

Commission Chair Carter stated that this list has been in the making for years, through no one's fault, and feels that the only way to get this done is to impose a drop-dead deadline and then asked staff if this could be done in 120 days. Mr. Kilborn stated that they will certainly try to comply and if there was a problem, staff would ask the Commission for their understanding while providing a status update of where they are at that time; continuous updates will be provided moving forward.

Commission Chair Carter agreed to the 120 days and will entertain an extension if more time is needed.

Commissioner Reese stated that she is not opposed to a six-month deadline. Even though they have waited years, she is very concern about rushing and still having an incomplete list. She wants to ensure enough time is given for input from the various communities as well as being aware of the Historic Preservation Department being short staffed.

Commissioner Whiteman stated that the Commission should respect the City's request of six months.

DRAFT

MOTION #1: ***Commissioner Whiteman moved and Commissioner Rogo seconded a motion to defer the certification of the updated list for six (6) months.***

VOTE: ***YES – Bell, Michaels, Reese, Rogo, Whiteman***
NO – Burke, Carter

Motion passed by a vote of 5 to 2.

MOTION #2: ***Commissioner Rogo moved and Commissioner Michaels seconded a motion for City Administration to identify a task force within 30 days consisting at a minimum of representatives from the CPPC, Historic Preservation Staff, St. Petersburg Preservation, and St. Petersburg Area Chamber of Commerce as well as the potential of asking some owners on the list to join in on the discussion.***

VOTE: ***YES – Bell, Michaels, Reese, Rogo, Carter, Whiteman***
NO – Burke

Motion passed by a vote of 6 to 1.

Commissioner Burke asked about making a motion asking staff to bring back alternatives to the Potentially Eligible Designation List that would still accomplish the same things. Mr. Kilborn stated that this would be one of the Task Force's responsibilities; therefore, no motion is required. Mr. Dema concurred.

DRAFT

Complaints, fears delay St. Petersburg's effort to elevate more historic properties

By Waveney Ann Moore

St. Petersburg's plan to expand a list of properties eligible for historic designation is put on hold for now after some voice fears about the impact.

ST. PETERSBURG — The city's plan to update a list of properties considered potentially eligible for historic preservation has been put on hold, at least for a few months.

The Community Planning and Preservation Commission made the decision after hearing from property owners upset and confused about the process. The city had planned to expand the potentially eligible list from 55 to more than 200 properties, among them private homes and commercial and religious structures.

PREVIOUS COVERAGE: St. Petersburg's historic buildings get more attention

It was to be the first time the list had been updated since its launch in 2006.

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But the plan encountered resistance, with property owners complaining during a Dec. 11 public hearing that they didn't understand why their building had been selected, that the city was violating their property rights and they faced the prospect of financial loss.

Their arguments persuaded the commission to take a closer look at the program, though the prevailing sentiment was that the list is necessary step to protect the city's historical properties. A vote was put off until April.

In the interim, city staff is being asked to find a way to alert buyers that a property is on the list, and reassess the list to remove properties no longer considered eligible. The staff also will organize a workshop for the commission to discuss the issue again.

In an interview, Derek Kilborn, a manager in the city's urban planning and historic preservation division, outlined how properties were selected for the controversial list.

"Those properties were identified either through neighborhood surveys that had been performed over the last 25 years or through other reports," he said. "In addition to that, there have been more recent conversations and discussions between certain property owners and the city."

Twelve structures designed by mid-century modern architect William B. Harvard Sr. are listed. Two, the Williams Park Band Shell and the Marbleside Building at 33 Sixth St. S, were on the original 2006 list.

The others — including the city's Main Library on Ninth Avenue N — were added later, using results of a survey required by the state in connection with the demolition

of the inverted pyramid pier, also a Harvard design. The memorandum of agreement required St. Petersburg to survey the Harvard properties to determine their eligibility for the National Register of Historic Places.

Architect Glenn Quincy Johnson's Pinellas Point "birdcage" houses were added at the request of their owners, who are seeking historic designation for the structures, Kilborn said. In Allendale, several homes developed by Cade Allen already have local designation. The city is proposing adding the remaining Cade Allen homes to the potentially eligible list.

At the Dec. 11 meeting, Commissioner Gwendolyn Reese said she was concerned that individual homes were listed and that homeowners didn't understand why they had been included. She said the selection process might need to be improved to involve property owners and added that they also need to be able to opt out of the list.

Involving property owners will help to alleviate confusion and lessen their anxiety and anger, she said. "As much as we need the list, I think we need to improve the process," she said.

Will Michaels, another commissioner, said updating the list was "long overdue," but that property owners' concerns should be addressed. Michaels said the potentially eligible list is particularly advantageous for downtown, since it will provide a "certainty" and "an early warning" system for developers.

Susie Gorin owns a home at 411 Cordova Blvd. NE that was designed by William B. Harvard Sr. and was one of several property owners who asked to be removed from the list.

"This has caused a lot of stress on our family, not knowing what this potential list is going to do to our property. We did not purchase it with a historic designation, nor do we want one. And I feel like we should have these rights as a taxpaying citizen," Gorin told commissioners.

"When you put something on residences, it's not really fair to the homeowners. And we live in a flood district and the global warming report has just come out. And 10 years from now, I can't tell you that my Harvard home can stay at that flood elevation level. I just want the rights to my land and to be able to have my family live and be able to build what we choose to build and deal with what is coming in the future."

Representatives of First United Methodist Church across from Williams Park echoed the property rights argument. The red brick Gothic Revival structure, with stained glass windows that include a 10-by-18-foot reproduction of Leonardo da Vinci's Last Supper, is listed on the National Register of Historic Places.

The congregation, though, which owns almost an entire city block, wants to keep a Harvard building at 256 Third St. off the potentially eligible list.

Elizabeth Knowles, chair of the church's board, told the commission the church sees no benefit in putting what is known as the Schuh building on the list. The congregation has no plans to make changes to the building, she said, but wants to keep its options open "to use our property as we determine is best."

The city has said that inclusion on the list simply means that a property "likely qualifies for designation as a local landmark," a process that requires at least two

public hearings and City Council approval.

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The potentially eligible list is considered a way to protect historic properties from demolition. An application for a demolition permit automatically triggers a 30-day stay and allows notification to those who register to receive such information. A third-party application to designate the property historic will cause the demolition request to be put on hold pending the results of the designation request.

Commissioner Lisa Wannamacher of Wannemacher Jensen Architects, one of the architects for the new Pier, said that as an architect, she generally is "in favor of designating a large swath of buildings or structures done by master architects or master builders."

However, she said, there are "some structures and buildings that are more worthy than others."

Wannamacher lamented that the board had not been able to examine each property. "I have looked at several of them and found a few that, in my opinion, I would not vote to be on the list," she said. "Taking a large list like this and approving it, I'm concerned about that."

Commissioner Sharon Winters said the new list is too ambitious.

"I want us to consider property owners' concerns," she said, "but still look at our goals."

Contact Waveney Ann Moore at wmoore@tampabay.com or (727) 892-2283. Follow @wmooretimes.

Battle over St. Petersburg's historic, or not, properties gets hotter

Neighbors sue neighbors, owners sue city over what's historic and what's not

SCOTT KEELER | Times The 700 block of 18th Avenue NE, St. Petersburg is one of the battlegrounds over historic properties.

By Waveney Ann Moore

Published February 7
Updated February 8

ST. PETERSBURG — The city's skies have been studded with construction cranes, but the rapid development is giving rise to tension between those intent on preserving the old and others who consider that advocacy a violation of property rights.

Three recent lawsuits pit one side against the other:

•Residents in one of the city's new historic districts are suing the city because they say it wrongly gave permission to a neighboring property owner to replace his house with one that would be out of scale and

character in their one-block enclave.

•Developers of the proposed Bezu/Blue Lotus condo tower in downtown St. Petersburg have filed two lawsuits against the city, seeking to overturn a vote against a planned 19-story, 18-unit tower. Downtown neighbors and preservationists have railed against the project.

•A group of residents is suing to stop their neighbors from turning their tree-shrouded, waterfront Driftwood neighborhood off 22nd Avenue S into a historic district.

More recently, property owners have hired a lawyer to fight the city's plans to expand its list of properties considered potentially eligible for historic preservation. So far, said lawyer Kathryn Sole, a growing list of owners of more than $60 million in commercial and residential properties object to the plan.

"They are not just concerned, but outright infuriated. ... One, it doesn't require their consent, so they adamantly oppose it. Second is the designation doesn't seem to take into consideration the financial impact to the owner. A big one is outright confusion about what it means," Sole said. "Another big one is the complete annihilation of building rights."

Dr. Gisela Garcia-Leyva has owned her two-story downtown building at 211 Fourth Ave. N since the early 1980s and uses it for her practice.

"It was built in 1890. I love my building," she said. "I have put a lot of money to keep the flavor and the look. The city is telling me that I don't have an option in the designation. To me, that is the most un-American thing that the government can do."

"In this instance, they basically take your rights away as a property owner. Then your property values plummet the minute you are on that list. ... I believe the city is hypocritical. They have allowed homes more beautiful than mine to be destroyed."

Things also are unsettled on the 700 block of 18th Avenue NE, which became a historic district almost two years ago. Richard McGinniss and Arnie Cummings, who own two of the 10 homes that make up the district, are furious about the designation and say it was an attempt to thwart their plans.

Cummings wants to build on his property at 715 18th Ave. NE, where the only structure is a garage apartment built in the 1920s. The main house was never built. Cummings has lived in the apartment since 2009 and says he wanted to build a family home that would also comfortably accommodate his 91-year-old mother.

McGinniss, a developer and president of Modern Tampa Bay Homes, wants to replace his Colonial Revival house at 736 18th Ave. NE with a new one. He says it's not economically feasible to restore what's there.

His first attempt to get plans approved for a new house were rejected by the Community Planning and Preservation Commission. A second submission was approved, but the neighborhood appealed to the City Council. The council voted 4-3 in favor of the appeal, but a supermajority vote had been required.

The dispute continues. Neighbors on either side of the proposed new house have filed a suit seeking to overturn the approval of McGinniss' plans. Peter Belmont, a lawyer who also is vice president of Preserve the 'Burg — which seeks "to keep St. Pete special" — is representing Elizabeth and David Skidmore and William "Britt" and Catherine Cobb in the suit against McGinniss and the city. They contend that McGinniss' second set of plans were "substantially similar" to the first that had been denied and that city code requires that "a substantially similar" application should not be accepted for 18 months.

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McGinniss said he is frustrated.

He said city staff worked with him and his architect to make sure that they understood and conformed to criteria required for the historic district. He added that the city also indicated during public meetings that

the "myriad arguments the opposition presented" — including that the proposed house was too large and tall — were incorrect.

"It is revealing that the lawsuit does not claim that any of the key design criteria were not met," McGinniss said. "Instead, they have invented a complaint that, in essence, states that after three-plus years, 50 plan revisions, five public hearings and $100,000 in legal bills, there has not been sufficient due process. This is nuts."

"What the neighbors are concerned about is the character of the neighborhood," Cobb said. "People are not opposed to new construction. They are just opposed to out-of-character, or out-of-scale construction."

Cobb, a mechanical engineer, said he believes the house McGinniss wants to demolish is "very serviceable" and that "there are plenty of people who would lovingly restore it."

But if McGinniss chooses to demolish it, "We don't want the new construction to stick out and be out of character for the block," Cobb said. "We would like somebody to recognize it as a nice home, but not out of place with the 1920's character of the block."

Cummings, who has written the city's legal department to support McGinniss, has put his own plans on hold.

"I absolutely won't build until I know if there's a process you can get through. Were it not for this whole process going on, I probably would have been building there now. But the cloud that's over the property means that I can't in good conscience take the risk of getting into such a thing if the process is so onerous," he said.

Cobb praised Cummings for his " beautifully restored" garage apartment and said neighbors don't object to him building another house on the lot. "We just don't want him building out of scale or out of character," he said.

The block is one of several new clusters of historic districts that have emerged in recent years.

"One of the motivating factors is that people love their neighborhoods and they love the character of their neighborhoods," Belmont said. "They've grown concerned when they see homes being torn down and replaced with buildings that do not seem to fit the neighborhood scale and character."

The city is delaying its plan to update its list of potentially eligible properties for at least a few months.

Contact Waveney Ann Moore at wmoore@tampabay.com or (727) 892-2283. Follow @wmooretimes.

WAVENEY ANN MOORE
St. Petersburg General Assignment Reporter

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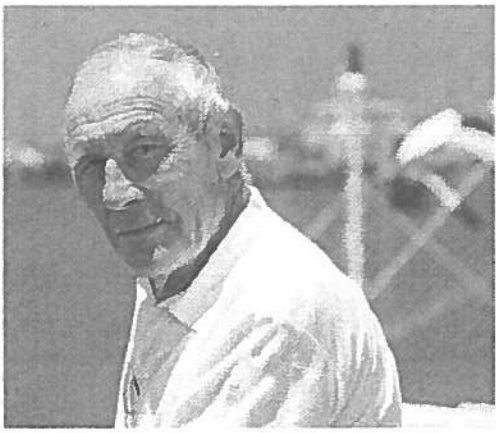

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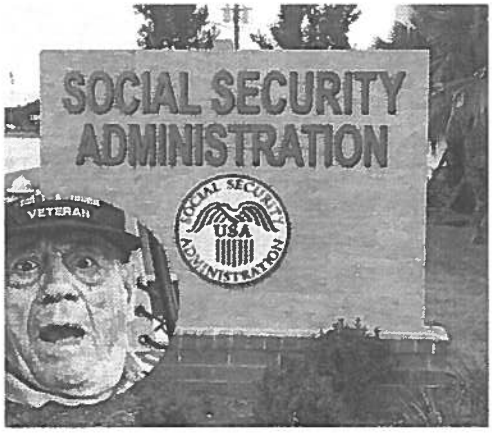

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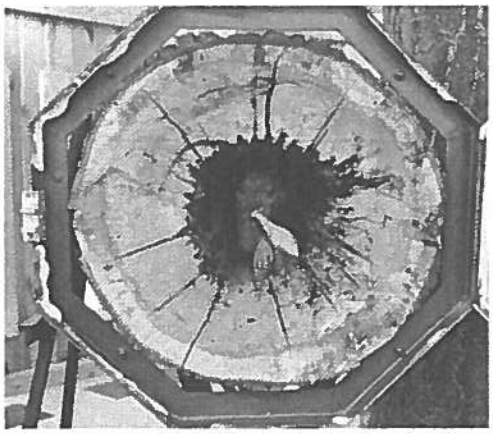

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Laura Duvekot

From: Laura Duvekot
Sent: Monday, February 04, 2019 10:24 AM
To: 'David Hecht'
Subject: RE: 1010 15th Avenue N- historic preservation letter

Good morning Mr. Hecht –
Thank you for reaching out to confirm the information you have received. Your questions are answered below.

What was the outcome of the meeting regarding "potential" historic landmark status? Our property is 1010 15th Avenue North in St Petersburg.
At the CPPC meeting of December 11, the issue of expanding the Potentially Eligible List (PEL) was continued to March or April to allow for a workshop to discuss the process with commission members, as well as to provide time for additional community education and input. You will be notified of the rescheduled date as it nears.

I received a letter from Mary Patricia Moore who is reaching out to those on the list. The letter indicates that with this new designation, that to sell or develop property requires a new tedious process.
Inclusion on the PEL does not affect the sale of a property, nor does it have any effect on the property's development if the "potentially eligible" resource is demolished. The only procedure that is changed by PEL listing is the issuance of a demolition permit.

My understanding from what you shared is that any new "potentially" historic listing would only require that a permit be obtained to demolish the house. Any further restrictions would be only applicable if we applied for and received historic landmark status?
Correct. If a property is listed as PEL, a typical building permit could still be filed, but it would need to include a proposed site plan for replacement to be considered complete. Once a complete permit application for demolition of a PEL property is filed, a 30-day hold occurs. At the end of that hold, the demolition permit would be issued if no local historic landmark designation application has been filed and all other applicable requirements for demolition had been met.

The letter refers us to a law firm she and others have engaged to "fight" this designation. Before I get involved or worked up over this, can you first clarify if our house is on the approved list, and reiterate what if any restrictions follow? In particular, I would be concerned if there were any restrictions or notifications required if we sell our home in the future or any alternations to the home.
There are no restrictions on alteration for PEL resources. There are no restrictions or notification requirements for the sale of PEL properties. The PEL list is public record and can be located on the City's Historic Preservation map.

Please let me know if there is any further information or clarification I can provide. Again, I appreciate your questions. I hope that all is well and that the recent harsh weather in Illinois hasn't impacted you too badly.

Best regards,

Laura Duvekot
Historic Preservationist II
Planning and Development Services
City of St. Petersburg, Florida

laura.duvekot@stpete.org
727.892.5451

From: David Hecht [mailto:davidhecht4@gmail.com]
Sent: Sunday, February 03, 2019 8:02 AM
To: Laura Duvekot <Laura.Duvekot@stpete.org>
Subject: Re: 1010 15th Avenue N- historic preservation letter

Laura
What was the outcome of the meeting regarding "potential" historic landmark status? Our property is 1010 15th Avenue North in St Petersburg.

I received a letter from Mary Patricia Moore who is reaching out to those on the list. The letter indicates that with this new designation, that to sell or develop property requires a new tedious process. My understanding from what you shared is that any new "potentially" historic listing would only require that a permit be obtained to demolish the house. Any further restrictions would be only applicable if we applied for and received historic landmark status? The letter refers us to a law firm she and others have engaged to "fight" this designation. Before I get involved or worked up over this, can you first clarify if our house is on the approved list, and reiterate what if any restrictions follow? In particular, I would be concerned if there were any restrictions or notifications required if we sell our home in the future or any alternations to the home.
Thank you

David Hecht
708-203-9765

On Tue, Nov 27, 2018 at 1:38 PM Laura Duvekot <Laura.Duvekot@stpete.org> wrote:

Good afternoon –

The proposed inclusion of a property on the Potentially Eligible List is a distinct classification from designation as a local historic landmark in the St. Pete register or listing in the National Register of Historic Places.

Properties on the Potentially Eligible List are not required to participate in any design review beyond the typical permitting process, but there is a 30-day hold on the issuance of demolition permits for these properties. The home at 1010 15th Ave. N. is included in a proposed expansion of the Potentially Eligible List. There is not an application for designation of this property at the local or National Register level.

Exterior alterations (not interior) to designated local landmarks require a Certificate of Appropriateness, generally as part of the building permit process. That application can be accessed online at http://www.stpete.org/history_and_preservation/document_center.php, but note that it will not be required if the Potentially Eligible List expansion is approved. In order for a property to be designated as a local landmark, an application must be submitted to staff and reviewed at two public hearings, first before the Community Planning and Preservation Commission and then before City Council.

I hope this clarifies the PEL classification. Let me know if there is anything else I can help with.

I thank you for the information you sent about your home. If you wish to submit a comment for inclusion with the staff report to the Community Planning and Preservation Commission I will be happy to add it. Many thanks, and have a lovely afternoon!

Best regards,

Laura Duvekot

Historic Preservationist II

Planning and Development Services

City of St. Petersburg, Florida

laura.duvekot@stpete.org

727.892.5451

From: David Hecht [mailto:davidhecht4@gmail.com]
Sent: Tuesday, November 27, 2018 12:42 PM
To: Laura Duvekot <Laura.Duvekot@stpete.org>
Subject: Re: 1010 15th Avenue N- historic preservation letter

Laura,

I read the brochure you provided. I do have some questions about how restrictive St Pete designation as historic status might be for any alterations. I understood it was only for demolition, but I would like to see what ever forms are required if we did anything to the house. As an example, if we need to replace or repair windows, do we need to make application? In the rear of the house, we might want to add a screened area in the patio, would that require approval. Is there anything interior that would require approval (bathrooms, kitchen etc)? How about adding protection for hurricanes (I saw that in brochure), do we need to get permission? I love the idea of historical status, but not if more restrictive than demolition. Do you have a form that is used currently for any such modifications that require permission?

Sorry for all the questions, feel free to call. Thank you.

David Hecht

708-203-9765

On Tue, Nov 27, 2018 at 7:35 AM Laura Duvekot <Laura.Duvekot@stpete.org> wrote:

Good morning –

As requested, I did a bit of digging to confirm the construction date of the property at 1010 15th Ave. N. The property, also historically known as the E. Albert Rossetter (or Rossiter) House, was initially considered historically significant and individually eligible for listing at the local or National Register level as part of the Woodlawn, Allendale, Euclid St. Paul Survey of 1997 (linked in full in our research guide, http://www.stpete.org/history_and_preservation/docs/Resource%20and%20Research%20Guide.pdf). The construction date referenced therein is 1925, which matches the permit date noted on the attached property card. I also confirmed that the property does not appear on the 1923 Sanborn map of the area but does appear on a 1926 aerial photograph we have on file. I have attached the Florida Master Site File form for the property that was completed as part of the 1997 survey for your information, as well. Please let me know if I can offer any further assistance, and have a great week!

Best regards,

Laura Duvekot

Historic Preservationist II

Planning and Development Services

City of St. Petersburg, Florida

laura.duvekot@stpete.org

727.892.5451

From: David Hecht [mailto:davidhecht4@gmail.com]
Sent: Friday, November 23, 2018 3:28 PM
To: Laura Duvekot <Laura.Duvekot@stpete.org>
Subject: 1010 15th Avenue N- historic preservation letter

Ms Duvekot

I received a letter regarding the possible designation of our home as an Historic Property. I would like to learn more about the advantages/disadvantages (if any) and the hearing. We live in Illinois, so would not be able to attend the hearing on 12/11. Please give me a call at your earliest convenience.

David Hecht

708-203-9765

Your Sunshine City

CITY OF ST. PETERSBURG, FLORIDA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
URBAN PLANNING AND HISTORIC PRESERVATION DIVISION

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STAFF REPORT

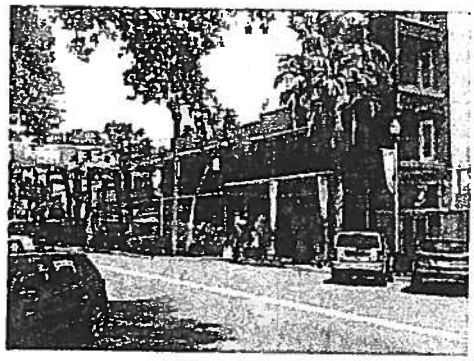
COMMUNITY PLANNING AND PRESERVATION COMMISSION LOCAL DESIGNATION REQUEST

For **Public Hearing** and **Recommendation to the Community Planning and Preservation Commission** on **September 13, 2016** beginning at 3:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

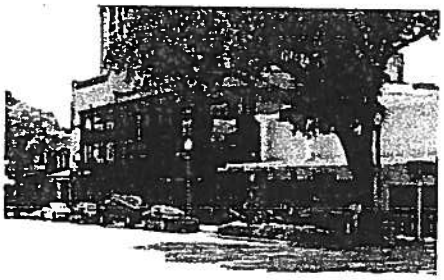
According to Planning and Economic Development Department records, Bob Carter, Lisa Wannemacher, and Tom Whiteman resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

CASE NO.:	**HPC 15-90300001**
STREET ADDRESS:	Multiple property addresses
LANDMARK:	"Block 25" Historic District
OWNER(S):	Multiple owners
APPLICANT:	City of St. Petersburg
REQUEST:	City-Initiated Local Historic Landmark Designation: "Block 25" Historic District

Block 25 along Central Avenue - c. 1920s


Block 25 along Central Avenue - 2016

Block 25 along 1st Avenue N – c. 1940s


Block 25 along 1st Avenue N - 2016

STAFF DETERMINATION OF ELIGIBILITY

Pursuant to City Code, Section 16.30.070.2.5, Staff finds that Block 25 meets five of nine criteria for historic context (Test #1), and five of seven factors of integrity (Test #2). This determination also finds that 15 of a total 17 extant buildings contribute to the historic character and significance of Block 25 as a historic district. Therefore, Block 25, as described, located, and evaluated herein, is determined to be *eligible* for designation as a local historic landmark district.

BACKGROUND

Timeline

On March 12, 2013, a demolition application was submitted for a portion of the Bishop Hotel property located at 256 1st Avenue North, part of Block 25 of the original Town plat of St. Petersburg. Because the property was identified in 2006 as potentially eligible for designation as a local historic landmark, a stay of demolition was commenced during which time an application for historic landmark designation of the property was filed. During deliberations on the stay of demolition and designation application, the City Council approved a Resolution on April 13, 2013, requesting that the Community Planning and Preservation Commission (then referred to as the Community Preservation Commission) review the local landmark eligibility of all of the buildings within Block 25. On July 9, 2013, the CPPC determined Block 25 to be eligible as a local landmark district, and referred their findings to the City Council. On August 1, 2013, the City Council considered the findings of the CPPC and approved a second Resolution initiating a local historic district landmark designation application for Block 25 in its entirety.

On February 12, 2015, City Staff conducted a public information meeting that was noticed by direct mail invitation to all registered owners of property within Block 25. The purpose of the meeting was to provide property owners information concerning the proposed local historic landmark district designation, including an introduction to the history of Block 25, an explanation of the benefits of being designated a local historic landmark district, the process for issuing Certificates of Appropriateness (COAs), and an explanation of financial incentives available to the property owners, including the Ad Valorem Tax Exemption and the Federal Rehabilitation Tax (Income) Credit.

The public information meeting was followed by a series of subsequent meetings with the property owners and their legal representatives, the most significant of which was a joint planning meeting that occurred on May 26, 2015. Following this joint planning meeting, a draft *Historic Block 25 Term Sheet* (*Term Sheet*) was published on April 14, 2015. The purpose of the draft *Term Sheet* was to memorialize commitments made during the joint planning meeting and to outline a series of "next steps" for the City Staff and Administration. (See Appendices).

On June 26, 2015, City Staff and Administration walked around Block 25 and through the public alley with property owners and their legal representatives to visually survey and document current conditions. The purpose of this conditions survey was to provide property owners with an opportunity to directly engage City department directors on a number of service and maintenance issues, and physical conditions concerning the alley and surrounding streetscape. A summary report was published on July 15, 2015.

A prevailing concern for the property owners focused on the public alley, and specifically included complaints relating to the uneven brick surface, lack of adequate drainage, public

sanitation, and private grease collection. A major commitment outlined in the *Term Sheet* relates to alley improvements. In response, the City contracted with George F. Young, Inc. to prepare a technical alley improvement study and final report. In addition to base data collection, the final report will include design options for alley improvements, cost estimates for the presented options, exhibits, and notes. The study and report requires no financial commitment from the adjoining property owners, who were notified of these activities through a follow-up letter on December 15, 2015. A *preliminary findings report* was produced by the engineering consultant in early July 2016.

The City is also preparing to issue a scope of services for sidewalk improvements around the perimeter of the subject block. The scope of services will solicit bids for conceptual and preliminary design, final design and construction documents for bidding, a pedestrian maintenance of traffic ("MOT") plan, and construction administration services. Said plan shall also include the development of interpretive elements to feature the history and heritage of the subject block. Property owner participation, funding scenarios, and long-term maintenance commitments will be evaluated as part of any final branding and streetscape improvement plan.

During a June 29, 2016 meeting with City Staff, certain property owners and their legal representatives presented a conceptual redevelopment plan for Block 25. While this conceptual plan did not carry any official submission status of an application pursuant to a development permit or development order of any kind, the City Administration was asked to provide generalized, non-binding feedback. This feedback, based on a cursory review of effects to Block 25's historic integrity was provided in an August 18, 2016 letter mailed to the property owners' legal representatives. (See Appendices)

Local Historic Landmark Designation

This report provides updated information regarding the proposed historic district's historical significance and integrity in a generalized format, while referencing previous reports and documentation. In this case, 15 out of 17 existing buildings are determined to be contributing to the proposed Block 25 Historic District (the "District"), while two are determined to be non-contributing. As of 1965, 19 historically significant buildings existed on Block 25. Since then, four of these historically significant buildings have been demolished. This includes the two Lewis buildings located at the northwest parcel in 1966, the one-story office complex at the northeast parcel in 1981, and the Binnie blacksmith shop located behind the Binnie-Bishop Hotel along the alley in 2013-2014.

Block 25 derives its name from the original platted block identifier from the 1888 plat named the "Map of the Town of St. Petersburg;" the name is used throughout the report for reference purposes only and does not prohibit use of an alternative name or other branding and thematic strategies. Incorporation of St. Petersburg occurred in 1892, followed by fast-paced growth. Today, Block 25 remains in fair condition from its first decades of development, and is considered the oldest, most intact example of contiguous pioneer commercial development buildings in the City from which the downtown commercial core would expand outward.

> The proposed historic landmark district, which includes the entirety of Block 25's lots and alleyway, is inclusive of the buildings and their architectural appurtenances such as porches and awnings, and internal spaces that define the overall footprint of the building collective. This designation is not intended to include the public sidewalk and associated pedestrian amenities between the

building footprint and the surrounding street edges. For property identification and designation purposes, all buildings within the proposed historic district boundary are addressed from either Central Avenue North or 1st Street North.

STAFF EVALUATIVE FINDINGS

Preliminary

The name "Block 25" is a tentative identifier for the District with the finalized name to be determined at a future date, or as part of this historic local landmark district designation application process. The name derives from the original 1888 Town of St. Petersburg Plat that prescribed numbers to the gridded blocks making up the physical plan of the town. In 2004, 11 buildings out of 13 were identified as contributing for Block 25 and approved for inclusion on the National Register of Historic Places as the Downtown St. Petersburg Historic District. The City 2015 Landmark Designation Application also identified 13 buildings, with the 1966 building at the northwest corner as non-contributing. However, the total number of extant buildings overall has been updated to 17 (two as non-contributing) based on a more detailed analysis of construction dates, building infill and additions, and architectural styling. In 2006, four of the buildings, including the Hotel Tamiami and Peacock Row buildings along 1st Avenue North, and the St. James Hotel and St. Charles Hotel along Central Avenue were designated as potentially-eligible historic landmarks. The Hotel Detroit building was designated as a local historic landmark in 2010, and the Binnie-Bishop Hotel buildings were designated as a combined, individual local historic landmark in 2013.

The City of St. Petersburg uses locally adopted minimum criteria modeled after recognized national historic standards for determining the significance of historic properties. Pursuant to Section 16.30.070.2.5(D) of the City Code, at least one or more criteria each, under a <u>two-part test</u> for designation as a local landmark must be met, as evaluated herein.

Age/Period of Significance

As part of the first test for local landmark designation, the 15 contributing buildings on Block 25 meet the general 50-years of age requirement that ranges from the 1888 Town Plat date and first construction of the Hotel Detroit, to 1924 when the Hotel Tamiami building on 1st Avenue North was completed, and 1937, when a small infill building closed a gap along 1st Avenue North between the Bishop Hotel and the Lewis Building #5. This period of time represents an age range to date of 128 years, 92 years, and 76 years, respectively that the block has been active as an organized structure, regardless of the historic fabric deemed to be still present. The 1966 building at 270 1st Avenue North is now 50 years old, but it is determined to be non-contributing since it lacks architectural and contextual significance. The period of significance for Block 25 then is from 1888 to 1965.

Cont.

Significance Criteria (City Code, Section 16.30.070.2.5.D.1)

Are Historic Contextual Criteria Met?								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Y	N	Y	Y	N	N	Y	Y	N

Also under the first test for local landmark designation, at least one or more of nine criteria must be met. In some cases, overall historic importance of a property elevates an apparent lack of physical integrity. The Block 25 Historic District is significant at the local level in the areas of Community Planning and Development, Commerce, and Settlement and, overall meets more than one of the criteria for local landmark designation, as found in Section 16.30.070.2.5(D) of the City Code of St. Petersburg.

Located in the City's urban core, Block 25 remains a cohesive collection of buildings that played a significant role in the early settlement and the growth of St. Petersburg as the primary meeting and destination place that expanded outward from the Hotel Detroit. The business owners of Block 25 provided lodging for prospective residents and tourists, as well as goods and services for the early pioneer community and urbanizing city center. This extensive list of early movers and shakers included visionaries, community leaders, proprietors, and builders and designers such as John C. Williams, Peter Demens, Edson T. Lewis, Edgar Ferdon, M. Leo Elliott, S.V. Schooley, Edward Tonnelier, Mary Ramsey, James Norton, Frank Fortune Pulver, and Hubert Rutland. The basic historic configuration of the block with its central alley terminating at the Hotel Detroit property line, and the manner of circulation in and around the block are still present.

The Local Landmark Designation Application provides a detailed narrative supporting the determinations regarding Block 25, as listed below:

(a) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;
(c) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;
(d) It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation;
(g) Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and
(h) Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

Integrity Criteria (City Code, Section 16.30.070.2.5.D.2)

The second test involves the property's integrity, of which at least one or more of seven factors of integrity (i.e., location, design, setting, materials, workmanship, feeling, and association) must be met. In most cases, the integrity of feeling and association by themselves rarely merit a property being eligible for designation, since they often defer to personalized experiences, emotions, and perceptions that all vary among individuals and groups. When evaluating a historic district, the individual buildings and landscape features, and the relationships between them must be present enough to convey its distinctive sense of historicity.

Close scrutiny of individual buildings is performed but each is weighed with regard to their impact and relevance to Block 25 overall. Substantial alterations and associations outside of the period of significance (since 1966) result in diminished integrity that must also be considered and taken into account. The form and architectural integrity of Block 25 should reveal itself as being somewhat unified, though nuances over its multi-decadal construction continuum from 1888 to 1937, and beyond to 1965 are recognized for changing methods and practices that are likely found between the built constructs and array of individual components that now present a historically significant collection of the built artifact over time and still present today.

Most of the buildings depict various forms and applications of early design treatments by their original and later owners, and workmanship should be evaluated accordingly. Because Block 25 remains reasonably recognizable from how it appeared until 1965, albeit with certain components having been diminished over time, staff determines that Block 25 *retains a sufficient degree of integrity* from its period of significance regarding location, design, setting, workmanship, and feeling, where characteristic features are still present and observable, though not necessarily to a high degree. Materials has been determined insufficient overall due to ongoing alterations of all first floor storefronts and various demolitions and non-historic additions. Integrity of association is also determined insufficient, as explained below. The National Register Downtown Historic District Nomination recognizes that alterations to Block 25 have taken place over time, yet offers that the buildings continue to "*represent the wide variety of historic functions and events significant to this historic district, rather than being different only for their architectural styles.*"[1] A 2013 staff report to the City Council dated August 1, 2013 suggests that "*...there is sufficient historic integrity and significance to form a district.*"

As a matter of record, the City Historic Landmark District Designation Application for Block 25 completed in 2015 indicated positive integrity regarding location, design, setting, feeling, and association, while acknowledging changes over time. The application also suggested that "*many of the alterations have achieved historic significance in their own right.*" However, a detailed listing of these changes was not produced. Nor had any of the factors of integrity been examined in detail.

Is At Least One Integrity Factor Met?						
Location	**Design**	**Setting**	**Materials**	**Workmanship**	**Feeling***	**Association***
Y	Y	Y	N	Y	Y	N
*Must be in addition to at least one other factor						

Since determinations of each factor of integrity are required to be evaluated by City Code, the following staff analysis examines each factor more closely, as follows:

Location: There is *positive integrity* of location. This is supported by the presence of 15 historically significant buildings still extant out of 19 originally existing in 1965, and that continue to delineate the footprint of the block's interface with the public right-of-way spaces, including the alley. These buildings are some of the oldest in the City and form a built collective of the largest and most intact, continuously operating commercial block from the City's recognized founding.

[1] (2001), Section 7, page 13.

When considering the street-side footprint collective today, roughly 76% of the historic building's interface with the sidewalks remain, measuring approximately 930 out of 1221 linear feet. With the exception of the now missing elements, the height and scale of the buildings as a collective has remained nearly unchanged. The orientation of buildings to the street frontages is also unchanged, and the premise of the continually changing storefront is as relevant today as it was since Block 25's first decades. This continual conversion process has become part of the block's commercial identity, where constant change is important to its history and therefore historically significant. Though the Hotel Detroit alone boasted 38 privately-run retail shops by 1938, and over 40 additional commercial businesses occurred around the block at one time or another, the trend of constantly changing storefronts is an inherent part of the commercial corridor at the street level, which, to repeat, provides its own character distinction.

Design: There is *positive integrity* of Block 25's design overall. This can be evaluated in three ways that include: 1) the block parcel layout and circulation; 2) the building footprints and dimensional characteristics: and 3) how the block is comparatively used. The relative design of the original Block 25 plat layout is virtually unchanged, with the large east parcel still mostly attributed to the anchoring Hotel Detroit, though the configuration of the northern tier of lots abutting the hotel has changed, and the hotel uses have changed to residential above retail-though a fairly similar conversion comparatively. The bifurcating alley leading from 3rd Street North east to the Hotel Detroit and Jannus Live courtyard is also in its same location, though it no longer reveals a publicly accessible orientation. The non-historic driveway that appears as an alley leading from 2nd Street North was added to provide access to the non-historic Jannus Live courtyard space. This courtyard, while not used historically as a visitor amenity, does retain some semblance of a precedent in its spatial form in that it has always been used as an open space area for different functions ranging from storage, to parking, to outbuilding placement. It must be noted that some early visitors also used the hotel as a temporary residence during their lengthy stays, which is similar to the present use of the condominium.

The orchestration of commercial facades still lining the length of Central Avenue and the middle 70-percent of the block along 1st Avenue North are also occupied in near-full capacity and relate somewhat to the original commercial intent of Block 25. As is typical of many urban commercial blocks, the zero-lot line configuration of the separately owned buildings is still present, allowing clear distinctions and demarcation between building uses and ownership, which is fairly present today in how the separately constructed building "blocks" appear as distinct creations from each other. The overall height and scale of Block 25 is virtually unchanged, revealing a high degree of recognition from early dimensional appearances. In fact, other than demolitions and minor additions that have occurred, the effect of height has not been altered to any major extent, which allows Block 25 to retain its historically built scale and human experiential as compared to the blocks that surround it.

The early blacksmithing building at the alley was also razed though it has a lesser effect on the block's design due to its alley-only front. The extancy of the remaining buildings as they relate to the Central Avenue linear cluster, provides a modicum of stability to the overall setting, with a fair retention of each street side's spatial relationship and orientation to each other still preserved in situ as oriented and demarcated by the alley. The height profiles for each building as they combine to create a linear silhouette form are similar to their original design specifications, which retains a likely familiarity for the pedestrian experiencing either side of the block. This is negated somewhat by the diminished profile of the Hotel Detroit, though this building does still retain characteristic elements of its overall design from the 1911 and 1913 additions. Certainly, all of the buildings have been physically altered throughout their histories

due to economic, technologic, and maintenance influences and demands. The basic strips of commercial vernacular building presentations, except for the Hotel Detroit, survive intact, with only a negligible degree of alteration to overall form and massing, again, except for the razed buildings that create noticeable gaps in contributing property tallies at the northeast and northwest corners of 1st Avenue North. It must be noted that a new building is under construction at the corner northeast parcel with a retail business below an open elevated deck.

A comparative of historic photos for both sides of the block do reveal a similarity to how the street-facing buildings appear today as a commercial goods and services destination, albeit with more of a recent focus on entertainment. This type of change in retail/use form often results in the preservation of historic character through public appeal that in turn serves as an economic engine that drives vibrancy and historic character retention in one area, while nurturing new development and redevelopment activities in others. Comparatively, a very simple question arises here that asks whether or not Block 25 would keep its current vibrancy on any given weekday or weekend if a totally new or dramatically revised development replaced it? This topic is worthy of additional open discussion and consideration beyond what is included in this report.

The original uses of Block 25 have waned and been adapted to an overall theme of urban entertainment since 1966, which lessens the integrity of historic use. However, this is debatable and opens up a line of ongoing discussion since most of the uses are similar to what occurred historically, though the mix of businesses has always been in constant flux. Apart from the two primary street strips of retail, the existing north halves of the side streets of 3rd and 2nd Streets North are similar to their historic precedents though the amount of retail along 2nd Street North is quite diminished. Though a designated local historic landmark, the Hotel Detroit is a much altered building from its original design as a hotel amenity, appearing today as a residential condominium and entertainment outlet. The loss of integrity here includes the absence of an open courtyard area that helped to identify the hotel's provision of the "healthy" outdoor environment that attracted early visitors. The current drinking establishment that now occupies the Central Avenue frontage of the hotel reflects a significant change in the historic use of the space, but can be considered a fairly reversible situation. However, a number of early and later additions to the Central Avenue façade of the original hotel building reduced the frontal open space footprint, and important original structural elements have been removed such as the corner tower and the early twentieth century onion dome/minaret entry structure and garden.

The Victorian period character of the 1888 hotel is no longer apparent either, though the 1911 and 1913 additions, as masonry vernacular commercial buildings that were some of the first medium-rise buildings in the City are still very readable. The presence of the main hotel building and structural frame, along with some of its fenestration arrangement and its main structure essential form, though quite diminished are easily differentiated from the later additions. The importance of this building due to its age alone increases design integrity for the understanding it provides with regard to one of the City's earliest multi-story buildings.

Setting: There is *positive integrity* of setting. When considering Block 25 as a platted entity with a significant number of extant buildings dating to St. Petersburg's formative years and later to the 1960s, integrity of setting is recognizable under the terms of its commercial character, and in part to its architectural character as elements of the older constructions reveal themselves in various forms that accommodate the visiting public. The existing building array provides a highly distinctive experience set apart from all other blocks in the urban core. The fully extant row of buildings along Central Avenue represents an existing stock with a large percentage of primary inner constructed skeletons dating no later than 1913, with a modicum of historic fabric from two

of the buildings dating to 1888 and 1894, and others from at least 1904. These are extremely rare representations in St. Petersburg's downtown area that add to the overall setting of the block's representation as one of the oldest intact building collectives in the City.

Also, the overall design of Block 25 as an organically evolved commercial core of buildings representing the earliest permanent settlement decades is still present, though altered from the previously apparent one- and two-part block designs for lower retail and upper private space forms and functions. Today, these one- and two-part blocks accommodate contemporary uses catering to restaurant and entertainment, with the upper private spaces dedicated to individual living and storage spaces. The first-story retail fronts are actively engaged according to traditional patterns and circulation, but have aesthetically changed without altering the setting of the block as a whole.

Through interpretation and purposeful research, the character of the setting is enhanced as the buildings along the block's perimeter reveal their histories. In some cases, setting is enhanced by today's vibrancy that continues the similar early effect, even though they are now much different according to changed traditions, values, adornments, and uses. It may be possible to retrieve what may be a stronger, hidden integrity of setting, since no new or existing buildings have been rendered as out of scale with the early dimensional characteristics of the setting. It is debatable that many of the newer nuances such as temporary uses, spatial constraints and allowances, ambitions and expectations that affect earlier eras of character are today arguably reversible, though conceivably contrived. While demolitions certainly diminish the setting integrity along the 1st Avenue North side of the block, the presence of 70% of the block as an active strip, and its architecture as fairly unchanged, its role as a secondary component street of Block 25 is still evident.

Materials: There is *insufficient integrity* of materials. This is supported in light of continual building alterations, demolitions, and ongoing storefront changes that diminish the collective materials overall, especially with more recent changes. Upper façade components and some architectural appurtenances do remain, though less than half of the buildings retain significant materials keenly visible and readily available for meaningful study such as un-altered first-floor constructs that establish a visual and more personal connection to the casual observer for clear reading of a building's physical makeup. It must be noted that original materials are found in some of the building's parapets, structural framing, perimeter walls, façade ornament, and even windows in some cases. However, historic materials overall that are easily observed are too diminished to reveal a solid positive finding. It is important to note that none of the four corner buildings, in their entirety are found to have sufficient historic materials due to demolition or significant interior and exterior alterations. The Hotel Detroit that makes up the southeast corner, does have sufficient materials integrity pertaining to its later ells, though the 1888 hotel is too relived of its significant historic materials to retain a positive finding in this case.

Workmanship: There is *barely sufficient integrity* of workmanship overall, though enough to support a positive finding. The historically significant Block 25 buildings as a whole represented a long-standing, recognizable array of masonry vernacular construction that were juxtaposed in manners that allowed differentiation between owners, lessees, builders, and designers that is still present in spite of an apparent lack of visible materials readily apparent today. However, large elements and the configuration of building blocks that have been preserved tend to boost overall integrity of workmanship that tends to fail between individual buildings as opposed to their relationship to the larger block. The workmanship that is evident is found upon generalized

evaluation of individual street-wide form and presence, and upon closer scrutiny to higher profile components that may not offer significance by themselves.

Though materials overall are determined to be insufficient, notable workmanship is found mostly in the roof parapets that are fairly visible, exterior brick walls including along the alley, façade openings above the first floor, and with some of the windows and later ornamental projections – all of which allow a fairly common assessment of craftsmanship and the technologies used for early twentieth-century construction methods and practices. One can examine a historic, original wall of an individual building and mostly determine the method used for the entire building from its original construction and through subsequent changes. The placement of individual building blocks that formed a resulting collective still stands as a testament to how early buildings were constructed to adjoin each other. Dramatic revitalization efforts in the 1980s caused severe changes to manipulated work overall of some buildings, especially the first floor frontal planes, though the effect of the parapet brickwork can still be studied successfully for most of the buildings.

For example, the Hotel Detroit has had too many alterations such as removal of historic features and additions of non-historical elements to properly assess workmanship that gave it such a strong identity during the period of significance. The current uses of the building also depart too broadly away from a firm and robust original historic character that would otherwise produce a higher integrity here. This is critical in that the Hotel Detroit represented the largest site on the block, originally taking up nearly half of it overall. Also, the Lewis buildings at 277-279 and 259-269 Central Avenue are altered enough to limit easy recognition from their highest integrity moments during the period of significance, though their profiles are still quite evident; it does not appear that the alterations are reversible on either building. In addition, the loss of the spectacular Lewis Building #4 at 270 1st Avenue North, and the 1912 corner building at 1st Avenue North and 2nd Street North, have diminished the collective of what could have been a very complete, strong urban block of buildings.

The obvious loss of storefronts of which there does not appear to be more than 20-percent retained, does diminish a strongly recognizable workmanship related to the period of significance; however, non-historic, latent workmanship continues an attempt somewhat to fit into the physical constraints of past designs and workmanship. This is noteworthy in how changes have been guided by the COA process in some cases. While the continually changing storefront tends to create a historic significance in its own right, such change as that has occurred on Block 25, where multiple storefronts have been merged and individual identities eliminated, has nevertheless diminished effective and critical workmanship of early twentieth century and late nineteenth century buildings, creating a barely discernible, though still present workmanship effect suitable for current study.

Feeling: There is *positive integrity* of feeling in spite of other integrity factors. This is apparent in that today's Block 25 still retains a strong essence of its historic character from its earlier era(s), though not as readily to its earliest founding years. Certain visual aspects of the block, as well as, its compactness amid surrounding redevelopments encourages feelings of historic quaintness, messy vibrancy, and a certain beauty of age that deliver a strong sense of place to be experienced differently among individuals. The Block 25 experience is often a destination place for many who likely view it as distinct from other downtown places. The attraction to the core of mostly brick, low-scaled buildings is delivered in part by how the buildings relate to the visitor in a human scale and as surviving, older constructs that are compact, and somewhat

against the grain of other more modern developments that have changed the landscape during their memory.

A walk around Block 25 delivers a strong feeling of historic character that is repeated along much of the Central Avenue corridor where aged, low-profile buildings offer a completely different experience of visitation, business, and leisure than contemporary tall buildings. This is evidenced with the failure of nearby buildings and projects that have not garnished the continual commercial successes as documented along Central Avenue. The historic buildings along Central Avenue today appear to reveal a commercial and active resilience not as successfully recreated by newer developments. Its steady use over time has created a de facto destination of sorts, a place that is "known" as a core of where to be, and easily found through instinctive wayfinding by its unique sense of place and character delivered by the buildings and spatial flow.

Association: There is *insufficient integrity* of association depending on how associations with historic precedents are considered. For the purpose of this report and evaluation, the overall block continues to operate similarly to its historic past, though strong physical associations with individuals and activities significant to its past are not clearly present to the casual observer. There are no remaining hotel uses, and only a limited number of retail/office spaces that were a critical part of its mix of uses remain. Critical demolitions on the block have also rendered an adverse associative disparity.

Due to the distinctive character of the block as differentiated from the immediately surrounding areas, it is acknowledged that most observers would likely characterize the block and its individual buildings as part of early development and a central core commercial area of the City, yet there are no readily apparent, ultra-high quality associations or associative patterns to direct or inform the observer without meaningful interpretation. It is also acknowledged that the early identity of Block 25 is lacking of strong readily apparent associations with significant individuals who helped to organize the Town of St. Petersburg, though the overall design of the intact block is fairly evident. Association may be enhanced or viewed more positively if the anchoring buildings were still in place, or restored, such as the Lewis Buildings, or a stronger representation of the Hotel Detroit. It must be noted that for determining contextual significance under the first test, association does remain.

PROPERTY OWNER CONSENT

This application for designation was not initiated or submitted by the owner(s) of the property. Upon first processing the designation application in early 2015, Staff was aware of at least two (2) property owners who objected to the local historic landmark district. Since noticing the 2016 CPPC hearing, Staff has received no definitive information regarding the owners' position or intentions regarding the application. Additional clarification is expected.

BENEFITS OF DESIGNATION

The benefits of designation have a positive trajectory for community development. For example, a community's or neighborhood's ***sense of place and identity can be strengthened*** through the identification and stewardship of historic resources that reveal how they evolved and responded to various events over a time continuum. Lessons learned are often historical in nature, and understanding of historical events and adaptation practices helps to building resilience tailored to a local community's needs and character. Localized heritage also helps

community's and individuals alike to come together on certain issues as part of a common bond across organizations and disciplines that have been influenced by shared historical patterns and trends, both positive and negative.

Increased heritage tourism through the maintenance of the local historic character and history setting that Block 25 extols as distinctive among any other area in the City. Sufficiently preserved and maintained history leads to creating local identity and a regionally and nationally recognized central core that reveals the City's story physically, as well, socially, politically, and economically. A wide array of published books and materials continue to represent St. Petersburg's long-standing historical overlaps that reveal many firsts in industry and business. Local architectural and history tours feed a successful economic engine spurred in part by the City's pioneer and traditional architecture.

Proven successes for ***economic benefits through the sensitive reuse*** of historic buildings and landscapes that reveal local character are exemplified through national programs such as the Florida and National Main Street Programs, which include historic preservation as one of their core tenets for creating dynamic, vibrant, and healthy commercial corridors. In the past, the word "downtown" brought to mind an image of a bustling center of commerce and activity that has often evolved into highly successful urban entertainment destinations and hotspots that thrive even during economic downturns. One of the critical components to preserving historic areas is ***maintaining a historic appearance and human pedestrian scale*** that proudly extols the City's heritage, but that also accepts sensitive adaptations to modern modes, uses, and technologies.

The local Ad Valorem Tax Exemption and Federal Tax Credit for historic building rehabilitation provides significant ***financial savings to property owners*** completing eligible improvements to their properties, as evidenced by the City's 2016 cycle that anticipates over $100,000 in tax savings for currently participating property owners. Historic designation also provides ***relief from an array of requirements of local building and land use codes***, as well as, from certain flood elevation requirements. Occasionally, financial grants become available to local governments and nonprofit entities that provide assistance to property owners who choose to preserve and interpret historic sites. Inter-disciplinary City staff also provides ***limited expert technical assistance*** to property owners considering historic designation or historic building improvements by sharing best historic preservation, restoration, and rehabilitation practices for qualified historic building, structure, and site projects. In many cases, proposed ***historic review of rehabilitation projects can be streamlined*** through the Community Planning and Historic Preservation Division when a Certificate of Appropriateness (COA) is required.

RELATIONSHIP BETWEEN THE PROPOSED DESIGNATION AND EXISTING AND FUTURE PLANS FOR DEVELOPMENT OF THE CITY

Renovations, alterations, development and redevelopment are guided, in part, by the *City of St. Petersburg Comprehensive Plan*, *St. Petersburg Code of Ordinances*, *Future Land Use Map*, and *Official Zoning Map*. Properties located within the proposed local landmark district, wholly or in part, include the following map designations:

- DC-C (Downtown Center - Core) on the City's Official Zoning Map
- CBD (Community Business District) on the City's Official Future Land Use Map
- Intown Activity Center on the City's Official Future Land Use Map
- Downtown St. Petersburg National Register (Historic) District
- Individual Local Historic Landmark

- Potentially-Eligible List

The *St. Petersburg Comprehensive Plan* includes several elements relevant to the subject request for local landmark district designation, including the *Vision Element*, *Future Land Use Element*, and *Historic Preservation Element*. The *Vision Element* summarizes the City's Vision 2020 Plan effort, including an overall mission statement, declaration of 15 citizen-based themes, and an implementation framework built around the concept of neighborhoods, corridors, and centers. The *Vision Element* presents an overall vision for the community and includes general recommendations for the downtown center, one of which states, "Preserve noteworthy buildings through renovation and adaptive reuse."

The *Future Land Use Element* establishes Future Land Use categories. The Future Land Use category for the properties located within the proposed local landmark district is CBD (Central Business District) with an Activity Center Overlay. The CBD plan category encourages a mix of higher-intensity retail, office, industrial, service, and residential uses. This category is implemented by the *Intown Redevelopment Plan*, which establishes the goals, objectives and policies for the redevelopment of the CBD. The *Intown Redevelopment Plan* designates the subject properties as part of the Downtown Core Area on Map 2 titled, "Intown Redevelopment Area and Project Focus Areas." Similar to the CBD plan category description, the Downtown Core Area is defined with an intensive, mixed-use emphasis.

The *St. Petersburg Code of Ordinances*, and specifically City Code, Chapter 16, Land Development Regulations (LDRs), is a set of standards that implements the *St. Petersburg Comprehensive Plan* and *Intown Redevelopment Plan*. According to the Official Zoning Map, properties within the proposed local landmark district are zoned Downtown Center-Core (DC-C). The DC-C category is the most intensive district in the City's schedule of regulations. The purpose of this district is to create a diverse and vibrant downtown, which serves as a center for employment, entertainment, and retail activity.

It has been previously suggested that the prevailing land use classifications and *Intown Redevelopment Plan (IRP)* establishes a development vision for downtown that specifically encourages achievement of the maximum redevelopment potential for property and that this vision is prioritized over other historic preservation objectives. City staff disagrees.

Historic preservation was a part of IRP policy from its inception in 1982, although the City of St. Petersburg did not establish a formal historic preservation program until 1986, when it was awarded Certified Local Government status by the State of Florida and created a historic preservation ordinance. "Historic rehabilitation and restoration" was included as a "Project Component" in the original IRP, along with land acquisition, public parking and recreational facilities, commercial/retail facilities, and infrastructure.

Since 1986, the City has designated nearly 20 properties within the boundaries of the IRP, and perhaps a dozen more within areas zoned Downtown Center located outside of the IRP. Seven locally designated properties are within CBD-Core, of which six are privately owned. These include the Kress Building, Snell Arcade, the Open Air Post Office, Women's Town Improvement Association Building (WTIA), the Dennis-McCarthy Hotel, and the Hotel Detroit. The Kress Building, Snell Arcade and WTIA buildings were successfully renovated and used for the profitable purposes of their owners while subject to the City's historic preservation standards.

The current IRP, as amended, still includes reference to Block 25 (the "*Jannus Landing Block*") encouraging, "rehabilitat(ion) or redevelop(ment) in keeping with the architectural style (vernacular), scale and character of the block." Moreover, previous editions of the IRP included various depictions and representations of the subject block emphasizing its historic character. Finally, when developers of the Detroit Hotel sought approval of its adaptive reuse in 2001, the Community Redevelopment Agency found the project consistent with the IRP, despite it having a development intensity below the low end of the FAR range envisioned by the zoning regulations at that time.

The Downtown Center zoning also supports historic preservation through a floor area ratio exemption for local landmark buildings, bonuses issued for the use of Transferable Development Rights, as well as bonuses issued for relocating eligible or contributing National Register properties.

The City recognizes the importance of historic preservation to its downtown revitalization efforts and has created incentives in its land development regulations to protect and rehabilitate historic buildings, or move them from harm's way. The designation of this local landmark district, as proposed, is not a departure from the City's vision for downtown, but an act consistent with its longstanding policy in downtown to protect historic resources.

Prior to Local Landmark Designation

Prior to local landmark designation, most properties located within the proposed local landmark district are generally eligible for redevelopment in accordance with the DC-C zoning district regulations, except as follows:

- *Hotel Detroit (201 Central Avenue) and Binnie-Bishop Hotel (256 1st Avenue North)* – These properties are already designated as individual local historic landmarks. Any proposal for redevelopment will first require approval of a Certificate of Appropriateness (COA) for demolition. COA criteria for demolition are outlined in LDR Section 16.30.070.2.6.

- *St. Charles Hotel (243-247 Central Avenue), James Hotel (231-235 Central Avenue), and Hotel Tamiami (242 1st Avenue North)* – These properties are identified in the city records as potentially eligible for individual local landmark designation, which do not require a COA for exterior improvements. However, upon receipt of an application for partial or whole demolition, the issuance of a demolition permit is delayed for 30 days. During this time, written notice shall be sent to the Community Planning and Preservation Commission (CPPC) and any resident or community group who annually files for notification. If a third-party application to designate is received during the noticed period of time, issuance of a demolition permit is further delayed pending a final decision on the individual local landmark designation application. Criteria are outlined in LDR Section 16.30.070.2.11.

- *All Properties* – Within the LDRs, demolition of any building in a DC district, regardless of designation status, is prohibited until a site plan for new development has been approved and a complete application for required building permits has been submitted.

The DC-C zoning district regulations have a base floor area ratio (FAR) of 4.0. By right, properties located within the proposed local landmark district could cumulatively redevelop to a 4.0 FAR. Applicants may propose an unlimited amount of FAR through the use of FAR bonuses and the streamline or public hearing review process; however, this is not possible given the cumulative constraints of the need to comply with building envelope regulations (minimum building setbacks from public streets, minimum distance between buildings, maximum floor plate, and minimum ground level open space standards) and Federal Aviation Administration (FAA) regulations pertaining to building height.

Following Local Landmark Designation

If approved, certain exterior alterations and renovations, all new construction, and demolition would benefit from professional input subject to a Certificate of Appropriateness (COA) review. As of the date of this report, most COA requests are administratively reviewed with expeditious turn-around times as part of the regular procedures for construction permitting, and only a limited number of COA requests are scheduled for public hearing review. For example, during 2015, 59 of 66 total COA applications were administratively processed, with only six scheduled for CPPC review. For 2016 to date, 33 of 37 COA applications have been processed administratively.

The local landmark district designation encourages sensitive, compatible improvements and enhancements and does not prohibit affected property owners from seeking redevelopment of their properties. As an added benefit, the City provides technical and procedural assistance when a COA is requested, and addresses compatibility concerns within and around neighborhoods in a responsive manner.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed local historic landmark district designation is generally consistent with the City's Comprehensive Plan, relating to the protection, use and adaptive reuse of historic buildings. The local landmark designation will not adversely affect the FLUM or zoning designations, nor will it significantly constrain any existing or future plans for the development of the City.

OBJECTIVE LU26: The City's LDRs shall continue to support the adaptive reuse of existing and historic buildings in order to maximize the use of existing infrastructure, preserve natural areas from being harvested for the production of construction materials, minimize the vehicle miles traveled for transporting new construction materials over long distances, preserve existing natural carbon sinks within the City, and encourage the use of alternative transportation options.

OBJECTIVE LU10: The historic resources locally designated by the St. Petersburg City Council and Community Planning and Preservation Commission (CPPC) shall be incorporated onto the Land Use Map or map series at the time of original adoption, or through the amendment process, and protected from development and redevelopment activities consistent with the provisions of the Historic Preservation Element and the Historic Preservation Ordinance.

Policy LU10.1: Decisions regarding the designation of historic resources shall be based on the criteria and policies outlined in the Historic Preservation Ordinance and the Historic Preservation Element of the Comprehensive Plan.

Policy HP2.3 The City shall provide technical assistance to applications for designation of historic structures and districts.

Policy HP2.6: Decisions regarding the designation of historic resources shall be based on National Register eligibility criteria and policies outlined in the Historic Preservation Ordinance and the Comprehensive Plan. The City will use the following selection criteria [for city initiated landmark designations] as a guideline for staff recommendations to the CPPC and City Council:

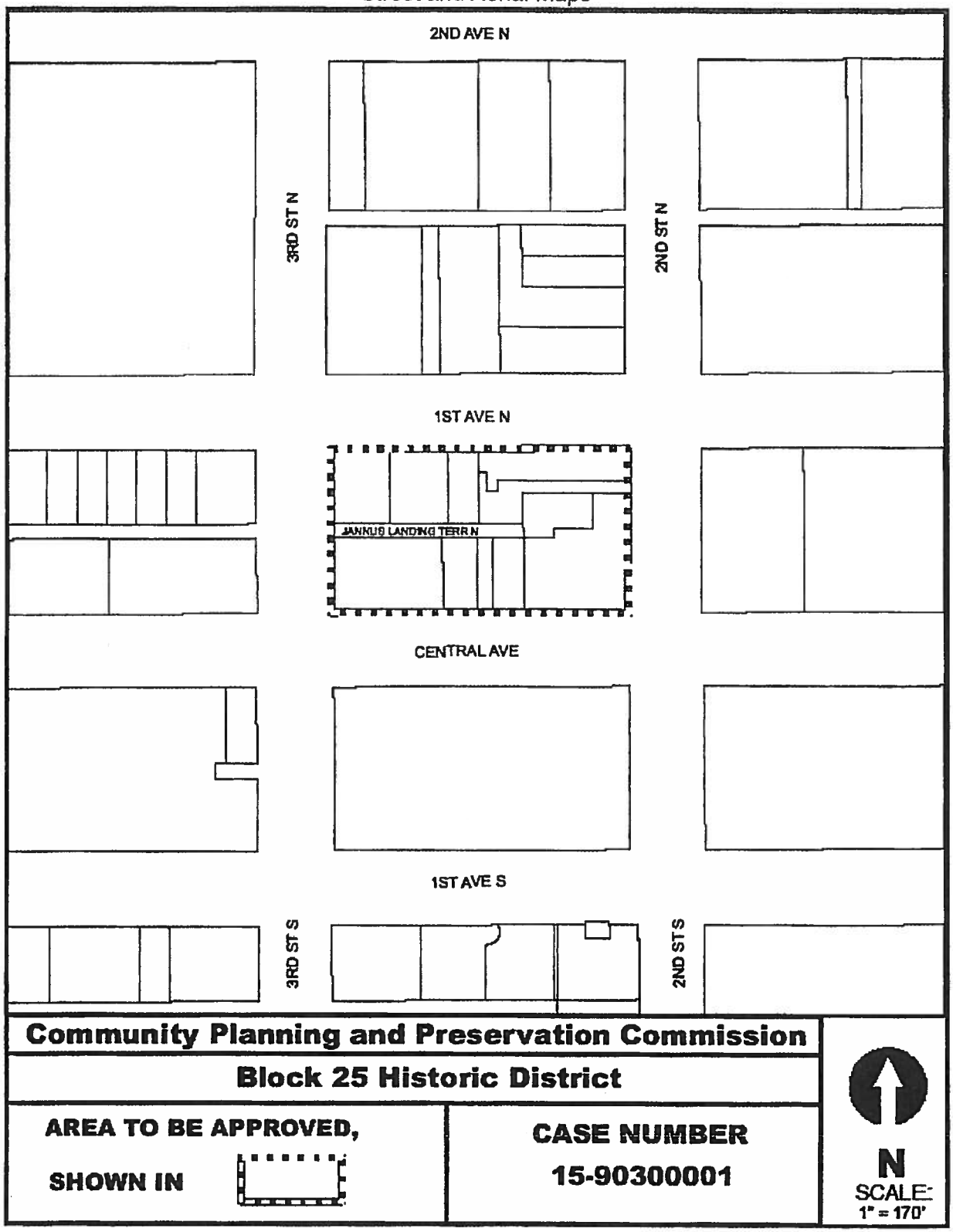
- National Register or DOE status
- Prominence/importance related to the City
- Prominence/importance related to the neighborhood
- Degree of threat to the landmark
- Condition of the landmark
- Degree of owner support

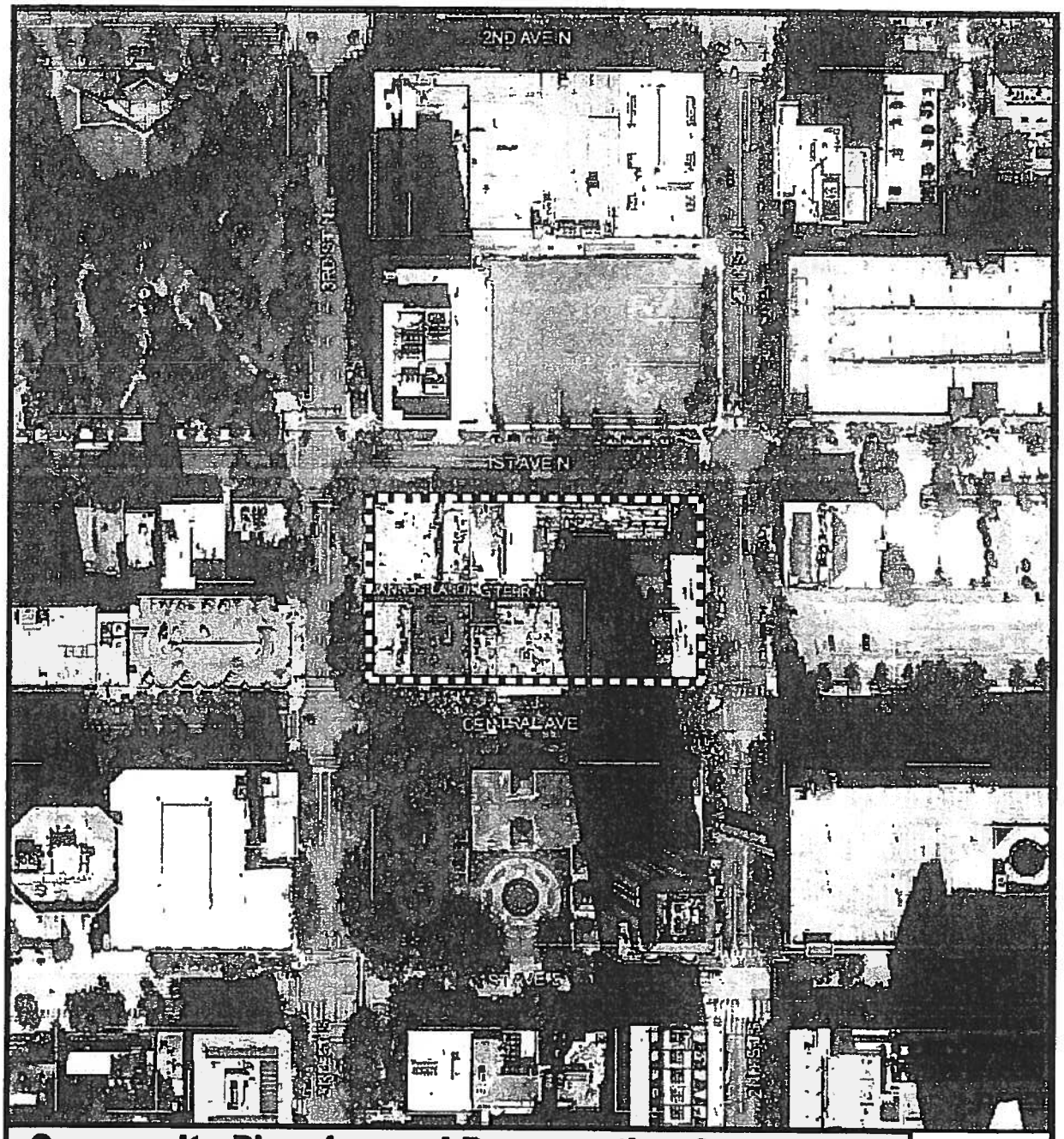
Policy V1.1: Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.

Policy LU3.1: Central Business Districts. 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.

OBJECTIVE LU2: The Future Land Use Element shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.

APPENDIX A
Street and Aerial Maps





Community Planning and Preservation Commission

Block 25 Historic District

AREA TO BE APPROVED,

SHOWN IN

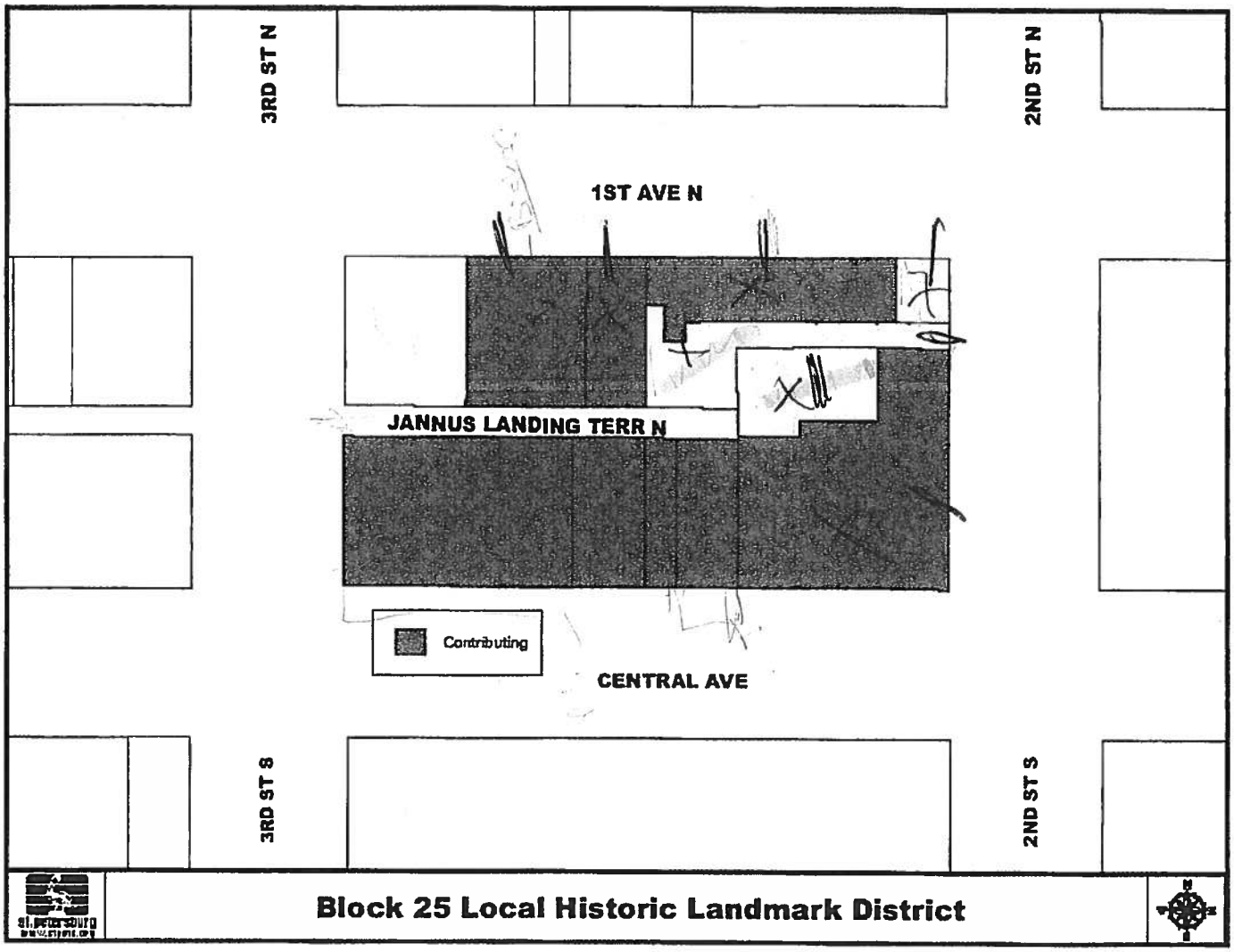
CASE NUMBER

15-90300001

N

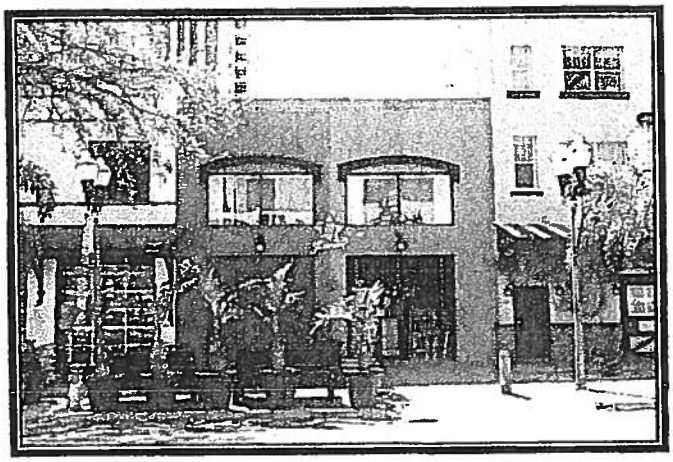
SCALE:
1" = 170'

APPENDIX B
Contributing/Non-Contributing Building Map



APPENDIX C
Designation Application

1909 Detroit Building, 234-236 1st Avenue North



1909 Detroit Building. Photo 2015.

This two-story Masonry Vernacular building was constructed in 1909 as part of the Hotel Detroit. It features a flat roof set behind a parapet with a decorative cornice. Fenestration includes paired, one light, fixed, aluminum replacement windows set flush with the wall on the second floor front. Both openings include arched masonry headers. The windows are symmetrically set above two oversize openings at ground level. One appears to have been walled in while the other appears open. Both openings are secured with a metal gate. The building has a modernized, decorative appearance.

Peacock Row, 208-226 1st Avenue North (8Pi3053)

Peacock Row. Photo 2015.

This Masonry Vernacular building has elements of Mediterranean Revival styling. Known as Peacock Row, the building was constructed in 1920 as a two-story brick building clad in smooth stucco. It has a flat roof set behind a small parapet with exposed bricks. Two courses of the exposed brick act as a decorative element running the length of the building between the top of the windows and the bottom of the parapet. The second story contains 10 bays, each defined by a set of paired, one-over-one, single-hung sash replacement windows with an arched header over each. An exposed course of brick runs the length of the building forming a continuous under-window sill/relief course.

The first story contains nine bays. The first three bays are comprised of simple commercial storefronts that include a door, plate glass window, and transom. The fourth and fifth bays have been infilled to create a walk up bar. These bays are comprised of window transoms, roll down doors, and solid wall partitions. The sixth and seventh bays retain a commercial storefront appearance. The sixth bay includes a door and plate glass window with a transom above and is wood framed. The seventh bay is comprised of a solid plate glass window with a transom above. The eighth and ninth bays consist of roll up, transparent garage doors.

A sloped wood awning supported by decorative wood knee brackets runs the length of the building. These brackets are similar in form and appearance to those used on some of the east façade openings of the Hotel Detroit at 2nd Street North.

INTEGRITY STATEMENT

The significance of Block 25 is based primarily on its historical associations, though a modicum of sufficient physical integrity remains overall. Like most century-old properties, the buildings of Block 25 have changed over time, and have been continually adapted to economic trends and responding to various effects. However, many of the alterations have achieved historic significance in their own right, while the basic configuration of the block regarding its scale, dimensions, and experiential setting are extant. Under these considerations, the proposed Block 25 Historic District retains integrity of location, design, setting, workmanship, and feeling.

STATEMENT OF SIGNIFICANCE

Summary

Block 25, as the first primary commercially developed city block in St. Petersburg, around which future development would follow, is significant at the local level in the areas of Community Planning and Development, Commerce, and Settlement. Originally platted in 1888, Block 25 played a significant role in the early settlement and the growth of St. Petersburg. The buildings depict the craftsmanship of local architects, builders, and craftsmen. Block 25 provided lodging for prospective residents and tourists, as well as goods and services for the nascent community. Block 25 housed some of the most important businesses in the emerging city, which were owned or operated by individuals who played a pivotal role in the community including John C. Williams, Edson T. Lewis, S.V. Schooley, Edward Tonnelier, Bainbridge Hayward, Frank Fortune Pulver, and Hubert Rutland, among others. Block 25 meets the following criteria for designation of a property found in Section 16.30.070.2.5(D).1 of the City of St. Petersburg Code:

(a) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;
(c) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;
(d) It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation;
(g) Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and
(h) Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

HISTORICAL CONTEXT

An Emerging Town

Initially surveyed in 1845 and 1848, the first tracts of land in present-day downtown St. Petersburg were purchased from the State of Florida in 1860.[3] Following an economic decline during the Civil War, W.F. Sperling purchased 640 acres in 1873 from Dr. James Sargent Hackney and brothers, Judge William H. Perry and Oliver Perry. Detroit native John C. Williams arrived in Florida in

[3] State of Florida, Plat Map 1845, 1848.

1875 and purchased the Sperling tract in 1876 as well as several other parcels to eventually accumulate a total of 1,600 acres.[4] The arrival of the Orange Belt Railroad in the 1880s served as the major impetus to the formation of a town.

Hamilton Disston, who owned and developed thousands of acres in Florida during the 1880s, financed the construction of the Orange Belt Railway to the sparsely settled Pinellas Peninsula under the assumption that the railroad would terminate in his newest development, Disston City (now Gulfport). Instead, Orange Belt owner, Peter Demens, built the narrow gauge railroad to land situated northeast of Disston City owned by John C. Williams. The first train arrived in June 1888 to a settlement with little more than a store and a few residences. In return for Demens building the railroad to Williams' land, Williams deeded 250 acres to the Orange Belt Railway. Demens and Williams collaborated in their plans to build a new community around the terminus of the railroad, complete with a park, depot, and hotel. In exchange for naming the city after Demens' birthplace, St. Petersburg, Russia, the hotel was named after Williams' hometown, Detroit, Michigan.[5]

On July 14, 1888, John C. Williams and the Orange Belt Railway, represented by Demens, entered into a Memorandum of Agreement concerning the construction of a hotel. As part of the agreement, John C. Williams agreed to pay the Orange Belt Railway $5,000 upon the completion of the construction of the hotel by the railway. The agreement continues by stating

> *The Orange Belt Railway agrees to build a hotel at St. Petersburg, Hillsborough County, Fla. On lots to be selected and agreed upon by the respective parties, hereto said selection to be made, within the next seven days, according to plans agreed upon and dated and signed by the respected parties hereto, said hotel to cost not less than ten thousand dollars.*[6]

Williams' interest in the hotel would total the $5,000 he paid to the railway, while the railway's interest would total the actual cost of construction. Williams included a clause that the railway would be required to pay for the materials, the contractors, and the workmen in full before he had to pay the railway his $5,000 interest. A receipt recorded on the same document indicated that Williams paid his full $5,000 in February 1889.[7]

The hotel was completed by the time the original city plat was officially filed. Prepared by Engineer A.L. Hunt and Draftsman G.A. Miller, the plat was filed in

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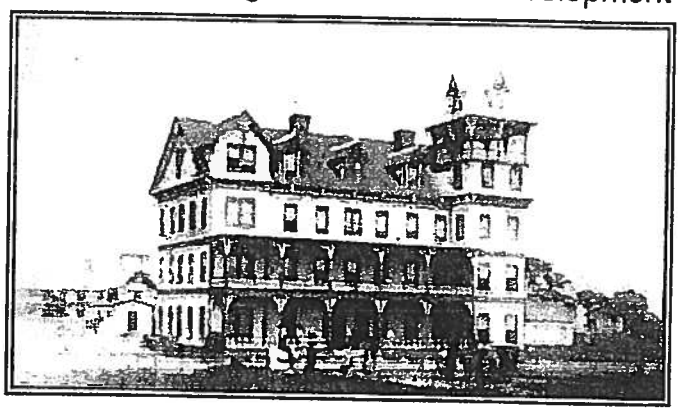
[4] Straub 1929, 119; State of Florida, Tract Book Entries, 59-60.
[5] Arsenault 1996, 64, 81-82; Grismer 1948, 68, 74, 271-72; "Heavy Real Estate Deal" 1906, 1; "Detroit Sold to Rutland for Over $200,000" 1938, 1.
[6] "The Detroit Hotel" 1888.
[7] "The Detroit Hotel" 1888.

August 1888, and was recorded as the Map of the Town of St. Petersburg in April 1889 and revised in October 1889.[8] As part of the plat, Williams and the Orange Belt Railway reserved space for the city park, the depot (which was completed late in 1888), Williams Grove, and the hotel which was on Lot 1 of Block 25. The parcel, which constituted almost half of a city block, was bordered on the south by 6th Avenue, on the north by 5th Avenue, and on the east by 2nd Street (now Central Avenue, 1st Avenue North, and 2nd Street North).

Conveniently located a block from the Orange Belt Railway Depot, the 40-room hotel served as the only hotel in the community for two years. Built by a "*crew of carpenters from Oakland*," the hotel was three-and-one-half stories high with a tower extending 70 feet high at the southeast corner and a two-story wing extending to the rear. E.G. Peyton from Virginia served as the first manager of the hotel, which was open all year, not just during the winter season.[9]

Although the Orange Belt Railway was completed, it was not successful. When the railroad could not pay its debts in 1889, the syndicate of Philadelphia financiers holding the debts took over the railroad and the Orange Belt Investment Company, which was responsible for the land held in the name of the railroad, including the hotel. The syndicate organized the St. Petersburg Land and Investment Company for the purpose of selling the lots comprising the 250 acres deeded by Williams in exchange for bringing the railroad to his land. Colonel L.Y. Jenness was designated the manager of the new development company.[10]



Hotel Detroit, ca. 1895. Florida State Archives, Photo N040078.

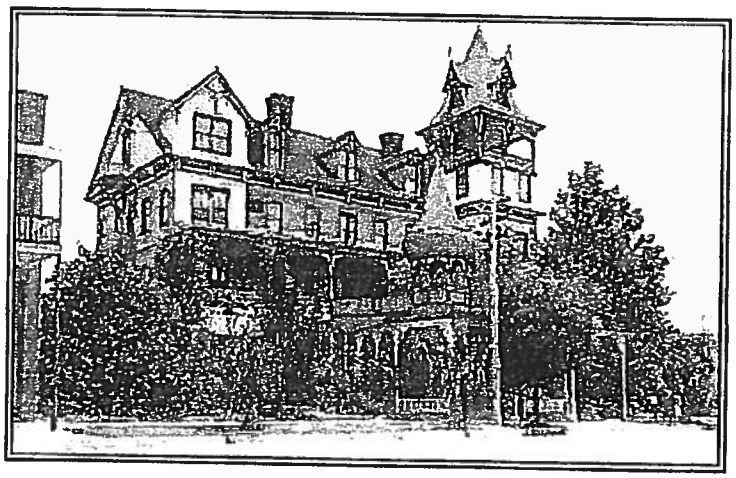
At the 1885 annual convention of the American Medical Association, Dr. Van Bibber had endorsed the Pinellas peninsula as the perfect location for a "Health City." Frank Davis, a prominent publisher from Philadelphia who arrived in Florida to alleviate his own health problems, utilized Dr. Van Bibber's endorsement to heavily promote the benefits of St. Petersburg. Davis, along with other new residents including *St. Petersburg Times* editor William Straub and *St. Petersburg Evening Independent* editor Lew Brown, tirelessly promoted the community during the late 1800s and early 1900s. The Orange Belt Railway

[8] Pinellas County Clerk of Circuit Court, Plat Book H1, Pages 27 and 49.
[9] Grismer 1948, 81-79; Arsenault 1996, 58; Benbow 1980, F1.
[10] Grismer 1948, 70, 97, 111; "Heavy Real Estate Deal" 1906, 1.

started offering seaside excursions to St. Petersburg in 1889.[11] To make a good impression, Colonel Jenness ordered the manager of the Hotel Detroit to make sure that the hotel bar was well-stocked with refreshments. These excursions were one of the first concentrated efforts by the community and the development company to attract tourists.[12]

By 1890, the population grew from less than 50, prior to the arrival of the railroad, to 273 residents. With two hotels, two ice plants, two churches, a school, a pier, and sawmill, the economy remained largely dependent on commercial fishing. Incorporated in 1892, the community received telephone, public water, and electric service by 1900. The hotel was used to celebrate important events, hold civic and political meetings, and impress prospective residents. Residents marked the 1897 introduction of electricity in the town with a day of celebration culminating in a grand ball at the.[13]

A severe freeze which destroyed the citrus groves throughout north and central Florida during the winter of 1894-95 prompted many farmers to relocate to coastal areas, such as St. Petersburg, which did not experience a freeze as severe. In an effort to attract additional tourists, the manager of the Hotel Detroit, J.H. Forquer, constructed a 16-room houseboat intended as "*a seaside addition to the Detroit*" in 1897. Known as the "floating hotel", the houseboat was anchored near present-day Pass-a-Grille. In spite of initial success, a cold winter with few tourists followed by a fire which damaged the boat in the spring of 1899 precluded Forquer from rebuilding.[14] Forquer made improvements to the Detroit during this period as well. Perhaps in an effort to imitate the minaret-topped Tampa Bay Hotel, the Detroit built its own minaret-topped gazebo addition to the entrance canopy at the front of the hotel around 1898.[15]

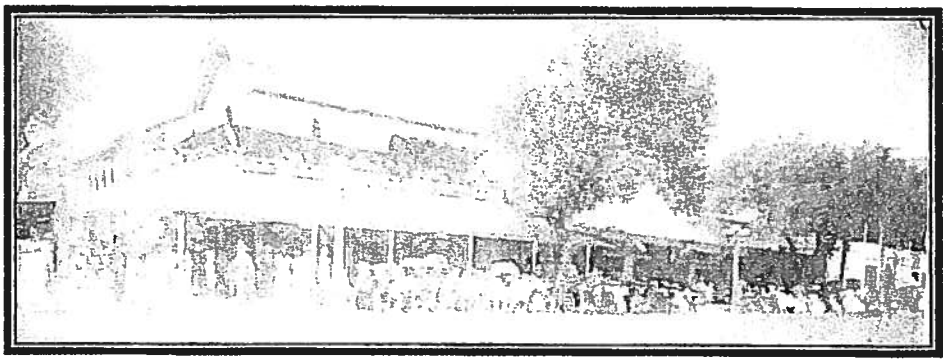


Hotel Detroit, ca. 1906. City of St. Petersburg Photo Archives, Photo 081602.

[11] Arsenault 1996, 62, 82-85.
[12] Grismer 1948, 70, 97, 111; "Heavy Real Estate Deal" 1906, 1.
[13] Arsenault 1996, 52-61, 64, 81-82.
[14] Grismer 1948, 99.
[15] Arsenault 1996, 93.

As the unofficial center of town, the lots surrounding the depot and the Hotel Detroit quickly filled with new construction. The first buildings were wood frame houses and commercial buildings. Central Avenue, which was then known as Sixth Avenue, was lined with large oak trees. J.C. Williams, Jr., son of founder John Williams, opened a general store across from the Detroit on the southwest corner of 2nd Street and Central Avenue. The Orange Belt Investment Company built an office on Central Avenue between 3rd and 4th Streets, and Colonel Jenness lived in a residence next door to the Detroit. D.S. Brantley, who had furnished ties for the railroad, opened a restaurant for the railroad employees on 2nd Street across from the Detroit. Edson T. Lewis and Ed Durant opened a store near 3rd Street south of the depot in 1892.

Lewis had arrived in St. Petersburg with his parents in 1888, three months before the arrival of the first train. Sixteen year old Lewis first worked in King's sawmill, then Ward's General Store, and finally Williams' General Store across from the Hotel Detroit, before venturing into partnership with Durant. When they dissolved their partnership in 1894, Lewis constructed the two-story, wood frame Lewis Building on the northeast corner of Central and 3rd Street at 277-279 Central Avenue. Prior to this time, this area was considered a "swamp" with four feet of water in which boys fished and a foot bridge spanned it from the west side of 3rd Street to the Hotel Detroit. After being filled, Lewis bought the lot for $200 and constructed his building to house his grocery store on the first floor with his home and rooms for rent available on the second floor. By the late 1890s, Lewis became a banker for many residents and helped establish the Central National Bank in 1904. He held interests in a number of local companies including the Citizens Ice and Cold Storage Company. He also served as City Councilman from 1906-07, advocated for the use of brick in paving the city streets, and was a leader in the movement for municipal ownership of the waterfront and utilities.[16]



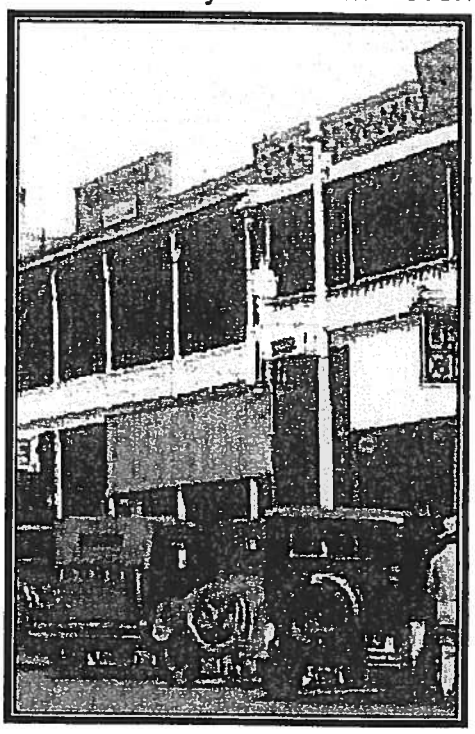
Lewis Grocery, ca. 1910.
Courtesy of Museum of History, Photo 4400.

[16] Sanborn 1899, 1904; *St. Petersburg City Directory* 1908, 1912; Polk, 1914; "Few Oaks Left Along City's Chief Avenue," *St. Petersburg Times*, 28 October 1923; "Rainy Day Story of City's Growth," *Evening Independent*, 23 August 1911; "Jottings by 'The Rambler,'" *Evening Independent*, 1 June 1922; "A St. Petersburg Booster and Builder Who Began in the Very Beginning," *St. Petersburg Daily Times*, 29 March 1914; "With Faith, He Helped Build a City,"

The Development of Block 25: 1900-1910

During the early 1900s, the creation of St. Petersburg's waterfront park system, the incorporation of a trolley system, and the construction of the Electric Pier drew additional tourists and new residents to the area. Largely through the efforts of city boosters to attract businesses and residents, developers such as H. Walter Fuller, Noel Mitchell, Charles Hall, Charles Roser, and C. Perry Snell triggered the city's first real estate land boom from 1909 to the start of World War I. Promotional efforts by the Atlantic Coast Line railroad (created in 1902 from the former Orange Belt Railroad and Henry Plant's South Florida Railroad) brought organized tourist trains from New York in 1909 and from the Midwest in 1913. Many of these tourists continued to winter in the city with some even relocating to St. Petersburg. [17]

One of the early settlers, Henry R. Binnie purchased the southeast corner of 3rd Street and 1st Avenue North for $500 soon after his arrival in St. Petersburg in 1900. He traded parcels with Ed Lewis, who owned the adjacent lot to the east. A native of Michigan, Binnie came to St. Petersburg by way of Dade City with his mother and step-father, who passed away soon after their relocation. Trained as a blacksmith by his step-father, Binnie established a blacksmith and wheelwright shop at 266-68 1st Avenue North.[18]



Ramsey Building and Addition, ca. 1925.
Courtesy of Museum of History, Photo 931.

In 1903, owner Mary Ramsey (also referred to as Marie and Maria) initiated the construction of a new brick building located at 243-247 Central Avenue, between the Hotel Detroit and the Lewis Grocery. Ramsey had moved to St. Petersburg in 1900 and was credited with being the first to build a brick commercial building in the city, which was located on

Evening Independent, 14 May 1966; "Edson T. Lewis, Pioneer of City, Succumbs at 68," *Evening Independent*, 2 December 1940; "A.W. Rogers," *Evening Independent*, 16 June 1908; Grismer 1924, 233-34; Straub 1929, 121; Grismer 1924, 233-34 .

[17] Arsenault 1996, 87-89, 135-37, 144-45.

[18] "In Early Days His Job Was Fitting Sandals to Horses," *Evening Independent*, 25 July 1925; Ancestry.com, "1900 United States Federal Census; "Noble Life Ends," *Evening Independent*, 21 July 1909; Sanborn 1904, 1908.

Central Avenue between 3rd and 4th Streets.[19] Her first two buildings have been demolished. The building at 243-247 Central Avenue, which she named the Ramsey Block, was her third commercial building. This building held the L.C. Heffner's grocery and the McPherson-Dent Bakery on the first floor. Adjacent to the east, contractor R.W. Miller constructed the Ramsey Addition at 237-241 Central Avenue for Mary Ramsey in 1908. Built as a separate building from the Ramsey Block, Mrs. Ramsey lived on the second floor and rented the first floor to the Beverly ice cream shop. Some of the rooms on the second floor were rented to tourists initially as the Majestic Hotel, operated by William Jett. Within a few years, Ed C. McPherson operated it as the McPherson Flats.[20]

In 1905-06, William B. "Bill" Carpenter leased space in the Ramsey Building for a curio shop. In the back, he opened the 350-seat Royal Palm Theater. It was the first motion picture theater in the city and even featured electricity. The first picture was "The Perils of Pauline" silent movie with a piano playing accompaniment. Occasionally vaudeville acts and comedians entertained the crowd. As part of his curio shop, Carpenter sold live alligators as souvenirs and held impromptu alligator shows. In 1916, he took his show on the road to Seattle and the northwestern United States with an alligator named Trouble and a car encouraging a visit to the "Sunshine City, St. Pete, Fla." Following the opening of the larger Rex and La Plaza Theaters, among others, Carpenter closed the theater and went into real estate in 1917.[21]

ROYAL PALMS
TO-NIGHT.
WHERE THE GOOD PICTURES ARE SHOWN.
THIRTY MOVING MEN.
Comic.
A VISIT TO A PUBLIC NURSERY.
Gee! Ain't it great to be a kid.
AVENGED BY THE SEA!
A Fine Subject—See It.
A PHLEGMATIC GENTLEMAN.
Hit Me Chist.
BIG BILL SATURDAY NIGHT!
BIG BILL SATURDAY NIGHT!
OPEN AT 6 P. M.
ADMISSION Childres..... 5 cents
Adults..... 10 cents

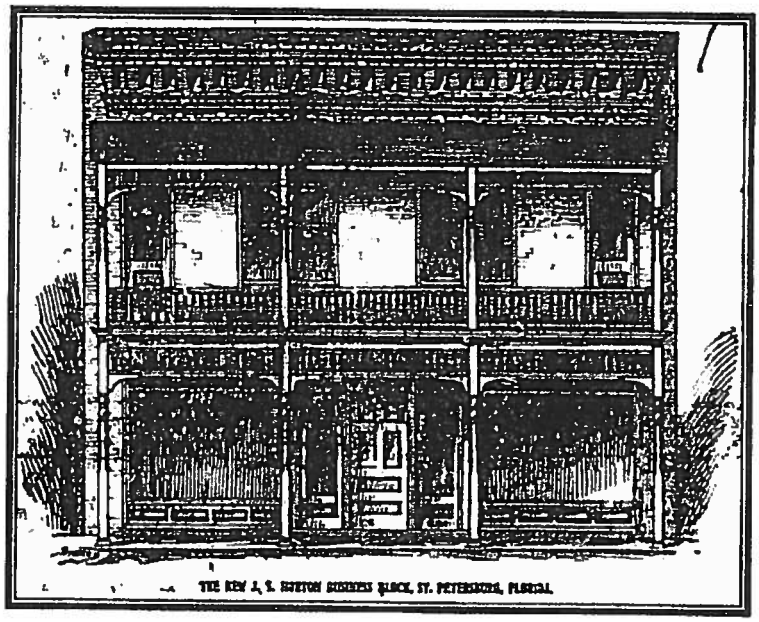
Royal Palm Theater Advertisement. *Evening Independent,* February 26, 1909.

[19] Various newspaper articles credit both Mrs. Ramsay and F.A. Wood with constructing the first brick business buildings in the city. The Wood Building was located at 325-37 Central Avenue and was constructed in 1900. Mrs. Ramsey's first building was located at 319-21 Central Avenue and was also constructed in 1900.

[20] "A Handsome Brick Block," *St. Petersburg Times,* 5 September 1903; "Announcement: L.C. Heffner," *St. Petersburg Times,* 31 October 1903; "Bought," *St. Petersburg Times,* 20 May 1905; "Woman Builds Five Business Blocks," *Evening Independent,* 28 September 1910; "Building News," *St. Petersburg Times,* 5 August 1908; "The City Enjoined," *Evening Independent,* 4 September 1908; "Majestic Hotel," *Evening Independent,* 23 December 1908; "Beverly's," *Evening Independent,* 24 June 1909; Sanborn 1899, 1903, 1908, 1913; *St. Petersburg City Directory* 1908, 1912; Polk 1914, 1916, 1918; Ancestry.com, "1910 United States Federal Census."

[21] "Woman Builds Five Business Blocks," *Evening Independent,* 28 September 1910; "Increase of Seats Shows City Growth," *Evening Independent,* 13 November 1939; "First Flick Came in '05," *Evening Independent,* 30 October 1965; "When Pinellas Land Was 25 Cents an Acre," *St. Petersburg Times,* 19 November 1961; *St. Petersburg City Directory* 1908, 1912; Polk 1914, 1916, 1918; Arsenault 121-25, 143-46, 190; Grismer 1948, 189, 246; Straub 1929, 223-24.

To the west of the Ramsey Building, James S. Norton hired contractor Walter C. Henry to build a new brick building at 249-253 Central Avenue in 1906. Reportedly the first building in the city to be piped for gas, Gallagher Palace Ice Cream Parlor occupied the west side of the building, while the east side was split into offices for real estate agent E.B. Rowland and contractor Walter C. Henry. Other early occupants included Jones' Model Market, Leland's Ice Cream Parlor, and Jack's Bazaar. Norton and his wife, Julia, lived on the second floor, and she rented out the remaining rooms on the second floor to tourists as the proprietor of Norton Flats.[22]

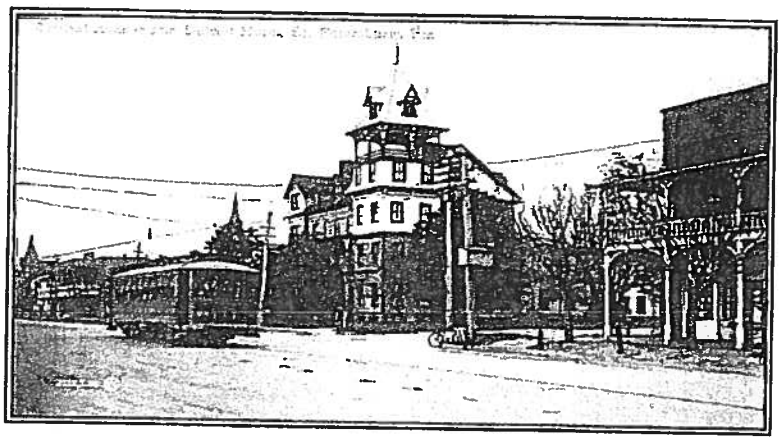


Drawing of proposed Norton Building. *St. Petersburg Times*, April 1, 1905.

James Norton had owned and operated a saloon located across the street at 242 Central Avenue as early as 1900. After City Council passed an ordinance in 1910 limiting the number of saloons and their location to Block 32, which is where his saloon was located, he built an addition on the rear of his building to the alley to be used as "the colored saloon." African American Sam Harper conducted that saloon. When Pinellas County voters outlawed the sale of liquor in 1913, Norton closed his saloon with "no regrets." Although saloons were allowed to reopen after another election in 1914, Norton elected not to return to the alcohol business. When the saloons reopened on March 4, crowds gathered in front of the businesses and along Block 25 to see which of the saloons would open first. All three opened at 10:30 am with a "regular football rush," and a brisk business was done all day. Norton also established the St. Petersburg Steam Laundry in 1907, which he operated until 1912. Norton served as city councilman from 1908-09 and again from 1916-18. Norton built a summer home in North

[22] "The New J.S. Norton Business Block," *St. Petersburg Times*, 1 April 1905; "Norton's Brick Block," *St. Petersburg Times*, 2 September 1906; "Jottings by the Rambler," *Evening Independent*, 5 November 1914; Ancestry.com, "1910 United States Federal Census"; *St. Petersburg City Directory*, 1912; Polk 1914, 1916, 1918; "This Week's Prizes," *Evening Independent*, 22 February 1911.

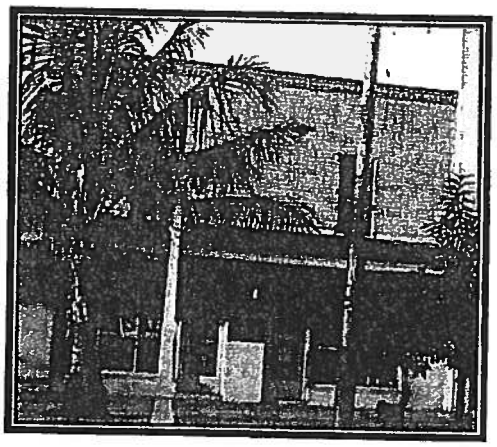
Carolina, but maintained his property interests in St. Petersburg until ca. 1929. Norton passed away in North Carolina in 1933.[23]



Detroit Hotel, ca. 1907. Florida State Archives, Photo PC3947.

The Hotel Detroit, as the oldest hotel in the community, continued to prosper. By 1905, the newspaper advertised nine hotels in the city, including the Detroit, the Manhattan, Colonial, Huntington, Wayne, Chatuaqua, Paxton House, Belmont, and Central Hotels. Of the combined 675 guests that these hotels could accommodate, the Detroit could house 100.[24]

In December 1906, the St. Petersburg Land and Investment Company announced it was closing and terminating its business dealings in St. Petersburg due to manager Colonel L.Y. Jenness' ill health. By this time, the company owned full interest in the Hotel Detroit and sold it, along with an office building on Central Avenue, 75 additional lots in the city, and 75 acres southwest of the city to C. Perry Snell, A.E. Hoxie, and J.C. Hamlett. The purchasers were well-known developers with business and real estate interests throughout the city. Although the

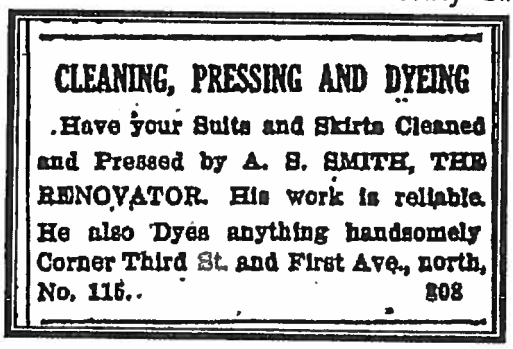


1909 Detroit Building along 1st Avenue North, ca. 1926.

[23] "St. Petersburg Steam Laundry," *St. Petersburg Times*, 19 January 1907; Ancestry.com, "1900 United States Federal Census;" "New Ordinance for Barrooms," *Evening Independent*, 16 September 1910; "More Taxes Were Paid," *Evening Independent*, 2 November 1910; "Two Cars Machinery for Steam Laundry," *St. Petersburg Daily Times*, 22 August 1912; "Norton Will Build New Brick Addition," *St. Petersburg Daily Times*, 4 October 1912; "Norton Building Started," *St. Petersburg Times*, 22 October 1912; "Saloons Will Close Here Saturday Night," *Evening Independent*, 3 July 1913; "Tries to Dodge the Law's Hand by Sharp Trick," *Evening Independent*, 28 August 1913; "Rush by the Thirsty When Three Saloons Open Doors to Public," *Evening Independent*, 4 March 1914; "Norton Resigns From the Board," *Evening Independent*, 16 January 1918; Jon Wilson, "Temperance vs. Tipplers: St. Petersburg Saga Continues," *Evening Independent*, 7 June 1982; Ancestry.com, "North Carolina, Death Certificates, 1909-75"; "For Rent," *St. Petersburg Daily Times*, 22 January 1921; Polk, 1914, 1916, 1918, 1920, 1922, 1924, 1925, 1926, 1927, 1928, 1930; *St. Petersburg City Directory*, 1908, 1912; Grismer 1948, 239-40.

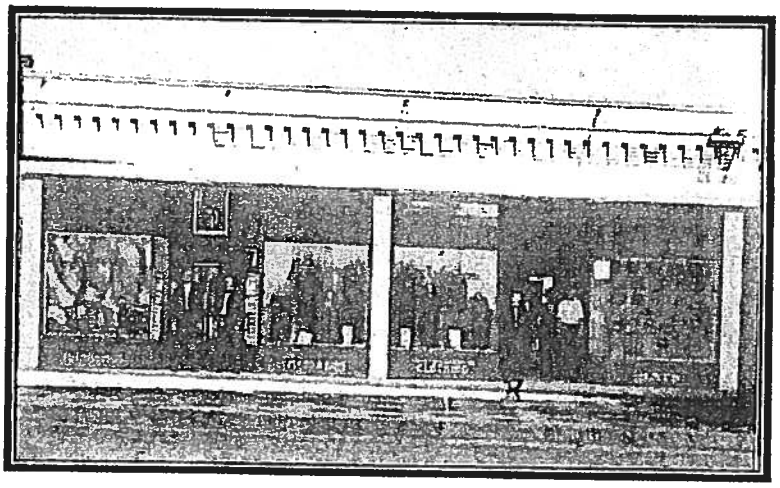
[24] Grismer 1948, 124; Dell Miller, "St. Petersburg Had Many Good Hotels Before 1900; Detroit Was Leader," [St. Petersburg Independent, 1965].

total sale price was not revealed, the hotel property alone was valued at $28,000 in 1906. Curtis N. Crawford, who had held a lease to operate the Hotel Detroit with his associate S.E. Denny since 1899, purchased it in 1907. In 1909, Crawford built a two-story, concrete block building on the north end of the hotel property at 234-236 1st Avenue North. The first floor was "devoted to a sample room, where drummers may display their wares and show the purchasing merchants what they have to offer."[25] The second floor housed four hotel rooms.[26]


CLEANING, PRESSING AND DYEING
.Have your Suits and Skirts Cleaned and Pressed by A. S. SMITH, THE RENOVATOR. His work is reliable. He also Dyes anything handsomely Corner Third St. and First Ave., north, No. 115.. 808

A.S. Smith Advertisement, *Evening Independent*, June 13, 1910.

Ed Lewis' second major construction project on Block 25 was a red brick commercial building, built ca. 1907, fronting 3rd Street North across the alley from his grocery. This building, located at 17-21 3rd Street North, housed the Advance Art Printery and the St. Petersburg Tailors and Dry Cleaners. Immediately north of this brick building two small, wood frame stores occupied the southeast corner of 1st Avenue and 3rd Street North. The corner building held the business of African-American cleaner and tailor, Archibald S. Smith, who maintained space between 1908 and 1917. The other wood frame structure was relocated to the site by Lewis around 1908 from the parcel adjacent to his grocery; built ca. 1890, it initially housed a photography studio, and later held a dressmaker studio, and then a cigar factory. By 1910, African American Charlotte Clayborn, alternately referred to as a



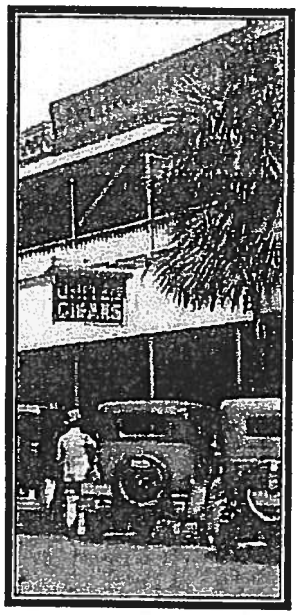
Arthur L. Jonson's Clothing Store, 265-69 Central Avenue, ca. 1913. Courtesy of Museum of History, Photo 5923.

[25] "Block Building," *Evening Independent*, 9 July 1909.

[26] "Heavy Real Estate Deal," *St. Petersburg Times*, 15 December 1906; "Crawford Buys Hotel Detroit," *St. Petersburg Times*, 26 July 1907; "Addition to the Detroit Opened," *St. Petersburg Daily Times*, 10 December 1913; "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times*, 13 October 1938; Bethia Caffery, "Who Is It?" *Evening Independent*, 27 August 1981; Grismer 1948, 323-24; "Block Building," *Evening Independent*, 9 July 1909.

laundress or dressmaker, lived in the building with her three children. Her son, Edward, delivered groceries for Lewis.[27]

Back on Central Avenue, Lewis hired contractor J. Frank Chase to construct the one-story brick building located at 259-269 Central Avenue in 1908. With five stores, early occupants included Jeweler A.W. Rogers, pioneer plumber Charles Godsey, the St. Petersburg Shoe Company, Ermatinger's Hat Store, and Arthur L. Johnson's Men's Clothing Store. Arthur Johnson established his men's clothing store in 1907 at 367 Central Avenue, before moving to this building when it was completed in 1908, where he remained into the 1920s. Johnson was a leader in the Chamber of Commerce, and as Chairman of the Advertising Committee, organized the first St. Petersburg Fair and Tourist Week in 1913. Subsequently, he originated the idea of combining the annual Washington's Birthday Celebration and the St. Petersburg Fair and Tourist Week to form the Festival of States celebration. The four-day Festival of States celebration started in March 1917 complete with a "parade of states," a costume ball, and band concerts. It would not be celebrated again until 1922 due to the onset of World War I.[28]



Michigan Building, ca. 1925. Courtesy of Museum of History, Photo 931.

In 1909, Edward Tonnelier purchased the parcel between the Ramsey Building and the Hotel Detroit property. A resident of Benton Harbor, Michigan, Edward was one of six brothers, three of which were early investors in St. Petersburg. Each of the three brothers purchased land and initiated construction of commercial projects within weeks of arriving in St. Petersburg. Peter Tonnelier, the first to discover the city in 1908, built the Arcade Building at 258-260 Central Avenue. Henry Tonnelier, the last to come, purchased land, hired an architect and

[27] It would be relocated by "a woman who is now wealthy...to move it to a lot she owns here and preserve it" in 1917 and the corner building would be demolished for the construction of a new building, "Handsome Building to be Erected at Third Street and First Avenue," *Evening Independent*, 6 August 1917; "Another New Brick Bock," *Evening Independent*, 19 September 1908; Sanborn 1899, 1904, 1908, 1913; *St. Petersburg City Directory*, 1900, 1908, 1912; Polk, 1914, 1916, 1918.

[28] Sanborn 1899, 1904, 1908, 1913; *St. Petersburg City Directory*, 1900, 1908, 1912; Polk 1914, 1916, 1918; "Another New Brick Bock," *Evening Independent*, 19 September 1908; "Arthur L. Johnson Doubles Floor Space," *Evening Independent*, 18 October 1909; "Eight to Ten Inch Rain Accompanied by Wind," *Evening Independent*, 30 June 1909; "The Builders and the Work They've Done So Very Well," *Evening Independent*, 12 December 1914; "Veteran Clothier to Retire In June," *St. Petersburg Times*, 24 May 1941; "The Rambler," *Evening Independent*, 27 May 1941; "City Has Many Firms in Business 25 Years," *St. Petersburg Times*, 2 January 1938; Arsenault 121-25, 143-46, 190; Grismer 1948, 189, 246; Grismer 1924, 273-74; Straub 1929, 344-45.

contractor, and broke ground for construction of the Rex Theater at 167-171 Central Avenue within two weeks of first coming to the city in 1910. Both the Arcade Building and the Rex Theater are now demolished.[29]

The Development of Block 25: 1911-1925

Edward Tonnelier, the second to come to St. Petersburg, hired local architect Edgar Ferdon to design and J. Frank Chase to construct the two-story brick building at 231-235 Central Avenue. Known as the Michigan Building, it was designed to accommodate retail stores on the first floor and a 10-room hotel on the second floor. When he was in town, Edward Tonnelier maintained rooms on the second floor for himself. Businesses such as the Thayer's Curio Store, Red Cross Pharmacy, and the Hole in the Wall newsstand as well as the offices of Dr. William Secor and A.T. Mullins Real Estate were in the building. Thayer's Curio was owned by A.L. and Fanny Thayer.

The son of a sea captain, Thayer spent his bachelor days as a captain sailing to foreign ports and collecting oddities of the sea. After their marriage, the Thayers settled in St. Petersburg around 1898. Initially operating a jewelry store, the couple opened Thayer's Curio in the Michigan Building by 1911. Interestingly, Thayer's Curio maintained an alligator known as "Old Bill" in a small pool in the rear of their store. The couple sold out to Morris D. Gardner and his sister, Mrs. J.S. Dinwoodie, in 1913. After failing to get approval to open an aquarium and curio store on the north mole, Thayer opened a museum in Pass-a-Grille, which he operated until his death in 1926.

Gardner and Dinwoodies Curio Shop remained open in the Michigan Building until 1927 when it became Heath's, "The Shop of a Thousand Gifts." Another long-time occupant, the Red Cross Pharmacy, was opened by John H. Williams on the northeast corner of Central Avenue and 2nd Street in 1906. He relocated to the Michigan Building in 1911 and sold the business to Dr. E.C. Beach in 1914. In 1917, the pharmacy was forced to change its name due to copyright infringement on the Red Cross Organization, which filed a copyright on the name in 1905. Learning of the infringement, owner Dr. Beach changed the name to Beach's Pharmacy.[30]

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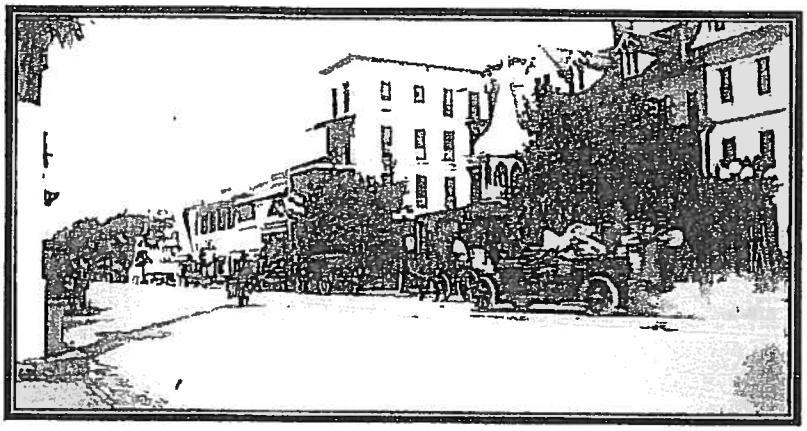
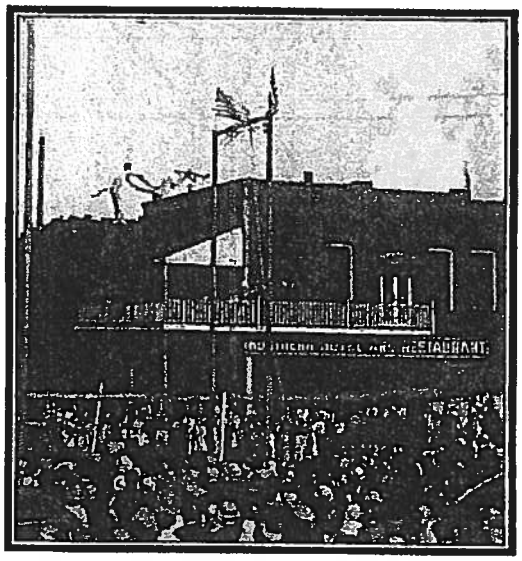
[29] Start Work on Tonnelier Block," *Evening Independent,* 28 October 1909; "Tonneliers Buy More Property," *Evening Independent,* 29 October 1909; "Mr. and Mrs. Peter Tonnelier...," *Evening Independent,* 18 December 1911; "Second Arcade Brick Building," *Evening Independent,* 5 March 1910; "Arcade Building has been Rented," *Evening Independent,* 28 September 1910; "Quick to Follow Good Example," *Evening Independent,* 19 October 1910; "Plans for New Theater Out," *Evening Independent,* 22 October 1910; "Contract for Theater Let," *Evening Independent,* 22 October 1910.

[30] "Start Work on Tonnelier Block," *Evening Independent,* 28 October 1909; "The Builders and the Work They've Done So Very Well," *Evening Independent,* 12 December 1914; "Dr. William Lee Secor," *Evening Independent,* 9 March 1910; "A.T. Mullins Real Estate Agent," *Evening Independent,* 9 July 1910; "Red Cross Pharmacy," *Evening Independent,* 4 July 1911; "Edward H.

In 1910, Lewis spearheaded the brick paving of the alley in Block 25 by the Georgia Engineering Company. In addition to Lewis, all of the local property owners, including Henry Binnie, James S. Norton, Mrs. Ramsey, and Edward Tonnelier, agreed to pay for the project. The first brick streets were laid in St. Petersburg in 1903. When Lewis organized the paving, the engineering company was just finishing paving 4th Avenue North in the downtown area. Block 25 was the first alley to be paved in the city.[31] Lewis also decided to install a private lighting plant in 1910. Lewis purchased the gasoline powered engine and, with Henry Binnie's assistance, installed it in Binnie's blacksmith shop. Lewis was able to install lights throughout his grocery as well as run a coffee mill, meat grinder, electric fans, and an elevator, while Binnie could use it to power lathes and other light machinery. Lewis also sold electricity to others on the block.[32]



Fire Truck "can do 65 mph," Central Avenue, looking west, 1913. Courtesy of Museum of History, Photo 6344.



Western portion of the Binnie-Bishop Hotel as the Northern Hotel and Restaurant, ca. 1915. Courtesy of Museum of History, Photo 478.

In 1911, Henry Binnie and Ed Lewis discussed plans to jointly construct a

Tonnelier is Putting in a Skylight," *Evening Independent,* 10 October 1911; "Hole in the Wall" advertisement, *Evening Independent,* 23 December 1911; "Trolley Cars in Trouble," *St. Petersburg Daily Times,* 12 June 1912; "Old Bill," *Evening Independent,* 4 April 1913; "Buy Thayer's Store," *Evening Independent,* 31 May 1913; "Plan Improvements on the Mole Before Opening of Next Season," *Evening Independent,* 18 May 1916; "Refuse Lease to Al Thayer," *Evening Independent,* 31 October 1916; "Famous Pass-a-Grille," *Evening Independent,* 8 February 1919; "Pharmacy Name is Changed Because of Red Cross Copyright," *St. Petersburg Daily Times,* 7 December 1917; "City Has Many Firms in Business 25 Years," *St. Petersburg Times,* 2 January 1938; "Eventful and Beautiful Life Ended in Death of Pioneer," *Evening Independent,* 1 March 1926; "Heath's" advertisement, *St. Petersburg Times,* 3 March 1927; Polk 1914, 1916, 1918, 1920, 1922, 1925, 1927.

[31] "Will Pave First Alley, North," *Evening Independent,* 26 November 1910.

[32] "Private Lighting Plant Installed," *Evening Independent,* 11 January 1910.

large brick building on the three corner lots at 1st Avenue and 3rd Street North. Instead, the two men decided to go about their construction projects separately. The two traded lots once again, giving Lewis the two corner lots and Binnie the two lots adjacent to the east. In 1911, Binnie moved his wood frame blacksmith shop two parcels to the east. There was some concern about the relocation of Binnie's shop within the fire limits. In response, he built a brick wall and a two-story brick building behind the wood frame shop as a fire break and extension to his blacksmith shop. In January 1912, he announced the construction of a new two-story commercial building on the lot adjacent to his shop. Constructed by contractors Allen & Dubois, this $8,000 building was built as a garage on the first floor with hotel rooms above. The first floor was soon leased by the local dairymen association as a milk depot for bottling and distributing. The second floor was initially leased by Harry H. Robinson as the Robinson House. After B.L. Dailey opened the Northern Tea Room and Restaurant on the first floor in 1913, the second floor hotel was renamed the Northern Hotel. When the hitching posts were removed in front of Lewis' Grocery in 1914, Binnie foresaw the end of the blacksmith trade. Although he continued to work as a blacksmith shoeing horses and mules and repairing wagons, he diversified into repairing bicycles, automobile tops, lawn mowers, umbrellas, clocks, and operating as a locksmith. By 1915, he was also operating the Northern Hotel and Restaurant.[33]

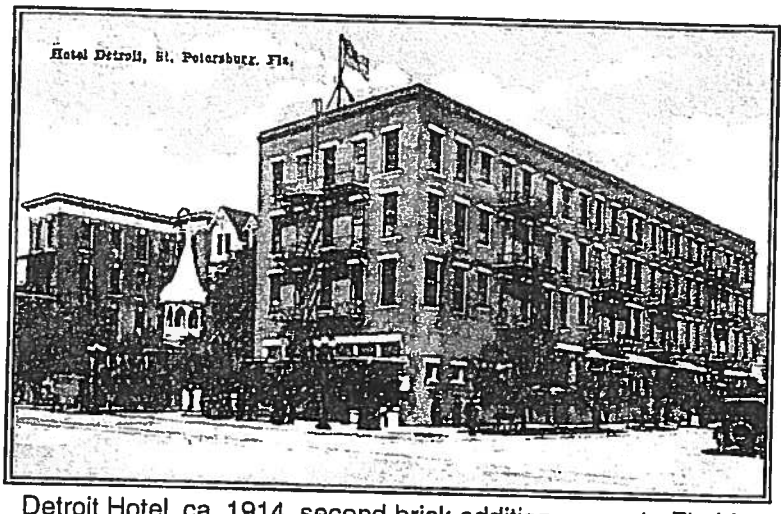
Detroit Hotel, ca. 1911, first brick addition on west. Florida State Archives, Photo PC4095.

The Hotel Detroit capitalized on the influx of winter tourists during the city's first real estate land boom from 1909 to the start of World War I. Between 1911 and 1913, two large brick additions and a one-story commercial building were constructed on the Detroit. The first, a four-story brick addition constructed in 1911 on the west elevation, consisted of an additional 30 rooms, 15 of them with

[33] "Two-Story Brick on Third Street," *Evening Independent*, 18 April 1911; "Fire Limit Law Being Violated," *Evening Independent*, 10 November 1911; "Binnie Stops Work on New Structure," *Evening Independent*, 15 November 1911; "Warm Session of City Dads," *Evening Independent*, 17 November 1911; "H.R. Binnie Lets Contract for Brick Building," *Evening Independent*, 2 January 1912; "New Buildings $100,000 In," *Evening Independent*, 2 January 1912; "Inspector to Make Tests of All Milk Sold From the New Depot," *Evening Independent*, 2 November 1912; "Home Preserves by the Carload," *Evening Independent*, 3 October 1913; "Northern Hotel and Restaurant," *Evening Independent*, 28 December 1915; "Henry R. Binnie," *Evening Independent*, 18 June 1914; "Northern Hotel and Restaurant," *Evening Independent*, 28 December 1915; Polk 1914, 1916, 1918,1920; Ancestry.com. "U.S., World War I Draft Registration Cards, 1917-1918"; "Repairs Clock 500 Years Old," *St. Petersburg Times*, 17 November 1922.

private baths, and one store on the first floor. It incorporated electricity, running hot and cold water in each room, and was designed by an "architect from Tampa."[34]

In 1912, Crawford hired the Eureka Stone and Paving Company to construct a one-story concrete block, commercial building on the northeast corner of the property at 22-30 2nd Street North. Initially planned as storage, businesses soon occupied the storefronts. Dr. John D. Peabody, who founded the St. Petersburg Sanitarium with A.P. Avery in 1906 and organized the Pinellas County Medical Society in 1913, was one of the first occupants. The building also housed the Detroit Beauty Parlor, Central Printery, and Browning Gift Shop among others.[35]



Detroit Hotel, ca. 1914, second brick addition on east. Florida State Archives, Photo PC4097.

The second brick addition, designed by M. Leo Elliott of the architectural firm of Bonfoey and Elliott of Tampa, was constructed in 1913. This four-story brick addition was attached to the east elevation of the original wood frame building and extended north from the corner of Central Avenue and 2nd Street North. The original 70-foot tower located at the southeast corner of the wood frame building was removed. Archibald Atkinson was selected as the contractor. One of the most notable elements in the new construction was the elevator installed by the Warner Electric Company, a novelty in the city at the time. The 60-room addition was completed by December 10, 1913 at a cost of $75,000. With these additions, the hotel could lodge 200 overnight guests, and the enlarged dining room could accommodate 300 patrons.[36]

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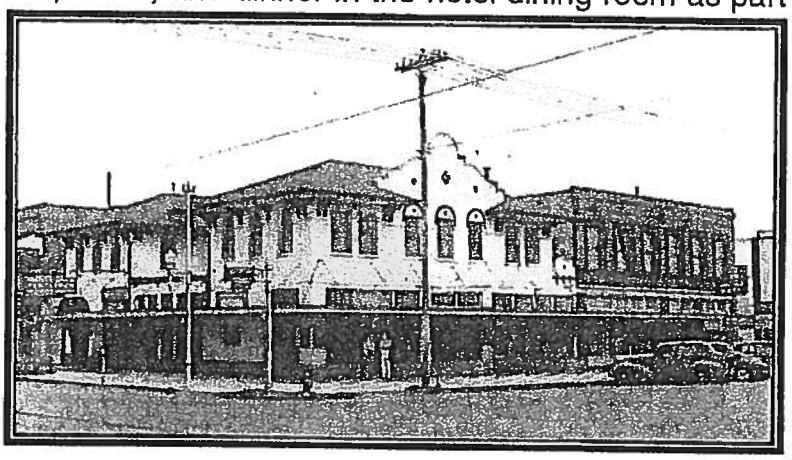
[34] "Brick Addition to Hotel Detroit," *St. Petersburg Evening Independent*, 5 May 1911; "Hotels are Opening for Season," *St. Petersburg Times*, 3 Oct 1911; "Hotel Detroit" advertisement, *St. Petersburg Times*, 3 October 1911; "Preparing for Immense Season," *St. Petersburg Times*, 27 October 1911.

[35] "Detroit Hotel Being Enlarged," *St. Petersburg Daily Times*, 9 May 1912; "Settling of Building Alarms the Occupants," *Evening Independent*, 5 June 1913; "Doctors of This County Organize Medical Society," *Evening Independent*, 8 October 1913; Polk 1914-20; "Big Hospitals Grew Out of Small Start," *Evening Independent*, 2 April 1938.

[36] "Complete Plans for New Detroit," *St. Petersburg Daily Times*, 22 March 1913; "Eight Bids Made for Detroit Annex," *St. Petersburg Times*, 1913; "Crawford Rejects All Hotel Bids" *St. Petersburg Times*, 1913, 6; "To Install Elevator," *St. Petersburg Times*, 1913, 8; "Addition to the Detroit Opened," *St. Petersburg Times*, 10 December 1913, 2; Sanborn Map Company 1913.

Following the death of owner Curtis N. Crawford in 1914, his widow retained ownership of the Hotel Detroit even after her subsequent marriage to L.M. Backus around 1917. Assistant Manager Gordon Bainbridge Hayward, who had been with the hotel since about 1912, was chosen to manage the hotel during this period. Following his service in World War I, he permanently relocated to St. Petersburg. According to the St. Petersburg City Directory, other individuals were noted as managers of the hotel in his absence, but none filled the position longer than a year.[37] In 1916, a large electric sign was installed on the roof of the hotel. Advertisements for the hotel in the 1916 St. Petersburg City Directory listed the following attributes, "*Hotel Detroit. Rooms en Suite with Bath. Electric Light, Steam Heat. Open All Year, American Plan. Mrs. C. N. Crawford, Owner. L.R. Cornell, Manager. $3.00 up, 120 rooms, 50 with Bath*".[38] Hotels, which functioned under the American Plan, including the Detroit, catered to winter visitors by including breakfast, lunch, and dinner in the hotel dining room as part of the rate.



Southeast corner of 1st Avenue and 3rd Street North, ca. 1938. Brick building on right was Lewis Building #2, built ca. 1907, and white Mission Revival style building on left was Lewis Building #4, constructed in 1917. Both demolished in 1966. Courtesy of Museum of History, Photo 2628.

The City's administration started to formally encourage tourism with promotional campaigns following the election of Al Lang as mayor in 1916. Lang was elected after he arranged to bring the Philadelphia Phillies baseball team to the city for spring training. Under his leadership, the City publicly encouraged tourism and made efforts to improve the physical appearance of the city. With approximately 83 real estate companies operating in the city in 1914, the focus turned increasingly to winter residents with the local population doubling during the season. These winter residents even formed tourist societies organized by state or region of origin which acted as booster clubs in their native states. Although the land boom collapsed during World War I, the development created a pattern for the future growth of the city. During the 1910s, the city's population grew from 4,127

[37] "C.N. Crawford Dies in North," *Evening Independent,* 25 September 1914; "Business Stops During Funeral," *Evening Independent,* 26 September 1914; Polk 1915, 1916, 1918, 1920; "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938, 1; Grismer 1948, 324; "Hayward Leases Moore Building as New Hotel," *St. Petersburg Times,* 4 March 1939.
[38] "Electric Sign on the Detroit is a Big One," *Evening Independent, 19 January 1916;* Polk 1916.

in 1910 to 14,237 in 1920.[39] In spite of the downturn, limited new construction continued during the war. In 1917, Ed Lewis and fellow owner George Van Houten built a Mission Revival style building on the southeast corner of 1st Avenue and 3rd Street North. It was designed by architect W.S. Shull and constructed by Van Houten, who was a contractor. It tied into Lewis' adjacent brick building at 17-21 2nd Street North and housed the Hotel Dennis on the 2nd floor. Other businesses which occupied the first floor of the building included Thompson's Sanitary Market and Carpenter's New England Home Bakery and Tea Room.[40] In the midst of the construction of this new building, Lewis' Grocery caught fire in November 1917. Damage was limited to the roof and the second story thanks to the quick action of the fire department and the local Boy Scout Troop, who covered the stock of the grocery to prevent water damage. The store reopened within a few hours. Wanting to keep the store open during the winter season, Lewis decided to repair the building instead of building a new structure. Fearing a storm, Lewis hired contractor George Van Houten and 20 carpenters, paid $1 per hour, to replace the roof within one day.[41]

The Development of Block 25: Post WWI-1935

Although World War I limited tourism, St. Petersburg quickly rebounded with increases in people visiting St. Petersburg during the winter season of 1918-1919. Thanks in part to the efforts of John Lodwick, publicity agent for the Chamber of Commerce and the City of St. Petersburg, the hotels and boarding houses were filled to capacity during the season.[42] At the onset of this post-war boom, Frank Fortune Pulver purchased the Hotel Detroit in 1919. Pulver had made his fortune through the manufacture of Spearmint chewing gum, a formula and business which he sold to William Wrigley, Jr. in 1913 before permanently settling in St. Petersburg in 1917. In addition to operating the Hotel Detroit, he purchased the McAdoo Bridge to Pass-a-Grille, acquired the Hollenbeck and Huntington Hotels, and opened the Soft Water Laundry. Pulver served as Mayor from 1921 to 1924. In this position, Pulver, along with city publicity director John Lodwick, collaborated to create widely publicized stunts to draw attention and tourists to the city.[43]

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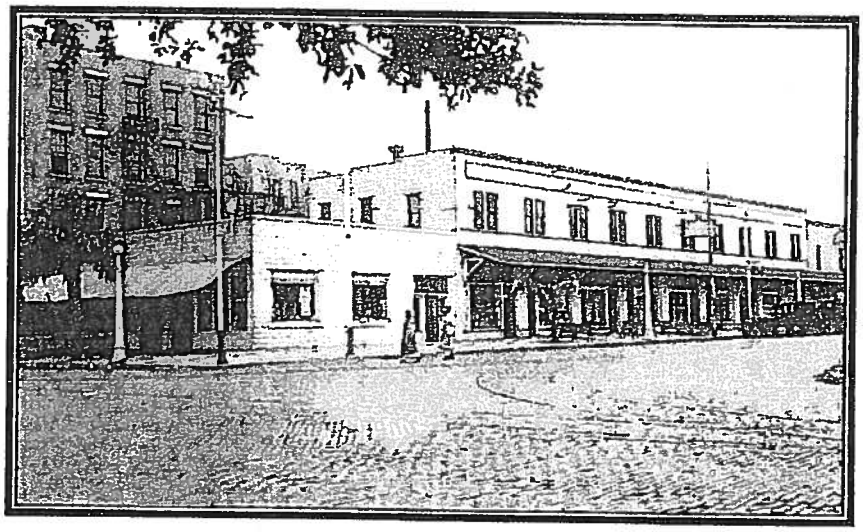
[39] Arsenault 1996, 124, 143-46, 190.
[40] Polk, 1918; "Handsome Building to be Erected at Third Street and First Avenue," *Evening Independent*, 6 August 1917.
[41] "Lewis Building Gets New Roof in Single Day," *Evening Independent*, 5 November 1917; "Workmen Use a Searchlight to Repair Damage," *St. Petersburg Daily Times*, 2 November 1917.
[42] Arsenault 1996, 186-189.
[43] Grismer 1948, 320; Fuller 1972, 266-67; "Detroit Hotel Owner Buys Huntington and Will Add 200 Rooms," *St. Petersburg* Times, 11 May 1920, 1; "Detroit Sold To Rutland for Over $200,000," *St. Petersburg Times*, 13 October 1938, 1; "Franklin F. Pulver, 84, Dies," *St. Petersburg Times*, 6 October 1955.

At the Detroit, Pulver retained Bainbridge Hayward as the manager of the hotel. Within a year after Pulver's purchase, he initiated the construction of the two-story commercial building at 208-230 1st Avenue North. Located on the Hotel Detroit property and considered part of the hotel complex, the building was called Peacock Row. It housed some of the first commercial stores on 1st Avenue North including early occupants such as the Dr. Hugh W. Wade, the Tourist Café, The Palm Book Store, Fisher & Deaderick Realtors, Hanover Women's Shop, Campbell & Mixon Fruits, George Atherton's Confections, and Lydia Husband's Art Craft Studio. Peacock Row offered 49 hotel rooms on the second floor and ten new commercial storefronts, increasing the overall Hotel Detroit capacity to 175 hotel rooms and 18 stores. Even with the additional rooms, the hotel reached capacity during the off-season. All four floors of the Detroit and the rooms in the new building were occupied during the summer of 1921. In 1922, the hotel advertised "200 outside rooms, Sunshine in Every Room." During this period, the Detroit offered a barber shop and auto service, with the Hotel Detroit Grill & Coffee Shop, Katherine Veach's Needlecraft Shop, Postal Telegraph Cable Company, Clewell & Fitzgibbon's soft drinks, Broadway Fashion Shop, First Loan and Savings Company, and several real estate agencies occupying commercial space.[44]



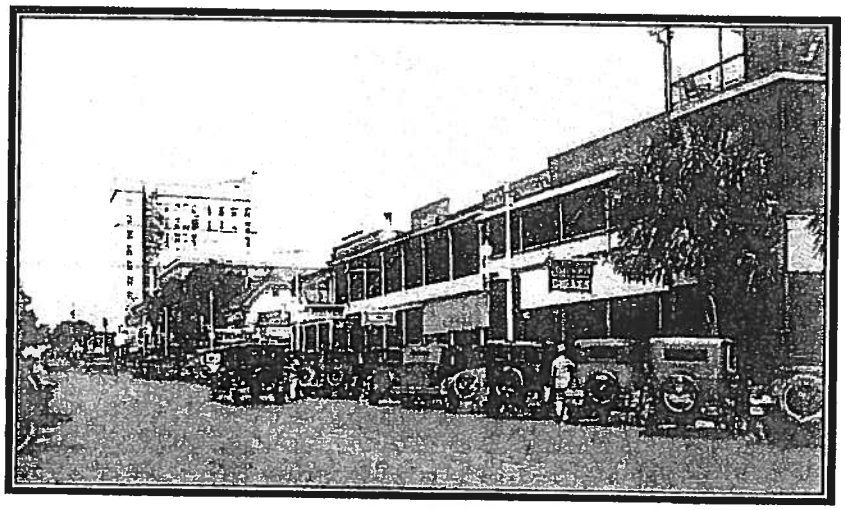
Southwest corner of 1st Avenue and 2nd Street North, ca. 1926. One-story concrete block building on left was built as part of the Hotel Detroit property in 1912. Peacock Row is on the right. Courtesy of University of South Florida Special Collections.

The construction of a national, state, and local road system opened St. Petersburg to an increasing number of middle-class vacationers and a new type of vacationer known as "tin-can tourists." This type of vacationer typically came by car and generally favored inexpensive campgrounds to hotels. The city's shortage of hotel rooms led to the 1920 creation of Tent City, a municipal

[44] Polk 1922, 1924, 1925, 1926, 1927, 1928, 1930, 1935; "Detroit Hotel Owner Buys Huntington and Will Add 200 Rooms," *St. Petersburg Times,* 11 May 1920, 1; "Summer Hotel Rush is Noted," *St. Petersburg Times,* 26 May 1921; "Detroit Sold To Rutland for Over $200,000," *St. Petersburg* Times, 13 October 1938, 1; Sanborn Map Company 1918, 1923.

campground for the "tin-can tourists." This new type of tourist threatened the city's established hotel industry and was not the class of visitor the leaders of the city were interested in attracting.[45]

The lack of hotel space and the booming economy during the late 1910s and early 1920s prompted the conversion of a number of private residences surrounding downtown into boarding houses, apartment buildings, or small hotels. Many owners recognized the inevitable growth of the central business district and built new houses in the most fashionable residential section now known as the Old Northeast. The opening of the Gandy Bridge to Tampa in 1924 further encouraged widespread development and construction extending north of downtown to the bridge. With only five hotels providing fewer than 500 hotel rooms at the start of the boom, city leaders were encouraged by the construction of mid-sized hotels, such as the Alexander Hotel, the Mari-Jean, and the Hotel Cordova, and several large hotels, including the Princess Martha, Pennsylvania Hotel, and Vinoy Park Hotel, during the boom). In an effort to compete with the newer hotels, Pulver promoted the Hotel Detroit as the "Best Known Hotel in St. Petersburg," "A Step Away to Shop or Play," and "the Heart of the Sunshine City."[46]

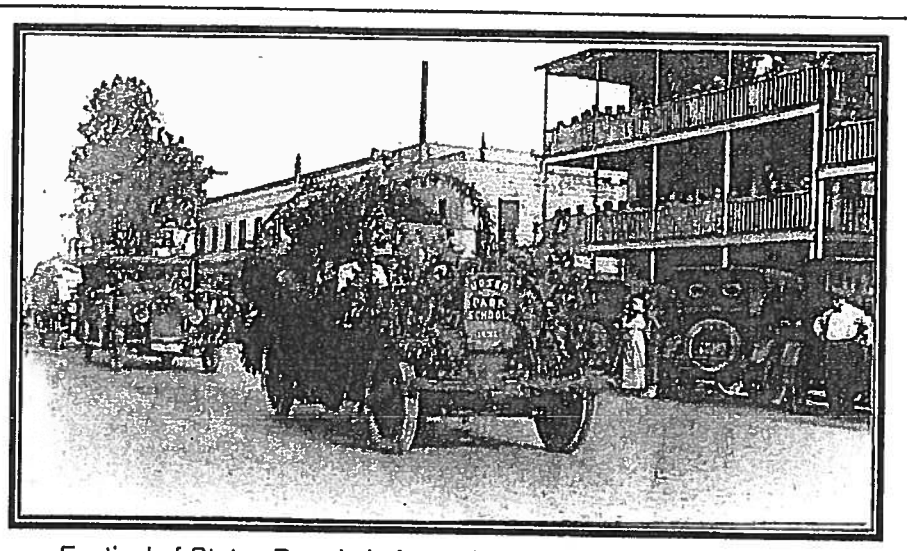


Central Avenue, looking west, ca. 1925. Courtesy of Museum of History, Photo 931.

In 1919, Ed Lewis sold his interest in his grocery, but retained ownership of his buildings and land. Ed Lewis, W.C. Burton, and Ed Wright had formed a partnership to operate the grocery store in 1913, and it was renamed the Lewis-Burton Company. After Lewis sold his interest, Burton controlled the majority of stock and continued to operate the grocery until 1923, when the owners decided to close the retail grocery, relocate, and convert it to a wholesale enterprise.[47]

At the same time, Arthur Johnson decided to move his clothing store from 259-69 Central to 428 Central Avenue. In his place, a new men's store was opened by

[45] Arsenault 1996, 186-189, 199-200.
[46] Polk 1927; Arsenault 1996, 201.
[47] "Lewis-Burton Firm in Grocery Business," *St. Petersburg Daily* Times, 18 May 1913; "Brown Bros. Buy Ed T. Lewis' Grocery Interest," *Evening Independent*, 30 January 1919; "Oldest Grocery in City to be Closed Here Soon," *Evening Independent*, 2 July 1923.



Festival of States Parade in front of the 1921 Binnie-Bishop Hotel Building. Courtesy of Museum of History, Photo 2887.

Henry Hayward and Ian Boyer, and the Pelican Book Shop and Library opened. The Ermatinger Hat Store opened at 273 Central Avenue in 1926. In the Lewis Building at the northeast corner of Central and 3rd Street, the Pinellas County Sheriff's Office decided to open an office in the Lewis Building in 1925. Leon Lewis, Ed Lewis' son, opened an office in his father's building after he sold the Crystal and Pinellas County Ice Companies in 1926. Architect Henry Dupont maintained an office in the Lewis Building. The St. Petersburg Red Cross opened an office in the Lewis Building in 1928 and remained there into the 1940s. [48]

With the success of his first brick commercial building and the onset of the Florida land boom, Henry Binnie decided to demolish his ca. 1900 wood frame blacksmith shop and build a new three-story brick building in its place in 1921. Contractor Charles Dubois had the $20,000 contract to demolish the old building and build the new structure. Binnie retained the rear two-story brick building as his blacksmith shop. The new three-story brick building on the front of the lot was incorporated into his existing adjacent hotel and Binnie renamed it the Binnie Hotel. The Williams Art Store, the New York Hat Shop, and William Kirby's Photography Studio opened in the storefronts of the building. In 1926, a fire caused $10,000 worth of damage to the Binnie Hotel when 70 gallons of gasoline "'unlawfully stored in a hat shop underneath the hotel" exploded. The event prompted the strict enforcement of laws regarding the storage of explosives and inflammables state-wide.[49]

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[48] "Veteran Clothier To Retire in June," *St. Petersburg Times*, 24 May 1941; "The Rambler," *Evening Independent*, 27 May 1941; "To Open Store for Men Here," *Evening Independent*, 27 September 1923; "Branch Office Located Here," *St. Petersburg Times*, 10 June 1925; "Close to $1,000,000 Deposited Following Sale of Ice Plants," *Evening Independent*, 22 December 1926; "Ermatinger Hat Store," *St. Petersburg Times*, 1 January 1937; "Pelican Book Shop & Library," *St. Petersburg Times*," 6 February 1932; "Notice to Elevator Manufacturers," *St. Petersburg Times*, 14 May 1935; "Local Red Cross Board During World War Days," *Evening Independent*, 22 August 1939.

[49] Ancestry.com, "1920 United States Federal Census; Polk 1920, 1922, 1925; "Handsome New Building Replaces One of the Oldest Houses in the City," *Evening Independent*, 19 May 1921;

During the 1920s, Beach's Pharmacy and Gardner & Dinwoodie's Curio and China Hall continued to occupy the Michigan Building. In 1927, J. Heath took over the Curio and China Hall, renaming it the Heath's Gift Shop. William Weaver provided hotel rooms on the second floor as Weaver's Hotel.[50] By 1922, the St. Charles Hotel operated on the second floor of the Ramsey Building, and the Modern Oasis "thirst quenching emporium" took over the McPherson-Dent Bakery location. Mary Ramsey died in 1924.[51]

In September 1924, owners Samuel V. Schooley and Perry M. Murphy pulled the permit to build the Tamiami Hotel at 240-42 1st Avenue North. The two men formed the Schooley-Murphy Company soon after their arrival in St. Petersburg in 1921. A native of Indianapolis, Murphy came to the city to investigate groves that he had purchased. Involved in the manufacture of bricks and hollow clay tile, he convinced friend and builder Samuel V. Schooley of the possibilities of St. Petersburg, prompting their relocation. Initially, the two men focused on residential construction, pulling permits for construction of several residences at a time, and then hiring real estate firms to sell the houses upon completion. At first, the houses started at $8,000 each, but by the height of the land boom, the average sale price was 16,000. Their first projects were in the North Shore neighborhood, and they selected the Paul R. Boardman Real Estate Agency as their general sales agent.[52] By April 1922, the *Evening Independent* reported that,

BUILT TO SELL
—Just Like Packard Automobiles
SCHOOLEY-MURPHY HOMES CONSTRUCTED TO ESTABLISH REPUTATION FOR FUTURE
BUY SMITH MOVES INTO NEW SCHOOLEY-MURPHY RESIDENCE
BUCK TURNER TELLS ABOUT SALE

Schooley-Murphy Advertisement, *St. Petersburg Times*, January 21, 1923.

> Schooley and Murphy, who have erected many fine houses in this city and who are now building several, took out permits for two more. They are of the usual type erected by that firm of

"Williams Art Store," *St. Petersburg Times*, 23 September 1923; "Are Enforcing Hotel Measure," *Sarasota Herald Tribune*, 30 January 1926; "First Three Months Fire Loss Surpasses Entire 1925 Record," *Evening Independent*, 24 March 1926; Ancestry.com, "1930 United States Federal Census."

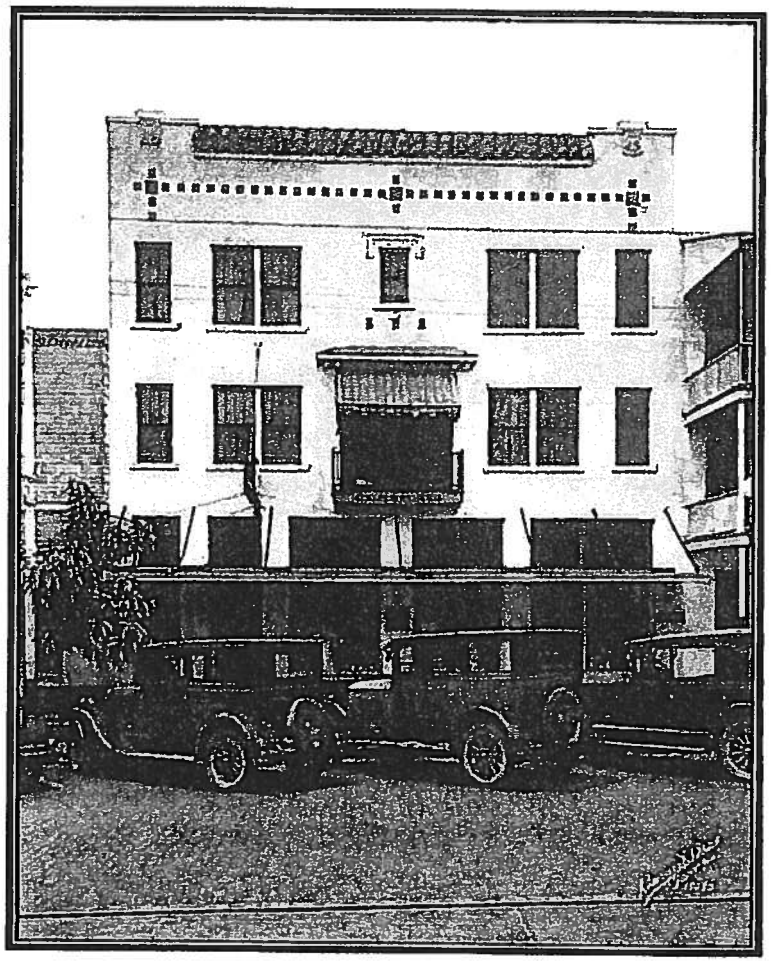
[50] Polk 1920, 1922, 1924, 1925, 1926, 1927, 1928; "Heath's" advertisement, *St. Petersburg Times*, 3 March 1927.

[51] "Oasis Will Aid Thirsty Crowds," *Evening Independent*, 31 May 1921; "Pioneer Woman of City Dies at Former Home in Georgia," *Evening Independent*, 11 January 1924; Polk 1922.

[52] City of St. Petersburg, Property Card; "Perry Murphy, Contractor, Dies," *St. Petersburg Times*, 14 September 1945; "Announcement," *St. Petersburg Times*, 20 May 1922; "Do You Really Know Samuel V. Schooley?" *Evening Independent*, 6 February 1924.

contractors, of hollow tile and stucco and each contains eight rooms and bath and suitable porches.[53]

By June 1922, the firm had 27 residences under construction in the North Shore neighborhood. Boardman purchased large ads in the newspapers to promote the new construction, focusing especially on the fact that these homes would please any wife. (insert ad, September 25, 1922) In 1923, Schooley-Murphy started an advertising campaign in which the owners explained their methods used in building the homes and the features of the homes in local newspapers. In the space of two weeks in January 1923, Schooley-Murphy sold ten residences which they had constructed for a total of $172,000.[54]



Tamiami Hotel, 1926. Burgert Brothers Collection, Tampa-Hillsborough County Public Library System.

With their success, the company moved into other residential areas of the city including Euclid-St. Paul, Pasadena, Snell Isle, and their own residential development near Lake Maggiore along Lakeview Avenue (now 22nd Avenue South) at 23rd Street. In April 1923, the company reported that they had built more than 150 houses, representing over $600,000 worth of construction. The men also started purchasing land in downtown St. Petersburg to develop for commercial purposes. They built a two-story commercial building at 736 Central Avenue, a one-story commercial building on the southwest corner of Central and 6th Street, the three-

[53] "Building in Three Weeks Runs to Quarter Million," *Evening Independent*, 22 April 1922.
[54] "Schooley & Murphy Start Work on Four More Homes," *Evening Independent*, 8 June 1922; "Built to Sell," *St. Petersburg Times*, 21 January 1923; "Schooley Co. Makes Record," *Evening Independent*, 25 January 1923.

story Schooley-Murphy Apartments at 320 4th Avenue North, and the Tamiami Hotel.[55]

Opened in 1925, rooms at the Tamiami Hotel started at $5.00 per week with hot water guaranteed at all times by manager Henry H. Williams, Jr. Upon the completion of the new building, the Williams Art Store relocated to the first floor of the Tamiami Hotel, where it remained until 1929.

In 1926, Schooley-Murphy sold the hotel for around $150,000. As the real estate market declined, the company shifted to advertising to do repairs, but still developing buildings as the opportunity arose. In 1936, they opened the Schooley-Murphy Arcade at 534 1st Avenue North providing a connection to Central Avenue through the Woolworth store. In the 1930s, the two men appear to have dissolved their partnership, but Schooley continued as a contractor, while Murphy continued Schooley-Murphy as a real estate agency. The 1926 sale by Schooley-Murphy was the first of several transfers for the Tamiami Hotel into the 1930s. In 1926, the "for sale" advertisement for the 22 room hotel noted that the "owner needs cash."[56]

A relatively healthy tourist trade initially kept the local economy afloat following the downturn of the real estate market in 1926 and the devastating hurricanes which damaged south Florida in 1926 and 1928. However, the crash of the stock market in 1929 kept the traveling public at home during the ensuing national depression. A dismal tourist season during the winter of 1929-1930 led to business failures, mortgage foreclosures, and unemployment in the city. Every bank in the city failed and closed by April 1931.[57]

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[55] Schooley-Murphy Buy Site for a 10-Story Building," *Evening Independent*, 26 January 1923; "To Build Fine Residences in Splendid Citrus Grove," *Evening Independent*, 30 January 1923; "Pasadena is Glad to Announce," *Evening Independent*, 19 February 1923; "Euclid Place on Euclid Boulevard Presents its Charms Pictorially Today in a Rather Unusual Way," *Evening Independent*, 16 October 1923; "407 Brightwaters Blvd. – Snell Isle," *Evening Independent*, 17 November 1926; "Rutland Buys Schooley Home," *St. Petersburg Times*, 30 June 1927; "Schooley Sells Home to Latham," *Evening Independent*, 15 February 1927; "Schooley-Murphy Start Homes to Cost $29,000," *Evening Independent*, 19 April 1923; "Pix," *St. Petersburg Times*, 2 November 1923; "$250,000 Apartment House to be Erected This Summer," *Evening Independent*, 21 April 1923; "Do You Really Know Samuel V. Schooley?" *Evening Independent*, 6 February 1924; "Schooley & Murphy Acquire Corner on Central Avenue," *Evening Independent*, 23 March 1923; "Local Men Acquire Business Building on Central Avenue," *Evening Independent*, 31 October 1931; Polk, 1924; "West Central Deal Involves Half Million," *St. Petersburg Times*, 8 June 1924.

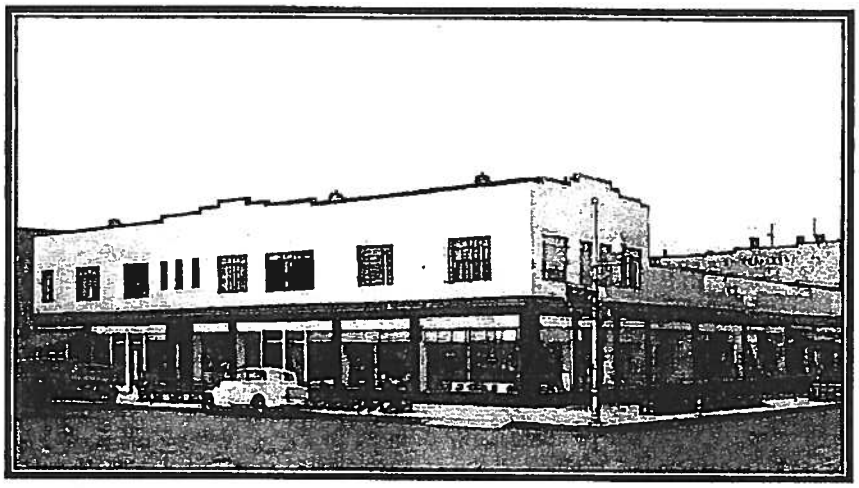
[56] "Tamiami Hotel For Sale," *St. Petersburg Times*, 9 May 1926; Polk, 1924, 1925, 1926, 1927, 1928, 1929, 1930; "Hot Water Guaranteed at All Times!" *Evening Independent*, 5 May 1925; "Williams Art Store Moves into its New Location on Central Avenue," *Evening Independent*, 10 July 1929; "Property Owners," *Evening Independent*, 22 April 1930; "New Schooley-Murphy Arcade Opens Tomorrow," *Evening Independent*, 30 October 1936; Polk 1933; "Perry Murphy, Contractor, Dies," *St. Petersburg Times*, 14 September 1945.

[57] Arsenault 1996, 253-255.

Like most other businessmen in the city, Frank Pulver overextended himself during the real estate boom. Political infighting led to his removal from office in 1924. He then started a daily tabloid called the *Daily News*, which failed less than two years later. Pulver retreated into semi-retirement. In 1929, long-time hotel manager Bainbridge Hayward and Olive Matthews formed a company and purchased the Hotel Detroit from Pulver through a mortgage with the Life and Casualty Company of Nashville, Tennessee. With the decline of tourism during the Depression, the Life and Casualty Company foreclosed on the mortgage in 1934, but retained Hayward as manager.[58]

The Development of Block 25: 1936-1945

Federal relief projects helped revive the city's economy by the mid-1930s. Local projects included the construction of Bay Pines Veterans' Hospital, an addition to Albert Whitted Airport, Bartlett Park, an addition to Mound Park City Hospital, a beach water system, a new city hall, the construction of the U.S. Coast Guard Air Station near Bayboro Harbor, the North Shore sewer system, a National Guard armory, and a new campus for the St. Petersburg Junior College. By providing these kinds of projects throughout the nation, the New Deal agencies brought partial economic recovery to residents of St. Petersburg as well as other cities. With an improved financial outlook, tourists returned to St. Petersburg during the late-1930s.[59]



1937 Refacing of Lewis Grocery and Lewis Building #3. From *St. Petersburg Architecturally,* Orlando, B.R. Walzer, 1939. Courtesy of Robin Reed.

The revival of the economy during the late 1930s led to several improvement projects in Block 25. Ed Lewis decided to reface his buildings and remodel the interiors in 1937. His $16,000 refacing with glass was performed by contractor R.E. Clarkson. Ed Lewis died in 1940.[60] Barber Groves Packing House, owned by Clayton Barber, opened in the Ramsey Addition at 239 Central Avenue around 1935. The company would remain in the building into the 1970s.[61]

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[58] Arsenault 1996, 195; Grismer 1948, 321; "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938.
[59] Arsenault 1996, 257-260.

By 1939, Merton Rogers operated the hotel in the Michigan Building and renamed it the Michigamma Hotel. Beach's Pharmacy also closed and the Goldenrod Candy Shop opened in its place.[62] By 1932, William E. Currie of Michigan owned the Tamiami Hotel building and leased the operation to Mr. and Mrs. Henry Bruhns. In 1935, Anna Gerhard and Elizabeth Hussher of New Jersey purchased the hotel for approximately $35,000. By 1941, Elizabeth Moore was the owner. In spite of the numerous ownership changes, the building served as the Tamiami Hotel well into the 1960s.[63]In 1938, local businessman Hubert Rutland purchased the Hotel Detroit from the Life and Casualty Company for approximately $200,000. Following his arrival in St. Petersburg in 1921, Rutland worked with his brother in one of the largest department stores in the county, Northup-Rutland Store. In 1923, Hubert Rutland opened Rutland's Men's Store. Along with the growth of the store into the Rutland Clothing Company, Rutland had invested in real estate during the 1920s and 1930s. With the purchase of the Hotel Detroit, Rutland owned 1,022 feet of frontage in the downtown business district housing 75 stores.[64] Following his purchase, Rutland announced that some remodeling at the Hotel Detroit would be conducted. Touted as modernization, the renovation, completed by contractor W.D. Berry in 1939, included adding stucco to the front elevation of the original wood frame portion of the building, removing the second floor of the front porch, and rebuilding the first floor porch. The wood canopy which extended from the hotel entrance to Central Avenue was replaced with a canvas awning. The front patio at the hotel entrance was created with the construction of a masonry garden wall. Although it was announced that Hayward would be retained as manager, he left in 1938 after he signed a long-term lease for a nearby hotel property and opened the Bainbridge Hotel. Hayward would serve as City Councilman from 1937 to 1940, and again from 1951 until his death in office in 1953. [65]

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[60] "Central Avenue Stores Undergo Improvements," *St. Petersburg Times,* 25 August 1937; City of St. Petersburg, Property Card, 279 Central Avenue; "Edson T. Lewis, Pioneer of City, Succumbs at 68," *Evening Independent,* 2 December 1940.

[61] "Familiar as Palms; Gift Box Industry," *St. Petersburg Times,* 6 February 1958; Margaret Nuccio, "Barber Groves, (8PI313)," Florida Master Site File Form, 1977, on file, Florida Division of Historical Resources, Tallahassee.

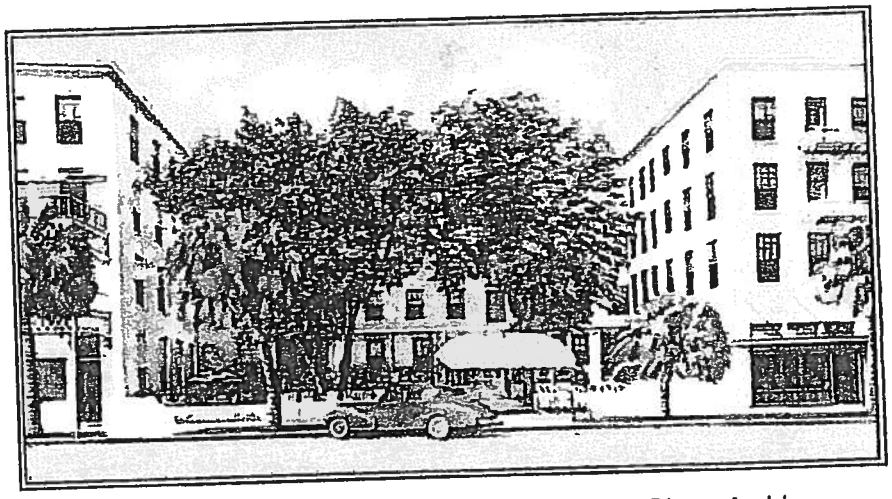
[62] "Michigamma Hotel," *Evening Independent,* 22 April 1939; Personal Mention," *Evening Independent,* 4 March 1940; "Goldenrod Candy Shop" advertisement, *Evening Independent,* 8 May 1940; "City Outgrowing Seasonal Business," *St. Petersburg Times,* 30 May 1948; Polk, 1940, 1945.

[63] "Couple Lease Tamiami Hotel," *St. Petersburg Times,* 15 May 1932; "Tamiami Hotel, Other Property Sold in Week," *St. Petersburg Times,* 23 June 1935; "Tamiami Hotel," *Evening Independent,* 1 December 1941.

[64] "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938, 1; "Detroit Hotel Completely Remodeled," *St. Petersburg Times,* 1 October 1939, 3; Grismer 1948, 348.

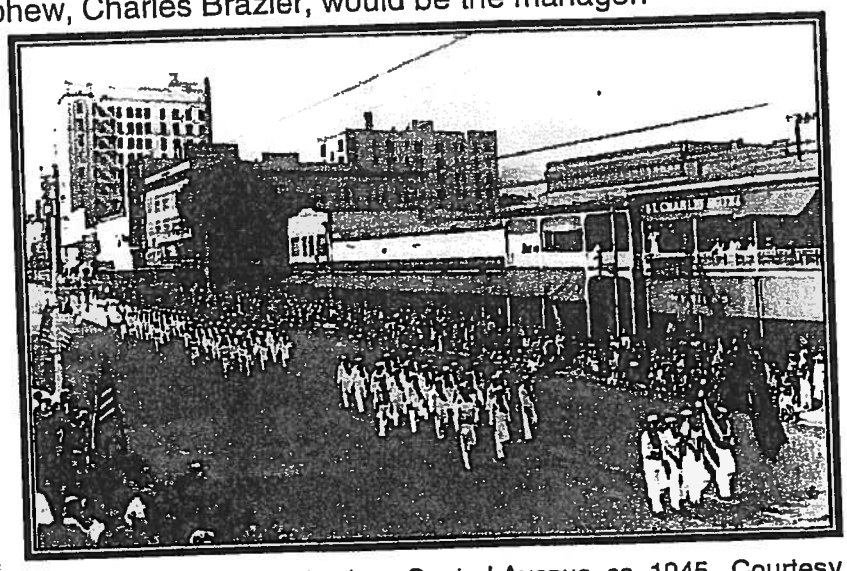
[65] "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938, 1; "Detroit Hotel Completely Remodeled," *St. Petersburg Times,* 1 October 1939, 3; "Hayward Leases Moore Building as New Hotel," *St. Petersburg Times,* 4 March 1939; Grismer 1948, 240, 324; "Bainbridge Hayward, Councilman, Dies," *St. Petersburg Times,* 3 June 1953.

In 1940, Ida Nancy Merrill purchased the Hotel Detroit from Rutland. Rutland retained ownership of Peacock Row on 1st Avenue North, separating the building from the Hotel Detroit property. After her arrival in St. Petersburg in 1923, Merrill entered the hotel business owning and/or managing several hotels prior to her purchase of the Detroit including the Merrill Hotel, Royal Palm Hotel, Deermont, and Allison Hotels. She was active in numerous civic organizations and held leadership roles in the YWCA, the Republican Party, Zonta Club, National League of American Pen Women, St. Petersburg Hotel Association, the Florence Crittenton Home, Chamber of Commerce, St. Petersburg Woman's Club, League of Overseas Women, American Association of University Women, and the Business and Professional Women's Club. Following the purchase of the Detroit, Merrill announced that her nephew, Charles Brazier, would be the manager.[66]



Hotel Detroit, ca. 1940. City of St. Petersburg Photo Archives, Photo 053001.

Although tourism had rebounded to some extent by 1940, the activation of the military, rationing, and travel restrictions of World War II severely curtailed St. Petersburg's tourism based economy. Most of the city's hotels and boarding houses remained empty during the winter of 1941-42.



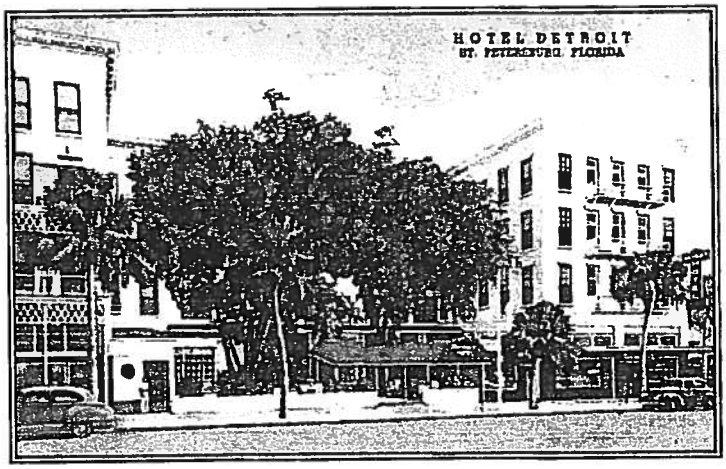
World War II era parade along Central Avenue, ca. 1945. Courtesy of the Museum of History, Photo 229.

[66] "Detroit Hotel Sold," *St. Petersburg Times*, 11 June 1968, 3B; "Ida N. Merrill, Citizen," *Evening Independent*, 14 October 1965; "Miss Ida Merrill, Hotel Owner, Dies," *St. Petersburg Times*, 12 October 1965; Bethia Caffery, "Preserving History...Detroit Block Reflects Strong Commitment to the Downtown," *Evening Independent*, 14 May 1982, 3D; Polk 1935.

Realizing that the empty rooms could be an asset as military housing, city leaders successfully lobbied the War Department for a military base. The opening of a technical services training center for the Army Air Corps brought over ten thousand soldiers to the city during the summer of 1942. The military leased almost every major hotel and many of the smaller hotels in the city, including the Hotel Detroit. Only the Suwannee Hotel and some of the smaller hotels and boarding houses were open to civilian use. By the time the training center closed in July 1943, over 100,000 soldiers had visited St. Petersburg. Although the training center closed, the United States Maritime Service Bayboro Harbor Base, which trained merchant seamen, continued to grow, and eventually leased four of the downtown hotels abandoned by the Army Air Corps. Other bases and support facilities throughout the area brought thousands of soldiers to central Florida and the St. Petersburg area.[67]

The Development of Block 25: 1946-present

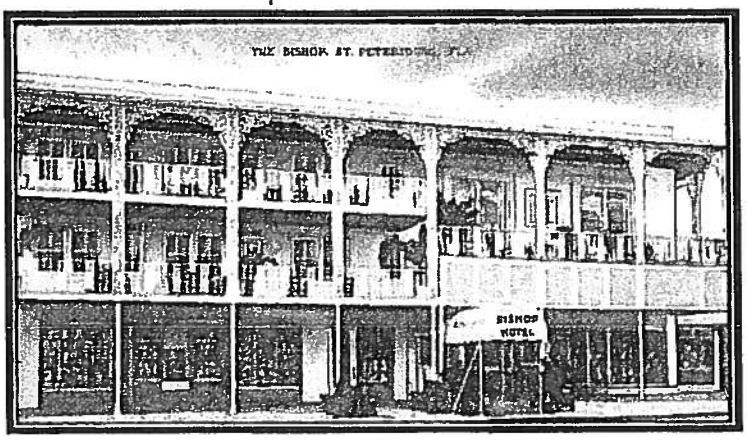
The city rapidly demilitarized following the war, and many veterans returned to St. Petersburg. The Great Depression and governmental restrictions during the war led to a housing shortage following World War II. Many hotels and boarding houses were again filled with tourists and new residents awaiting the construction of new homes. New houses filled the subdivisions platted during the 1920s, but left vacant by the real estate decline and depression. As development spread westward, the introduction of shopping centers, including Central Plaza and Tyrone Gardens Shopping Center, and motels along the west coast drew new residents and tourists away from downtown St. Petersburg.[68]



Hotel Detroit, ca. 1946. Florida State Archives, Photo PC4098.

[67] Arsenault 1996, 298-301.
[68] Arsenault 1996, 307-313.

During the post-World War II period, the block on which the Hotel Detroit was located underwent modernization. In an attempt to modernize and attract the post-World War II customer, the Detroit owners installed air conditioning and constructed an addition in the front courtyard area to open the Patio Restaurant. On the north side of the block, Roy Bishop purchased the Binnie Hotel in 1948. Soon after, pioneer blacksmith Henry Binnie passed away in 1949. Bishop remodeled and redecorated the hotel and renamed it the Bishop Hotel. Alterations included the installation of air conditioning and the addition of wrought iron to the front balconies to unify the two buildings. Bishop owned the hotel until 1977. Following the death of Edward Tonnelier in 1960, the interior of the Michigan Building was modernized, and by 1971, the hotel was renamed the James Hotel.[69]



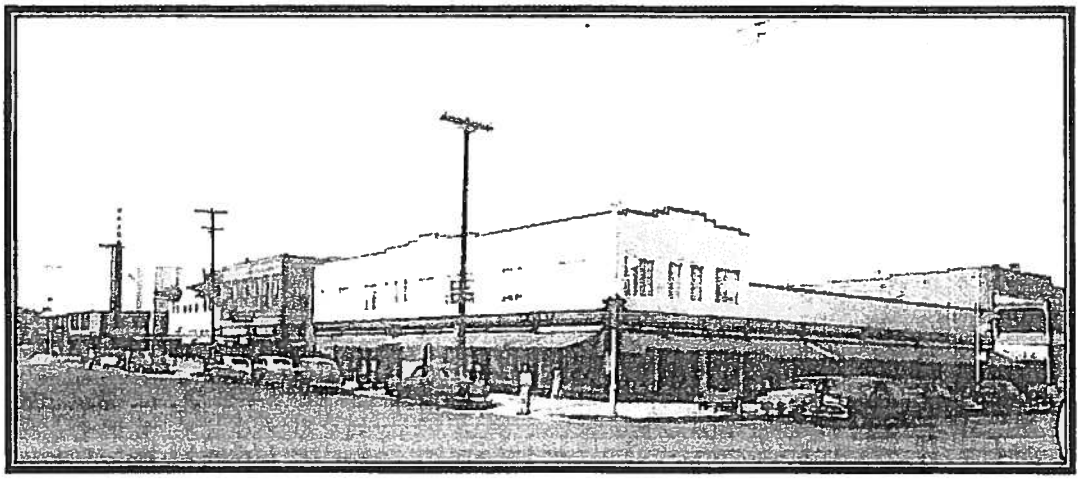
Binnie-Bishop Hotel, postcard, ca. 1950.

Following the death of Ida Nancy Merrill in 1965, her nephews, Charles Brazier Jr. and Frank Brazier, inherited the Hotel Detroit. Charles Brazier had managed the hotel since her purchase in 1940. In 1968, the brothers sold the hotel to St. Petersburg businessmen E.B. Joe Porter, Wilbert R. Canning, and Harold E. Wells for $260,000. At the time, it was noted as a 110 room facility. Purchased as an investment, Porter, Canning and Wells sold the Hotel Detroit to William L. Pendergast and Robert Barnes in 1977.[70]

After the death of Ed Lewis in 1940 and his son, Leon Lewis, in 1950, the Lewis properties remained in the ownership of the Lewis Interests. In 1966, the company decided to raze the two buildings on the southeast corner of 1st Avenue and 3rd Street North, and construct the existing one-story commercial building located at 270 1st Avenue North. Also in 1966, the Lewis Buildings along Central

[69] Polk 1951; "Newly Remodeled Bishop Hotel Has its Formal Opening," *Evening Independent,* 13 December 1948; Bethia Caffery, "A Bit of City History...," *Evening Independent*, 21 May 1977; Ancestry.com, "Florida Death Index"; City of St. Petersburg, Property Cards.
[70] "Detroit Hotel is Sold," *St. Petersburg Times,* 11 June 1968, 3B; Clayton Reed, "Detroit Hotel is Sold," *St. Petersburg Times,* 2 November 1977; Charles Benbow, "The Restoration," *St. Petersburg Times,* 18 May 1980, F1.

Avenue received a "face-lift" for $40,000 when they were refaced with stucco and Carrara Glass and an aluminum canopy and wall cap were installed.[71]



Northeast corner of Central Avenue and 3rd Street showing the Lewis Buildings, ca. 1950. Courtesy of the Museum of History, Photo 2636.

During the 1960s, downtown and the neighborhoods surrounding the city core entered a period of decline and abandonment. Many of the buildings associated with the early history of the community slowly deteriorated. One of the first widespread efforts at reinvestment and revitalization in the downtown area resulted in the complete renovation of the entire block on which the Hotel Detroit was located. The efforts were partially funded through a $1.3 million Community Development Block Grant. In addition to providing the owners funding to hire architects to modernize the buildings, public improvements in the block included replacing paving, landscaping, lighting, and installing planters and fountains.[72]

On the former Detroit parcel, Peacock Row was renovated and leased as office and commercial space. The adjacent building along 2nd Street North on the northeast corner of the parcel, built in 1912 as additional commercial space for the Detroit, was demolished between 1977 and 1982. The centrally located north (rear) wing of the Hotel Detroit, which was part of the original 1888 construction, was demolished in June 1981 to create space for a paved courtyard. The courtyard was converted to the Jannus Landing (now Jannus Live) concert

[71] "City Pioneer's Building Coming Down," *Evening Independent,* 14 May 1966; John Schaffner, "With Faith, He Helped Build a City," *Evening Independent,* 14 May 1966; "Lewis Building Gets Face-Lifting," *Evening Independent,* 24 June 1966; "Leon Lewis Stricken Fatally at Yacht Club," *St. Petersburg Times,* 1 June 1950; City of St. Petersburg, Property Card, 279 Central Avenue.
[72] Dick Bell, "Block's Past Gives Way to its Future," *St. Petersburg Times, 9 June* 1981, 3B; Jon East, "Detroit Block Facelift to Begin," *Evening Independent,* 5 May 1981; Bethia Caffery, "Preserving History," *Evening Independent,* 14 May 1982, 3D; Charles Benbow, "The Restoration," *St. Petersburg Times,* 18 May 1980; Charles Benbow, "A Tasteful Blend of Old and New Creates an Air of Charm at Janus Landing," *St. Petersburg Times,* 16 August 1982, D1; Donna Vavala, "Developers Try to Get Hotel, Land," *St. Petersburg Times,* 8 March 1989.

venue, named for Tony Jannus who flew an airboat from St. Petersburg to Tampa making it the official birthplace of commercial aviation. The concert venue opened in October 1982. Other alterations included the application of stucco to the north (rear) elevation to cover the removal of the rear wing, replacement windows, addition of balconies and stairs to the rear elevation, and removal of paint from the original red brick additions. The Lewis Buildings, sold by the Lewis Interests in 1981, received a fresh coat of stucco.[73]

Although businesses on the first floor remained open, the hotel finally closed in 1992. In December 1998, Jannus Landing Ltd. purchased the Detroit along with several adjacent properties from Bob Barnes and Bill Pendergast for over $2 million. In 2000, Jannus Landing transferred ownership to St. Pete Jannus for $3.6 million. St. Pete Jannus subsequently converted the property to a condominium in 2002. Of the 29 units, 24 are residential and five are commercial. With the conversion, the building underwent extensive alterations. The interior layout changed with the removal of hotel room walls and installation of modern equipment to create larger, independent condominium units. Exterior alterations included the construction of a new tower, re-stuccoing the front of the wood frame portion of the building, and replacing most of the original double-hung sash and the single-hung sash windows.[74]

STATEMENT OF SIGNIFICANCE

Community Planning and Development, Commerce, and Settlement

Block 25 is significant at the local level in the areas of Community Planning and Development, Commerce, and Settlement as an example of the evolution of the tourism industry and settlement patterns in St. Petersburg. It meets the following criteria for designation of a property found in Section 16.30.070.2.5(D) of the City of St. Petersburg Code:

(a) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;

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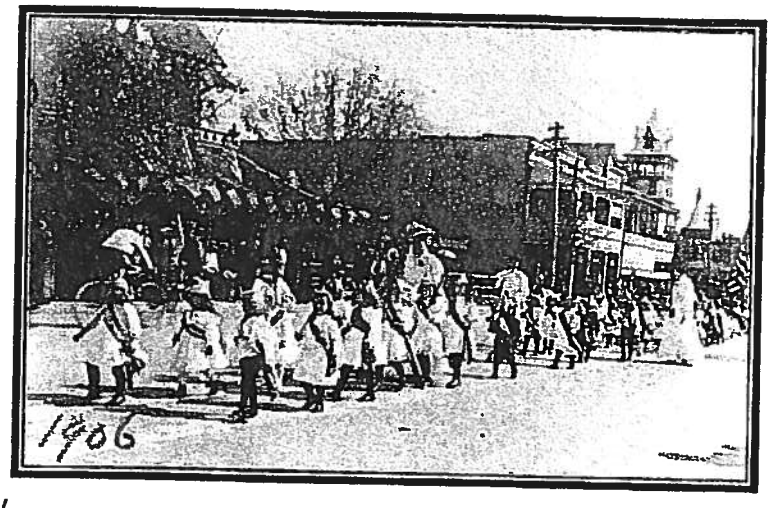
[73] Dick Bell, "Block's Past Gives Way to its Future," *St. Petersburg Times, 9 June* 1981, 3B; Jon East, "Detroit Block Facelift to Begin," *Evening Independent,* 5 May 1981; Bethia Caffery, "Preserving History," *Evening Independent,* 14 May 1982, 3D; Charles Benbow, "A Tasteful Blend of Old and New Creates an Air of Charm at Janus Landing," *St. Petersburg Times,* 16 August 1982, D1; Donna Vavala, "Developers Try to Get Hotel, Land," *St. Petersburg Times,* 8 March 1989; "Deaths: Eva Lewis Ford, Charter Member of Junior League," *Evening Independent,* 29 September 1982.

[74] Alicia Caldwell, "Landmark Hotel to Close Doors," *St. Petersburg Times,* 28 April 1992; Pinellas County Clerk of Circuit Court, OR Book 12214, Page 2478, OR Book 10859, Page 2012, and OR Book 10356, Page 2095; Pinellas County Property Appraiser, Parcel 193117744660250011; "Detroit Hotel Ready for May Occupancy," *St. Petersburg Times,* 17 April 2002.

(c) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;
(d) It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation;
(g) Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and
(h) Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

As the first hotel in the City, the Hotel Detroit was constructed in conjunction with the railroad depot to encourage the settlement and growth of the new community. By providing lodging for prospective residents, the hotel supported the early growth of the city. Block 25 and the Hotel Detroit were the center of the community from the filing of the Map of the Town of St. Petersburg in 1888.

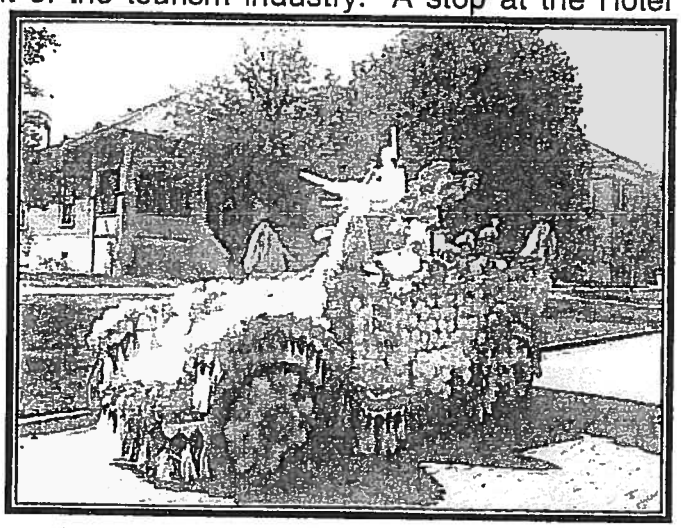
Until the construction of the hotels in the 1920s, the Detroit served as the central hub of social life in St. Petersburg where significant events were celebrated. For example, residents marked the 1897 introduction of electricity in the town with a day of celebration culminating in a grand ball at the Hotel Detroit. Block 25 held the earliest clothing stores, bakeries, restaurants, and the first movie theater in the city. The owners and business operators within the block played a significant role in the development of the city including John C. Williams, Frank Fortune Pulver, Bainbridge Hayward, Curtis N. Crawford, Edson T. Lewis, James Norton, Mary Ramsey, Bill Carpenter, Samuel V. Schooley & Perry M. Murphy, Henry Binnie, Arthur Johnson, Ida Nancy Merrill, and Hubert Rutland. Several, including Ed Lewis, Frank Fortune Pulver, and Bainbridge Hayward, played a leadership role in city government, actively establishing good roads, the city waterfront, public utilities, and safe drinking water. Developers John



Washington's Birthday Celebration, 1906. Parade passing in front of Lewis' Grocery with Norton Building, Ramsey Building and Addition, Michigan Building, and Hotel Detroit in background. Courtesy of Museum of History, Photo 2124.

Williams, Ed Lewis, Mary Ramsey, Herbert Rutland, S.V. Schooley and Perry Murphy laid the foundation for the growth and beauty of the City.

Supporting not only the settlement of the community, Block 25 played a significant role in the development of the tourism industry. A stop at the Hotel Detroit for refreshments was part of the first seaside excursions offered by the Orange Belt Railway in 1889. A number of the new residents likely stayed at the Detroit and the smaller surrounding hotels such as the St. Charles, Binnie-Bishop, and Tamiami Hotels when they first visited the city and while awaiting the construction of a residence. According to historian Karl Grismer, Lewis' Grocery became a "show place of the city and when F.A. Davis brought prospects to the city in an attempt to interest them in his various enterprises, he invariably took them to the Lewis store to show them evidences of prosperity."[75] From Bill Carpenters excursion to Seattle with his alligator named "Trouble", to Frank Fortune Pulver's periodic visits to Broadway in New York City in a white suit flanked by Florida beauty queens, Block 25 occupants made a concerted effort to draw tourists to St. Petersburg. Events, such as the Festival of States organized by Arthur Johnson, not only drew tourists but bolstered community pride.

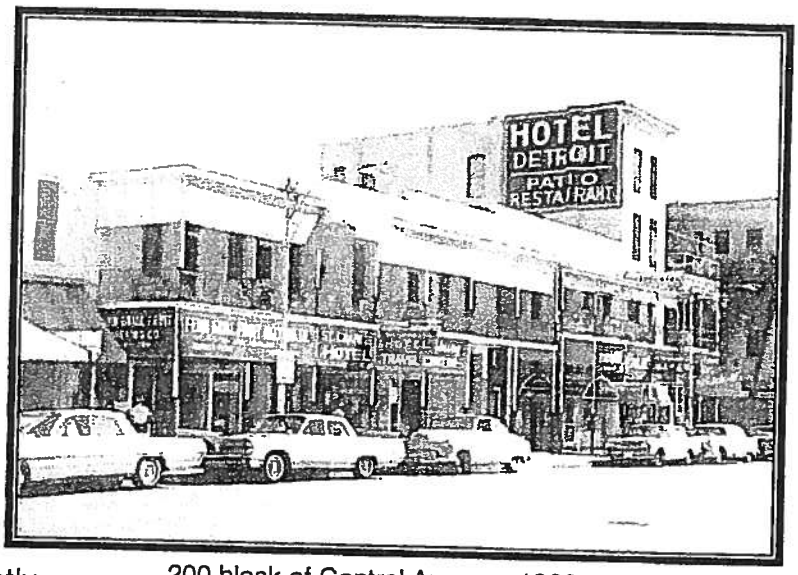


1st Prize entry driven by Arthur Johnson in the first Festival of States Parade, 1917. Courtesy of Museum of History, Photo 1336.

Block 25 is also significant as a cohesive collection of commercial buildings dating to the early settlement and growth of the city. They remain indicative of early commercial construction and the ever present effort to modernize and attract new customers. The buildings also convey a sense of history exhibiting the evolution of construction and the growth of St. Petersburg. The styles within Block 25 indicate the overall evolution of architectural design during the early- to mid-twentieth century and the history of development in St. Petersburg. Although the buildings display varying degrees of ornamentation, Block 25 achieves uniformity through the use of similar materials, massing, streetscaping, setback, scale, and proximity.

[75] Grismer 1924, 233-24.

A Note About Commercial Architecture: In the U.S., the main street storefront is usually the most prominent feature of a historic commercial building, playing a crucial role in a store's advertising and merchandising strategy. Although storefronts normally do not extend beyond the first story, it often relates to the rest of the building visually through a unity of form and detail. The earliest extant storefronts in the U.S., dating from the late 18th and early 19th centuries, had bay or oriel window fronts that provided additional display space. The 19th century witnessed the progressive enlargement of display windows as plate glass became available in increasingly larger units. The use of cast iron columns and lintels at the ground floor level permitted structural members to be reduced in size. Recessed entrances provided shelter for sidewalk patrons and further enlarged display areas.



200 block of Central Avenue, 1960s.

Commercial establishments of the 18th and early 19th centuries were frequently located on the ground floor of buildings and, with their residentially scaled windows and doors, were often indistinguishable from surrounding houses. In some cases, however, large bay or oriel windows comprised of small panes of glass set the shops apart from their neighbors. Awnings of wood and canvas and signs over the sidewalk were other design features seen on some early commercial buildings. The ground floors of large commercial establishments, especially in the first decades of the 19th century, were distinguished by regularly spaced, heavy piers of stone or brick, infilled with paneled doors or small paned window sash. Entrances were an integral component of the facade, typically not given any particular prominence although sometimes wider than other openings.

The first decades of the 20th century revealed a growing use of decorative transom lights (often using small prismatic glass panes) above display windows; in some cases, these transoms could be opened to permit air circulation into the store. Electric incandescent lights enabled storeowners to call attention to their entrance and display windows and permitted nighttime shopping. In the 1920's and 1930s a variety of new materials were introduced into the storefront, including aluminum and stainless steel framing elements, pigmented structural glass (in a wide variety of colors), tinted and mirrored glass, glass block and neon.

Because commercial architecture responds to a variety of factors—environmental, cultural, and economic—distinct regional variations in storefronts can be noted. Fixed metal canopies supported by guy wires, for example, were common in late 19th and early 20th century storefronts in southern states where it was advantageous to have shaded entrances all year long. Such a detail was less common in the northeast where moveable canvas awnings predominated. These awnings could be lowered in summer to keep buildings cooler and raised in winter when sunlight helps to heat the building.

Notable Architects and Builders of Block 25

The buildings depict the craftsmanship of local architects, builders, and artisans. Several notable architects and contractors worked on the buildings of Block 25 including Edgar Ferdon, M. Leo Elliott, William Shull, J. Frank Chase, Charles DuBois, and Walter C. Henry. Henry Taylor occupied an office in one of the buildings, and designed a small infill building still present today. These men played a significant role in designing the built environment of an early St. Petersburg community.

Edgar Ferdon

Edgar Ferdon was born in Englewood, New York in 1869. He visited the St. Petersburg area in the 1890s, most likely to visit his father, who lived in the city. In 1892, although not a permanent resident, Ferdon designed the Chautauqua Villa, the first house to be built on the north side of the city (northeast corner of First Avenue and Second Street North). He moved to the City permanently in 1903 from Summit, New Jersey to become a permanent resident and was probably St. Petersburg's first professional architect, locating his office at 319 Central Avenue.

Ferdon had an important impact on Downtown St. Petersburg and the rest of the City in the first three decades of the twentieth century. In addition to the Michigan Building, Ferdon designed several important buildings in the City including the American Bank and Trust Building in the 300 block of Central Avenue, where his office was located, First National Bank (Florida Bank and Trust) in the 400 block of Central Avenue, the Crislip Arcade at 645 Central Avenue, the Rex (Cameo) Theater at 169 Central Avenue, Harrison Hardware Building, parts of the Pheil Hotel, and the First Congregational Church.

Ferdon was also associated for several years in the mid-1910s with noted local architect George Feltham, who would later design the Sunset Hotel, Green-Richman Arcade, Ponce de Leon Hotel, and the First Baptist Church, all locally designated historic landmarks. During the 1920s, Ferdon designed many attractive residences on Snell Isle and in the North Shore neighborhood, while

also designing commercial buildings. During the peak of his career in St. Petersburg, Ferdon lived with his wife Florence and their four sons in their home on Tangerine Avenue South near Ninth Street. Ferdon died from a stroke on May 2, 1932, at his home at 2345-1/2 First Avenue North in Historic Kenwood.[76]

M. Leo Elliott

M. Leo Elliott, who designed the addition to the Hotel Detroit, was born in 1886 in Woodstock, New York. He attended Cooper's Institute in New York City and received training at the New York City firm of Welch, Smith & Provost. Early in his career he helped design buildings for the Jamestown Exposition of 1907 in Norfolk, Virginia. At the age of 21, he moved to Tampa and formed a partnership with Bayard C. Bonfoey. They designed the Tampa YMCA (1909), Centro Asturiano (1914) and Tampa City Hall (1915). The partnership was dissolved in 1917.

During World War I, Elliott served as an engineer in the construction of concrete oil tankers in Jacksonville. After his return to Tampa, he created the firm of M. Leo Elliott, Inc., Architects and Engineers. Elliott then designed the Italian Club (1917) and Cuban Club (1918) in Ybor City. In 1925, the firm was designing projects throughout Florida, maintaining a St. Petersburg office. During the peak of the land boom, the firm employed six structural engineers, forty-six draftsmen, and seventeen site inspectors. One of the firm's major projects in St. Petersburg includes the 1926 Ninth Street Bank and Trust designed in the Neoclassical Revival style.

Many of Elliott's notable projects in Tampa are still extant on Davis Islands near downtown Tampa and in Temple Terrace. Other important buildings in Tampa designed by Elliott include the Masonic Temple, the Scottish Rite Temple and the First National Bank. He also designed Sarasota High School. During World War II, he designed war housing for the Public Housing Administration. In 1946 the firm became Elliott & Fletcher. Elliott retired from practice in 1954 and died on August 18, 1967. [77]

J. Frank Chase

A veteran of the Civil War, Captain J. Frank Chase came to St. Petersburg in 1895, and initially tried to develop present-day Gulfport as Veteran City. When

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[76] City of St. Petersburg, *St. Petersburg's Notable Architects*, available on-line at http://www.stpete.org/historic_preservation/docs/Architects.pdf.

[77] "M. Leo Elliott, Sr., Noted Tampa Architect," *St. Petersburg Times*, 19 August 1967; Karl H. Grismer, *Tampa: A History of the City of Tampa and the Tampa Bay Region of Florida* (St. Petersburg: St. Petersburg Printing Company, 1950), 384-85; City of St. Petersburg, *St. Petersburg's Notable Architects*, available on-line at http://www.stpete.org/historic_preservation/docs/Architects.pdf .

that effort failed, he joined with J.T. Lindsey to form a contracting firm in 1906. In addition to the Michigan Building and the Lewis Building at 259-269 Central, Chase and Lindsey went on to build the Wilson-Chase Building, the Welch Building, and the McCrory 5 & 10 Store, along with numerous residences.[78]

Charles DuBois

Charles DuBois came to St. Petersburg in 1910 after working throughout the southeastern United States. In addition to the Binnie-Bishop Hotel, DuBois also built the Vogel apartments, Elks Club, Sunset Hotel, the Municipal Power Plant, the Municipal Gas Plant, and numerous residences as well as many seawalls along the waterfront. DuBois served as the president of the St. Petersburg Association of General Contractors during the 1920s.[79]

Walter C. Henry

Walter C. Henry came to St. Petersburg in 1896 after severe freezes in 1894-95 destroyed local citrus groves and devastated the local economy in Leesburg, Florida. Once in St. Petersburg, he immediately built a combination office and residence on Central Avenue and went into business as a contractor. Henry was elected to City Council in 1901-02, but resigned in order to bid on the contract, which he received, for the construction of the first high school building in 1902. In addition to the 1905 Norton Building, he also built the 1910 First Congregational Church, the 1909 St. Petersburg High School, the 1913 American Bank & Trust, and the 1915 Mirror Lake Carnegie Library.[80]

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[78] "The Builders and the Work They've Done So Very Well," *Evening Independent*, 12 December 1914; "J.T. Lindsey and J. Chase Form Contracting Firm," *St. Petersburg Times*, 22 December 1906; "Capt. J.F. Chase Taken by Death," *Evening Independent*, 28 November 1914; Grismer 1948, 283-84; Grismer 1924, 246-47.
[79] Straub 1929, 262-3.
[80] Grismer 1924, 250-51.

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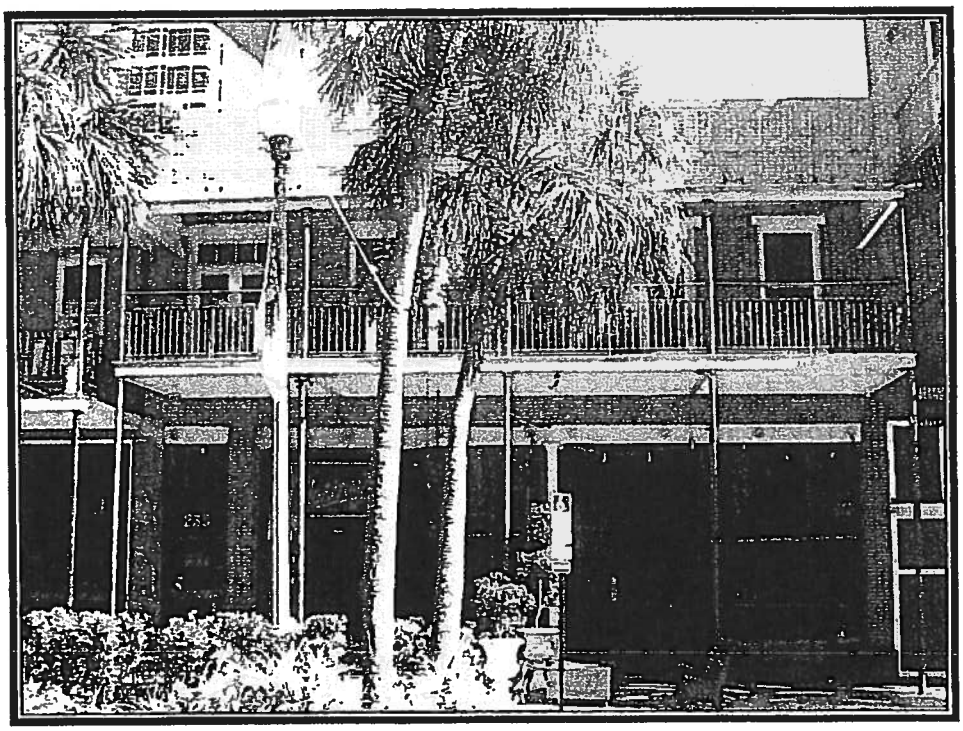
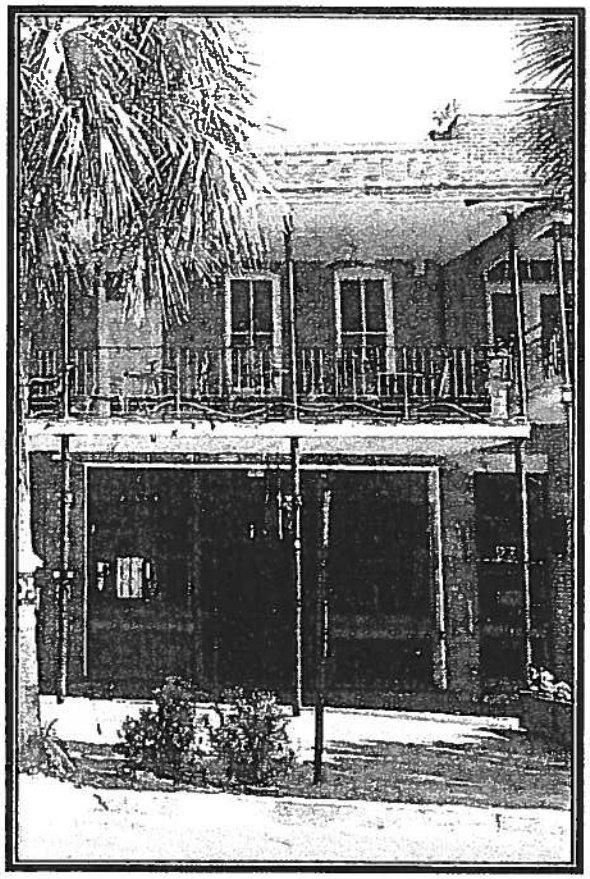
CONTINUATION SHEET

Additional Photographs (all photos by City Staff, 2015, unless otherwise noted)

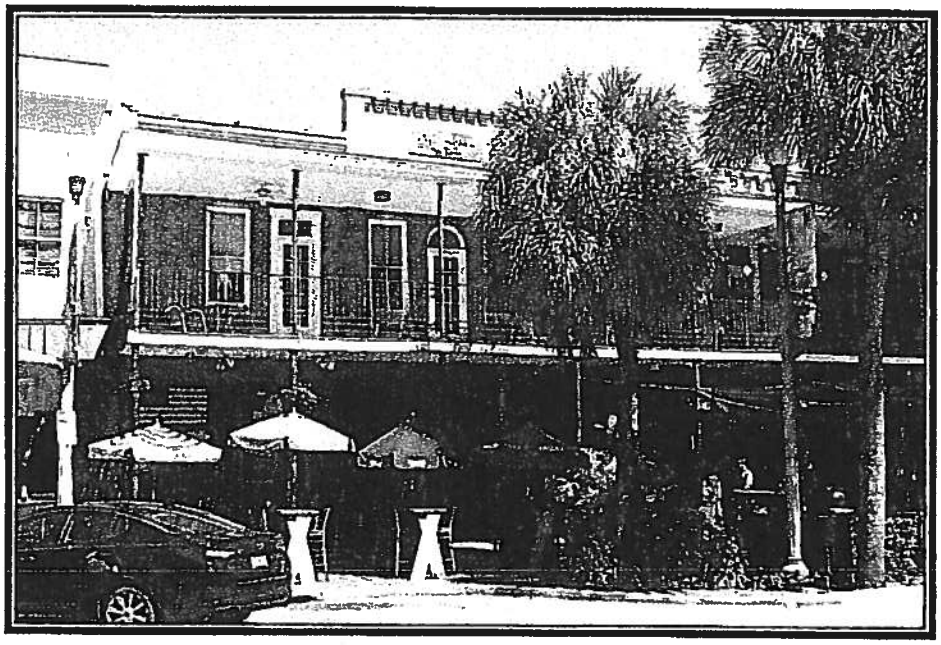
Detroit Hotel, Southeast Façade



Michigan Building, South Façade

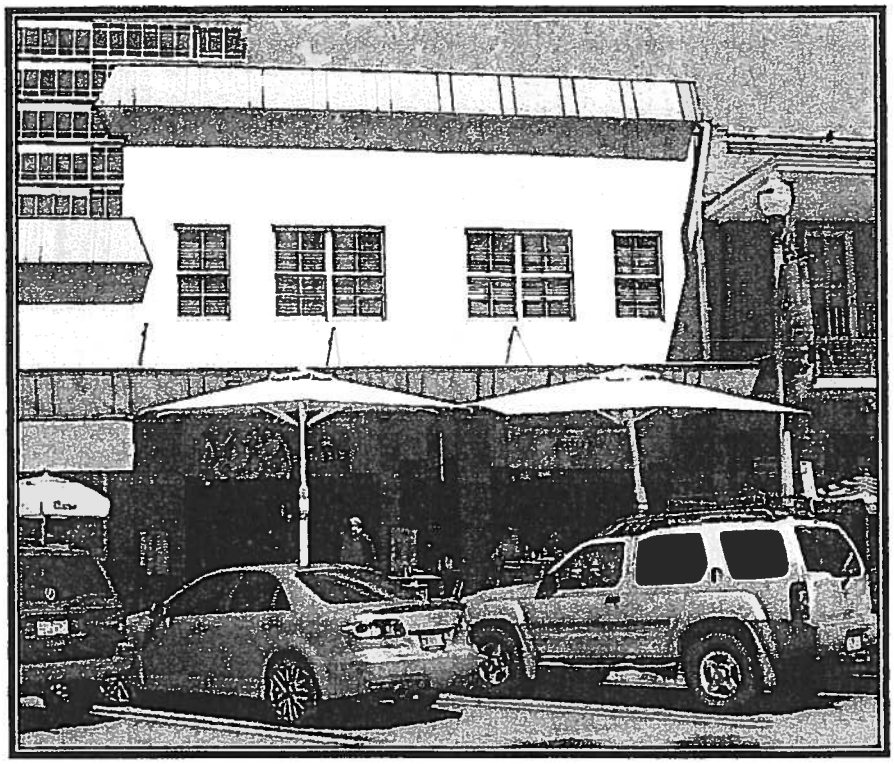


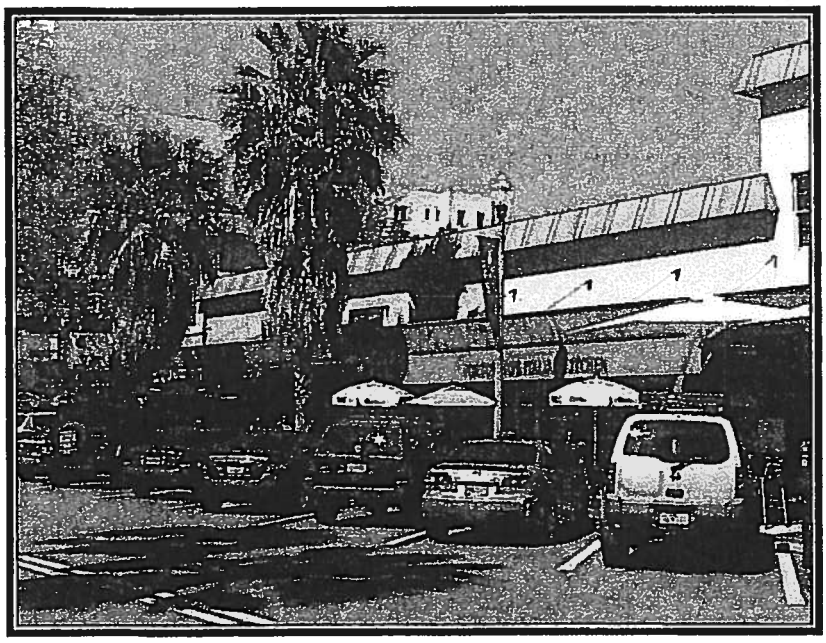
Ramsey Addition, South Façade



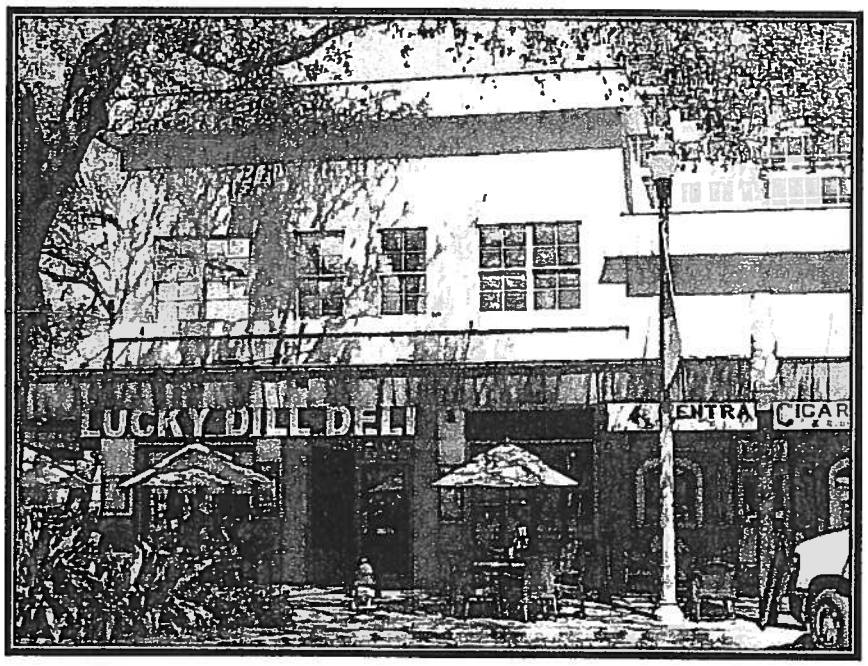
Ramsey Building, South Facade

Norton Building,
South Façade

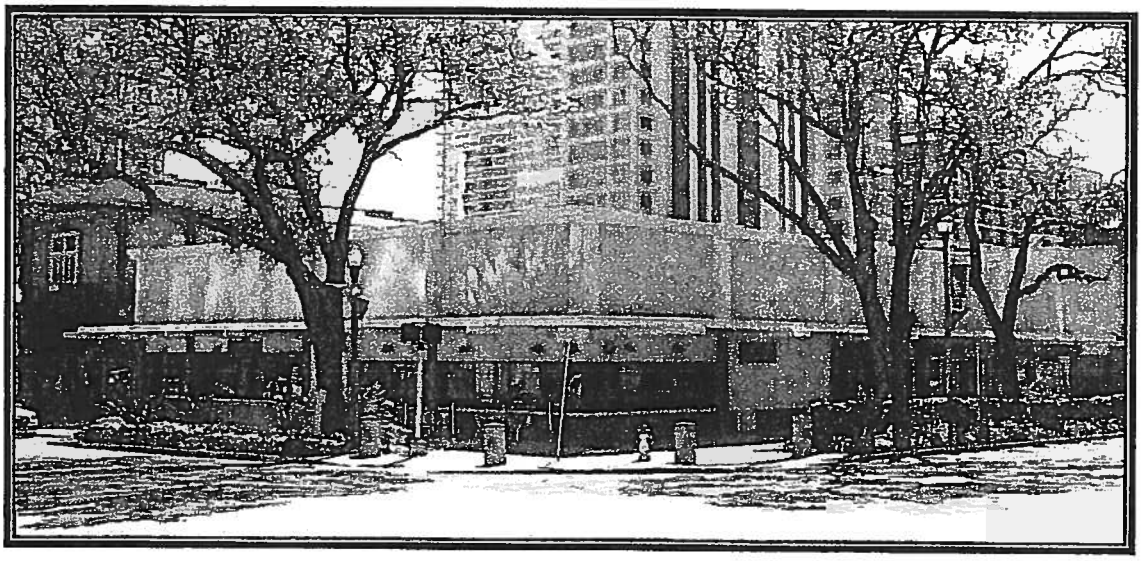




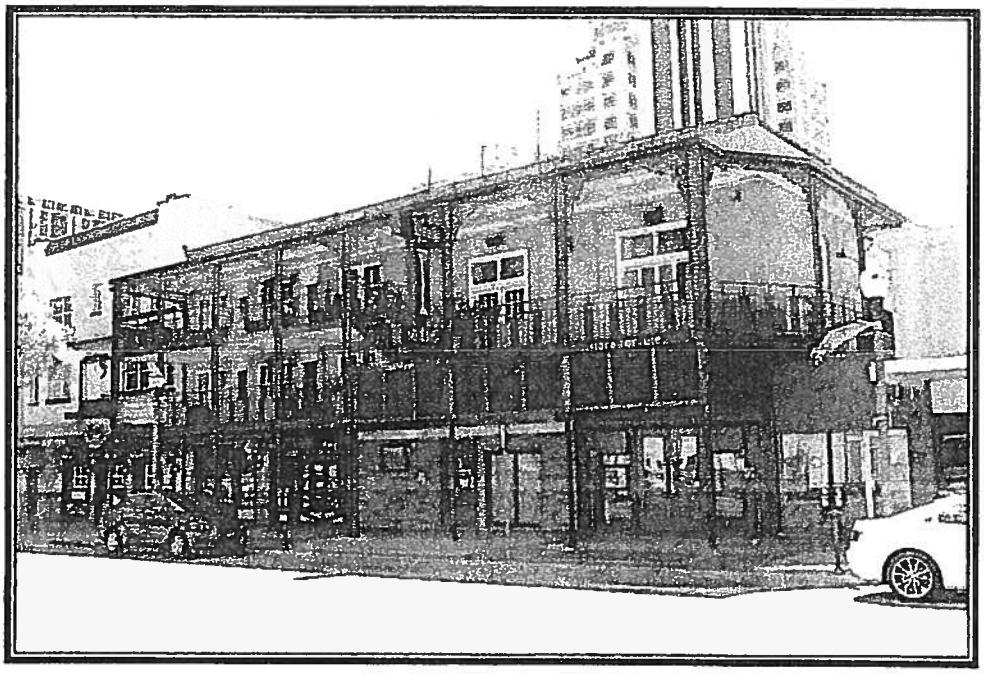
Lewis Building #3, South Facade



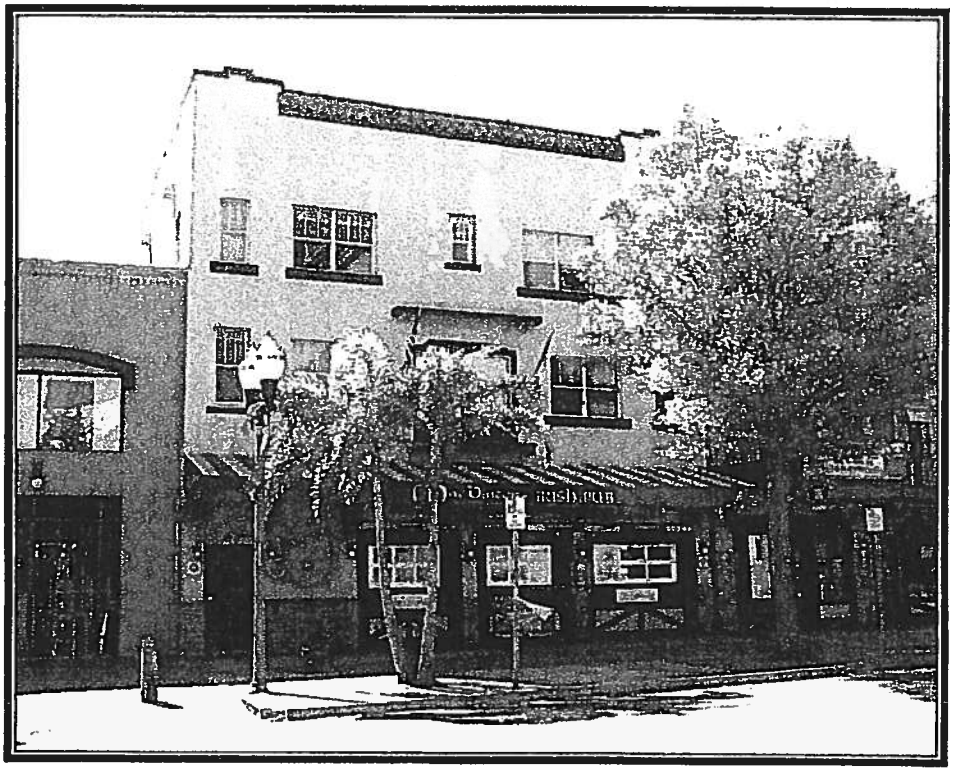
Lewis Grocery (Lewis Building #1), South Façade



Lewis Building #5, Southwest Façade



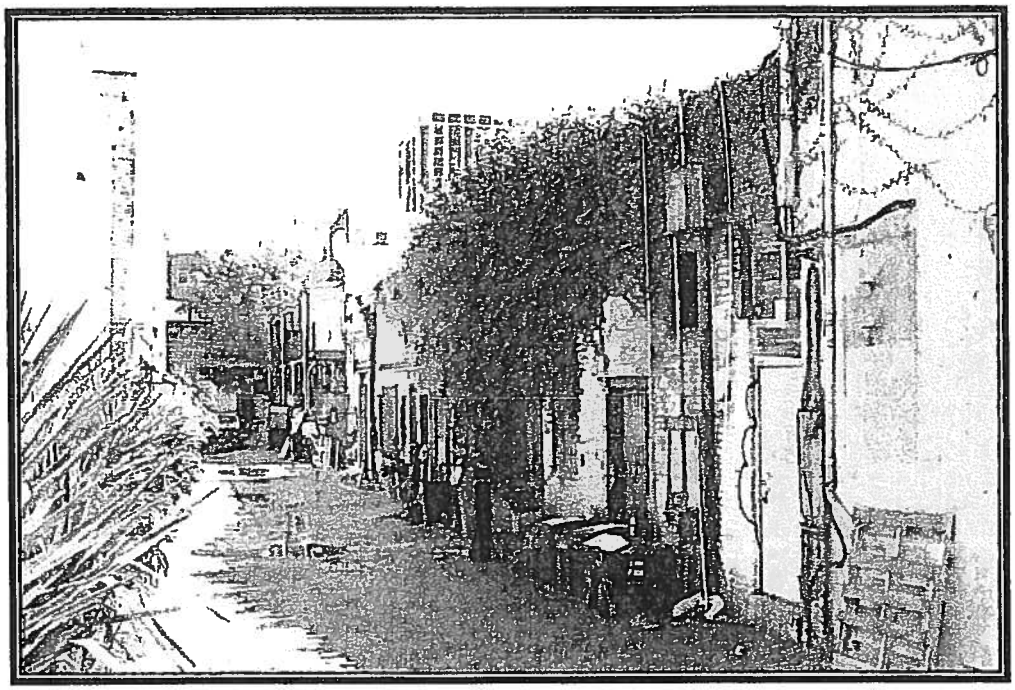
Binnie-Bishop Hotel, North Facade



Tamiami Hotel, South Facade

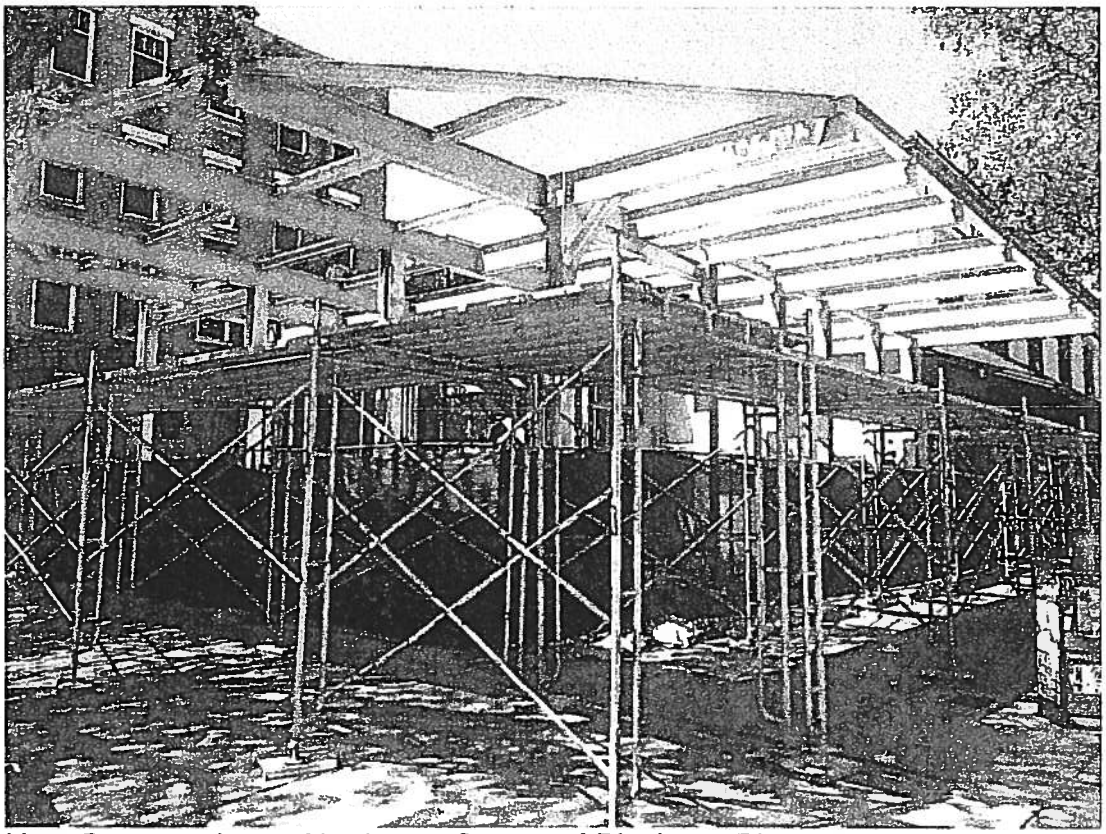
1909Hotel Detroit Building, North Facade

Peacock Row, North Facade



Block 25 Alley, Looking east

Detroit Hotel
Historic Sign at Southeast Corner



New Construction at Northeast Corner of Block 25. Photo 2016.

APPENDIX D
Supporting Documents

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August 18, 2016

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RE: "Detroit Block Renovation" Concept and Block 25 City-Initiated Historic District Designation

Mr. Taraszki, Mr. Foster, and Ms. Sole:

The City Administration and staff have reviewed the preliminary "Detroit Block Renovation" (the "concept") dated May 13, 2016, pursuant to its introduction at the June 29, 2016 meeting between each of you, City staff, and certain property owners. The "concept" maximizes the development potential of the block, while preserving only parts of the historically significant buildings' frontal constructs. While elements of the "concept" have merit under certain redevelopment scenarios, it does not appear to fully adhere to the type of redevelopment/adaptive reuse suitable for maintaining the essential founding built heritage of St. Petersburg's oldest and most historically significant downtown city block. Because of the distinctive character represented by Block 25 as the City's first developed block after platting of the Town of St. Petersburg in 1888, City Administration currently cannot support the "concept" pursuant to the considerations explained in the paragraphs that follow.

In part, because of the City's ongoing infrastructure planning and investments, Block 25 also presents significant redevelopment opportunities that are inclusive of the full array of the block's historic buildings and original platted configuration, and we remain very open to future considerations that balance sensitive preservation with innovative redevelopment. Therefore, in light of the ongoing dialogue between parties, the Administration will continue to process the City-initiated local landmark designation of Block 25, in its entirety, to be heard by the Community Planning and Preservation Commission at its regularly scheduled meeting on September 13, 2016.

Background Information

Block 25 currently consists of eleven divided parcels and a central alleyway in the City's urban core. It is contained within a boundary generally described as occurring between Central Avenue to 1st Avenue North, and 2nd to 3rd Streets North. Though there were eleven parcels as part of the original plat, the configuration today is different, wherein most of the east half reveals a reconfiguration of property lines. It is generally understood that all or parts of the entire block are considered historically significant for associations with the City's early commercial development after the Town was first platted in 1888. The earliest extant building after platting is the remnant of the Hotel Detroit completed in 1888, with the last historically significant building developed by the end of 1924, with at least one infill building added during the 1930s.

Block 25 is currently an economic showcase as an urban destination and event venue that reveals its own distinctive vibrancy and character apart from surrounding City blocks and intensive development in other parts of the urban core. The subject property is zoned Downtown Center-Core (DC-C), the City's most intensive category, which allows innovative redevelopment scenarios. The downtown core is experiencing robust redevelopment marked by several built high- and medium-rise projects, with several more committed but not yet commenced. The Central Avenue corridor extends this occurrence of redevelopment westward, whereby medium story residential projects are also being approved.

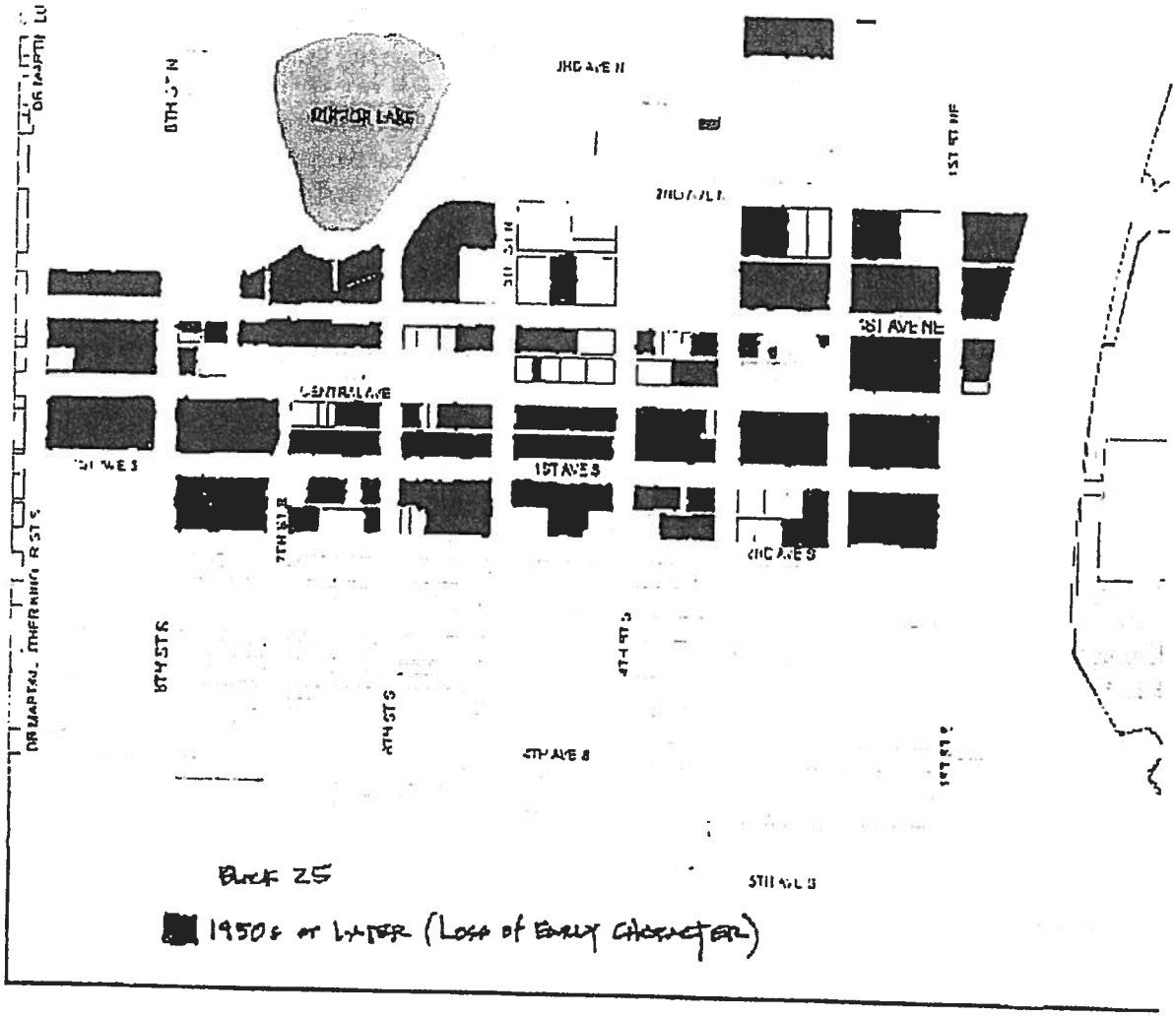
As you are already aware, the City-initiated local historic landmark designation application for Block 25 is considered to be *in-process* as a result of an ongoing public-private partnership for addressing the infrastructure issues and improvements referenced above, as they are commonly associated with an aging and heavily used city block. Two buildings are already designated as local historic landmarks, and four are considered potentially eligible for local landmark status. As an expression of its significance, ten of the eleven parcels contribute to the Downtown Historic District, as listed on the National Register of Historic Places, and most of the buildings of Block 25 are contributing resources. The completed Staff Evaluative Findings from the local landmark district designation recommend 15 out of 16 buildings as contributing to the proposed Block 25 Historic District.

Pursuant to City Code, Section 16.30.070.2.5.H, it is understood that a Certificate of Appropriateness (COA) is required for most development activity when an active application for local landmark designation is in-progress. Pending legal review by the City Attorney's office, the City could potentially co-consider the local landmark designation application along with a submitted, complete COA, and perhaps an associated Development Agreement. All COA applications are subject to the review criteria found in City Code, Section 16.30.070.2.6.E-M. Under these criteria, special attention and weight are given to how the integrity of historic buildings and sites are affected by effects to their character such as height, scale, frontal elevations, and spatial relationships. Visual compatibility, materials preservation, and original building form are also considered along with other factors as referenced in the City Code.

Considerations of the "Concept" and its Effects to Block 25

1. The importance of preserving Block 25 as a single historic district. *Even without a full comprehensive evaluation, it is readily apparent that the "concept" would likely eliminate the integrity of the City's most important historic downtown block and historic public gathering place, and create a scale that irreversibly changes the dynamic of the relationships between the individual buildings; a valuable part of the City's heritage would be forever lost.*

Explanation. The significance of Block 25 is in its integrity as a whole block. The collection of historic buildings is perhaps the most intact for its scale and representation of pre-1920s commercial land boom development activity in St. Petersburg. As surrounding blocks have been redeveloped, Block 25 is now more of an enclave, representing a different historic experience from all that is happening around it. The quick-sketch graphic below reveals how demolitions of pre-1930s building stock have changed the downtown urban corridors, leaving little behind to form a cohesive, historic commercial scale and experience. Block 25, highlighted in yellow, still retains its prime location between the waterfront and the core blocks of Central Avenue as it extends to the fringe of the urban core. Though an extant row of historic buildings remain along the north side of Central Avenue from 4th Street North to 8th Street North, they do not carry the significance and historical precedent of Block 25 as the first developed block responding to the 1888 platting of the Town of St. Petersburg.



The current parcel configuration of Block 25 is similar to the original plat, and the alley reveals an on-site circulation characteristic that is virtually unchanged. The direct relationship between buildings along 1st Avenue North and Central Avenue is united by the historically important alley, that at one time led to a central courtyard of the Hotel Detroit (now Jannus Live). Though use and demographic changes have occurred and have become part of the contextual character, Block 25 still serves as a primary urban

destination and meeting place for the general public. Today, it is set apart from surrounding block development in its lower scale and vibrancy that continue the earliest dynamics. Redevelopment that considers the entire block and its historic buildings as an intermingled historic fabric would best serve its significance and heritage distinction, of which appropriate and sensitive and robust design and planning have proven under similar circumstances.

2. Altering the linear depths of historically significant buildings. *Per the City Code criteria, the "concept" appears to disqualify any proposed historic district since it would reduce too much of each factor of integrity needed to sustain the historic block's physical aspects, and character-defining layout. Façade-only retention, while an important tool under certain situations, does not appear to work positively for Block 25 without understanding other dynamics such as future use, aesthetics, scale, experience, etc.*

Explanation. The existing building frontages reveal a communal relationship with the rear alley, to which the City has committed significant improvements. Eliminating the alley, and retaining only the frontal footprints of some buildings destroys this relationship by eliminating the physical elements that also bring together each side of the block. The alley is an important feature of the early block along which all original buildings were constructed. Alternatives for an improved, more historically sensitive design are available that allow a more compatible scale and separation of new development versus old, while incorporating the most important character-defining elements of the block, including the alley.

3. Development of an internal high-rise project. *The "concept" would likely render Block 25 as unrecognizable according to its historic configuration, its historic role, and its historic functions.*

Explanation. Again, scale is an issue of concern. The projection of a large, multi-dimensional high-rise building from the center of Block 25 completely alters the setting, while creating a false sense of history by retaining only the facades of certain buildings. The current block is now a rarity when compared to all other blocks in the City. The enormity of the proposed "concept" would likely require a false preservation of existing historic buildings, whereby they become only shell remnants that may no longer meet required minimum integrity standards. In this case, the buildings would become mere references to their original design, workmanship, and materials. In other words, the stabilization of the historic fabric is unclear, as revealed in the "concept," since it appears that each building would be permanently altered and modified in a gratuitous manner and therefore lose the effect of completeness. This produces an unclear understanding then, of how the Central Avenue street venue, and the block as a historic whole would retain any of its current historic character and value.

4. Continued uses of the existing historic buildings are an important part of retaining important historic collections of buildings. *The "concept" does not appear to preserve enough of any existing street corridor character, and it is unclear how a complete and accurate historic building ensemble is then restored and revived in tandem with the newly developed building construct that appears to improperly and perhaps excessively engage and overwhelm the historic constructs.*

Explanation. It has to be considered that the current atmosphere and dynamics of Block 25 would change with development of the "concept", but the immediate, and both short- and long-term predictable effects are unknown. The strong flux of people and event activities, especially along Central Avenue, is a characteristic feature throughout all historic periods that create a strong sense of identity for St. Petersburg's residents and visitors. Without preserving at least one full street block component of buildings, the current historic setting and atmosphere are not likely going to be retained.

5. The Hotel Detroit. The "concept" slices through the hotel in an awkward manner and may disqualify the City's most important pioneer building as a local historic landmark.

Explanation. As the earliest and perhaps most important building on the block, and the first major building constructed after the 1888 Town platting, the Hotel Detroit and its later 1911 and 1913 additions, all local landmarks, should be retained in their entirety. Though the historic integrity of the original hotel is now compromised, such changes have become part of its history. The winged additions that reveal its early dominance and progressive character, are old enough and architecturally significant enough today to perhaps allow it to reveal the history back to the founding of St. Petersburg better than any other building in the City.

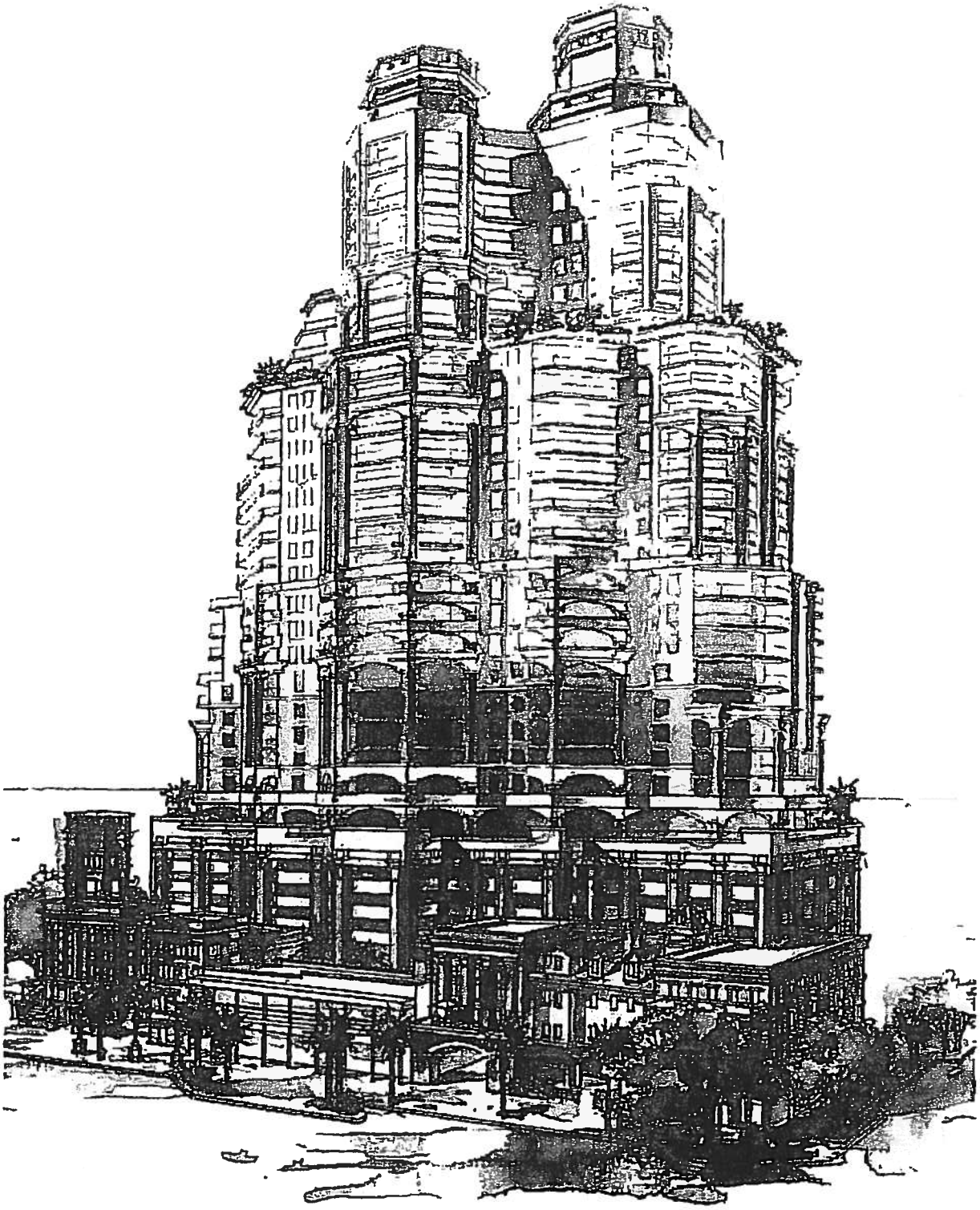
We respect the desire to make substantial financial investments and improvements to the urban core of St. Petersburg. We also understand how critical historic areas have contributed to the success of our City as one of the best places to live, work, and vacation. As part of the upcoming local landmark district designation consideration, let us continue the open process of communication and public input that has already helped to shape our great City. We look forward to your input and comments.

Sincerely,

Dave Goodwin, Director, Planning & Economic Development Department

LF/dg

CC: Alan DeLisle, City Development Administrator
Derek Kilborn, Manager, Urban Planning and Historic Preservation Division
Michael Dema, Esq., Assistant City Attorney
Dr. Larry Frey, Historic Preservation Planner II



R12

JOHN A. BODZIAK
ARCHITECT AA PA

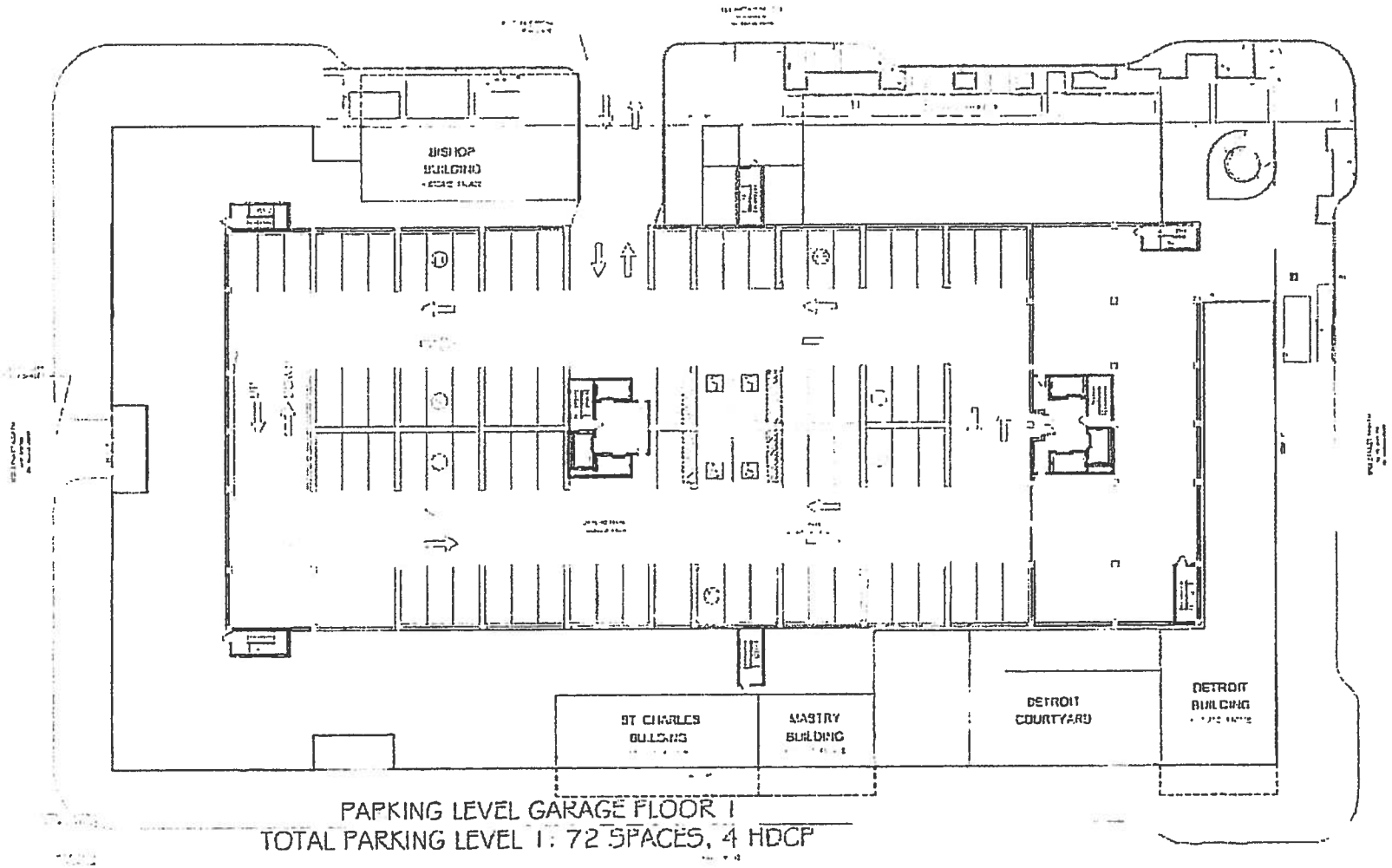
DETROIT BLOCK RENOVATION
26760 US HIGHWAY 19 N
CLEARWATER, FL 33761

RENDERED DRAWING

JOHN A. BODZIAK
ARCHITECT, AIA

DETROIT BLOCK RENOVATION

CONDITIONS ELEVATION DRAWINGS



PARKING LEVEL GARAGE FLOOR 1
TOTAL PARKING LEVEL 1: 72 SPACES, 4 HDCP

GROUND FLOOR PARKING/ COURTYARD PLAN

DETROIT BLOCK RENOVATION

JOHN A. BODZIAK

A-1.0

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HISTORIC BLOCK 25 TERM SHEET

This *Letter of Intent* or *Term Sheet* follows a more comprehensive letter of commitment that was previously prepared by the City of St. Petersburg and published on April 14, 2015. The purpose of this Term Sheet is to summarize action items discussed at a joint planning meeting on Tuesday, May 26, 2015. The meeting was attended by City Staff, legal representation for the property owners, and several property owners.

1. **Amend the City's Land Development Regulations ("LDRs") to prioritize use of the transfer of development rights:**

   - ***Support dialogue*** and ***strongly recommend*** re-ordering the FAR bonuses to prioritize historic preservation. The consensus recommendation is to combine the first 0.5 FAR requirement for workforce housing with the second 0.5 FAR requirement for historic preservation, workforce housing, and downtown transit, into a consolidated requirement for the first 1.0 FAR to be selected from any single or combination of historic preservation, workforce housing, and downtown transit.

   - **Support dialogue** and **strongly recommend** that where a streamline or public hearing application impacts properties listed individually or as a contributing resource on the St. Petersburg Register of Historic Places or the National Register of Historic Places, or properties formally identified through City Code Section 16.30.070.2.11 as potentially eligible for designation as a local landmark, then use of the historic preservation FAR bonus shall be mandated.

   - **Assign** one (1) representative from Block 25 to the committee that shall be convened to review and consider changes to the FAR exemption and bonus program within the Downtown Center zoning classification.

   - **Support dialogue** and **evaluation** of proposal that the Historic and Archeological Preservation Overlay ("HAPO") Section of the City Code be amended to make contributing resources within a local landmark district eligible for the creation of TDR credits.

2. **Amend the LDRs to allow the application of TDR,H outside the DC, CCS, and RC zoning districts:**

   - **Research opportunities for** increasing the number of receiver zoning districts. Expansion must occur within permissible allowances governed by the provisions of the applicable plan category and the Countywide Plan Rules.

   - **Initiate** a text amendment application, and **strongly recommend** support for, applicable changes to the City's LDRs that allow additional transfer opportunities.

3. **Amend the Certificate of Appropriateness procedures to add more objective standards and to lower the threshold for allowing replacement or redevelopment:**

- **Confirm our commitment** to schedule a pre-development meeting with related staff liaisons in advance of any redevelopment proposal, if requested. The development review team would include staff liaisons from zoning, permitting, preservation, engineering, sanitation, water, and transportation and parking. The purpose of the development review team will be to provide preliminary assistance in identifying potential problems and solutions prior to submitting a formal application and processing fee.

- **Support dialogue** to consider amending the HAPO to allow greater flexibility when considering requests to replace original windows with impact resistant and energy efficient windows. During such consideration, City Staff will not be supportive of changes that jeopardize the City's CLG status. Decisions regarding window and exterior door replacement often require Community Planning and Preservation Commission ("CPPC") action, which is appealable to City Council. Favorable Commission and Council decisions cannot be guaranteed.

- **Support dialogue** pertaining to the use of a development agreement on proposals requiring COA approval. City staff can review and recommend support for certain exterior modifications that may be a part of a development agreement. However, development agreements cannot supersede the authority of existing laws and codes, including the decision making authority of an elected or appointed body. Development agreements are subject to review and recommendation by the Community Planning and Preservation Commission and approval by the City Council. such approval cannot be assured. Further, when a proposal requires public hearing review, in accordance with the COA Matrix, final authority is assigned to the Community Planning and Preservation Commission or City Council, on appeal. Again, favorable Commission and Council decisions cannot be guaranteed by the terms of a development agreement.

- **Prepare a list** of character defining features for each of the buildings located within the proposed district to help inform future decision making about exterior modifications. (The COA review process considers the impact of proposed changes on character defining features of the historic resource.) Said list shall be incorporated into a **Letter of Opinion** that will, to the best of our abilities, describe how future interpretations shall be made.

4. **Alley improvements, including resurfacing and utility infrastructure. Issues and concerns include stormwater, grease traps, and access for trash hauling and deliveries, and, streetside enhancements along the perimeter of the block, including lighting, sidewalks, banners, signage, and monuments. This includes general maintenance of public rights-of-way and adding new enhancements to place a spotlight on the block as an entertainment and historic district:**

- **City will review** the various challenges associated with the service alley and streetscape around Block 25 and will prepare an improvement plan and implementation strategy. The improvement plan will be prepared with input from the affected property owners, and the implementation strategy will be a negotiated agreement specifying obligations of both the City and affected property owners.

- **City will invest** available funding sources to prepare the implementation strategy and install any identified improvements or enhance programming.

- **Evaluate** assignment of special assessments to abutting property owners for negotiated improvements beyond City's funding capabilities.

- **Evaluate** opportunities for additional loading zones to accommodate service vehicles.

- **Support dialogue** pertaining to elimination of on-street parking, either along Central Avenue or around the entire city block. Dialogue may include alternatives, such as elimination of diagonal parking along the north side of Central Avenue, conversion of diagonal parking to parallel parking, or redesigning this segment of Central Avenue into a convertible street meaning that it would be designed to prioritize pedestrians and special events and may be more regularly closed to vehicle traffic.

5. **Marketing of the district and expanded wayfinding signage on major arterial roadways, downtown pedestrians, thoroughfares and City-sponsored maps. Website content on stpete.org and stpete.com:**

- **Market the local historic district** through promotional materials and special event programming. All aspects of marketing will be coordinated through the City's Marketing Department.
- **Pursue grant funding** or make a commitment through city funds to develop and install a heritage trail around the block. Descriptive panels could be designed featuring specific buildings and include historic narrative about the individual buildings and city block. Create a virtual tour on the City website to replicate the heritage trail on-site.
- **Pursue installation of directional signage** along I-275 and the I-175 and I-375 feeders. The Florida Administrative Code Chapter 14-51.1 regulates guide signs: 1) **provide annual trip data** to show compliance with the Qualifying Historic District requirements, meaning a minimum 100,000 annual trips; and 2) **negotiate with the Florida Department of Transportation** for additional signage in compliance with their installation criteria.
- **Consult with property owners** to help identify alternative district names that are historically accurate yet more agreeable from a marketing and branding perspective.
- **Evaluate** the potential for signature signage, similar to the signature signage installed along Beach Drive directing pedestrians to the Sundial.
- **Support identification on pedestrian wayfinding signs**. The City's Transportation and Parking Department is commencing a study to update an existing pedestrian wayfinding sign program for the downtown center. The local historic district, if approved, will be included for consideration.

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TO: The Honorable Karl Nurse, Chair, and Members of City Council

THROUGH: Derek Kilborn, Manager of Urban Planning and Historic Preservation

FROM: Kimberly Hinder, Historic Preservation Planner

DATE: Meeting of August 1, 2013

SUBJECT: Pursuant to a request by City Council at their April 18, 2013 meeting, this report is an analysis of the eligibility of Block 25, commonly known as the Jannus Landing block, for local landmark designation as a district.

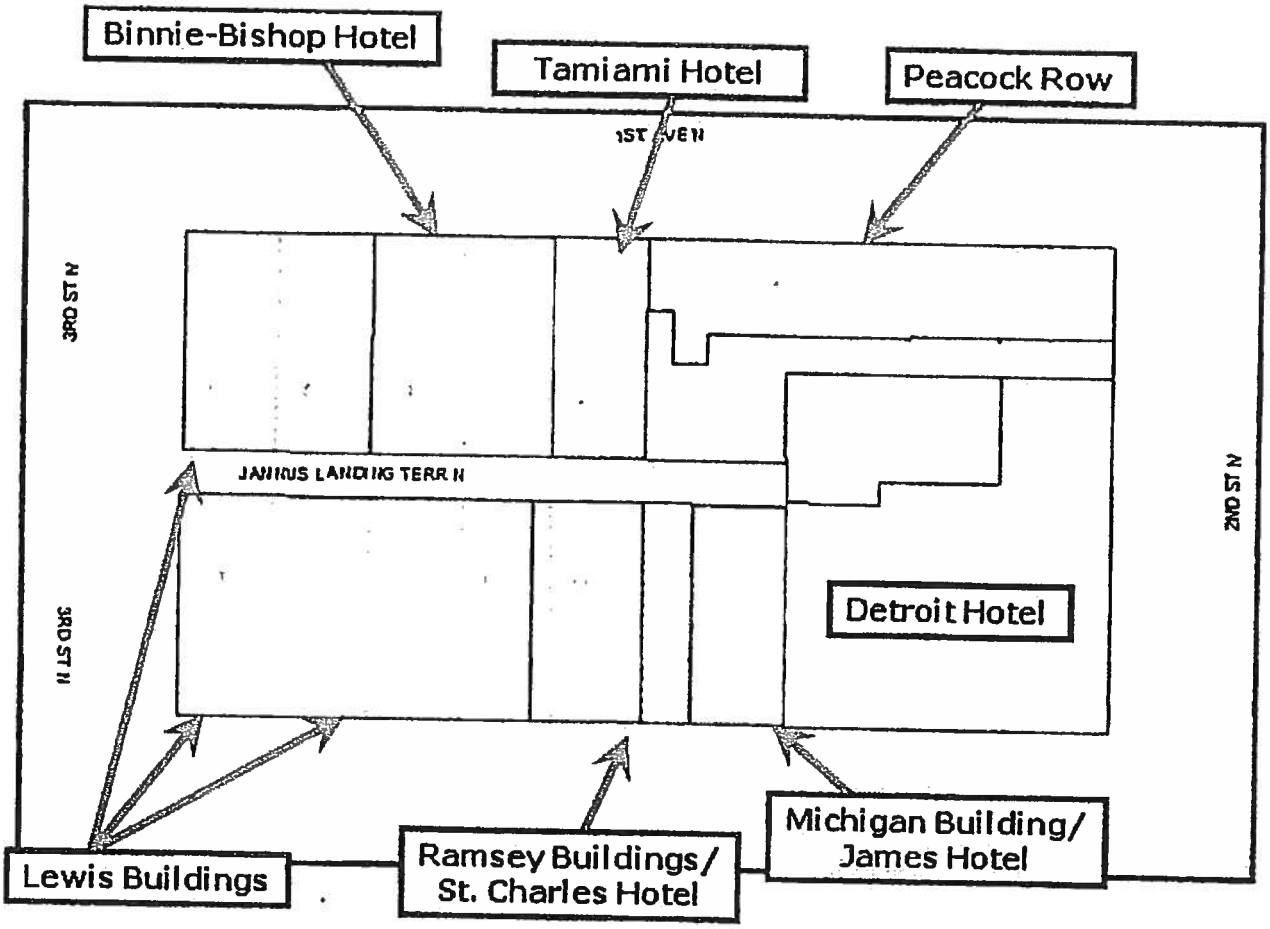
REQUEST: The CPC is requesting that City Council initiate a local landmark designation application for Block 25 to be designated as a district.

Background:
On March 12, 2013, a demolition application was submitted for a portion of the Bishop Hotel property located at 256 1st Avenue North, which was identified as a potential historic landmark in 2006. City Code Section 16.30.070.2.11 requires a 30 business day stay of demolition for potentially eligible landmarks and notification of such to the owner, the CPC, and any interested individual or group. At the March 15, 2013 CPC public meeting, the Commission requested that the matter be referred to City Council under City Code Section 16.30.070.2.8 for Emergency Actions; Nondesignated Properties with the request for an extension of the demolition delay. During the discussion and approval of the demolition delay at their April 18, 2013 meeting, Council also approved a resolution requesting that the CPC work with staff to review the landmark eligibility of all of the buildings on Block 25, also known as the Jannus Landing Block, not currently locally designated as a historic landmark and report back to City Council. At the July 9, 2013 public hearing, the CPC reviewed the history of the block, identified it as potentially eligible, and approved a motion to refer their findings to City Council.

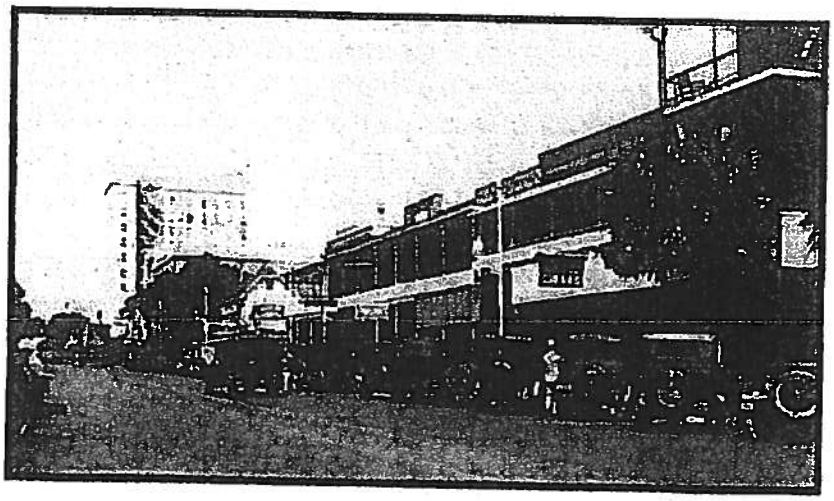
According to City Code, the property owner or any resident or organization in the City may submit an application for local landmark designation. If privately initiated, the applicant must provide evidence of the approval of the district from the owners of two-thirds of the properties within the boundaries. The City, including City Council, may also initiate a designation. Evidence of ownership approval is not required for city-initiated designations.

Staff has prepared the following information regarding the block as additional background information.

In addition to the Binnie-Bishop Hotel and the Detroit Hotel, which was designated in 2010, there are seven other historic buildings on the block. It appears that there is sufficient historic integrity and significance to form a district.

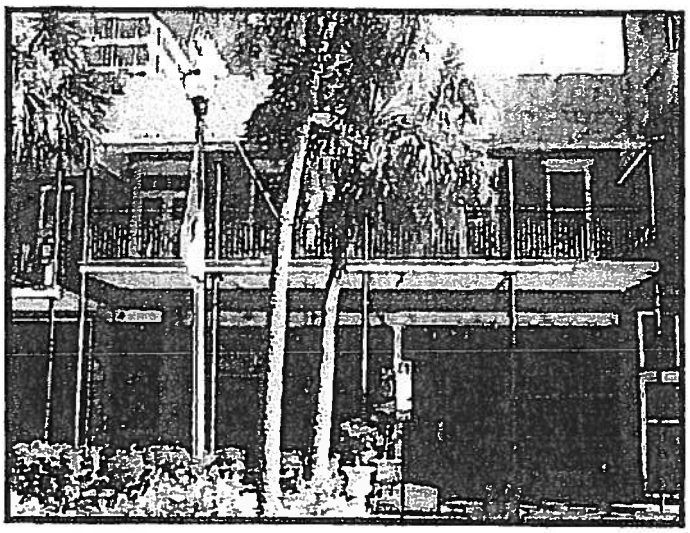


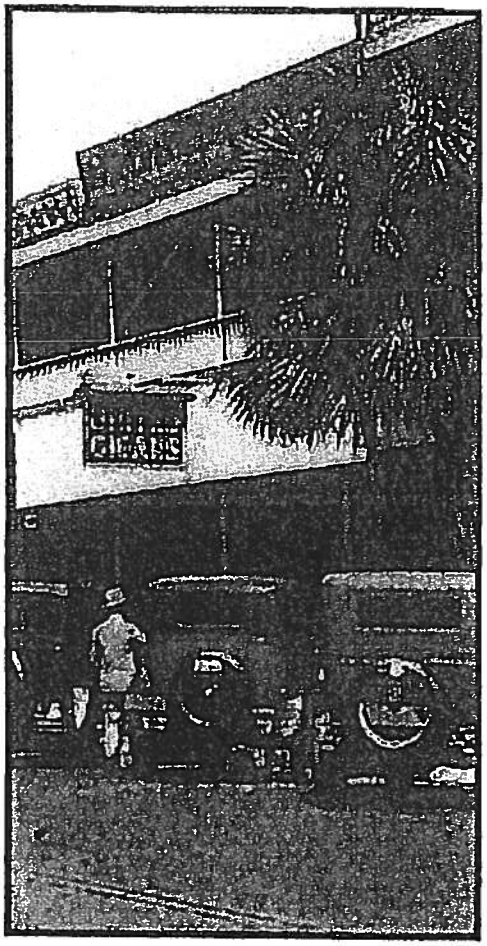
Block 25 was part of the original plat for the City of St. Petersburg with the eastern portion, on which the Detroit Hotel was built, identified for hotel use. With the train depot half a block away and the city park nearby, Block 25 saw some of the earliest settlement and businesses in the new town.



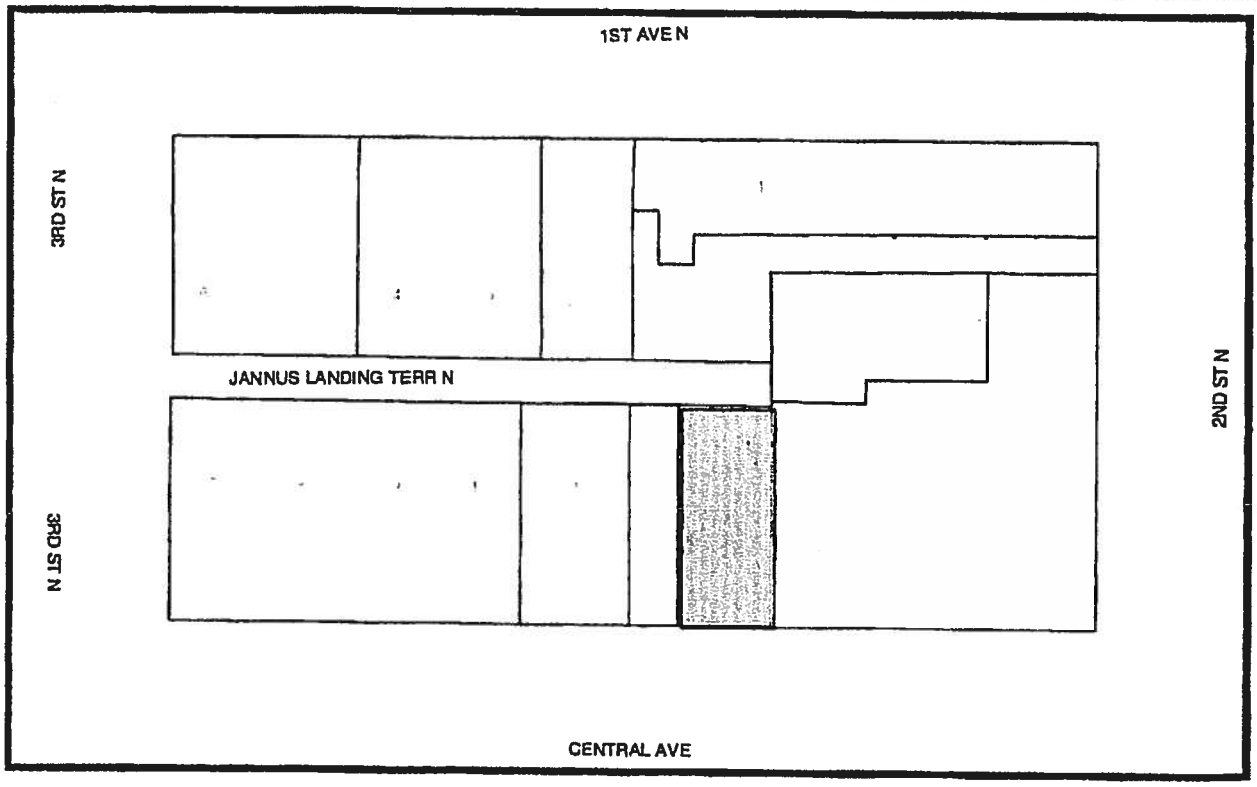
Central Avenue looking west from the Detroit Hotel, ca. 1926. St. Petersburg Museum of History.

Michigan Building/James Hotel, 231-35 Central Avenue (8PI291)



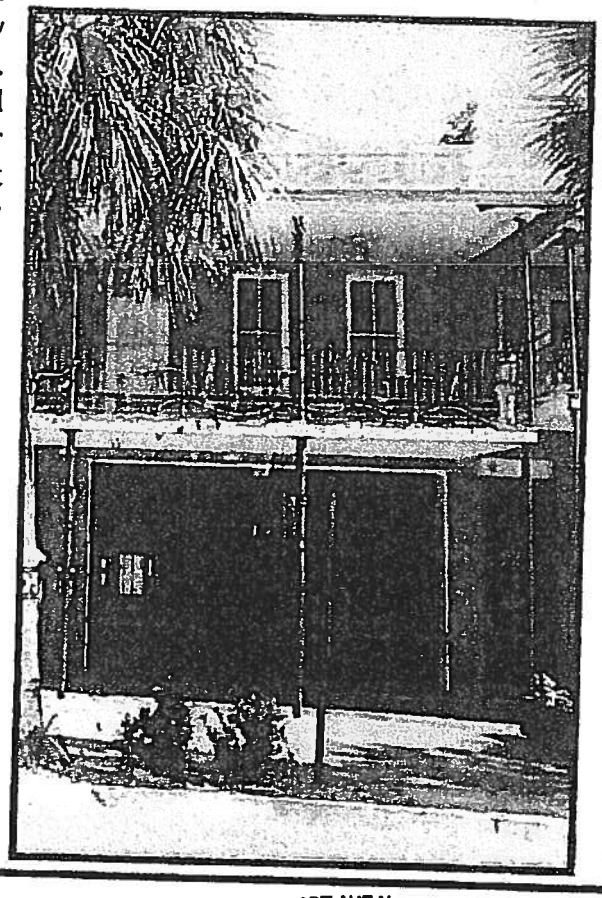


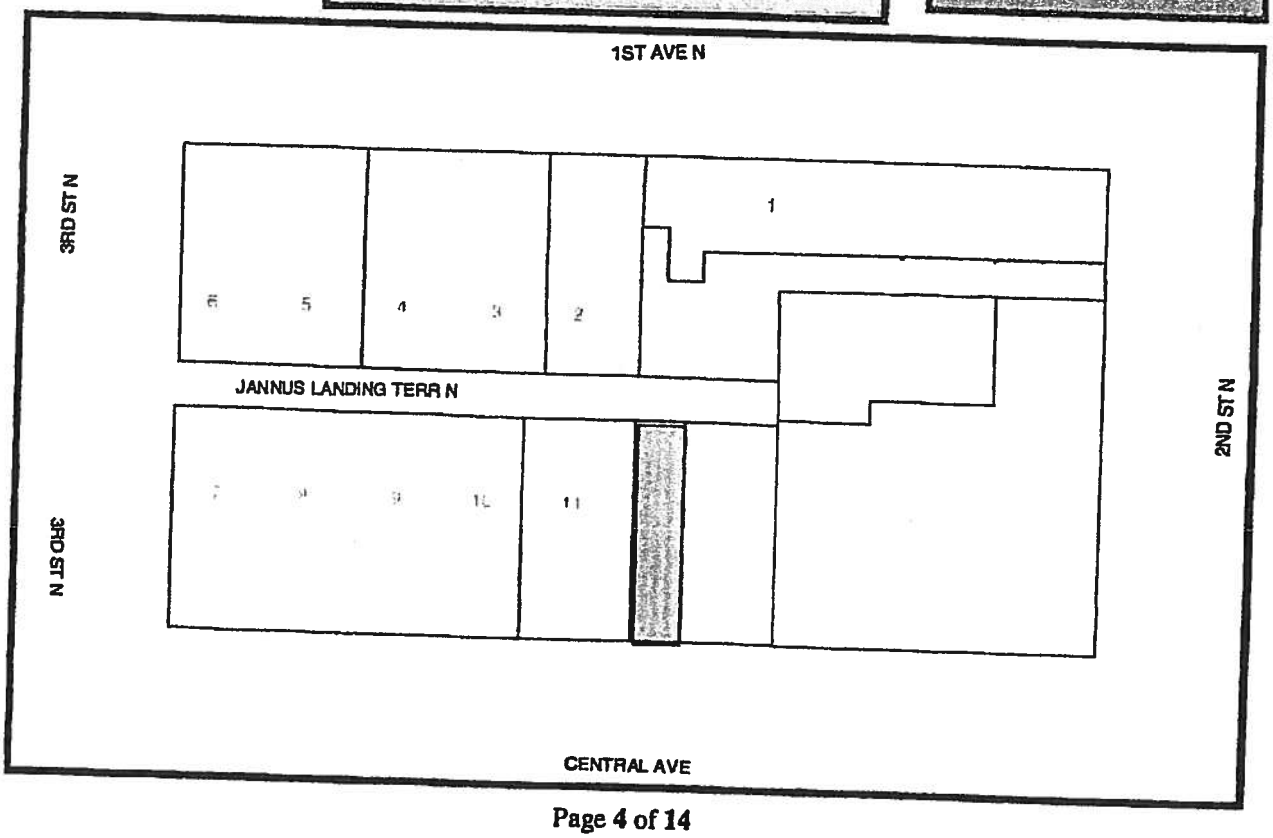
The Michigan Building was designed by architect Edgar Ferdon and constructed in 1909. Edward Tonnelier owned the property which was designed to accommodate stores on the first floor and a 10 room hotel on the second floor. Businesses such as Dr. William Secor, A.T. Mullins Real Estate, Beach's Pharmacy, Sun Drug Company, United Cigars, and the James Hotel occupied the building. The Masonry Vernacular building remains an excellent example of early twentieth century commercial design.



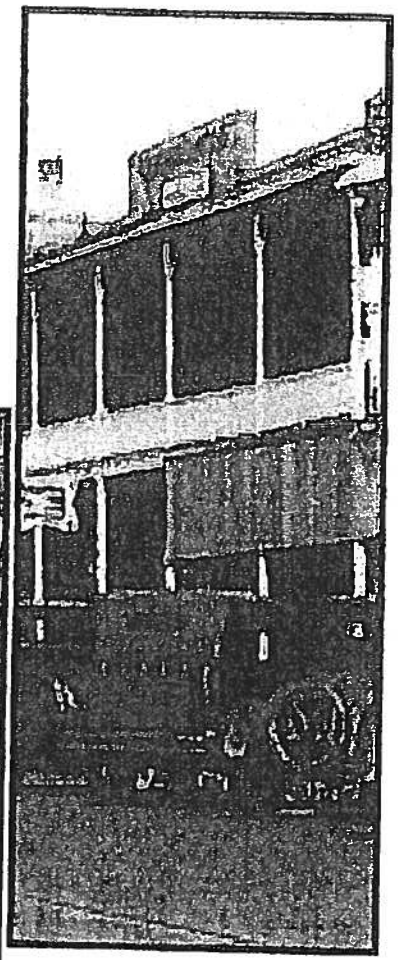
Ramsey Addition, 237-41 Central Avenue (8PI313)

Although built separately, this narrow structure was built by the same owner as the building immediately west. Contractor R.W. Miller constructed the building for Mary Ramsey in 1908. Mrs. Ramsey lived on the second floor and rented the first floor to the Beverly ice cream shop. Later occupants included a bakery and Barber Groves.

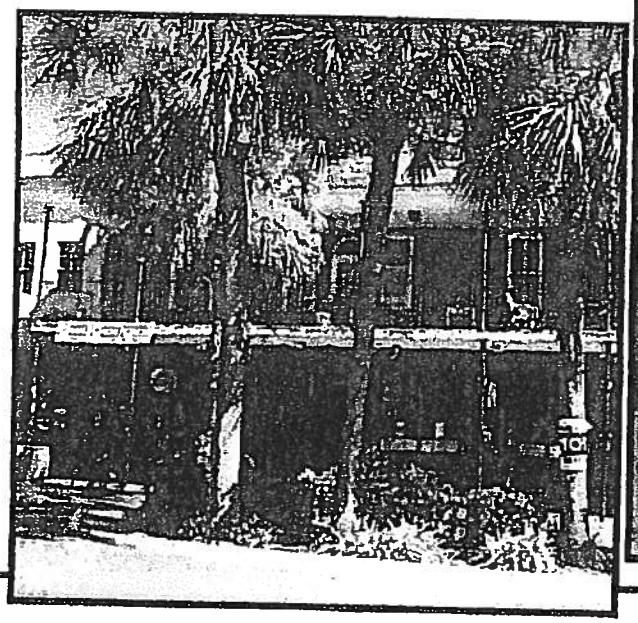


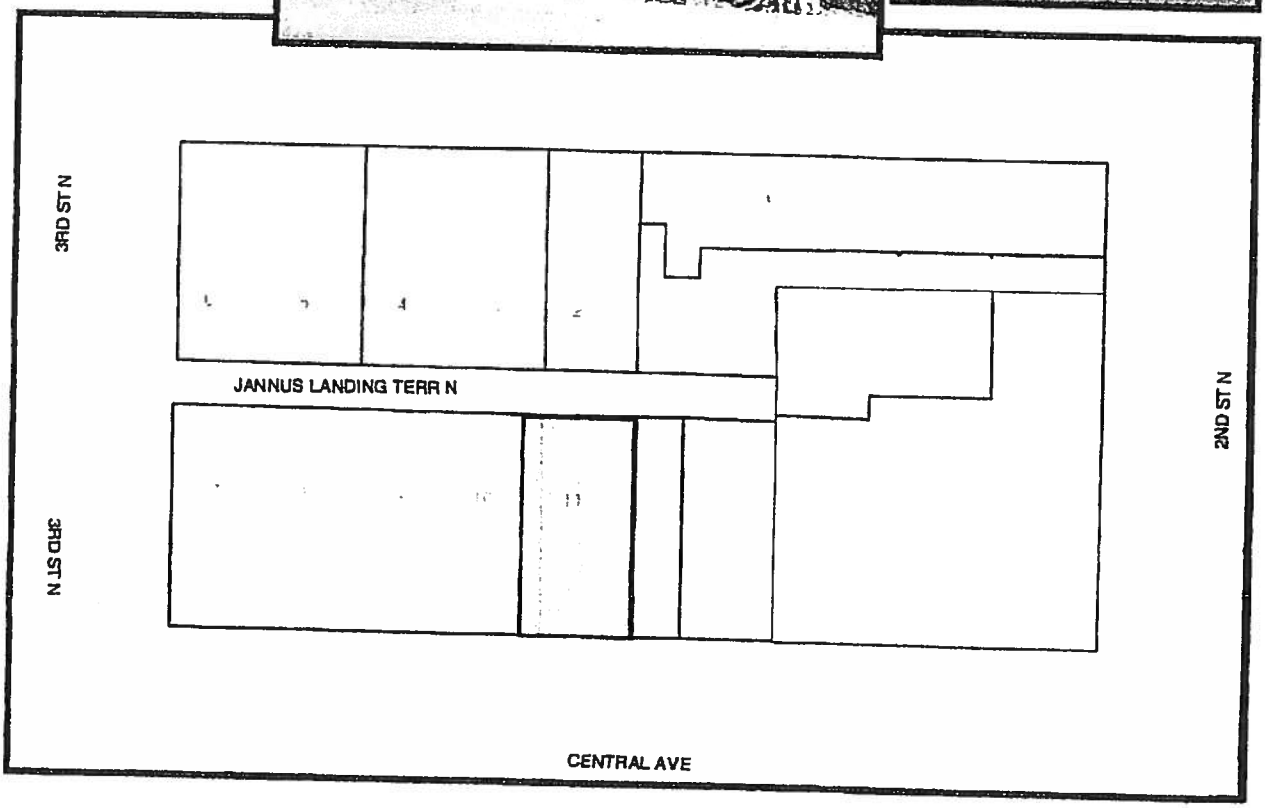


Ramsey Block/St. Charles Hotel, 243-47 Central Avenue (8PI278)

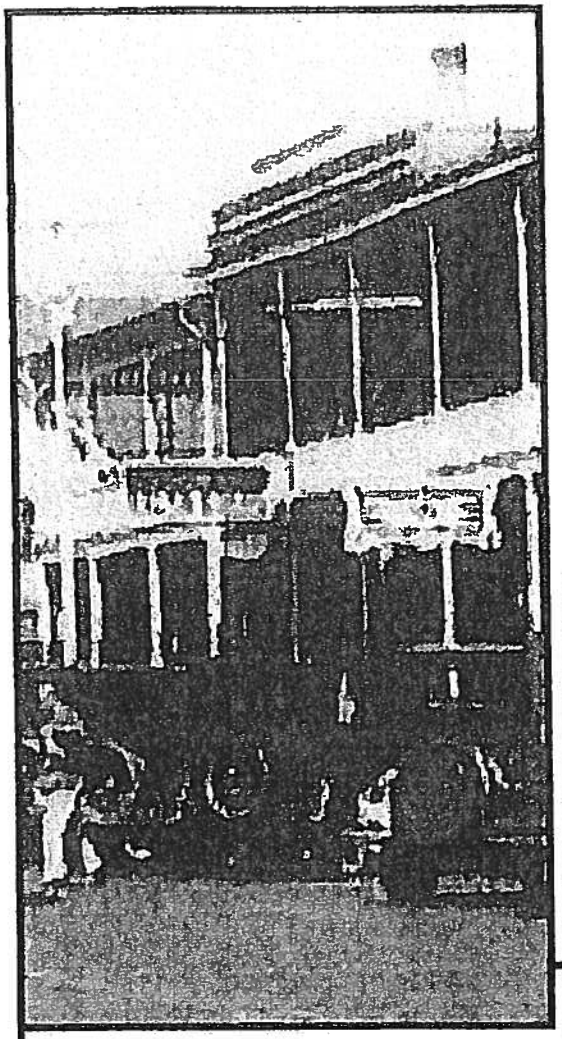


The Ramsey Block, also known as the St. Charles Hotel, was constructed in 1904 by owner Mary Ramsey. She moved to St. Petersburg in 1900 and is credited with building the first brick commercial building in the city, which was located in the block where the City's Municipal Services Center is now. Her first two buildings have been demolished. This building, which she named the Ramsey Block, was her third commercial building with the building adjacent to the east as her fourth. This building held the Royal Palms Theater, one of the first with electricity, and the McPherson-Dent Bakery on the first floor. The second floor served as the St. Charles Hotel.



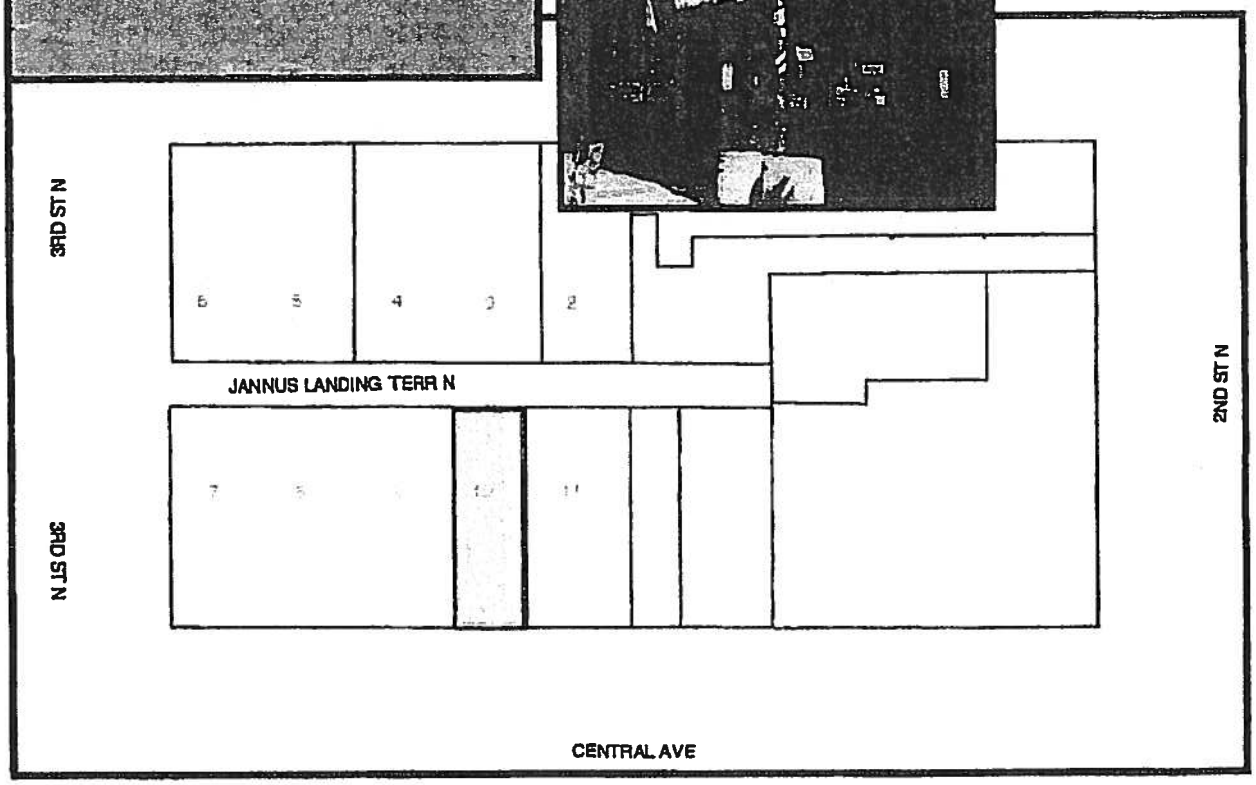


Norton Building, 249-53 Central Avenue



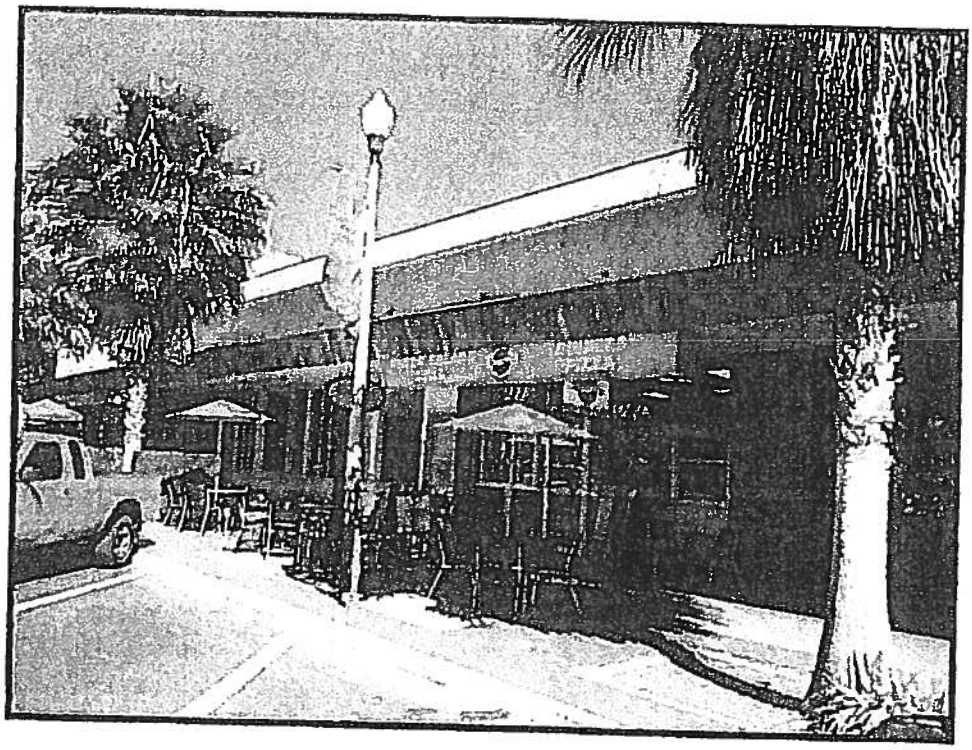
The Norton Building was built in 1906 by owner James Norton. Until Pinellas County voters outlawed saloons in 1913, Norton operated one of the last saloons in St. Petersburg. His wife, Julia, was the proprietor of Norton Flats, which were rooms available for rent on the second floor of this building. Other occupants included the Palace Ice Cream Parlor, Leland's Ice Cream Parlor, and Jack's Bazaar. It was the first building in the city to be piped for gas.

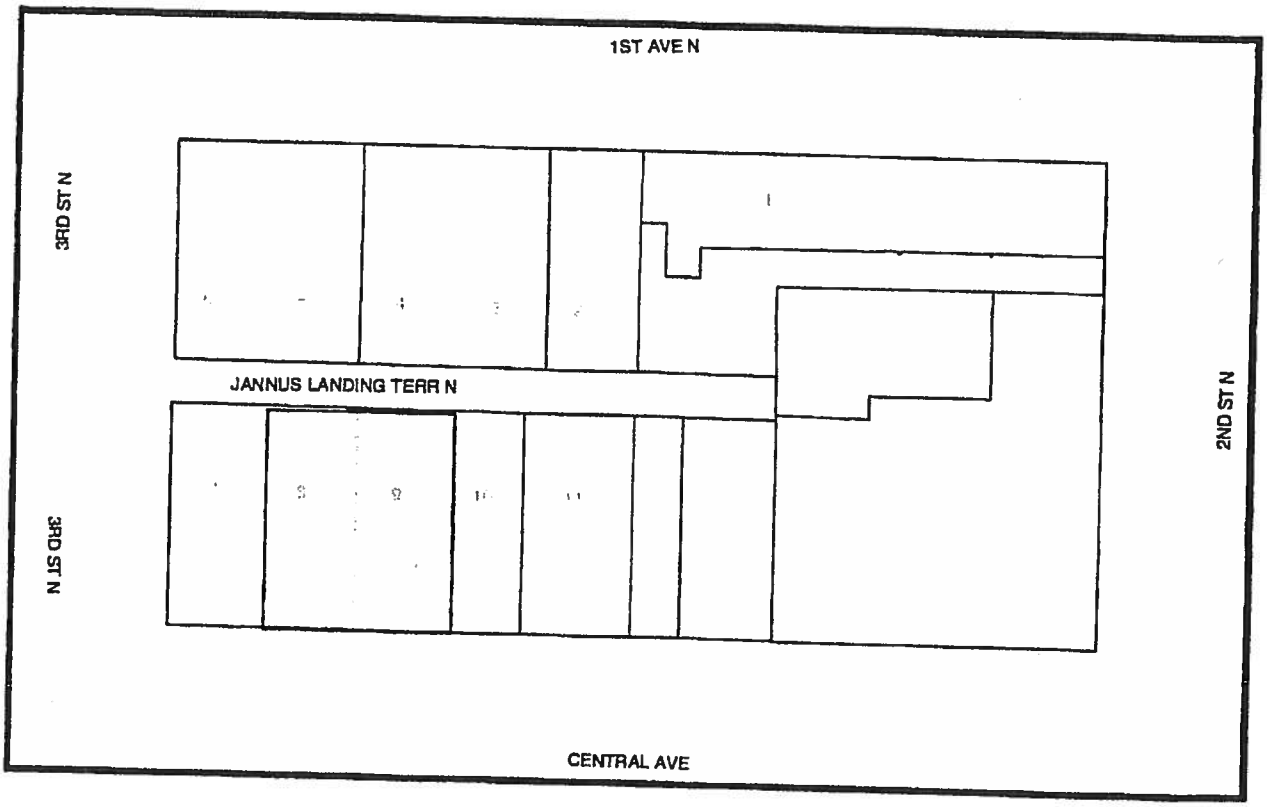
This building was later acquired by the Lewis family, who owned the rest of the buildings to the corner of 3rd Street and was refaced with the others in 1966. Although this building has been altered, it is still identifiable as a historic building in terms of mass, height, setback and openings and could be returned to a semblance of its original design.

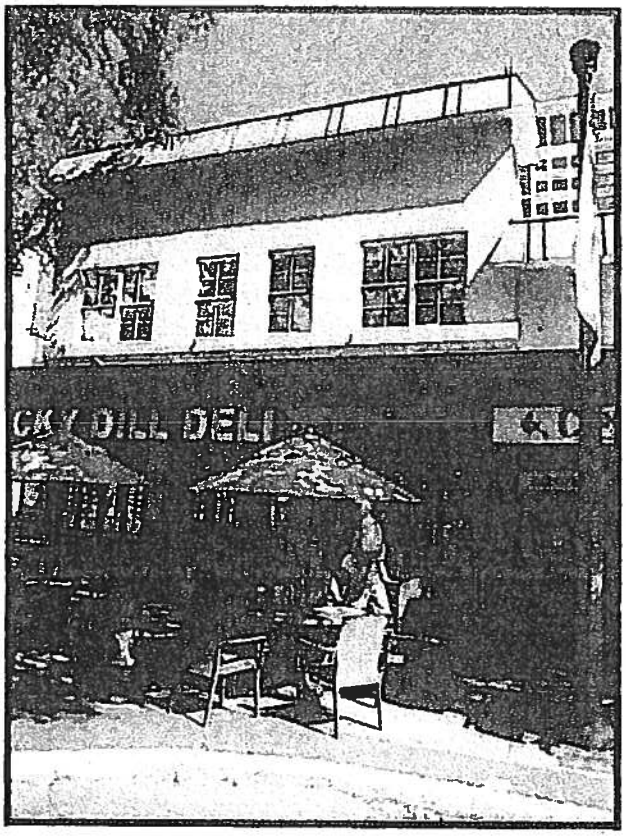


Lewis Building #3,
259-69 Central Avenue

This one-story block was constructed ca. 1908 by owner Ed Lewis, who owned the property to the corner of 3rd Street. Early occupants included Roger's Jewelry, a plumbing business, the St. Petersburg Shoe Company, Ermatinger's Hat Store, and Arthur L. Johnson's Men's Clothing Store. Johnson was a leader in the Chamber of Commerce, and originated the Festival of States celebration.

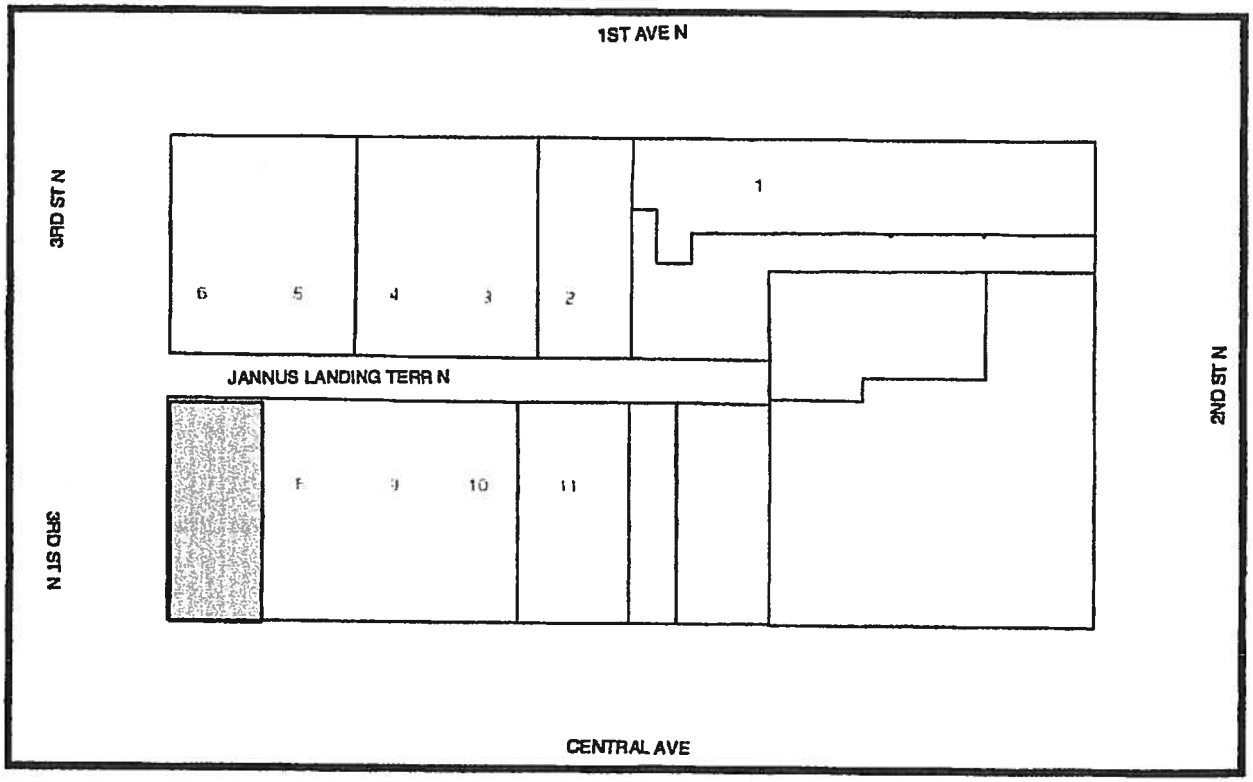






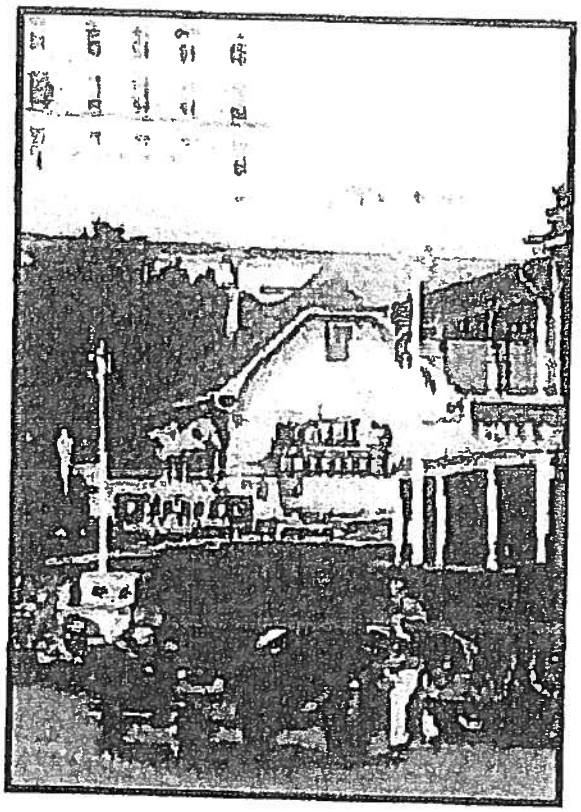
Lewis Building #1,
277-79 Central Avenue

Constructed by owner Edson T. Lewis in 1894, the two-story wood frame Lewis Building was built to house Lewis' grocery store on the first floor with a hotel on the second floor. Lewis arrived in St. Petersburg with his parents in 1888, three months before the arrival of the first train. Sixteen year old Lewis first worked in Williams General Store across from the Detroit Hotel, before venturing into a partnership in 1892, and then building and operating his own grocery in 1894. By the late 1890s, Lewis became a banker for many residents and helped establish the Central National Bank in 1904. He served as City Councilman, advocated for the use of brick in paving the city streets, and was a leader in the movement for municipal ownership of the waterfront and utilities.

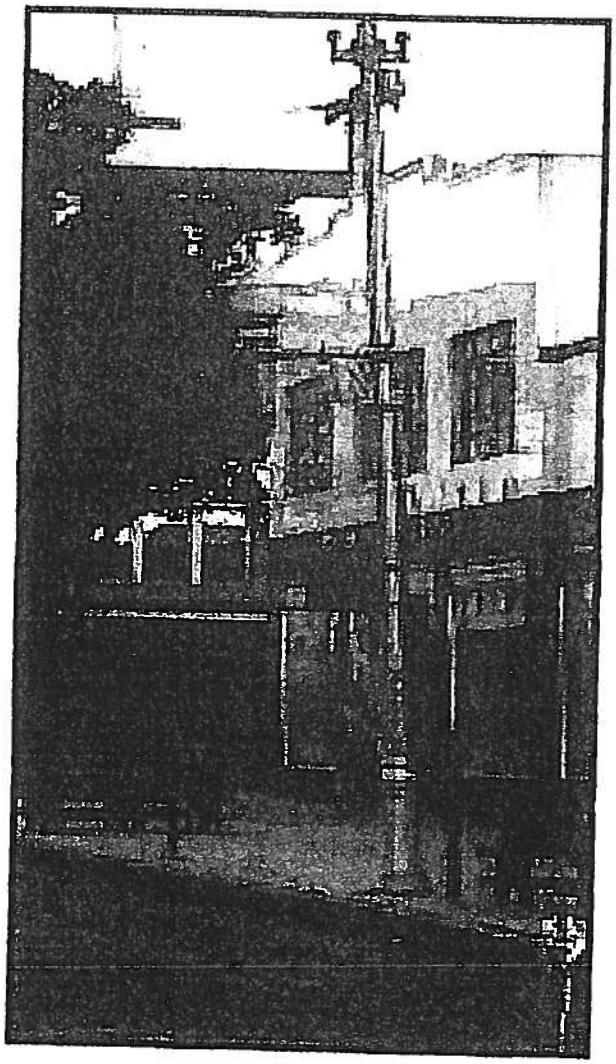


In 1913, W.C. Burton joined the grocery firm and Lewis sold his interest in the grocery around 1920, although he retained ownership of the building and land. In 1923, the grocery closed, relocated, and became a wholesale enterprise. Among other interests, Lewis and his son, Leon Lewis, maintained investments in real estate, building four structures in the Jannus Landing Block alone.

It appears that the original wood frame building remains, although it was substantially altered with refacing in 1937 and again in 1966. Other entities which occupied the building include the Red Cross, starting in 1928, and architect Henry Dupont.

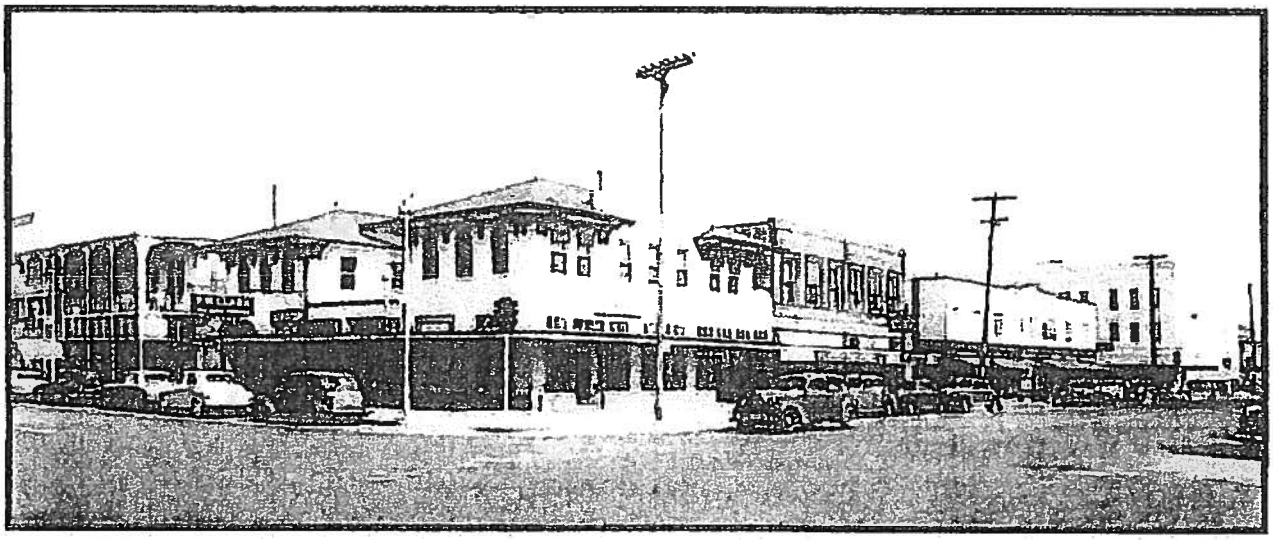


Lewis Building #1, ca. 1926.



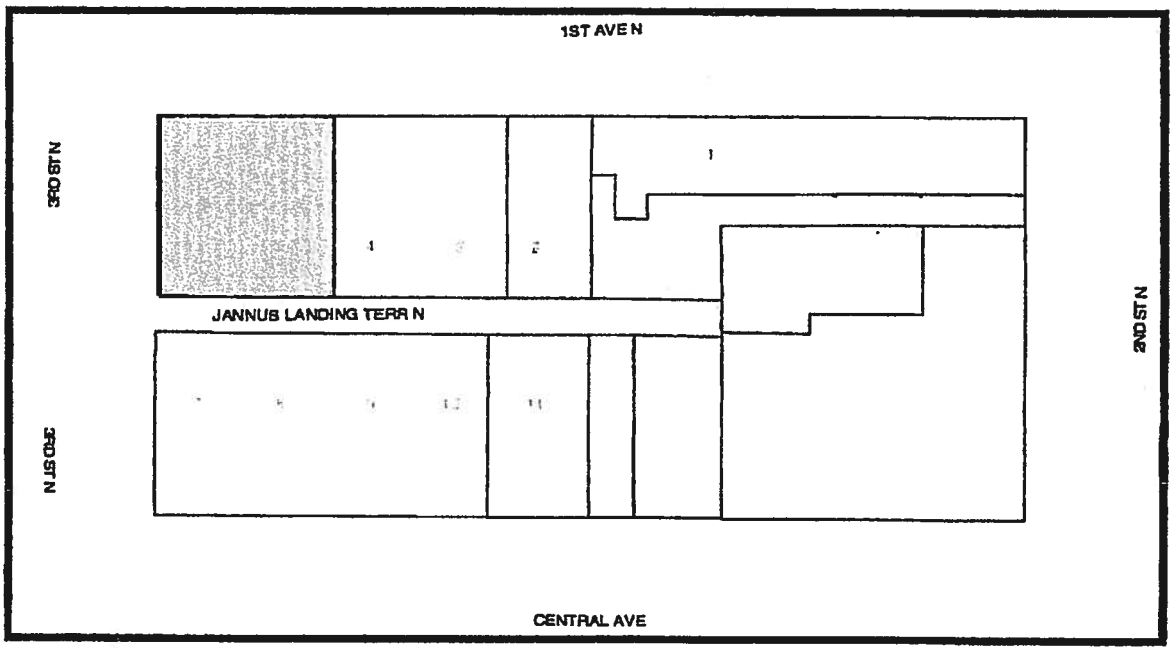
Lewis Building #1, ca. 1937. St. Petersburg Times.

Lewis Buildings
 # 2 - 17-21 3rd Street North (demolished)
 # 4 – 23-29 3rd Street North & 262-278 1st Avenue North (demolished)
 # 5 – 270 1st Avenue North (existing)

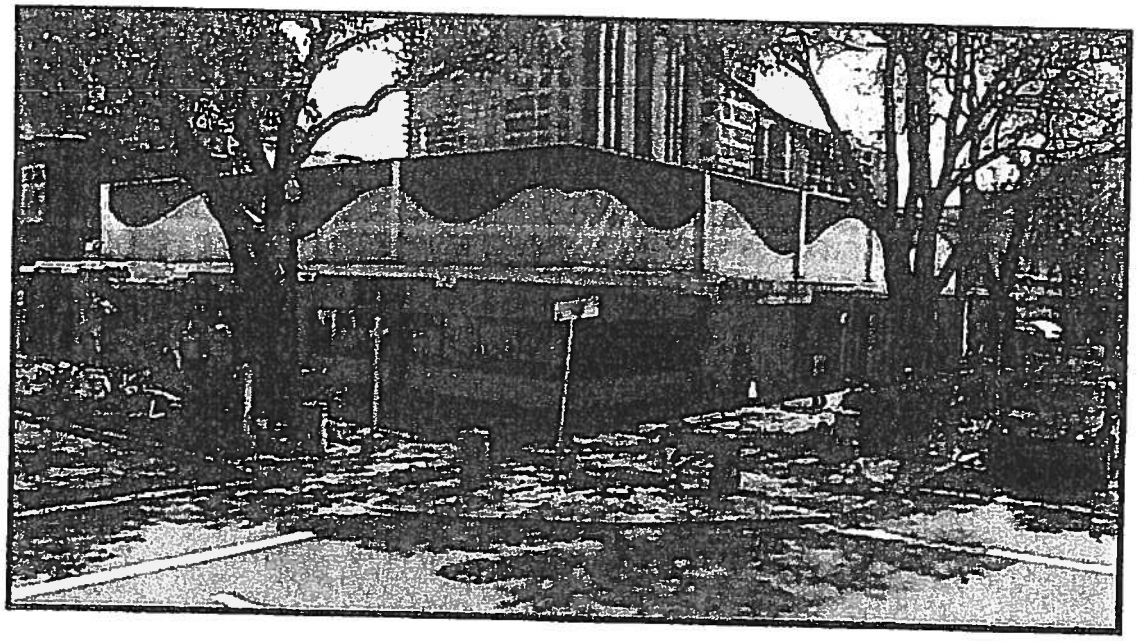


Southeast Corner of 3rd Street and 1st Avenue North, ca. 1950. Lewis Grocery Building #1 is on far right. Red brick building to the left was Lewis Building #2 (demolished). Mission Revival building on the corner was Lewis Building #4 (demolished). St. Petersburg Museum of History.

Lewis' second construction project on the block was a red brick commercial building built ca. 1907 fronting 3rd Street North across the alley from his grocery. In 1917, Lewis and fellow owner George Van Houten, who was a contractor, built the Mission Revival building on the corner which was designed by architect W.S. Shull. It tied into the red brick building and housed

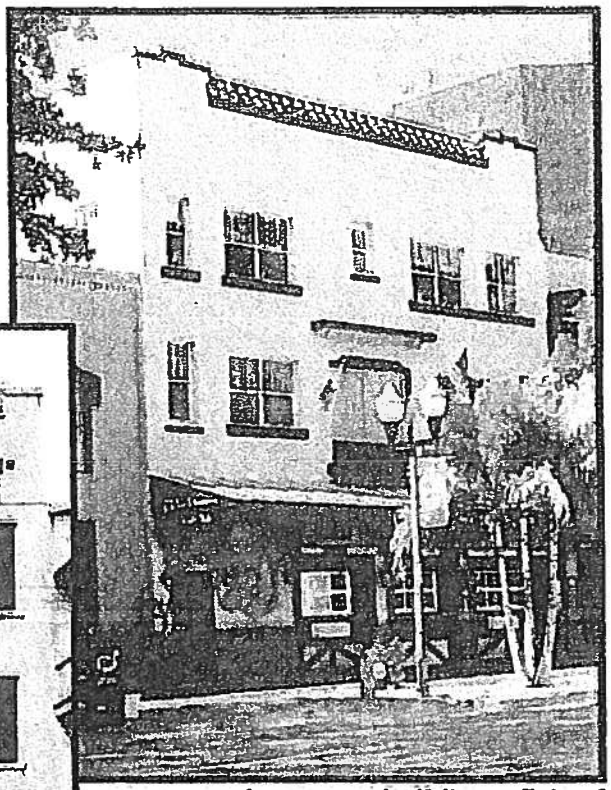


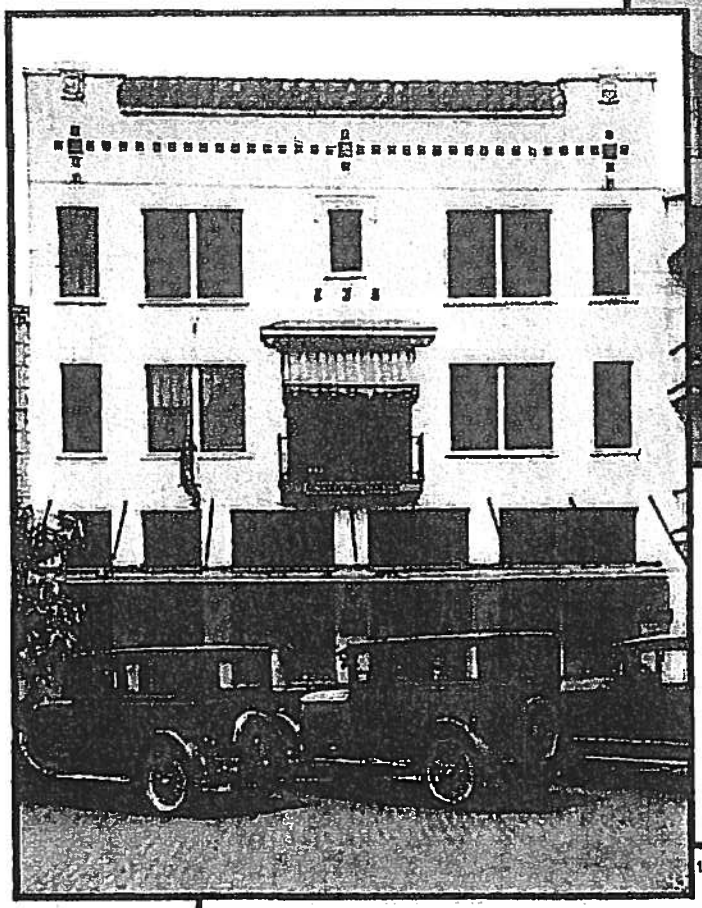
the Hotel Dennis on the 2nd floor. Other businesses which occupied the first floors of the buildings included the St. Petersburg Tailors and Dry Cleaners, Advance Art Printery, Carpenter's New England Home Bakery and Tea Room, and an African-American barber and tailor, Archibald S. Smith, who maintained space between 1908 and 1914. After the death of Lewis and his son, Leon Lewis, the property remained in the ownership of the Lewis Interests. In 1966, the company decided to raze the two buildings on the corner, and construct the existing one-story commercial building located at 270 1st Avenue North. The Binnie-Bishop Hotel is located adjacent to the east of this building.



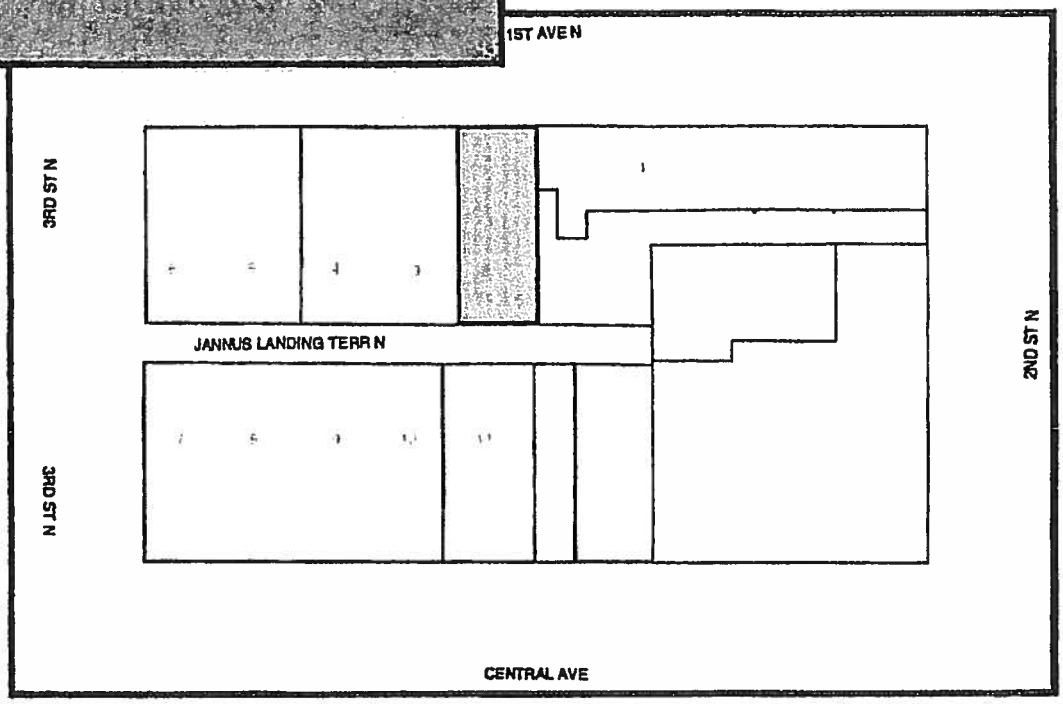
Tamiami Hotel, 242 1st Avenue North (8PI10446)

The Tamiami Hotel was built in 1924 by the Schooley-Murphy Company, a prominent contractor and developer in St. Petersburg during the 1920s and 1930s. In addition to numerous downtown buildings, Schooley-Murphy also built a number of high style Mediterranean Revival style residences in Euclid-St. Paul, the Historic Old Northeast, Snell Isle, and Pasadena. The building served as the Tamiami Hotel well into the 1960s.

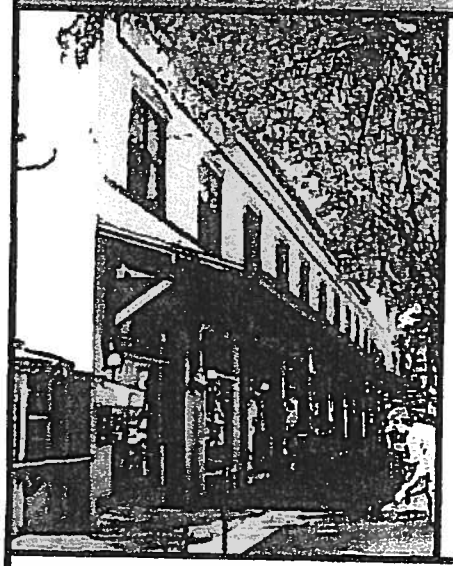




Tamiami Hotel, 1926. Burgert Bros. Collection.

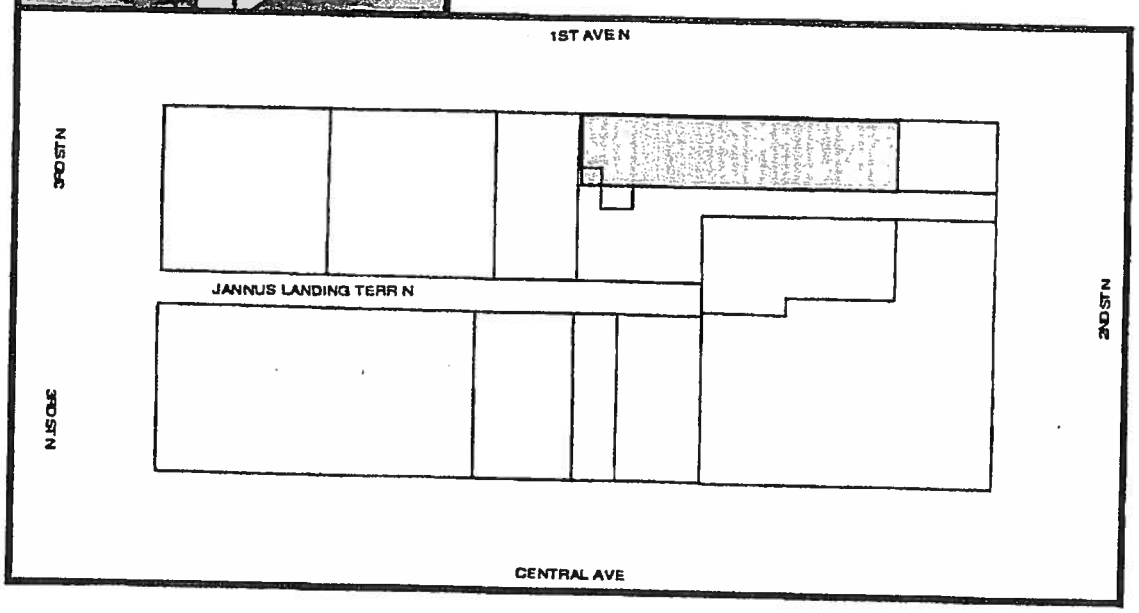


Peacock Row, 208-36 1st Avenue North (8PI3053)



Peacock Row, ca. 1926. Frances G. Wagner Photographs, University of South Florida, St. Petersburg.

The one-story corner building in the historic photo and Peacock Row were built as part of the development of the Detroit Hotel. The corner building was constructed in 1909 and housed the Detroit Beauty Parlor, Central Printery, and Browning Gift Shop among others. It was demolished between 1977 and 1986. Peacock Row, the two-story building which remains, was built around 1920 under the ownership of Mayor Frank Fortune Pulver. It too housed businesses such as the Palm Book Store, Woman's Exchange, and the Tourist Café. The rooms upstairs alternately served as additional hotel rooms and as offices.



RECOMMENDATION: The CPC recommends, pursuant to Section 16.30.070.2.5, that City Council initiate a local landmark designation application to designate Block 25, Revised Map of St. Petersburg, as a historic district.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, INITIATING A LOCAL LANDMARK DESIGNATION APPLICATION FOR BLOCK 25, REVISED MAP OF THE CITY OF ST. PETERSBURG, COMMONLY KNOWN AS THE JANNUS LANDING BLOCK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 18, 2013, the City Council of the City of St. Petersburg approved a resolution requesting that the Community Preservation Commission (CPC) work with City staff to review the landmark eligibility of all buildings on Block 25, Revised Map of St. Petersburg, not currently locally designated as a historic landmark, and

WHEREAS, at their July 9, 2013 public meeting, the CPC reviewed the landmark eligibility of the buildings and the history of Block 25, and

WHEREAS, the CPC requested that the City Council initiate a local landmark application for Block 25 to be designated as a local historic landmark district, and

WHEREAS, Section 16.30.070.2.5 provides for the initiation and filing of a local landmark designation application by the City Council.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg that, pursuant to Section 16.30.070.2.5, the local landmark designation process is hereby initiated for Block 25, Revised Map of the City of St. Petersburg. The City Council of the City of St. Petersburg requests that City staff prepare and process a local landmark application for designation of Block 25 as a district.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney (designee)

Planning and Economic Development Department

APPENDIX E
Public Comment

As of September 2, 2016, City Staff has received the following 17 emails in support of local landmark designation.

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:32 PM
To: Larry Frey
Subject: Block 25 Public Comment - FOR

Sorry ... please note the following comments.
Starting June 14.

From: Kiki Russell [mailto:krussell626@gmail.com]
Sent: Tuesday, June 14, 2016 8:13 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>; info@stpetepreservation.org; Council <Council@stpete.org>
Subject: First Block - YES to Landmarking

I have lived in the Tampa Bay area for over 40 years and recently moved to dtsp to embrace the diverse backgrounds of the people, the arts, and the historic buildings. These buildings give our city character and ground the community filled with exciting nightlife, a rich music, art and film making culture, and spectacular, yet somewhat zany, art murals.

With each high rise built up around me (I live in a lovely 1930's former hotel of 20 units on 2nd Ave S & 6th St) I mourn the change of the skyline, the loss of view from my 2nd floor apartment, and the destruction of gorgeous historic buildings.

YES to Landmarking.

Thank you,

Kiki (Karen) S. Russell
129 6th St S, Apt 205
St. Petersburg, FL 33701

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:32 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Angela Alexander [mailto:inkedsnowwhite@gmail.com]
Sent: Tuesday, June 14, 2016 8:38 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: Landmark First Block

I say YES to landmarking the First Block of Downtown St. Pete.

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:34 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

-----Original Message-----
From: lisa Schweitzer [mailto:mercerlisa1@icloud.com]
Sent: Thursday, September 01, 2016 12:48 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: First Block

I support landmarking First Block.

Thank you,

Lisa Schweitzer MS, LMHC, NCC, RPT
727.560.9082
www.playful-therapy.com
Counseling for children and the grown-ups who love them

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:37 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Lynn Kenchel [mailto:lynniekok@aol.com]
Sent: Monday, July 25, 2016 8:08 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>; info@stpetepreservation.org; Council <Council@stpete.org>
Subject: detroit/first block

It's a terrible loss for St Petersburg that money has talked our city into tearing down another beautiful historic building in the "cheese grater". I know all our mayor/city council can see is tax revenue/MONEY, but how many of these skyscraper condo buildings do you think our roads water and other infrastructure can handle before traffic, crowds and an ugly skyline ruin the quaint, artsy charm that draws people here in the first place. If I wanted to live in Miami, I'd be there! Please consider this when you consider the fate of our historic Detroit block,
Lynn Kenchel
lynniekok@aol.com

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:37 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Donna Terrence [mailto:seeingstars@mindspring.com]
Sent: Saturday, July 23, 2016 11:54 AM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: First Block

Hi, Derek. I'd like to add my voice to those who support the designation of First Block as a St. Petersburg historic district. Many cities can and do erect high-rise behemoths but it's the early buildings that show a city's character and showcase its journey from past to future. Too few of our landmarks have been preserved. Hope First Block doesn't become another casualty of unfettered and thoughtless expansion. --Donna

~-.-~ ___ ~-.-~ ___ ~-.-~ ___ ~-.-~

Where all people think alike, no one thinks very much.
--Walter J. Lippmann

Donna L. Terrence
727-398-6862 Home
336-288-1627 Mobile/Text

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:37 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Mandy Minor [mailto:mandy.minor@gmail.com]
Sent: Wednesday, July 20, 2016 10:50 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>; info@stpetepreservation.org; Council <Council@stpete.org>
Subject: I support historic district designation for First/Detroit Block

Dear Mr. Kilborn and City Council,

I am writing to express my strong support of making the block bordered by Central & 1st Ave. N. and 2nd & 3rd Streets a historic district. This block, home to the 1888 Detroit & 1910 Bishop Hotel, among other historic buildings, is the critical historical block in St. Petersburg and deserves official protection so it is not lost.

In 2014, City Council initiated a historic district application for the block, but the application has faced opposition and is still in limbo. I understand the current owners was to be able to sell the block for development, but really - how many generic, same-old-same-old high rises does St. Pete need? Aren't we, as the present citizens, beholden to protect the history of our city, as well as its uniqueness?

At the application hearing set by the CPPC for September 13th I urge you to consider the value of a strong sense of place and find in favor of granting the historical designation.

Warmly,
Mandy Minor

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:38 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

LAST ONE!

From: janet adams [mailto:janetadams2@gmail.com]
Sent: Wednesday, July 20, 2016 12:07 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: First Block

Dear Mr Kilborn-

The most important issue in the development of St. Petersburg now is to retain it's character. I was greatly influenced
as a young woman when I was a pharmacy intern in Miami in the 80's. At that time I became involved with the group that was responsible
for saving the art deco buildings at South Beach. At the time I didn't completely understand their importance, but seeing the world
destination it has become I completely get it now. People love to see the link to history in a city- it's what New Orleans, Savannah,
Santa Fe, St.Augustine have that make them such unique destinations.

St. Petersburg still has this appeal. Overdevelopment would be a tragic waste of our most valuable commodity. Please have the same
forsight and vision as the developers of the Vinoy. Please save "First Block" and the integrity of downtown for the future of our city so
that it can join the ranks of those beloved, historic world destinations.

Warm regards,

Janet Adams

Derek Kilborn

From: heller@mail.usf.edu on behalf of Harold Heller <heller@usfsp.edu>
Sent: Monday, June 13, 2016 5:32 PM
To: Derek Kilborn
Cc: Council
Subject: First Block

Derek,

I am writing to request that the CPPC designate First Block as a historic district. This block is truly where St. Petersburg started and would add greatly as an attractor to persons visiting St.
Petersburg. We've been fortunate to have the 1888 Detroit Hotel landmarked and designating First Block as a historic district would further enhance the place of the Detroit Hotel in being part of the original heart of our City. The Detroit Hotel and First Block have a special connection to the University of South Florida St. Petersburg which now is the site of the home of the person involved with developing the original block, John C. Williams.

I trust the CPPC to recognize the historic value of First Block and the merits for its being landmarked.

Many thanks.

Bill

--

Bill Heller, Ed.d

Dean and Professor, College of Education

Director, Bishop Center for Ethical Leadership

140 7th Avenue South, COQ 201

St. Petersburg, FL 33701

(727) 873-4245

Fax: (727) 873-4191

Derek Kilborn

From: Melissa Salveson <nannym21@hotmail.com>
Sent: Monday, June 13, 2016 5:58 PM
To: Derek Kilborn
Subject: Yes!

As a proud resident of SaintPetersburg...I would like to say YES to landmark First Block!

Sent from my iPhone

Derek Kilborn

From: Melissa Thorp <poetikvision@gmail.com>
Sent: Monday, June 13, 2016 7:11 PM
To: Derek Kilborn
Subject: Landmark first block

Please landmark first block. Keep St. Pete special.

Derek Kilborn

From: Alivia <cdgdancer@gmail.com>
Sent: Monday, June 13, 2016 11:52 PM
To: Derek Kilborn

YES

Sent from my iPhone

Derek Kilborn

From: David Wishner <dmwishner@gmail.com>
Sent: Tuesday, June 14, 2016 12:37 AM
To: Derek Kilborn
Cc: Council
Subject: First block historic district = yes!

Dear Mr. Kilborn & Council;

Please vote "yes" to make St. Pete's "First Block" an historic district. So many people, locals and visitors, come downtown to enjoy St. Pete's history along with it's events & activities. Creating the First Block Historic District will allow the City to anchor it's culture in the hub that is our first block - something unique and special, to cherish and herald.

As a parent and Old North East resident, I take pride in the City we call home and love sharing it with everyone, neighbors and tourists alike.

Respectfully,
-David Wishner
632 Bay Street NE

Derek Kilborn

From: Adele Visaggio <adelevisaggio@gmail.com>
Sent: Tuesday, June 14, 2016 7:53 AM
To: Derek Kilborn
Subject: First Block

Dear Derek,
I support St Pete Preservation's request, on behalf of many residents of St Petersburg, to designate First Block as a local historic moment district. Let's preserve our history, culture and uniqueness which is what attract people to our beautiful city. Keep St Pete beautiful. We don't need another Sand Key or Miami.

Thank you,
Adele Visaggio
1234 Beach Dr NE
St Petersburg, FL 33701

I support
Sent from my iPhone

Derek Kilborn

From: Carolynn Russell <Carolynn.Russell@RaymondJames.com>
Sent: Tuesday, June 14, 2016 9:11 AM
To: Derek Kilborn
Subject: NO MORE HIGH RISE BUILDINGS IN DOWNTOWN - I'm saying YES to landmarking St. Petersburg's First Block!

I'm saying YES to landmarking St. Petersburg's First Block! Will you please, please do the same? Enough with the tall buildings - keep the historic local feel!! Our iconic Pier is gone and now you want to level what's left of the historic buildings for $$$$ - shame on all involved!!!

Ms. Carolynn Russell
2939 64th Ave N
St. Petersburg, FL 33702

Derek Kilborn

From: Peter Pastman <Peter.Pastman@RaymondJames.com>
Sent: Tuesday, June 14, 2016 10:15 AM
To: Derek Kilborn
Cc: Council
Subject: Please Historically Landmark First Block

Please Landmark First Block.

Thank you,
Peter

Peter Pastman, CFP®
Financial Advisor

O 727.567.2670 // M 727.798.9296 // F 727.567.8349
880 Carillon Parkway 32E, Saint Petersburg, FL 33716

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Derek Kilborn

From: Shelle B <imnxtz1@aol.com>
Sent: Tuesday, June 14, 2016 1:29 PM
To: Derek Kilborn

Mr. Kilborn, please support the preservation of the historic buildings in our downtown. They are what makes our beautiful city so special. I know, I live here 14 years now, originally from NYC. Please!!! Thank you, Shelle Berk

Derek Kilborn

From: Claire Seminario <claireseminario@gmail.com>
Sent: Tuesday, June 14, 2016 2:03 PM
To: Derek Kilborn
Subject: YES to landmarking First Block!

Yes please to landmarking St. Pete's First Block! Good luck this afternoon!

Claire Seminario

Sarasota

ST. PETERSBURG CITY COUNCIL
Meeting of October 20, 2016

TO: The Honorable Amy Foster, Chair, and Members of City Council

SUBJECT: City-Initiated Historic Landmark District Designation of "Block 25", located between Central Avenue and 1st Avenue North, and 2nd Street North and 3rd Street North (HPC Case No. 15-90300001)

An analysis of the request is provided in the attached Staff Report

REQUEST: The request is to approve the an ordinance designating "Block 25", located between Central Avenue and 1st Avenue North, and 2nd Street North and 3rd Street North, as a local historic landmark district (City File HPC 15-90300001)

RECOMMENDATION:

Owner Support: This is a City-Initiated application with the owners opposing landmark designation. Designation requires a super majority vote of the City Council.

Administration: Administration recommends approval.

Community Planning and Preservation Commission ("CPPC"): The CPPC conducted a public hearing on September 13, 2016. The CPPC voted 5-1 to recommend APPROVAL of the application, as submitted. Pursuant to this vote, there was agreement by the CPPC that the criteria for local landmark designation had been met.

Recommended City Council Action: 1) CONDUCT the second reading and quasi-judicial public hearing; AND 2) APPROVE the proposed ordinance for historic landmark designation.

Public Input: At the time of this writing, staff has received 17 e-mails in support of landmark district designation, with the subject property owners opposed to the local landmark designation of "Block 25."

Attachments: Ordinance, Staff Report, Designation Application to the CPPC, and Supporting Documents.

1-11

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING BLOCK 25 (LOCATED BETWEEN CENTRAL AVENUE AND 1ST AVENUE NORTH, AND 2ND STREET NORTH AND 3RD STREET NORTH) AS A LOCAL LANDMARK DISTRICT AND ADDING THE PROPERTY TO THE LOCAL REGISTER PURSUANT TO SECTION 16.30.070, CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The City Council finds that Block 25, which is recognized as being part of the Town of St. Petersburg Plat of 1888, with 15 contributing buildings having construction dates ranging from 1888-1937, and representing a period of significance from 1888-1965, meets at least one of the nine criteria listed in Section 16.30.070.2.5.D, City Code, for designating historic properties. More specifically, Block 25 meets the following criteria:

(a) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;
(c) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;
(d) It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation;
(g) Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and
(h) Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

SECTION 2. The City Council finds that Block 25 meets at least one of the seven factors of integrity listed in Section 16.30.070.2.5.D, City Code, for designating historic properties. More specifically, the property meets the following factors of integrity:

(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;
(e) Workmanship. The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory; and
(f) Feeling. The property's expression of the aesthetic or historic sense of a particular period of time.

SECTION 3. Block 25, located upon the following described property, is hereby designated as a local landmark, and shall be added to the local register listing of designated landmarks, landmark sites, and historic and thematic districts which is maintained in the office of the City Clerk:

All properties bound by 2nd Street North (east), 3rd Street North (west), 1st Avenue North (north) and Central Avenue (south), Revised Map of St. Petersburg, Block 25, further described in Exhibit "A"

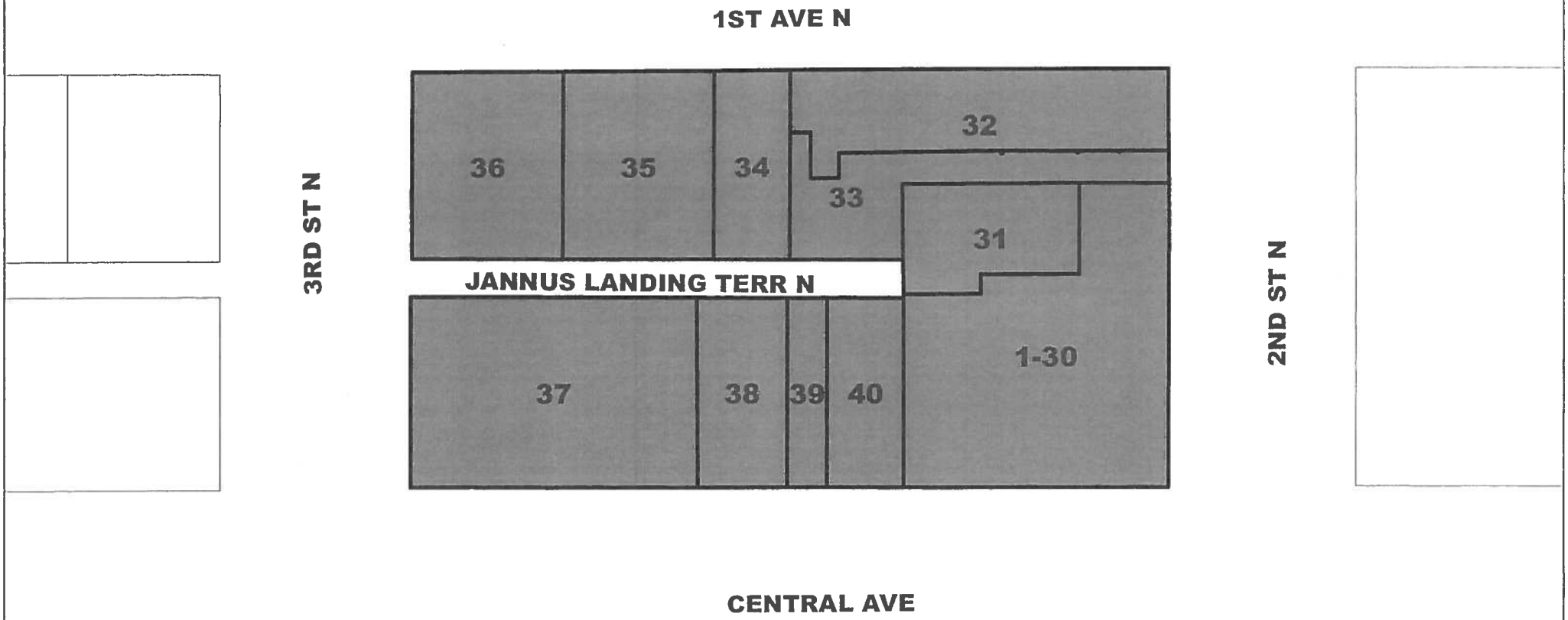
SECTION 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take 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 Substance:

City Attorney (or Designee) — Date: 9/14/16

Planning and Economic Development Department — Date: 9-14-16

Exhibit A



NUMBER	PIN	SITE ADDRESS	PROPERTY DESCRIPTION	CONTRIBUTING
1	193117414080000043	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4C	C
2	193117414080000032	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3B	C
3	193117414080000034	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3D	C
4	193117414080000350	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT C5	C
5	193117414080000041	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4A	C
6	193117414080000027	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2G	C
7	193117414080000024	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2D	C
8	193117414080000044	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4D	C
9	193117414080000031	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3A	C
10	193117414080000023	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2C	C
11	193117414080000028	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2H	C
12	193117414080000047	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4G	C
13	193117414080000045	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4E	C
14	193117414080000046	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4F	C
15	193117414080000340	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT C4	C
16	193117414080000035	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3E	C
17	193117414080000022	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2B	C
18	193117414080000330	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT C3	C
19	193117414080000001	0 2ND ST S	HOTEL DETROIT CONDO, THE COMMON ELEMENTS	C
20	193117414080000026	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2F	C

NUMBER	PIN	SITE ADDRESS	PROPERTY DESCRIPTION	CONTRIBUTING
21	193117414080000320	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT C2	C
22	193117414080000048	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4H	C
23	193117414080000037	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3G	C
24	193117414080000038	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3H	C
25	193117414080000021	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2A	C
26	193117414080000033	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3C	C
27	193117414080000036	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 3F	C
28	193117414080000310	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT C1	C
29	193117414080000042	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 4B	C
30	193117414080000025	215 CENTRAL AVE	HOTEL DETROIT CONDO, THE UNIT 2E	C
31	193117744660250011	0 2ND ST N	REV MAP OF ST PETERSBURG BLK 25, S 160FT OF E 140FT OF LOT 1 LESS CONDO	NC
32	193117744660250000	200 1ST AVE N	REV MAP OF ST PETERSBURG BLK 25, PT OF LOT 1 DESC BEG NE COR OF LOT 1 TH S 42.24FT TH W 26.8FT TH S	PARTIAL
33	193117744660250014	0 2ND ST N	REV MAP OF ST PETERSBURG BLK 25, PT OF LOT 1 DESC FROM NE COR OF LOT 1 TH S 42.24FT FOR POB TH S 17.76	NC
34	193117744660250020	242 1ST AVE N	REV MAP OF ST PETERSBURG BLK 25, LOT 2	C
35	193117744660250030	256 1ST AVE N	REV MAP OF ST PETERSBURG BLK 25, LOTS 3 AND 4	C
36	193117744660250050	270 1ST AVE N	REV MAP OF ST PETERSBURG BLK 25, LOTS 5 AND 6	NC
37	193117744660250070	277 CENTRAL AVE	REV MAP OF ST PETERSBURG BLK 25, LOTS 7,8,9, & W 32 FT OF LOT 10	C
38	193117744660250110	245 CENTRAL AVE	REV MAP OF ST PETERSBURG BLK 25, W 38.91 FT OF LOT 11 & E 8FT OF LOT 10	C
39	193117744660250013	243 CENTRAL AVE	REV MAP OF ST PETERSBURG BLK 25, W 20FT OF S 100FT OF LOT 1 & E 1FT 1 IN OF LOT 11	C
40	193117744660250012	235 CENTRAL AVE	REV MAP OF ST PETERSBURG BLK 25, E 40FT OF W 60FT OF S 100FT OF LOT 1	C

st.petersburg
www.stpete.org

HPC 15-90300001- Ordinance # TBD

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CITY OF ST. PETERSBURG, FLORIDA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
URBAN PLANNING AND HISTORIC PRESERVATION DIVISION

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STAFF REPORT

COMMUNITY PLANNING AND PRESERVATION COMMISSION LOCAL DESIGNATION REQUEST

For **Public Hearing** and **Recommendation to the City Council** on **October 20, 2016** beginning at 6:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning and Economic Development Department records, Bob Carter, Lisa Wannemacher, and Tom Whiteman 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.

CASE NO.:	**HPC 15-90300001**
STREET ADDRESS:	Multiple property addresses
LANDMARK:	"Block 25" Historic District
OWNER(S):	Multiple owners
APPLICANT:	City of St. Petersburg
REQUEST:	City-Initiated Local Historic Landmark Designation: "Block 25" Historic District

Block 25 along Central Avenue - c. 1920s

Block 25 along Central Avenue - 2016

Block 25 along 1st Avenue N – c. 1940s

Block 25 along 1st Avenue N - 2016

STAFF DETERMINATION OF ELIGIBILITY

Pursuant to City Code, Section 16.30.070.2.5, Staff finds that Block 25 meets five of nine criteria for historic context (Test #1), and five of seven factors of integrity (Test #2). This determination also finds that 15 of a total 17 extant buildings contribute to the historic character and significance of Block 25 as a historic district. Therefore, Block 25, as described, located, and evaluated herein, is determined to be *eligible* for designation as a local historic landmark district.

BACKGROUND

Timeline

On March 12, 2013, a demolition application was submitted for a portion of the Bishop Hotel property located at 256 1st Avenue North, part of Block 25 of the original Town plat of St. Petersburg. Because the property was identified in 2006 as potentially eligible for designation as a local historic landmark, a stay of demolition was commenced during which time an application for historic landmark designation of the property was filed. During deliberations on the stay of demolition and designation application, the City Council approved a Resolution on April 13, 2013, requesting that the Community Planning and Preservation Commission (then referred to as the Community Preservation Commission) review the local landmark eligibility of all of the buildings within Block 25. On July 9, 2013, the CPPC determined Block 25 to be eligible as a local landmark district, and referred their findings to the City Council. On August 1, 2013, the City Council considered the findings of the CPPC and approved a second Resolution initiating a local historic district landmark designation application for Block 25 in its entirety.

On February 12, 2015, City Staff conducted a public information meeting that was noticed by direct mail invitation to all registered owners of property within Block 25. The purpose of the meeting was to provide property owners information concerning the proposed local historic landmark district designation, including an introduction to the history of Block 25, an explanation of the benefits of being designated a local historic landmark district, the process for issuing Certificates of Appropriateness (COAs), and an explanation of financial incentives available to the property owners, including the Ad Valorem Tax Exemption and the Federal Rehabilitation Tax (Income) Credit.

The public information meeting was followed by a series of subsequent meetings with the property owners and their legal representatives, the most significant of which was a joint planning meeting that occurred on May 26, 2015. Following this joint planning meeting, a draft *Historic Block 25 Term Sheet* (*Term Sheet*) was published on April 14, 2015. The purpose of the draft *Term Sheet* was to memorialize commitments made during the joint planning meeting and to outline a series of "next steps" for the City Staff and Administration. (See Appendices).

On June 26, 2015, City Staff and Administration walked around Block 25 and through the public alley with property owners and their legal representatives to visually survey and document current conditions. The purpose of this conditions survey was to provide property owners with an opportunity to directly engage City department directors on a number of service and maintenance issues, and physical conditions concerning the alley and surrounding streetscape. A summary report was published on July 15, 2015.

A prevailing concern for the property owners focused on the public alley, and specifically included complaints relating to the uneven brick surface, lack of adequate drainage, public

sanitation, and private grease collection. A major commitment outlined in the *Term Sheet* relates to alley improvements. In response, the City contracted with George F. Young, Inc. to prepare a technical alley improvement study and final report. In addition to base data collection, the final report will include design options for alley improvements, cost estimates for the presented options, exhibits, and notes. The study and report requires no financial commitment from the adjoining property owners, who were notified of these activities through a follow-up letter on December 15, 2015. A *preliminary findings report* was produced by the engineering consultant in early July 2016.

The City is also preparing to issue a scope of services for sidewalk improvements around the perimeter of the subject block. The scope of services will solicit bids for conceptual and preliminary design, final design and construction documents for bidding, a pedestrian maintenance of traffic ("MOT") plan, and construction administration services. Said plan shall also include the development of interpretive elements to feature the history and heritage of the subject block. Property owner participation, funding scenarios, and long-term maintenance commitments will be evaluated as part of any final branding and streetscape improvement plan.

During a June 29, 2016 meeting with City Staff, certain property owners and their legal representatives presented a conceptual redevelopment plan for Block 25. While this conceptual plan did not carry any official submission status of an application pursuant to a development permit or development order of any kind, the City Administration was asked to provide generalized, non-binding feedback. This feedback, based on a cursory review of effects to Block 25's historic integrity was provided in an August 18, 2016 letter mailed to the property owners' legal representatives. (See Appendices)

Local Historic Landmark Designation

This report provides updated information regarding the proposed historic district's historical significance and integrity in a generalized format, while referencing previous reports and documentation. In this case, 15 out of 17 existing buildings are determined to be contributing to the proposed Block 25 Historic District (the "District"), while two are determined to be non-contributing. As of 1965, 19 historically significant buildings existed on Block 25. Since then, four of these historically significant buildings have been demolished. This includes the two Lewis buildings located at the northwest parcel in 1966, the one-story office complex at the northeast parcel in 1981, and the Binnie blacksmith shop located behind the Binnie-Bishop Hotel along the alley in 2013-2014.

Block 25 derives its name from the original platted block identifier from the 1888 plat named the "Map of the Town of St. Petersburg;" the name is used throughout the report for reference purposes only and does not prohibit use of an alternative name or other branding and thematic strategies. Incorporation of St. Petersburg occurred in 1892, followed by fast-paced growth. Today, Block 25 remains in fair condition from its first decades of development, and is considered the oldest, most intact example of contiguous pioneer commercial development buildings in the City from which the downtown commercial core would expand outward.

> The proposed historic landmark district, which includes the entirety of Block 25's lots and alleyway, is inclusive of the buildings and their architectural appurtenances such as porches and awnings, and internal spaces that define the overall footprint of the building collective. This designation is not intended to include the public sidewalk and associated pedestrian amenities between the

building footprint and the surrounding street edges. For property identification and designation purposes, all buildings within the proposed historic district boundary are addressed from either Central Avenue North or 1st Street North.

STAFF EVALUATIVE FINDINGS

Preliminary

The name "Block 25" is a tentative identifier for the District with the finalized name to be determined at a future date, or as part of this historic local landmark district designation application process. The name derives from the original 1888 Town of St. Petersburg Plat that prescribed numbers to the gridded blocks making up the physical plan of the town. In 2004, 11 buildings out of 13 were identified as contributing for Block 25 and approved for inclusion on the National Register of Historic Places as the Downtown St. Petersburg Historic District. The City 2015 Landmark Designation Application also identified 13 buildings, with the 1966 building at the northwest corner as non-contributing. However, the total number of extant buildings overall has been updated to 17 (two as non-contributing) based on a more detailed analysis of construction dates, building infill and additions, and architectural styling. In 2006, four of the buildings, including the Hotel Tamiami and Peacock Row buildings along 1st Avenue North, and the St. James Hotel and St. Charles Hotel along Central Avenue were designated as potentially-eligible historic landmarks. The Hotel Detroit building was designated as a local historic landmark in 2010, and the Binnie-Bishop Hotel buildings were designated as a combined, individual local historic landmark in 2013.

The City of St. Petersburg uses locally adopted minimum criteria modeled after recognized national historic standards for determining the significance of historic properties. Pursuant to Section 16.30.070.2.5(D) of the City Code, at least one or more criteria each, under a <u>two-part test</u> for designation as a local landmark must be met, as evaluated herein.

Age/Period of Significance

As part of the first test for local landmark designation, the 15 contributing buildings on Block 25 meet the general 50-years of age requirement that ranges from the 1888 Town Plat date and first construction of the Hotel Detroit, to 1924 when the Hotel Tamiami building on 1st Avenue North was completed, and 1937, when a small infill building closed a gap along 1st Avenue North between the Bishop Hotel and the Lewis Building #5. This period of time represents an age range to date of 128 years, 92 years, and 76 years, respectively that the block has been active as an organized structure, regardless of the historic fabric deemed to be still present. The 1966 building at 270 1st Avenue North is now 50 years old, but it is determined to be non-contributing since it lacks architectural and contextual significance. The period of significance for Block 25 then is from 1888 to 1965.

Cont.

Significance Criteria (City Code, Section 16.30.070.2.5.D.1)

Are Historic Contextual Criteria Met?								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Y	N	Y	Y	N	N	Y	Y	N

Also under the first test for local landmark designation, at least one or more of nine criteria must be met. In some cases, overall historic importance of a property elevates an apparent lack of physical integrity. The Block 25 Historic District is significant at the local level in the areas of Community Planning and Development, Commerce, and Settlement and, overall meets more than one of the criteria for local landmark designation, as found in Section 16.30.070.2.5(D) of the City Code of St. Petersburg.

Located in the City's urban core, Block 25 remains a cohesive collection of buildings that played a significant role in the early settlement and the growth of St. Petersburg as the primary meeting and destination place that expanded outward from the Hotel Detroit. The business owners of Block 25 provided lodging for prospective residents and tourists, as well as goods and services for the early pioneer community and urbanizing city center. This extensive list of early movers and shakers included visionaries, community leaders, proprietors, and builders and designers such as John C. Williams, Peter Demens, Edson T. Lewis, Edgar Ferdon, M. Leo Elliott, S.V. Schooley, Edward Tonnelier, Mary Ramsey, James Norton, Frank Fortune Pulver, and Hubert Rutland. The basic historic configuration of the block with its central alley terminating at the Hotel Detroit property line, and the manner of circulation in and around the block are still present.

The Local Landmark Designation Application provides a detailed narrative supporting the determinations regarding Block 25, as listed below:

> (a) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;
> (c) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;
> (d) It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation;
> (g) Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and
> (h) Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

Integrity Criteria (City Code, Section 16.30.070.2.5.D.2)

The second test involves the property's integrity, of which at least one or more of seven factors of integrity (i.e., location, design, setting, materials, workmanship, feeling, and association) must be met. In most cases, the integrity of feeling and association by themselves rarely merit a property being eligible for designation, since they often defer to personalized experiences, emotions, and perceptions that all vary among individuals and groups. When evaluating a historic district, the individual buildings and landscape features, and the relationships between them must be present enough to convey its distinctive sense of historicity.

Close scrutiny of individual buildings is performed but each is weighed with regard to their impact and relevance to Block 25 overall. Substantial alterations and associations outside of the period of significance (since 1966) result in diminished integrity that must also be considered and taken into account. The form and architectural integrity of Block 25 should reveal itself as being somewhat unified, though nuances over its multi-decadal construction continuum from 1888 to 1937, and beyond to 1965 are recognized for changing methods and practices that are likely found between the built constructs and array of individual components that now present a historically significant collection of the built artifact over time and still present today.

Most of the buildings depict various forms and applications of early design treatments by their original and later owners, and workmanship should be evaluated accordingly. Because Block 25 remains reasonably recognizable from how it appeared until 1965, albeit with certain components having been diminished over time, staff determines that Block 25 *retains a sufficient degree of integrity* from its period of significance regarding location, design, setting, workmanship, and feeling, where characteristic features are still present and observable, though not necessarily to a high degree. Materials has been determined insufficient overall due to ongoing alterations of all first floor storefronts and various demolitions and non-historic additions. Integrity of association is also determined insufficient, as explained below. The National Register Downtown Historic District Nomination recognizes that alterations to Block 25 have taken place over time, yet offers that the buildings continue to "*represent the wide variety of historic functions and events significant to this historic district, rather than being different only for their architectural styles.*"[1] A 2013 staff report to the City Council dated August 1, 2013 suggests that "*...there is sufficient historic integrity and significance to form a district.*"

As a matter of record, the City Historic Landmark District Designation Application for Block 25 completed in 2015 indicated positive integrity regarding location, design, setting, feeling, and association, while acknowledging changes over time. The application also suggested that "*many of the alterations have achieved historic significance in their own right.*" However, a detailed listing of these changes was not produced. Nor had any of the factors of integrity been examined in detail.

Is At Least One Integrity Factor Met?						
Location	**Design**	**Setting**	**Materials**	**Workmanship**	**Feeling***	**Association***
Y	Y	Y	N	Y	Y	N
*Must be in addition to at least one other factor						

Since determinations of each factor of integrity are required to be evaluated by City Code, the following staff analysis examines each factor more closely, as follows:

Location: There is *positive integrity* of location. This is supported by the presence of 15 historically significant buildings still extant out of 19 originally existing in 1965, and that continue to delineate the footprint of the block's interface with the public right-of-way spaces, including the alley. These buildings are some of the oldest in the City and form a built collective of the largest and most intact, continuously operating commercial block from the City's recognized founding.

[1] (2001), Section 7, page 13.

When considering the street-side footprint collective today, roughly 76% of the historic building's interface with the sidewalks remain, measuring approximately 930 out of 1221 linear feet. With the exception of the now missing elements, the height and scale of the buildings as a collective has remained nearly unchanged. The orientation of buildings to the street frontages is also unchanged, and the premise of the continually changing storefront is as relevant today as it was since Block 25's first decades. This continual conversion process has become part of the block's commercial identity, where constant change is important to its history and therefore historically significant. Though the Hotel Detroit alone boasted 38 privately-run retail shops by 1938, and over 40 additional commercial businesses occurred around the block at one time or another, the trend of constantly changing storefronts is an inherent part of the commercial corridor at the street level, which, to repeat, provides its own character distinction.

Design: There is *positive integrity* of Block 25's design overall. This can be evaluated in three ways that include: 1) the block parcel layout and circulation; 2) the building footprints and dimensional characteristics: and 3) how the block is comparatively used. The relative design of the original Block 25 plat layout is virtually unchanged, with the large east parcel still mostly attributed to the anchoring Hotel Detroit, though the configuration of the northern tier of lots abutting the hotel has changed, and the hotel uses have changed to residential above retail-though a fairly similar conversion comparatively. The bifurcating alley leading from 3rd Street North east to the Hotel Detroit and Jannus Live courtyard is also in its same location, though it no longer reveals a publicly accessible orientation. The non-historic driveway that appears as an alley leading from 2nd Street North was added to provide access to the non-historic Jannus Live courtyard space. This courtyard, while not used historically as a visitor amenity, does retain some semblance of a precedent in its spatial form in that it has always been used as an open space area for different functions ranging from storage, to parking, to outbuilding placement. It must be noted that some early visitors also used the hotel as a temporary residence during their lengthy stays, which is similar to the present use of the condominium.

The orchestration of commercial facades still lining the length of Central Avenue and the middle 70-percent of the block along 1st Avenue North are also occupied in near-full capacity and relate somewhat to the original commercial intent of Block 25. As is typical of many urban commercial blocks, the zero-lot line configuration of the separately owned buildings is still present, allowing clear distinctions and demarcation between building uses and ownership, which is fairly present today in how the separately constructed building "blocks" appear as distinct creations from each other. The overall height and scale of Block 25 is virtually unchanged, revealing a high degree of recognition from early dimensional appearances. In fact, other than demolitions and minor additions that have occurred, the effect of height has not been altered to any major extent, which allows Block 25 to retain its historically built scale and human experiential as compared to the blocks that surround it.

The early blacksmithing building at the alley was also razed though it has a lesser effect on the block's design due to its alley-only front. The extancy of the remaining buildings as they relate to the Central Avenue linear cluster, provides a modicum of stability to the overall setting, with a fair retention of each street side's spatial relationship and orientation to each other still preserved in situ as oriented and demarcated by the alley. The height profiles for each building as they combine to create a linear silhouette form are similar to their original design specifications, which retains a likely familiarity for the pedestrian experiencing either side of the block. This is negated somewhat by the diminished profile of the Hotel Detroit, though this building does still retain characteristic elements of its overall design from the 1911 and 1913 additions. Certainly, all of the buildings have been physically altered throughout their histories

due to economic, technologic, and maintenance influences and demands. The basic strips of commercial vernacular building presentations, except for the Hotel Detroit, survive intact, with only a negligible degree of alteration to overall form and massing, again, except for the razed buildings that create noticeable gaps in contributing property tallies at the northeast and northwest corners of 1st Avenue North. It must be noted that a new building is under construction at the corner northeast parcel with a retail business below an open elevated deck.

A comparative of historic photos for both sides of the block do reveal a similarity to how the street-facing buildings appear today as a commercial goods and services destination, albeit with more of a recent focus on entertainment. This type of change in retail/use form often results in the preservation of historic character through public appeal that in turn serves as an economic engine that drives vibrancy and historic character retention in one area, while nurturing new development and redevelopment activities in others. Comparatively, a very simple question arises here that asks whether or not Block 25 would keep its current vibrancy on any given weekday or weekend if a totally new or dramatically revised development replaced it? This topic is worthy of additional open discussion and consideration beyond what is included in this report.

The original uses of Block 25 have waned and been adapted to an overall theme of urban entertainment since 1966, which lessens the integrity of historic use. However, this is debatable and opens up a line of ongoing discussion since most of the uses are similar to what occurred historically, though the mix of businesses has always been in constant flux. Apart from the two primary street strips of retail, the existing north halves of the side streets of 3rd and 2nd Streets North are similar to their historic precedents though the amount of retail along 2nd Street North is quite diminished. Though a designated local historic landmark, the Hotel Detroit is a much altered building from its original design as a hotel amenity, appearing today as a residential condominium and entertainment outlet. The loss of integrity here includes the absence of an open courtyard area that helped to identify the hotel's provision of the "healthy" outdoor environment that attracted early visitors. The current drinking establishment that now occupies the Central Avenue frontage of the hotel reflects a significant change in the historic use of the space, but can be considered a fairly reversible situation. However, a number of early and later additions to the Central Avenue façade of the original hotel building reduced the frontal open space footprint, and important original structural elements have been removed such as the corner tower and the early twentieth century onion dome/minaret entry structure and garden.

The Victorian period character of the 1888 hotel is no longer apparent either, though the 1911 and 1913 additions, as masonry vernacular commercial buildings that were some of the first medium-rise buildings in the City are still very readable. The presence of the main hotel building and structural frame, along with some of its fenestration arrangement and its main structure essential form, though quite diminished are easily differentiated from the later additions. The importance of this building due to its age alone increases design integrity for the understanding it provides with regard to one of the City's earliest multi-story buildings.

Setting: There is *positive integrity* of setting. When considering Block 25 as a platted entity with a significant number of extant buildings dating to St. Petersburg's formative years and later to the 1960s, integrity of setting is recognizable under the terms of its commercial character, and in part to its architectural character as elements of the older constructions reveal themselves in various forms that accommodate the visiting public. The existing building array provides a highly distinctive experience set apart from all other blocks in the urban core. The fully extant row of buildings along Central Avenue represents an existing stock with a large percentage of primary inner constructed skeletons dating no later than 1913, with a modicum of historic fabric from two

of the buildings dating to 1888 and 1894, and others from at least 1904. These are extremely rare representations in St. Petersburg's downtown area that add to the overall setting of the block's representation as one of the oldest intact building collectives in the City.

Also, the overall design of Block 25 as an organically evolved commercial core of buildings representing the earliest permanent settlement decades is still present, though altered from the previously apparent one- and two-part block designs for lower retail and upper private space forms and functions. Today, these one- and two-part blocks accommodate contemporary uses catering to restaurant and entertainment, with the upper private spaces dedicated to individual living and storage spaces. The first-story retail fronts are actively engaged according to traditional patterns and circulation, but have aesthetically changed without altering the setting of the block as a whole.

Through interpretation and purposeful research, the character of the setting is enhanced as the buildings along the block's perimeter reveal their histories. In some cases, setting is enhanced by today's vibrancy that continues the similar early effect, even though they are now much different according to changed traditions, values, adornments, and uses. It may be possible to retrieve what may be a stronger, hidden integrity of setting, since no new or existing buildings have been rendered as out of scale with the early dimensional characteristics of the setting. It is debatable that many of the newer nuances such as temporary uses, spatial constraints and allowances, ambitions and expectations that affect earlier eras of character are today arguably reversible, though conceivably contrived. While demolitions certainly diminish the setting integrity along the 1st Avenue North side of the block, the presence of 70% of the block as an active strip, and its architecture as fairly unchanged, its role as a secondary component street of Block 25 is still evident.

Materials: There is *insufficient integrity* of materials. This is supported in light of continual building alterations, demolitions, and ongoing storefront changes that diminish the collective materials overall, especially with more recent changes. Upper façade components and some architectural appurtenances do remain, though less than half of the buildings retain significant materials keenly visible and readily available for meaningful study such as un-altered first-floor constructs that establish a visual and more personal connection to the casual observer for clear reading of a building's physical makeup. It must be noted that original materials are found in some of the building's parapets, structural framing, perimeter walls, façade ornament, and even windows in some cases. However, historic materials overall that are easily observed are too diminished to reveal a solid positive finding. It is important to note that none of the four corner buildings, in their entirety are found to have sufficient historic materials due to demolition or significant interior and exterior alterations. The Hotel Detroit that makes up the southeast corner, does have sufficient materials integrity pertaining to its later ells, though the 1888 hotel is too relived of its significant historic materials to retain a positive finding in this case.

Workmanship: There is *barely sufficient integrity* of workmanship overall, though enough to support a positive finding. The historically significant Block 25 buildings as a whole represented a long-standing, recognizable array of masonry vernacular construction that were juxtaposed in manners that allowed differentiation between owners, lessees, builders, and designers that is still present in spite of an apparent lack of visible materials readily apparent today. However, large elements and the configuration of building blocks that have been preserved tend to boost overall integrity of workmanship that tends to fail between individual buildings as opposed to their relationship to the larger block. The workmanship that is evident is found upon generalized

evaluation of individual street-wide form and presence, and upon closer scrutiny to higher profile components that may not offer significance by themselves.

Though materials overall are determined to be insufficient, notable workmanship is found mostly in the roof parapets that are fairly visible, exterior brick walls including along the alley, façade openings above the first floor, and with some of the windows and later ornamental projections – all of which allow a fairly common assessment of craftsmanship and the technologies used for early twentieth-century construction methods and practices. One can examine a historic, original wall of an individual building and mostly determine the method used for the entire building from its original construction and through subsequent changes. The placement of individual building blocks that formed a resulting collective still stands as a testament to how early buildings were constructed to adjoin each other. Dramatic revitalization efforts in the 1980s caused severe changes to manipulated work overall of some buildings, especially the first floor frontal planes, though the effect of the parapet brickwork can still be studied successfully for most of the buildings.

For example, the Hotel Detroit has had too many alterations such as removal of historic features and additions of non-historical elements to properly assess workmanship that gave it such a strong identity during the period of significance. The current uses of the building also depart too broadly away from a firm and robust original historic character that would otherwise produce a higher integrity here. This is critical in that the Hotel Detroit represented the largest site on the block, originally taking up nearly half of it overall. Also, the Lewis buildings at 277-279 and 259-269 Central Avenue are altered enough to limit easy recognition from their highest integrity moments during the period of significance, though their profiles are still quite evident; it does not appear that the alterations are reversible on either building. In addition, the loss of the spectacular Lewis Building #4 at 270 1st Avenue North, and the 1912 corner building at 1st Avenue North and 2nd Street North, have diminished the collective of what could have been a very complete, strong urban block of buildings.

The obvious loss of storefronts of which there does not appear to be more than 20-percent retained, does diminish a strongly recognizable workmanship related to the period of significance; however, non-historic, latent workmanship continues an attempt somewhat to fit into the physical constraints of past designs and workmanship. This is noteworthy in how changes have been guided by the COA process in some cases. While the continually changing storefront tends to create a historic significance in its own right, such change as that has occurred on Block 25, where multiple storefronts have been merged and individual identities eliminated, has nevertheless diminished effective and critical workmanship of early twentieth century and late nineteenth century buildings, creating a barely discernible, though still present workmanship effect suitable for current study.

Feeling: There is *positive integrity* of feeling in spite of other integrity factors. This is apparent in that today's Block 25 still retains a strong essence of its historic character from its earlier era(s), though not as readily to its earliest founding years. Certain visual aspects of the block, as well as, its compactness amid surrounding redevelopments encourages feelings of historic quaintness, messy vibrancy, and a certain beauty of age that deliver a strong sense of place to be experienced differently among individuals. The Block 25 experience is often a destination place for many who likely view it as distinct from other downtown places. The attraction to the core of mostly brick, low-scaled buildings is delivered in part by how the buildings relate to the visitor in a human scale and as surviving, older constructs that are compact, and somewhat

against the grain of other more modern developments that have changed the landscape during their memory.

A walk around Block 25 delivers a strong feeling of historic character that is repeated along much of the Central Avenue corridor where aged, low-profile buildings offer a completely different experience of visitation, business, and leisure than contemporary tall buildings. This is evidenced with the failure of nearby buildings and projects that have not garnished the continual commercial successes as documented along Central Avenue. The historic buildings along Central Avenue today appear to reveal a commercial and active resilience not as successfully recreated by newer developments. Its steady use over time has created a de facto destination of sorts, a place that is "known" as a core of where to be, and easily found through instinctive wayfinding by its unique sense of place and character delivered by the buildings and spatial flow.

Association: There is *insufficient integrity* of association depending on how associations with historic precedents are considered. For the purpose of this report and evaluation, the overall block continues to operate similarly to its historic past, though strong physical associations with individuals and activities significant to its past are not clearly present to the casual observer. There are no remaining hotel uses, and only a limited number of retail/office spaces that were a critical part of its mix of uses remain. Critical demolitions on the block have also rendered an adverse associative disparity.

Due to the distinctive character of the block as differentiated from the immediately surrounding areas, it is acknowledged that most observers would likely characterize the block and its individual buildings as part of early development and a central core commercial area of the City, yet there are no readily apparent, ultra-high quality associations or associative patterns to direct or inform the observer without meaningful interpretation. It is also acknowledged that the early identity of Block 25 is lacking of strong readily apparent associations with significant individuals who helped to organize the Town of St. Petersburg, though the overall design of the intact block is fairly evident. Association may be enhanced or viewed more positively if the anchoring buildings were still in place, or restored, such as the Lewis Buildings, or a stronger representation of the Hotel Detroit. It must be noted that for determining contextual significance under the first test, association does remain.

PROPERTY OWNER CONSENT

This application for designation was not initiated or submitted by the owner(s) of the property. Upon first processing the designation application in early 2015, Staff was aware of at least two (2) property owners who objected to the local historic landmark district. Since noticing the 2016 CPPC hearing, Staff has received no definitive information regarding the owners' position or intentions regarding the application. Additional clarification is expected.

BENEFITS OF DESIGNATION

The benefits of designation have a positive trajectory for community development. For example, a community's or neighborhood's ***sense of place and identity can be strengthened*** through the identification and stewardship of historic resources that reveal how they evolved and responded to various events over a time continuum. Lessons learned are often historical in nature, and understanding of historical events and adaptation practices helps to building resilience tailored to a local community's needs and character. Localized heritage also helps

community's and individuals alike to come together on certain issues as part of a common bond across organizations and disciplines that have been influenced by shared historical patterns and trends, both positive and negative.

Increased heritage tourism through the maintenance of the local historic character and history setting that Block 25 extols as distinctive among any other area in the City. Sufficiently preserved and maintained history leads to creating local identity and a regionally and nationally recognized central core that reveals the City's story physically, as well, socially, politically, and economically. A wide array of published books and materials continue to represent St. Petersburg's long-standing historical overlaps that reveal many firsts in industry and business. Local architectural and history tours feed a successful economic engine spurred in part by the City's pioneer and traditional architecture.

Proven successes for ***economic benefits through the sensitive reuse*** of historic buildings and landscapes that reveal local character are exemplified through national programs such as the Florida and National Main Street Programs, which include historic preservation as one of their core tenets for creating dynamic, vibrant, and healthy commercial corridors. In the past, the word "downtown" brought to mind an image of a bustling center of commerce and activity that has often evolved into highly successful urban entertainment destinations and hotspots that thrive even during economic downturns. One of the critical components to preserving historic areas is ***maintaining a historic appearance and human pedestrian scale*** that proudly extols the City's heritage, but that also accepts sensitive adaptations to modern modes, uses, and technologies.

The local Ad Valorem Tax Exemption and Federal Tax Credit for historic building rehabilitation provides significant ***financial savings to property owners*** completing eligible improvements to their properties, as evidenced by the City's 2016 cycle that anticipates over $100,000 in tax savings for currently participating property owners. Historic designation also provides ***relief from an array of requirements of local building and land use codes***, as well as, from certain flood elevation requirements. Occasionally, financial grants become available to local governments and nonprofit entities that provide assistance to property owners who choose to preserve and interpret historic sites. Inter-disciplinary City staff also provides ***limited expert technical assistance*** to property owners considering historic designation or historic building improvements by sharing best historic preservation, restoration, and rehabilitation practices for qualified historic building, structure, and site projects. In many cases, proposed ***historic review of rehabilitation projects can be streamlined*** through the Community Planning and Historic Preservation Division when a Certificate of Appropriateness (COA) is required.

RELATIONSHIP BETWEEN THE PROPOSED DESIGNATION AND EXISTING AND FUTURE PLANS FOR DEVELOPMENT OF THE CITY

Renovations, alterations, development and redevelopment are guided, in part, by the *City of St. Petersburg Comprehensive Plan*, *St. Petersburg Code of Ordinances*, *Future Land Use Map*, and *Official Zoning Map*. Properties located within the proposed local landmark district, wholly or in part, include the following map designations:

- DC-C (Downtown Center - Core) on the City's Official Zoning Map
- CBD (Community Business District) on the City's Official Future Land Use Map
- Intown Activity Center on the City's Official Future Land Use Map
- Downtown St. Petersburg National Register (Historic) District
- Individual Local Historic Landmark

- Potentially-Eligible List

The *St. Petersburg Comprehensive Plan* includes several elements relevant to the subject request for local landmark district designation, including the *Vision Element*, *Future Land Use Element*, and *Historic Preservation Element*. The *Vision Element* summarizes the City's Vision 2020 Plan effort, including an overall mission statement, declaration of 15 citizen-based themes, and an implementation framework built around the concept of neighborhoods, corridors, and centers. The *Vision Element* presents an overall vision for the community and includes general recommendations for the downtown center, one of which states, "Preserve noteworthy buildings through renovation and adaptive reuse."

The *Future Land Use Element* establishes Future Land Use categories. The Future Land Use category for the properties located within the proposed local landmark district is CBD (Central Business District) with an Activity Center Overlay. The CBD plan category encourages a mix of higher-intensity retail, office, industrial, service, and residential uses. This category is implemented by the *Intown Redevelopment Plan*, which establishes the goals, objectives and policies for the redevelopment of the CBD. The *Intown Redevelopment Plan* designates the subject properties as part of the Downtown Core Area on Map 2 titled, "Intown Redevelopment Area and Project Focus Areas." Similar to the CBD plan category description, the Downtown Core Area is defined with an intensive, mixed-use emphasis.

The *St. Petersburg Code of Ordinances*, and specifically City Code, Chapter 16, Land Development Regulations (LDRs), is a set of standards that implements the *St. Petersburg Comprehensive Plan* and *Intown Redevelopment Plan*. According to the Official Zoning Map, properties within the proposed local landmark district are zoned Downtown Center-Core (DC-C). The DC-C category is the most intensive district in the City's schedule of regulations. The purpose of this district is to create a diverse and vibrant downtown, which serves as a center for employment, entertainment, and retail activity.

It has been previously suggested that the prevailing land use classifications and *Intown Redevelopment Plan (IRP)* establishes a development vision for downtown that specifically encourages achievement of the maximum redevelopment potential for property and that this vision is prioritized over other historic preservation objectives. City staff disagrees.

Historic preservation was a part of IRP policy from its inception in 1982, although the City of St. Petersburg did not establish a formal historic preservation program until 1986, when it was awarded Certified Local Government status by the State of Florida and created a historic preservation ordinance. "Historic rehabilitation and restoration" was included as a "Project Component" in the original IRP, along with land acquisition, public parking and recreational facilities, commercial/retail facilities, and infrastructure.

Since 1986, the City has designated nearly 20 properties within the boundaries of the IRP, and perhaps a dozen more within areas zoned Downtown Center located outside of the IRP. Seven locally designated properties are within CBD-Core, of which six are privately owned. The privately owned properties include the Kress Building, Snell Arcade, Binnie-Bishop Hotel, Women's Town Improvement Association Building (WTIA), Dennis-McCarthy Hotel, and the Hotel Detroit. The Open Air Post Office is publicly owned. It is important to note that the Kress Building, Snell Arcade and WTIA buildings were successfully renovated and used for the profitable purposes of their owners in tandem with the City's historic preservation standards.

The current IRP, as amended, still includes reference to Block 25 (the "*Jannus Landing Block*") encouraging, "rehabilitat(ion) or redevelop(ment) in keeping with the architectural style (vernacular), scale and character of the block." Moreover, previous editions of the IRP included various depictions and representations of the subject block emphasizing its historic character. Finally, when developers of the Detroit Hotel sought approval of its adaptive reuse in 2001, the Community Redevelopment Agency found the project consistent with the IRP, despite it having a development intensity below the low end of the FAR range envisioned by the zoning regulations at that time.

The Downtown Center zoning also supports historic preservation through a floor area ratio exemption for local landmark buildings, bonuses issued for the use of Transferable Development Rights, as well as bonuses issued for relocating eligible or contributing National Register properties.

The City recognizes the importance of historic preservation to its downtown revitalization efforts and has created incentives in its land development regulations to protect and rehabilitate historic buildings, or move them from harm's way. The designation of this local landmark district, as proposed, is not a departure from the City's vision for downtown, but an act consistent with its longstanding policy in downtown to protect historic resources.

Prior to Local Landmark Designation

Prior to local landmark designation, most properties located within the proposed local landmark district are generally eligible for redevelopment in accordance with the DC-C zoning district regulations, except as follows:

- *Hotel Detroit (201 Central Avenue) and Binnie-Bishop Hotel (256 1st Avenue North)* – These properties are already designated as individual local historic landmarks. Any proposal for redevelopment will first require approval of a Certificate of Appropriateness (COA) for demolition. COA criteria for demolition are outlined in LDR Section 16.30.070.2.6.

- *St. Charles Hotel (243-247 Central Avenue), James Hotel (231-235 Central Avenue), and Hotel Tamiami (242 1st Avenue North)* – These properties are identified in the city records as potentially eligible for individual local landmark designation, which do not require a COA for exterior improvements. However, upon receipt of an application for partial or whole demolition, the issuance of a demolition permit is delayed for 30 days. During this time, written notice shall be sent to the Community Planning and Preservation Commission (CPPC) and any resident or community group who annually files for notification. If a third-party application to designate is received during the noticed period of time, issuance of a demolition permit is further delayed pending a final decision on the individual local landmark designation application. Criteria are outlined in LDR Section 16.30.070.2.11.

- *All Properties* – Within the LDRs, demolition of any building in a DC district, regardless of designation status, is prohibited until a site plan for new development has been approved and a complete application for required building permits has been submitted.

The DC-C zoning district regulations have a base floor area ratio (FAR) of 4.0. By right, properties located within the proposed local landmark district could cumulatively redevelop to a 4.0 FAR. Applicants may propose an unlimited amount of FAR through the use of FAR bonuses and the streamline or public hearing review process; however, this is not possible given the cumulative constraints of the need to comply with building envelope regulations (minimum building setbacks from public streets, minimum distance between buildings, maximum floor plate, and minimum ground level open space standards) and Federal Aviation Administration (FAA) regulations pertaining to building height.

Following Local Landmark Designation

If approved, certain exterior alterations and renovations, all new construction, and demolition would benefit from professional input subject to a Certificate of Appropriateness (COA) review. As of the date of this report, most COA requests are administratively reviewed with expeditious turn-around times as part of the regular procedures for construction permitting, and only a limited number of COA requests are scheduled for public hearing review. For example, during 2015, 59 of 66 total COA applications were administratively processed, with only six scheduled for CPPC review. For 2016 to date, 33 of 37 COA applications have been processed administratively.

The local landmark district designation encourages sensitive, compatible improvements and enhancements and does not prohibit affected property owners from seeking redevelopment of their properties. As an added benefit, the City provides technical and procedural assistance when a COA is requested, and addresses compatibility concerns within and around neighborhoods in a responsive manner.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed local historic landmark district designation is generally consistent with the City's Comprehensive Plan, relating to the protection, use and adaptive reuse of historic buildings. The local landmark designation will not adversely affect the FLUM or zoning designations, nor will it significantly constrain any existing or future plans for the development of the City.

OBJECTIVE LU26: The City's LDRs shall continue to support the adaptive reuse of existing and historic buildings in order to maximize the use of existing infrastructure, preserve natural areas from being harvested for the production of construction materials, minimize the vehicle miles traveled for transporting new construction materials over long distances, preserve existing natural carbon sinks within the City, and encourage the use of alternative transportation options.

OBJECTIVE LU10: The historic resources locally designated by the St. Petersburg City Council and Community Planning and Preservation Commission (CPPC) shall be incorporated onto the Land Use Map or map series at the time of original adoption, or through the amendment process, and protected from development and redevelopment activities consistent with the provisions of the Historic Preservation Element and the Historic Preservation Ordinance.

Policy LU10.1: Decisions regarding the designation of historic resources shall be based on the criteria and policies outlined in the Historic Preservation Ordinance and the Historic Preservation Element of the Comprehensive Plan.

Policy HP2.3 The City shall provide technical assistance to applications for designation of historic structures and districts.

Policy HP2.6: Decisions regarding the designation of historic resources shall be based on National Register eligibility criteria and policies outlined in the Historic Preservation Ordinance and the Comprehensive Plan. The City will use the following selection criteria [for city initiated landmark designations] as a guideline for staff recommendations to the CPPC and City Council:

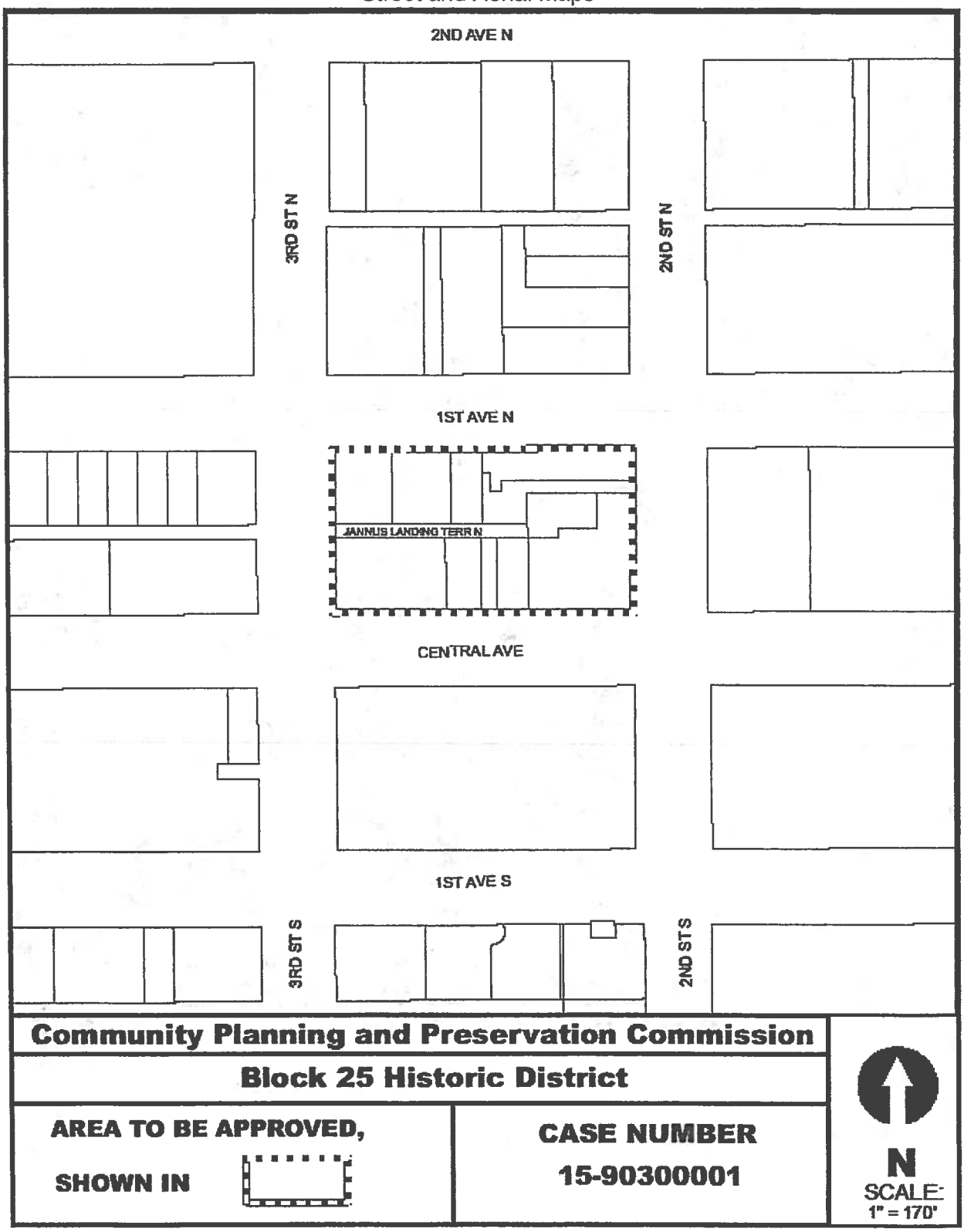
- National Register or DOE status
- Prominence/importance related to the City
- Prominence/importance related to the neighborhood
- Degree of threat to the landmark
- Condition of the landmark
- Degree of owner support

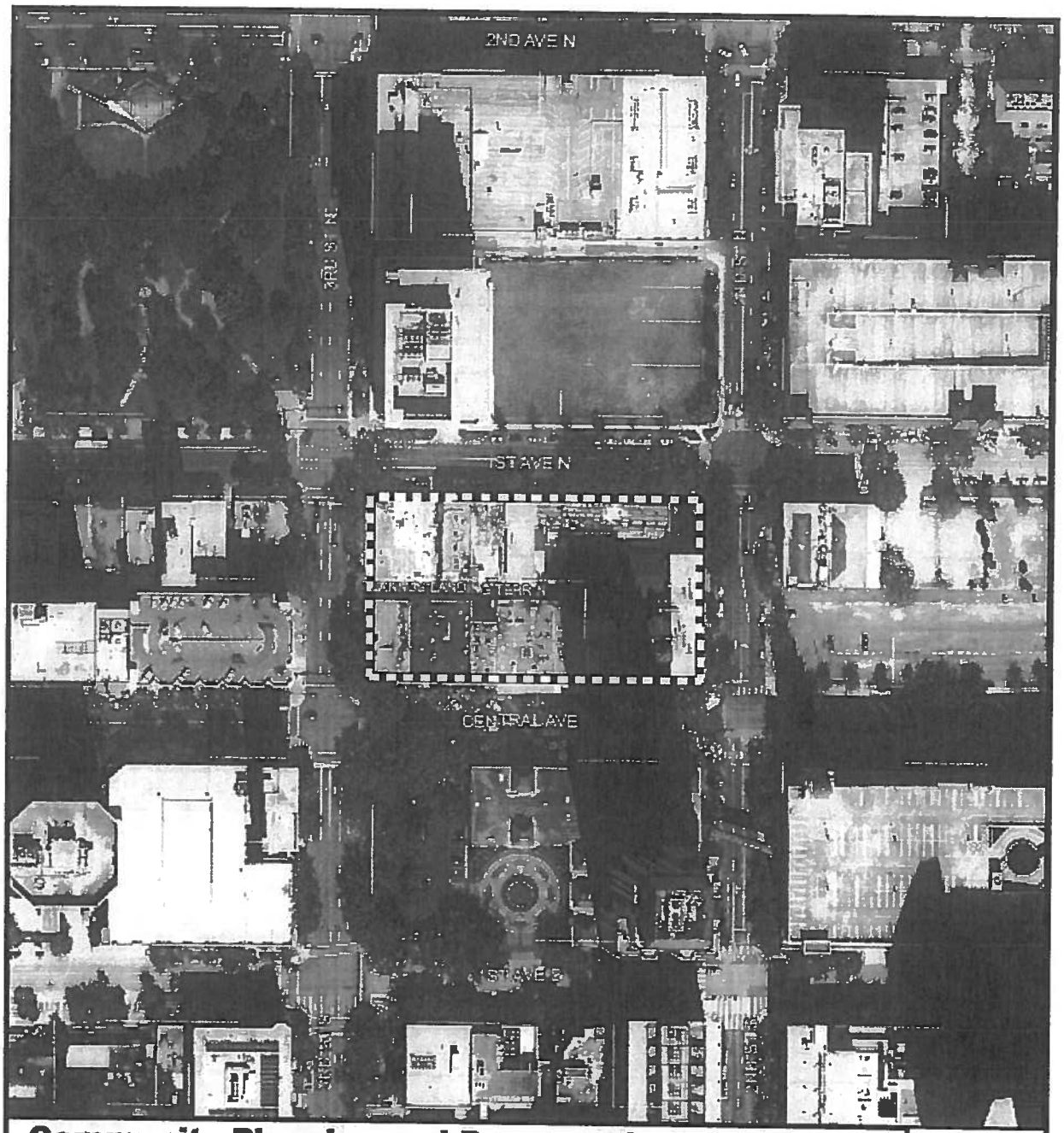
Policy V1.1: Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.

Policy LU3.1: Central Business Districts. 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.

OBJECTIVE LU2: The Future Land Use Element shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.

APPENDIX A
Street and Aerial Maps





Community Planning and Preservation Commission

Block 25 Historic District

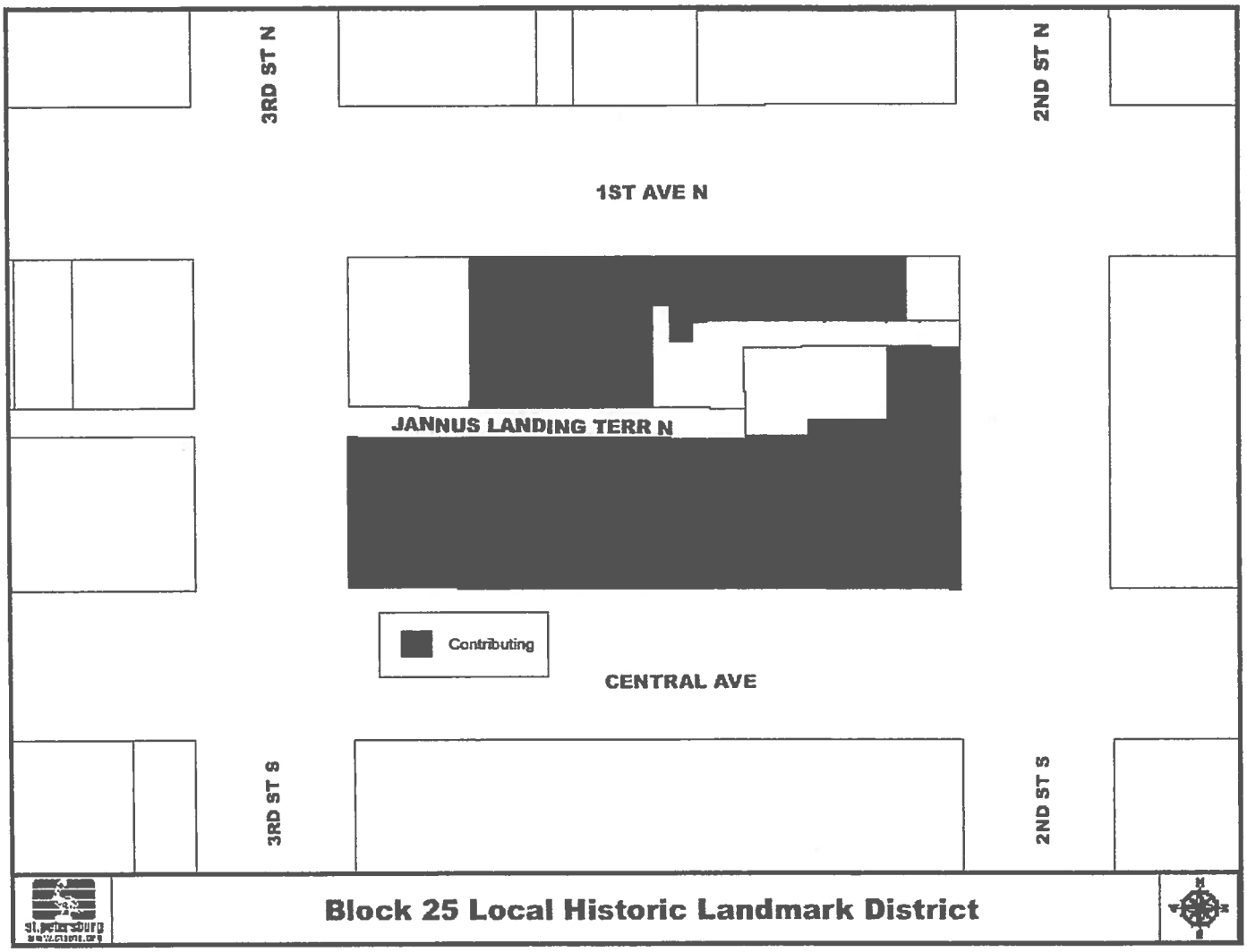
AREA TO BE APPROVED, SHOWN IN

CASE NUMBER 15-90300001

N

SCALE: 1" = 170'

APPENDIX B
Contributing/Non-Contributing Building Map



APPENDIX C
Designation Application

City of St. Petersburg
Division of Urban Planning and Historic Preservation

Local Landmark Designation Application

Type of property nominated (for staff use only)
☐ building ☐ structure ☐ site ☐ object
☒ historic district ☐ multiple resource

1. NAME AND LOCATION OF PROPERTY

historic name: Block 25 Historic District

other names/site number: 8Pi113, 8Pi278, 8Pi291, 8Pi312, 8Pi313, 8Pi3053, 8Pi10446, 8Pi10648

address: 201-279 Central Avenue, 200-270 1st Avenue North

historic address:

2. PROPERTY OWNER(S) NAME AND ADDRESS

name: Various

street and number:

city or town: state: zip code:

phone number (h): (w): e-mail:

3. NOMINATION PREPARED BY

name/title: K. Hinder, Planner III & A. Angel, Planner II/updated by Dr. Larry Frey, Planner II

organization: City of St. Petersburg

street and number: One 4th Street North

city or town: St. Petersburg state: FL zip code: 33731-2842

phone number (h): 727 (w): 892-5470 e-mail: Larry.Frey@stpete.org

date prepared: 3-6-15/9-1-16 signature:

4. BOUNDARY DESCRIPTION AND JUSTIFICATION

Describe boundary line encompassing all man-made and natural resources to be included in designation (general legal description or survey). Attach map delimiting proposed boundary. (Use continuation sheet if necessary)

SEE CONTINUATION SHEET.

5. GEOGRAPHICAL DATA

acreage of property: 1.9±

property identification numbers: Various

Block 25 Historic District

Name of Property

6. FUNCTION OR USE

Historic Functions	Current Functions
RESIDENTIAL/hotel	RESIDENTIAL/condominiums
DOMESTIC/multiple dwelling	COMMERCE/TRADE/professional
COMMERCE/TRADE/professional	COMMERCE/TRADE/business
COMMERCE/TRADE/business	COMMERCE/TRADE/restaurant

7. DESCRIPTION

Architectural Classification (See Appendix A for list)	Materials
Masonry Vernacular (incl. Victorian type)	Brick
Mediterranean Revival	Stucco
Frame Vernacular	Concrete
Modern Commercial	Wood, Metal

Narrative Description

On one or more continuation sheets describe the historic and existing condition of the property use conveying the following information: original location and setting; natural features; pre-historic man-made features; subdivision design; description of surrounding buildings; major alterations and present appearance; interior appearance;

8. NUMBER OF RESOURCES WITHIN PROPERTY

Contributing	Noncontributing	Resource Type	Contributing resources previously listed on the National Register or Local Register
15	2	Buildings	Central Ave: 201-215 (+local), 231-235 (+pot. elig.), 237-241, 243-247 (+pot. elig.), 249-253, 259-269,277-279/1st Ave N: 248-260 (+local), 242-244 (+pot. elig.), 234-236, 208-226 (+pot. elig.), and all as contributing buildings to the NR Downtown St. Petersburg Historic District
		Sites	
		Structures	
		Objects	Number of multiple property listings
15	2	Total	0

Block 25 Historic District

Name of Property

9. STATEMENT OF SIGNIFICANCE

Criteria for Significance
(mark one or more boxes for the appropriate criteria)

- ☒ Its value is a significant reminder of the cultural or archaeological heritage of the City, state, or nation.
- ☐ Its location is the site of a significant local, state, or national event.
- ☒ It is identified with a person or persons who significantly contributed to the development of the City, state, or nation.
- ☒ It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation.
- ☐ Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
- ☐ It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
- ☒ Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development.
- ☒ Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.
- ☐ It has contributed, or is likely to contribute, information important to the prehistory or history of the City, state, or nation.

Areas of Significance
(see Attachment B for detailed list of categories)

Community Planning and Development

Commerce

Settlement

Period of Significance

1888-1965

Significant Dates (date constructed & altered)

1888, 1894, 1904, 1906, 1908, 1909, 1911-1913, 1920, 1921, 1924, 1937, 1948, 1966

Significant Person(s)

John C. Williams; Edson T. Lewis; Frank F. Pulver; Mary Ramsey; Edward Tonnelier; James Norton; Frank F. Pulver

Cultural Affiliation/Historic Period

N/A

Builder

Architect

Edgar Ferdon; M. Leo Elliott

Narrative Statement of Significance

(Explain the significance of the property as it relates to the above criteria and information on one or more continuation sheets. Include biographical data on significant person(s), builder and architect, if known. Please use parenthetical notations, footnotes or endnotes for citations of work used.)

See Continuation Sheet.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Today, the entire block is an entertainment and dining destination for local residents and visitors alike, with the Hotel Detroit serving as the largest and only residential enclave of the block. Since 1966, four original buildings have been demolished.

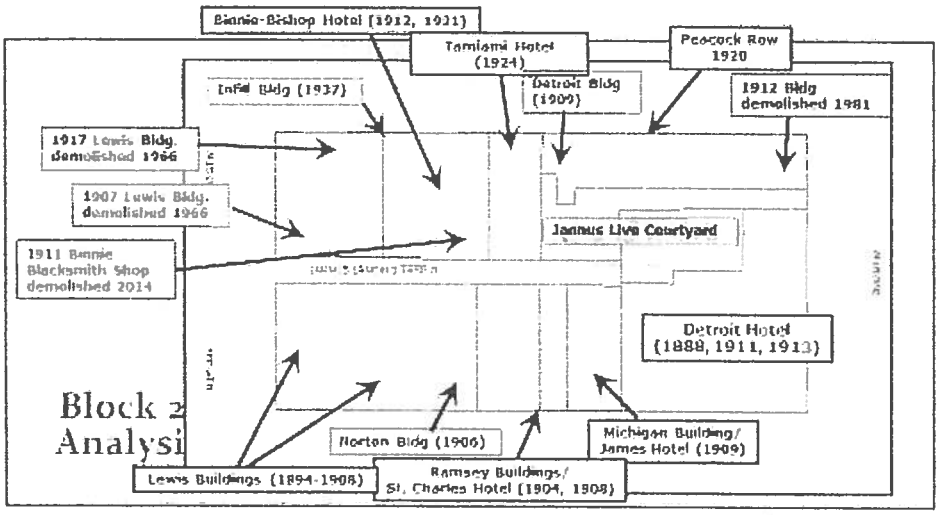
Locational Characteristics

Block 25 is a rectangular-shaped city block of typical 220- x 400-foot dimensions originally platted in 1888, and incorporating approximately 2.0 acres. Bounded by Central Avenue on the south, 1st Avenue North on the north, 2nd Street North on the east, and 3rd Street North on the west, the proposed Block 25 Historic District consists of a cohesive collection of the City's earliest commercial properties.

The area draws its ambience from the consistent massing, scale, and setbacks of the commercial buildings that predate nearly all of the buildings on surrounding city blocks. With the exception of the Hotel Detroit site, which was originally designed to occupy nearly the entire eastern half of the block, the individual parcels were platted in a much smaller, repeated size resulting in a pattern of attached buildings occupying several contiguous lots as a wrap around the perimeter of the block. A central courtyard behind the Hotel Detroit today provides outdoor, interconnected event space as a concert venue. The central brick paved alley with granite curbs runs from west to east, terminating at the courtyard, and provides rear service access for the businesses, although several original or early balconies remain along the alley. One building constructed in 1966 occupies the northwest corner, and is considered non-contributing, while a second at the northeast corner is currently under construction and counted as a non-contributing building.

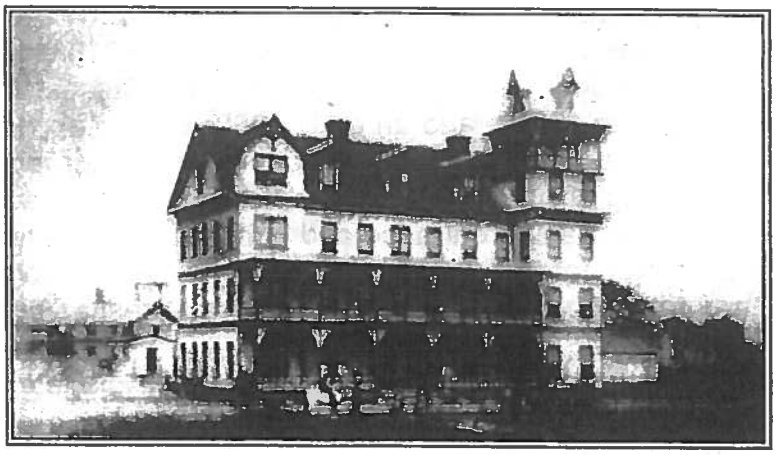
The buildings in Block 25 range from one- to four-stories in height with rectangular forms, flat or gable roofs, and exhibit either Masonry Vernacular or Frame Vernacular construction with influences from late Victorian and early twentieth-century Mediterranean Revival programs. All contributing buildings were constructed before the onset of World War II. Two contributing buildings were constructed during the early pioneer era in 1888 and 1894. Nine historic buildings (two are additions) were built from 1894 to 1913, and three buildings exhibit architectural styling from the land boom period of the 1920s. Although the majority of buildings are of masonry construction, frame structures are also represented on Block 25, although these are clad with stucco. The masonry buildings often retain their original brick or have been surfaced with stucco. Generally, the buildings of Block 25 feature flat roofs with surface modelling incorporated into parapets, and have continuous masonry foundations. A variety of window designs are found, and the second stories typically retain the most original historic fabric.

Each building is described below beginning with a basic architectural description, followed by a narrative of its alterations over time. In some cases, key photographs reveal comparisons between the original construct and latent alterations. The following graphic provides a guide from which the more detailed descriptions are ordered, beginning with the Hotel Detroit and running clockwise.



Hotel Detroit, 201-215 Central Avenue (8Pi113)

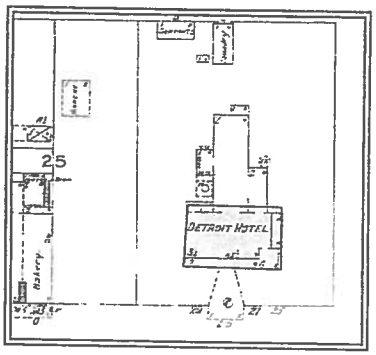
Locally designated in 2010, the former Hotel Detroit located at 201-215 Central Avenue was originally constructed in 1888 as a wood frame, four-story building with a five-story corner tower at its southeast corner. At the time, it was the tallest hotel in the City, at least until 1922. This building was markedly Victorian in its architectural statement, revealing a medium-pitch, side-gabled primary roof, punctured with a large left dormer that sandwiched three smaller dormers between it and the tower. The upper gable wall sides had applied decorative brackets that falsely appeared as half timbering to match the treatment of the verandah and corner tower.



Hotel Detroit, ca. 1895. FL State Archives, Photo N-040078

This early building dominated the block with nine perceivable bays along its façade running five bays deep, not including the center rear wing. Its two-story

verandah wrapped both the front and east elevations, preventing a continuous run of the verandah by the corner tower. The verandah posts were adorned with decorative post brackets and hand railings.



1908 Sanborn Fire Insurance Map. Existing center wing highlighted.

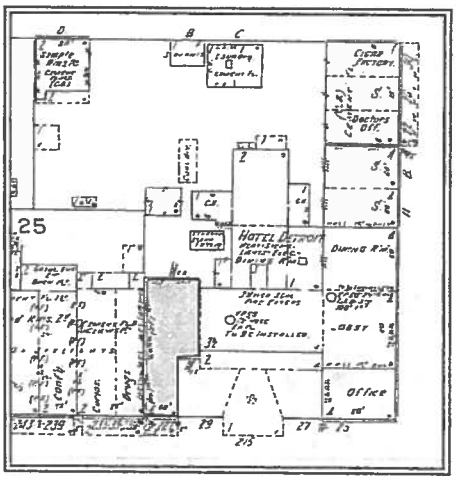
When constructed, the building was T-shaped, with two rear, one-story extensions and two outbuildings serving as laundry and servant's facilities. An open, flat grand entry was featured leading to the frontal, south-facing entrance, followed with a later covered, two-story onion-domed gazebo and walkway that was removed by 1919. Two brick additions, constructed in 1911 and 1913, enlarged the hotel's footprint, that today resembles an "H" shape, with one of the ells truncated. Additional but separate buildings located along 1st Avenue North were later constructed as annexes for the hotel's use. Not including the annex buildings along 1st Avenue North, the current building is evaluated herein as consisting of three separate buildings since the 1911 and 1913 additions were considerably large, and represented different architectural interpretations. Today, the three buildings remain as a masonry and wood frame combination of structures that still stand four-stories, but without the original corner tower, rear 1888 center wing, and grand entry structure. Unlike the early hotel configuration, there are no direct connections to any of the existing buildings now situated along 1st Avenue North.

1888 building

The central and primary wing of the 1888 building still connects the two brick additions, but has been significantly altered. Its side elevations and original rear wing are missing (demolished 1911, 1913, 1981 respectively), with the east and west sides terminating into the 1911 and 1913 additions. Some of the original exterior wood siding was replaced with asbestos siding beginning in 1949 through the 1950s, and an early 1980s stucco application now covers all vertical wall planes. A one-story open porch with a shed roof and decorative wood posts and railing of non-historic materials now extends across the façade of the 1888 building. A gabled entrance and porch frames the former historic hotel entry with paired five-light doors set under a four-light transom. The north (rear) elevation features several wrought iron balconies accessed by sliding glass doors.

Fenestration, especially along the first floor planes has been continually altered. The majority of windows on the north and south elevations of the central wing and the tower are newer replacements as aluminum fixed, single-hung sashes with a three-over-one simulated divided light pattern. The early windows were mostly replaced beginning in 1985. The only extant early windows appear to be on the lower story as two-over-two, double-hung sashes set independently.

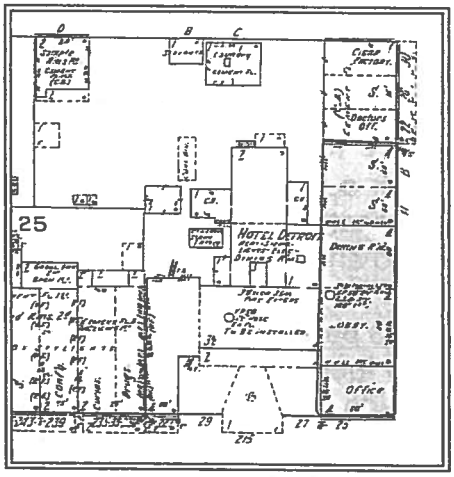
An open patio bar occupies the space in front of the central wing between the east and west additions, which has historically been used in this manner, though previously in tandem with a restaurant. A latent, covered handicap accessible entrance ramp extends along the east edge of the patio. The original five-story corner tower, which was removed in 1913, was recreated in 2002 at the northeast end of the patio area. Clad with vinyl siding and composition shingles, the tower has a hip roof with gabled dormers and an open top floor. A 2002 one-story addition, clad with stucco, connects to the tower at the junction with the 1913 addition, serving as an entrance to the condominium units on the upper floors. In 1939, a major renovation of the hotel included a pair of entry canopies, one of which extended from the Central Avenue entry to the street curb, and the other to the 2nd Street North curb. These canopies were removed in the 1980s. The one-story addition that was constructed in 1946 (now historic) at the west end of the patio is fairly intact, and was originally part of a coffee shop. The east exterior wall of this addition features the original stucco finish and five-light casement windows set in a ribbon pattern. Another addition of roughly 16 x 26 dimensions was added in 1947 on the opposite side of the patio, but is no longer extant.



1913 Sanborn Fire Insurance Map; west addition highlighted.

1911 building

The 1911 four-story addition on the west elevation added 40 rooms. The building is narrow at its street elevation forming an L-shape toward the rear. The original addition had a flat roof with a raised parapet and bracketed decorative cornice. The parapet reveals an obvious repair for its entire length, and the cornice is a replacement that now lacks the decorative brackets. The upper east elevation reveals a recent brick resurfacing in its entirety above the third floor. The façade is narrow, standing as a two-bay building along the street, and while revealing another two bays along the south elevation where it meets the 1888 hotel. A small, one-story concrete block addition was constructed to the rear in 1947, but has since been demolished. The west elevation reveals six distinct brick columns terminating at the roofline, of which five may have been used as flues for early gas ducts, or as structural support devices, or both.



1913 Sanborn Fire Insurance Map; east addition highlighted.

The rectangular window openings at the south and east elevations, which constitute the front façade, have slightly arched brick lintels with marble keystones above the rectangular windows, with granite sills below. Windows on the north and west elevations have the same brick lintels and granite sills, but reveal a slight rounded arch not present on the other elevations. The original windows were one-over-one double-hung sash, but began to be replaced in their entirety in 1985. Today, the windows on the east, west, and north elevations are three-over-one single-hung metal sash, and fixed windows placed independently and paired. The second through the fourth stories at the frontal elevation feature a single 15-light French door each under a one-light transom to access the individual metal balcony components. Each balcony window is a three-over-one single-hung metal sash. The fourth floor door was probably added in 1953.

Hotel Detroit, 1911 west addition. Photo 2015.

The wrought iron balcony/fire escape system supported on three iron posts occurs on the front (south) façade, creating a covered sidewalk at the first story street level; the original balcony accommodated two stories, while the fourth floor balcony was likely added in 1953. Each balcony reveals a wrought iron railing system with lower iron lattice spandrels. On the first floor, the south storefronts of the 1911 brick addition and the 1946 restaurant addition were altered in 1981 with the application of wood and fieldstone siding and the installation of one- and 20-light fixed and three-light casement windows.

1913 building

The four-story brick addition on the east was constructed in 1913 and is a similar architectural style to that of the 1911 addition. Like the west addition, this addition also has a flat roof with a raised parapet, but lacks the heavier detailing of the cornice. A more imposing structure, the 1913 addition reveals five bays along its south façade, and has a basic rectangular footprint overall. It also features a wrought iron, four-post balcony system on the front (south) façade creating a canopy at the first story street level, with balconies on the second through fourth floors. This balcony system replaced the 1939 anchored, full length canopy during the early 1980s. The upper floors also feature two 15-light French doors set under a one-light transom to access the balcony system, and three-over-one single-hung metal sash windows. A metal header beam with decorative wall anchors is visible along the façade.

Hotel Detroit, 1913 east addition. Photo 2015.

Windows on the east, west, and north elevations are also three-over-one single-hung metal sash and fixed windows, with a three-over-one simulated divided light pattern placed independently and paired. Windows on this addition were originally nine-over-one double-hung sash and the openings are historically designed with thick lintels and narrow sills made of concrete sills. Windows on the west elevation which face the rear courtyard have segmental brick arch lintels and brick sills. First floor windows are commercial store-front plate glass windows. A column of window openings has been bricked-in at the west elevation where the building meets the later corner tower. The overall fenestration package along the east elevation has been significantly altered.

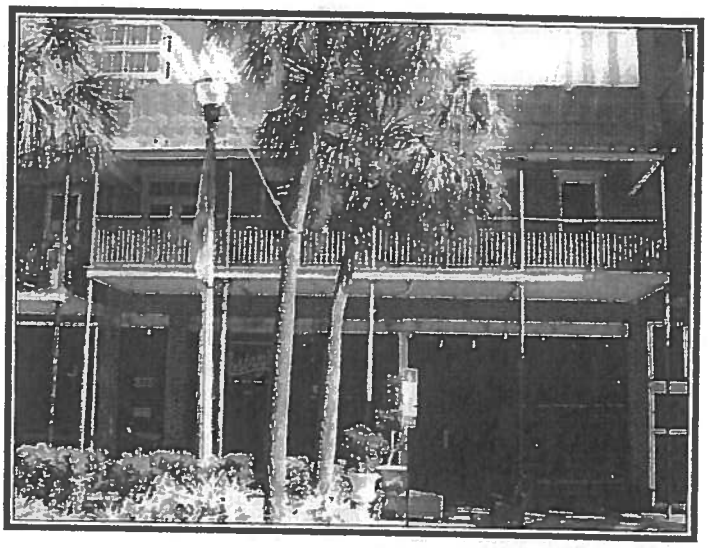
The L-shaped historic "Detroit Hotel" sign at the southeast corner of the facade was likely installed between 1939 and 1941. The neon sign advertising "Liquor" and located on the east elevation at the first story is not historically significant.

Michigan Building, 231-235 Central Avenue (8Pi291)

Designed by Edgar Ferdon and constructed in 1909, the Michigan Building is a typical commercial Masonry Vernacular building planned to accommodate small businesses on the first floor and living space above. The two-story brick building features a flat roof set behind a rectangular parapet with geometric surface modelling and a band of triad scuppers. Although the brickwork is set in a common bond pattern throughout the majority of the façade, the parapet features a decorative bond pattern.

Featuring a covered balcony originally made of wood, it currently extends the length of the building, and was likely replaced in 1952 with its current metal balcony system. The balcony has wood decking with a wood roof and a metal balustrade with a scroll motif and slender metal columns and was extensively repaired in 1952 and 1971. The first bay consists of paired, single light doors with a four-light transom above. The second, third, and fifth bays feature one-over-one, double-hung sash windows. A single-light door topped with a two-light transom is located in the fourth bay. All openings on the second story have masonry lintels and the windows also have masonry sills.

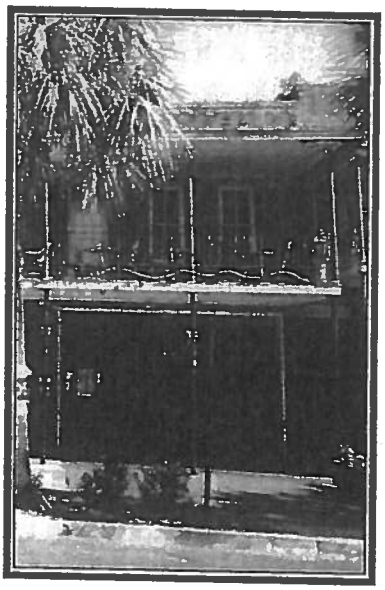
Two one-story concrete block additions were constructed at the rear; one in 1926 and the other in 1949. The second floor contains five bays, whereas the first floor can be divided into three bays of which the previous individual storefronts were continually altered over time. The first bay features a commercial glass door with a large single light transom. The second bay is comprised of inset commercial storefront with a standard, modern commercial glass door and transom. The storefront features four single-light windows set above a solid bulkhead. Wood siding has been used to clad the small portion of this bay that surrounds an ATM machine. The third bay is also comprised of an inset commercial storefront. It features a modern wood door that extends the full height of the opening and five two-light windows. A defining feature of the Michigan Building façade is its masonry header beam adorned with regularly spaced decorative wall anchor flower motifs running across the top of the storefront openings.



Michigan Building. Photo 2014

Ramsey Addition, 237-241 Central Avenue (8Pi313)

The Ramsey Addition is also a Masonry Vernacular building and was constructed in 1908 by R.W. Miller for Mary Ramsey as an addition to her adjacent 1904 building to the west. The brick building is topped by a flat roof set behind a decorative brick parapet featuring a defining row of brick corbel columns. A second story balcony with a flat roof and decorative metal balustrade runs the length of the building and continues west across the façade of the St. Charles Hotel. This balcony was likely a 1950s replacement of the originally wood balcony. The second story includes three bays with the west bay containing a single, 15-light French door and the remaining two bays revealing two-over-two, double-hung sash windows that likely replaced jalousie sets installed in 1953. Although the window openings are



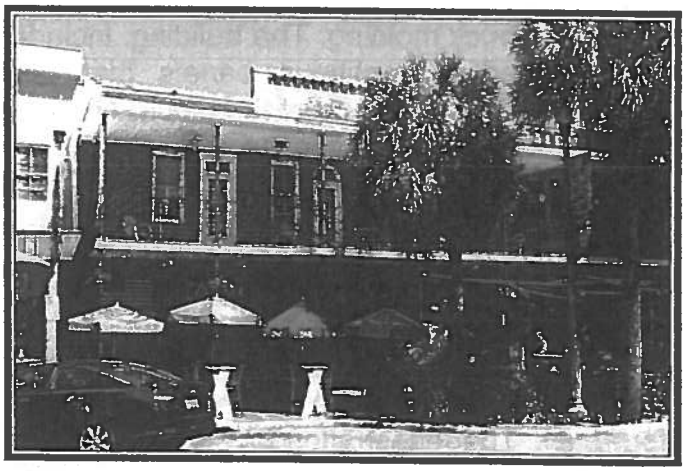
Ramsey Addition. Photo 2014.

arched with a brick header, the arch has been infilled to accommodate rectangular window framing. Earlier transoms have all been removed.

The first floor commercial storefront has been completely removed with the exception of the original metal columns which help to define the three lower bays. The middle bay contains a non-original sloped entrance and is flanked on either side with outdoor seating. The entire opening is covered with a metal grid structure that contains the entry gate.

St. Charles Hotel (1904 Ramsey Building), 243-247 Central Avenue (8Pi278)

The St. Charles Hotel building, also known as the Ramsey Block, was constructed in 1904 for Mary Ramsey. The Masonry Vernacular brick building is topped by a flat roof and features a central, articulated brick parapet that showcases a historic metal sign for the St. Charles Hotel. The frontal façade brick walls were repointed and reset in 1981 during an extensive renovation of the building resulting in part from a devastating 1975 fire that nearly gutted the entire interior space. A second story balcony runs the length of the building and continues uninterrupted to the front of the Ramsey Addition. The wood balcony platforms are covered with a flat roof and protected with a metal balustrade that features a scroll design at regularly spaced intervals. The balcony and porch supports consist of slender metal posts that are not original; the original balcony posts were made or turned wood.



Ramsey Building. Photo 2015.

The second story features a 15-light French door topped with a single-light fan transom centered under the parapet and flanked by two-over-two, double-hung windows. Additional openings include a pair of two-over-two, double-hung windows and a 15-light French door with a rectangular singe-light transom. The window openings reveal the original arched top with brick headers and have been infilled to accommodate a rectangular shaped window. Early transoms were covered up during the early 1970s.

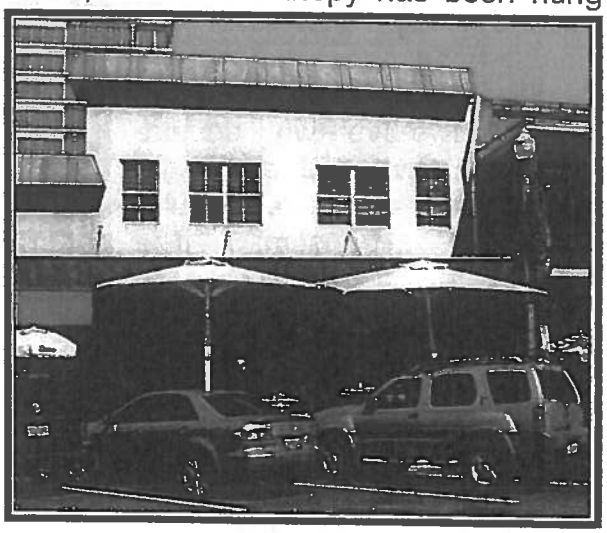
The first floor contains three bays. The central bay includes an arched opening with a brick surround that leads into an arcade that provides access to the second story. The arcade was constructed during the 1981 renovation. A pair of metal gates are used to close the entrance. The right bay contains a commercial

storefront with an inset entrance flanked by glazing. Glazing consists of three sets of single lights topped with single-light transoms. An additional single hung window is also extant and has been surrounded by infill material and is topped with a single-light transom. The frontal entrance contains a standard commercial door and transom. A large piece of wood acts as a decorative lintel over the entire storefront.

Although the storefront still maintains its recessed entry in reference to a historic design, the left bay has been altered with the replacement of the commercial storefront system. It now consists of a central entry with a single-light door set under a rectangular, single-light transom and is flanked on both sides by a three-part system in which each part features a 16-light, fixed, wood window with lead cames set above a two panel, wood base. The inset portions of the system have an eight-light rectangular transom. The exterior four portions have an arched transom. The entire system is wood framed and utilizes decorative wood molding.

Norton Building, 249-253 Central Avenue

The Norton Building was constructed in 1906 by contractor Walter C. Henry for James Norton who operated one of the last saloons in the City before Prohibition. The two-story Masonry Vernacular building formerly featured a brick façade topped with a flat roof set behind a rectangular, decorative brick parapet wall. The second story featured one-over-one, double-hung sash, wood windows with an arched brick molding. The building, including the parapet, is now covered with prefabricated cementitious panels that continue along the facades of the buildings west to the end of the block. The parapet is covered by a metal wall cap and closed soffitted eave system. A metal, anchored canopy has been hung above the first story shading the entrance and public walkway, and also continues uninterrupted west to the end of the block, unifying those buildings.



Norton Building. Photo 2015.

The second story can be divided into four bays. The fenestration in the first and last bays is comprised of two, four-over-four, single-hung sash, metal frame windows set independently and close to the wall plane. The middle bays utilize the same windows set in pairs. The first story is also be divided into three bays, with the first bay being completely open, and featuring modern commercial glass doors. The second bay

has an inset entry the width of a single door. The two-light, two-panel Victorian style door is set below a solid panel transom. The entry is also paneled on both the left and right walls. The final bay has an opening that spans the length of the bay and has been infilled above and below the opening with concrete. A metal frame sliding glass partition closes the entry when needed.

Lewis Building #3, 259-269 Central Avenue

Constructed in 1908, the Masonry Vernacular Lewis Building #3 is one-story with a flat roof topped by the same seamed metal wall cap and canopy system used for the Norton Building adjoining its east wall. For the Lewis Building #3, it hangs above five bays that are separated by brick columns. From the left, the first bay maintains its inset storefront entrance design with a central entrance door featuring a single-light above a two-panel door. The storefront system has been enclosed with vertically laid siding. Fenestration consists of three fixed, single-light, arched windows. A fourth window has been framed to separate the arch. The bottom portion of this window is not currently visible. Semicircular awnings have been installed above both street facing windows.

Lewis Building #3. Photo 2015.

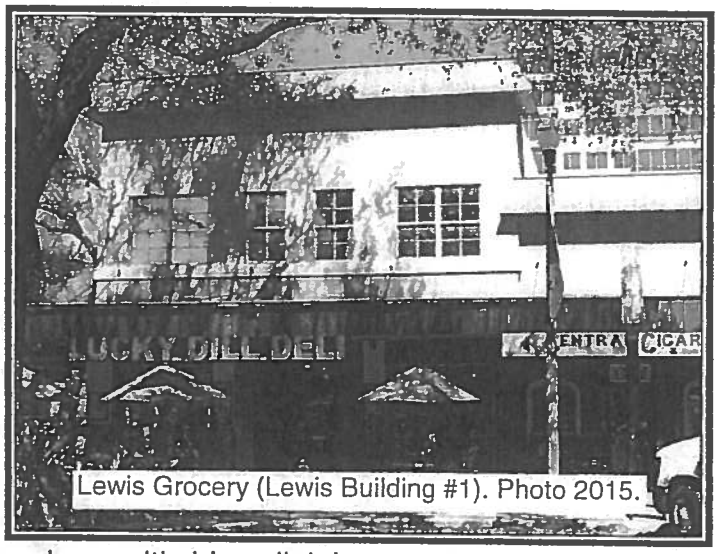
The next bay features a set of three, nine-light, fixed, wood windows. A single-panel, rectangular transom and a single-panel, rectangular bulkhead is set above and below the windows, respectively. The entrance is inset on the right side of the bay and consists of paired doors; a modified two-light, two-panel, wood, Victorian era door (re-divided into four-over-four lights) and a two-light, two-panel door. The sides of the inset are paneled to match the transom and bulkhead designs.

The third bay consists of a central inset entrance with modern, paired, one-light doors and a one-light, rectangular transom. The sides of the inset feature three-light, fixed windows, wood framed glazing, and a one-panel, wood bulkhead. The glazing on either side of the entrance features nine-light, wood, fixed windows also set above a single-panel bulkhead with a wood header running the length of the bay.

The fourth and fifth bays are occupied by the same business. The fourth bay features a modern, commercial storefront with a central commercial, single-light metal frame door set below a single, fixed, rectangular transom light. It is flanked by commercial glazing on both sides totally eight fixed panes that run from the floor to the ceiling. The fifth entrance also has a centrally located commercial

glass, single-light door set below a fixed light transom. It is surrounded four, fixed panes of glass that run from the ceiling to floor on the right and the left consisting of a take-out window flanked by fixed panes set under a large fixed pane and above two fixed panes.

Lewis Grocery Building #1, 277-279 Central Avenue



Lewis Grocery (Lewis Building #1). Photo 2015.

Originally constructed as the Lewis Grocery for Edson T. Lewis in 1894, this two-story, original wood frame building has been significantly altered. While its original construction had a Victorian period appearance, the building would be significantly altered early on as part of modernization efforts. In 1917, a fire led to the replacement of the entire roof structure.[1] In 1937, Lewis hired contractor R.E. Clarkson to reface this building along with his adjoining properties to the east. The buildings' interiors were also remodeled. At this time, the elevations were changed as sheer vertical elements of stucco above applied granite panels to meet the public sidewalk with large window display cases and individual storefronts. The roofline was dramatically different with its stepped parapet capped with a brick coping. The upper floor row of single and dual paired, metal casement windows created distinct bays along the south and west facades. A line of individual canvas awning devices ran for nearly the entire length of the storefronts, breaking only at the corner and at one wide vertical wall plane. This entire system combined with the building to the east along central. In 1966, the Lewis Buildings along Central Avenue received another "face-lift" for $40,000 when they were refaced with stucco panels and Carrara Glass, and the aluminum canopy and wall cap were installed.[2]

Today, the second story, south façade (facing Central Avenue) is void of any meaningful decoration. Fenestration consists of two sets of paired four-over-four,

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[1] "Lewis Building Gets New Roof in Single Day," *Evening Independent*, 5 November 1917; "Workmen Use a Searchlight to Repair Damage," *St. Petersburg Daily Times,* 2 November 1917.
[2] "City Pioneer's Building Coming Down," *Evening Independent,* 14 May 1966; John Schaffner, "With Faith, He Helped Build a City," *Evening Independent,* 14 May 1966; "Lewis Building Gets Face-Lifting," *Evening Independent,* 24 June 1966; "Leon Lewis Stricken Fatally at Yacht Club," *St. Petersburg Times,* 1 June 1950; City of St. Petersburg, Property Card, 279 Central Avenue.

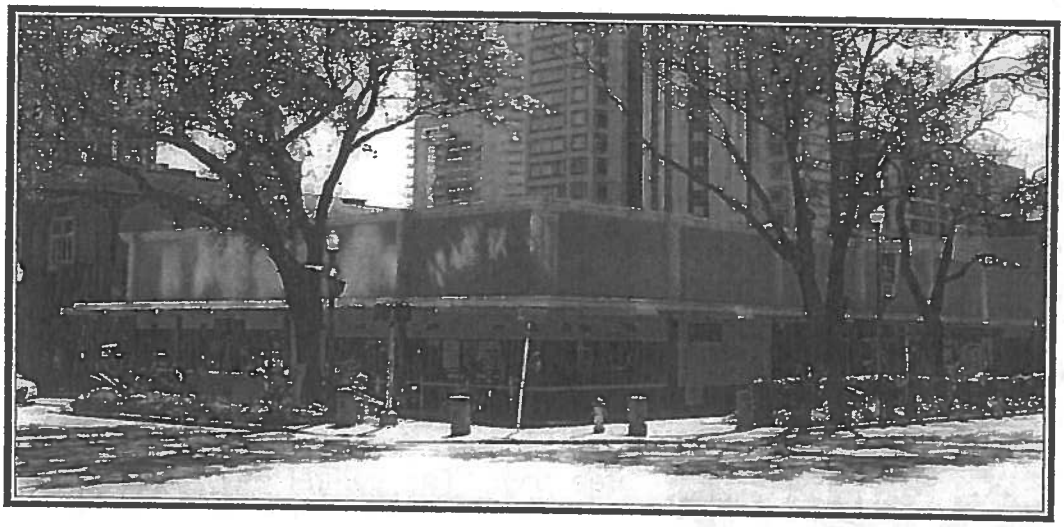
Lewis Grocery (Lewis Building #1), ca. 1937.

single-hung sash, metal frame windows and two independently set four-over-four, single-hung sash, metal frame windows. Fenestration on the second story west façade (facing Third Street North) side includes six pairs of four-over-four, single-hung sash, metal frame windows, and four independently set four-over-four, single-hung sash windows. A concrete band runs beneath the fenestration around both street side facades.

The first story, south façade can be divided into three bays. The central bay contains an inset entrance with a door and four one-light, wood, fixed windows set in a ribbon pattern on the interior sides. The flanking bays are comprised of four, single-light wood windows set in a ribbon pattern. The first story, west façade utilizes the same fenestration in the first three bays. Other fenestration on the west façade includes single-light, wood and metal commercial doors set both independently and paired. Matching stucco and wood are both used on the exterior wall surfaces here.

Lewis Building #5, 270 1st Avenue North

Constructed in 1966, this Mid-Twentieth Century Modern Vernacular building was originally constructed in 1966 to replace two earlier, higher style buildings, and is situated at the corner parcel of 1st Avenue North and 3rd Street North. Topped with a flat roof and clad with stucco, the building features a profiled cornice above large engaged columns with square capitals on the second level; these decorative ornaments are made of composite materials including foam and the faux columns appear rather whimsical given the stature of the building and represent a post-modern expression given their purely decorative utility, and termination downward at the sidewalk canopy. A full length sidewalk canopy made of wood and metal runs above all entrances to the building, and is supported by extended horizontal beams with a kind of Craftsman reveal beyond the outward edge. The north façade (1st Avenue North) is divided into five bays separated by brick piers.



Lewis Building #5. Photo 2015.

From the left, the first two bays each consist of three single-light, metal frame windows set above a stone veneered wall with a masonry cap. This veneer and cap run the length of this façade and extends to the third bay consists of a single-light, metal frame window and paired commercial, single-light doors with a transom above. The remaining two bays consist of single-light, metal frame windows set in a ribbon.

Like the front (north façade), the west façade is divided into five bays. The first bay of the west façade of the building continues the fenestration pattern seen on the front. The second bay is void of features and contains a single entrance door painted to look like the wall. The third bay contains an entry and four panel, aluminum framed accordion windows. The fourth bay is comprised of a metal, commercial storefront system with a central paired entry flanked by a three-part take-out window on the left and a single pane window on the right. The last bay also contains a three-part, commercial store front system with a central entry flanked by commercial plate glass.

Lewis and Binnie Infill Building, Part of Binnie-Bishop Hotel (256-260 1st Ave North) – not previously described

This small, one-story building is likely a remnant of an earlier infill retail store space constructed in 1937 by Edson Lewis and Henry Binnie, and is now part of the historic hotel building property today. The compact façade does not appear to have its own address, and is included as an addition to the historic hotel property addressed as 256 1st Avenue North. However, it is considered to be a separate, contributing building for the purposes of this report.

Interestingly enough, records indicate that the small construct was likely designed by notable architect Henry Taylor who had an office in Lewis's corner building next door. It is considered to be a contributing building based on its own

1937 Infill Building by Lewis and Binnie. Photo 2016.

merit. Though altered from its original appearance, the building retains its basic height and dimensional footprint, as well as, its completion of the storefront plane is significant. An attached awning was formerly installed over the storefront, though this has since been removed. The upper façade wall plane is basic smooth stucco capped by a metal coping at the parapet. The lower façade wall appears to be a rough stone veneer. The large single window opening takes up approximately 40% of the overall vertical wall plane, and directly abuts the metal entry door—both of which are not historic configurations.

Binnie-Bishop Hotel, 248-260 1st Avenue North (8Pi12)

The Binnie-Bishop Hotel is comprised of two structures; the earliest was constructed by Henry Binnie in 1912, followed by a second in 1921. Both are examples of early commercial Masonry Vernacular styling. An infill building was also added in 1937. They were integrated to combine the building under a single proprietorship as a hotel.

The two buildings are united at the roof to appear as a single building, yet they are two distinctly different constructs. A continuous roofline appears to unite the different floor patterns. Both are constructed of common bond brick, with the front façades now faced in stucco and a built up flat roof with a parapet and minimal cornice or parapet ornamentation. This later building reveals three floors,

whereas the earlier 1912 building has only two, resulting in a strange offset made more prominent by the later exterior balcony.

Built by Henry Binnie and constructed by contracting firm Allen and Dubois, the 1912 building spans the depth of the lot from north to south. It has a two-story, two-bay façade originally constructed as a garage on the first floor and room rentals on the second floor. The front façade of this structure is now faced in stucco. The first floor has a pair of two-bay storefronts, which have been altered over time. The majority of the windows are original. All but one of the original vertically divided three-light doors have been replaced. Original transoms are visible above the door openings.

Binnie-Bishop Hotel, 1912 (r), 1921 (l). Photo 2015.

Although the materials have changed, the storefronts retain the original placement of the openings, and readable transoms. Distinctive, and highly decorative iron pilasters on the façade are stamped with "Chattanooga Roof and Foundry," a prominent manufacturer of cast iron and metal products during the early 20th century.

The 1921 building reveals three stories with three to six bays per floor. This later structure, also built for Henry Binnie by Allen and Dubois, is integrated into the 1912 building's east wall. This building replaced a wood-framed trades shop that was previously built on the site. The building has a continuous parapet linking it to the 1912 structure but contains a third floor made possible by lower ceiling heights as compared to the 1912 building. The three ground level storefronts have been altered into a single venue, but the three bays reference the historic locations of storefronts amid recently updated improvements bracketed by historic architectural elements.

The upper floors fenestration of the 1921 building are irregular and consists of paired two-over-two divided light windows, separated, single entry doors. French doors with up to 18 lights each occur under fixed transoms.

Perhaps, the most prominent feature of the two buildings today is the elaborate wrought iron frontal balcony system added in 1948 by Roy Bishop that unifies the two buildings. The balcony system creates a canopy over the street level and exterior halls for all the upper story, former hotel rooms. An exterior, offset, metal staircase connects the balcony of the second floor of the 1912 building to the balcony of the third floor of the 1921 building. The wrought iron is made more elaborate with its grape leaf motif and louvered ironwork that descends from the second floor balcony. An *Evening Independent* article noted that this was considered the most *elaborate* use of ironwork in the region. Prior to 1948, photographic evidence shows that the wrought iron balcony system was more functional and less ornamental and did not extend above the first floor.

Tamiami Hotel, 242 1st Avenue North (8Pi10446)

Tamiami Hotel. Photo 2015.

Constructed in 1924, the Mediterranean Revival style Tamiami Hotel was built by the Schooley-Murphy Company. It reveals a built-up, flat roof set behind a parapet wall topped with barrel tile, above a three-story, brick building surfaced with smooth stucco. The second and third stories contain five bays each. Fenestration in these bays includes three-over-one, singe-hung sash, aluminum windows set both paired and independently and large plate glass window. Decorative features include masonry sills and a ledge over the plate glass window supported by decorative brackets. The ground floor consists of four bays. Fenestration includes a six-panel door, and four-light windows set above a Tudor inspired bulkhead. The first story also includes some brick veneer.

Cont.

1909 Detroit Building, 234-236 1st Avenue North

1909 Detroit Building. Photo 2015.

This two-story Masonry Vernacular building was constructed in 1909 as part of the Hotel Detroit. It features a flat roof set behind a parapet with a decorative cornice. Fenestration includes paired, one light, fixed, aluminum replacement windows set flush with the wall on the second floor front. Both openings include arched masonry headers. The windows are symmetrically set above two oversize openings at ground level. One appears to have been walled in while the other appears open. Both openings are secured with a metal gate. The building has a modernized, decorative appearance.

Peacock Row, 208-226 1st Avenue North (8Pi3053)

Peacock Row. Photo 2015.

This Masonry Vernacular building has elements of Mediterranean Revival styling. Known as Peacock Row, the building was constructed in 1920 as a two-story brick building clad in smooth stucco. It has a flat roof set behind a small parapet with exposed bricks. Two courses of the exposed brick act as a decorative element running the length of the building between the top of the windows and the bottom of the parapet. The second story contains 10 bays, each defined by a set of paired, one-over-one, single-hung sash replacement windows with an arched header over each. An exposed course of brick runs the length of the building forming a continuous under-window sill/relief course.

The first story contains nine bays. The first three bays are comprised of simple commercial storefronts that include a door, plate glass window, and transom. The fourth and fifth bays have been infilled to create a walk up bar. These bays are comprised of window transoms, roll down doors, and solid wall partitions. The sixth and seventh bays retain a commercial storefront appearance. The sixth bay includes a door and plate glass window with a transom above and is wood framed. The seventh bay is comprised of a solid plate glass window with a transom above. The eighth and ninth bays consist of roll up, transparent garage doors.

A sloped wood awning supported by decorative wood knee brackets runs the length of the building. These brackets are similar in form and appearance to those used on some of the east façade openings of the Hotel Detroit at 2nd Street North.

INTEGRITY STATEMENT

The significance of Block 25 is based primarily on its historical associations, though a modicum of sufficient physical integrity remains overall. Like most century-old properties, the buildings of Block 25 have changed over time, and have been continually adapted to economic trends and responding to various effects. However, many of the alterations have achieved historic significance in their own right, while the basic configuration of the block regarding its scale, dimensions, and experiential setting are extant. Under these considerations, the proposed Block 25 Historic District retains integrity of location, design, setting, workmanship, and feeling.

STATEMENT OF SIGNIFICANCE

Summary

Block 25, as the first primary commercially developed city block in St. Petersburg, around which future development would follow, is significant at the local level in the areas of Community Planning and Development, Commerce, and Settlement. Originally platted in 1888, Block 25 played a significant role in the early settlement and the growth of St. Petersburg. The buildings depict the craftsmanship of local architects, builders, and craftsmen. Block 25 provided lodging for prospective residents and tourists, as well as goods and services for the nascent community. Block 25 housed some of the most important businesses in the emerging city, which were owned or operated by individuals who played a pivotal role in the community including John C. Williams, Edson T. Lewis, S.V. Schooley, Edward Tonnelier, Bainbridge Hayward, Frank Fortune Pulver, and Hubert Rutland, among others. Block 25 meets the following criteria for designation of a property found in Section 16.30.070.2.5(D).1 of the City of St. Petersburg Code:

(a) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;
(c) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;
(d) It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation;
(g) Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and
(h) Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

HISTORICAL CONTEXT

An Emerging Town

Initially surveyed in 1845 and 1848, the first tracts of land in present-day downtown St. Petersburg were purchased from the State of Florida in 1860.[3] Following an economic decline during the Civil War, W.F. Sperling purchased 640 acres in 1873 from Dr. James Sargent Hackney and brothers, Judge William H. Perry and Oliver Perry. Detroit native John C. Williams arrived in Florida in

[3] State of Florida, Plat Map 1845, 1848.

1875 and purchased the Sperling tract in 1876 as well as several other parcels to eventually accumulate a total of 1,600 acres.[4] The arrival of the Orange Belt Railroad in the 1880s served as the major impetus to the formation of a town.

Hamilton Disston, who owned and developed thousands of acres in Florida during the 1880s, financed the construction of the Orange Belt Railway to the sparsely settled Pinellas Peninsula under the assumption that the railroad would terminate in his newest development, Disston City (now Gulfport). Instead, Orange Belt owner, Peter Demens, built the narrow gauge railroad to land situated northeast of Disston City owned by John C. Williams. The first train arrived in June 1888 to a settlement with little more than a store and a few residences. In return for Demens building the railroad to Williams' land, Williams deeded 250 acres to the Orange Belt Railway. Demens and Williams collaborated in their plans to build a new community around the terminus of the railroad, complete with a park, depot, and hotel. In exchange for naming the city after Demens' birthplace, St. Petersburg, Russia, the hotel was named after Williams' hometown, Detroit, Michigan.[5]

On July 14, 1888, John C. Williams and the Orange Belt Railway, represented by Demens, entered into a Memorandum of Agreement concerning the construction of a hotel. As part of the agreement, John C. Williams agreed to pay the Orange Belt Railway $5,000 upon the completion of the construction of the hotel by the railway. The agreement continues by stating

> *The Orange Belt Railway agrees to build a hotel at St. Petersburg, Hillsborough County, Fla. On lots to be selected and agreed upon by the respective parties, hereto said selection to be made, within the next seven days, according to plans agreed upon and dated and signed by the respected parties hereto, said hotel to cost not less than ten thousand dollars.*[6]

Williams' interest in the hotel would total the $5,000 he paid to the railway, while the railway's interest would total the actual cost of construction. Williams included a clause that the railway would be required to pay for the materials, the contractors, and the workmen in full before he had to pay the railway his $5,000 interest. A receipt recorded on the same document indicated that Williams paid his full $5,000 in February 1889.[7]

The hotel was completed by the time the original city plat was officially filed. Prepared by Engineer A.L. Hunt and Draftsman G.A. Miller, the plat was filed in

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[4] Straub 1929, 119; State of Florida, Tract Book Entries, 59-60.
[5] Arsenault 1996, 64, 81-82; Grismer 1948, 68, 74, 271-72; "Heavy Real Estate Deal" 1906, 1; "Detroit Sold to Rutland for Over $200,000" 1938, 1.
[6] "The Detroit Hotel" 1888.
[7] "The Detroit Hotel" 1888.

August 1888, and was recorded as the Map of the Town of St. Petersburg in April 1889 and revised in October 1889.[8] As part of the plat, Williams and the Orange Belt Railway reserved space for the city park, the depot (which was completed late in 1888), Williams Grove, and the hotel which was on Lot 1 of Block 25. The parcel, which constituted almost half of a city block, was bordered on the south by 6th Avenue, on the north by 5th Avenue, and on the east by 2nd Street (now Central Avenue, 1st Avenue North, and 2nd Street North).

Conveniently located a block from the Orange Belt Railway Depot, the 40-room hotel served as the only hotel in the community for two years. Built by a "*crew of carpenters from Oakland*," the hotel was three-and-one-half stories high with a tower extending 70 feet high at the southeast corner and a two-story wing extending to the rear. E.G. Peyton from Virginia served as the first manager of the hotel, which was open all year, not just during the winter season.[9]

Although the Orange Belt Railway was completed, it was not successful. When the railroad could not pay its debts in 1889, the syndicate of Philadelphia financiers holding the debts took over the railroad and the Orange Belt Investment Company, which was responsible for the land held in the name of the railroad, including the hotel. The syndicate organized the St. Petersburg Land and Investment Company for the purpose of selling the lots comprising the 250 acres deeded by Williams in exchange for bringing the railroad to his land. Colonel L.Y. Jenness was designated the manager of the new development company.[10]

Hotel Detroit, ca. 1895. Florida State Archives, Photo N040078.

At the 1885 annual convention of the American Medical Association, Dr. Van Bibber had endorsed the Pinellas peninsula as the perfect location for a "Health City." Frank Davis, a prominent publisher from Philadelphia who arrived in Florida to alleviate his own health problems, utilized Dr. Van Bibber's endorsement to heavily promote the benefits of St. Petersburg. Davis, along with other new residents including *St. Petersburg Times* editor William Straub and *St. Petersburg Evening Independent* editor Lew Brown, tirelessly promoted the community during the late 1800s and early 1900s. The Orange Belt Railway

[8] Pinellas County Clerk of Circuit Court, Plat Book H1, Pages 27 and 49.
[9] Grismer 1948, 81-79; Arsenault 1996, 58; Benbow 1980, F1.
[10] Grismer 1948, 70, 97, 111; "Heavy Real Estate Deal" 1906, 1.

started offering seaside excursions to St. Petersburg in 1889.[11] To make a good impression, Colonel Jenness ordered the manager of the Hotel Detroit to make sure that the hotel bar was well-stocked with refreshments. These excursions were one of the first concentrated efforts by the community and the development company to attract tourists.[12]

By 1890, the population grew from less than 50, prior to the arrival of the railroad, to 273 residents. With two hotels, two ice plants, two churches, a school, a pier, and sawmill, the economy remained largely dependent on commercial fishing. Incorporated in 1892, the community received telephone, public water, and electric service by 1900. The hotel was used to celebrate important events, hold civic and political meetings, and impress prospective residents. Residents marked the 1897 introduction of electricity in the town with a day of celebration culminating in a grand ball at the.[13]

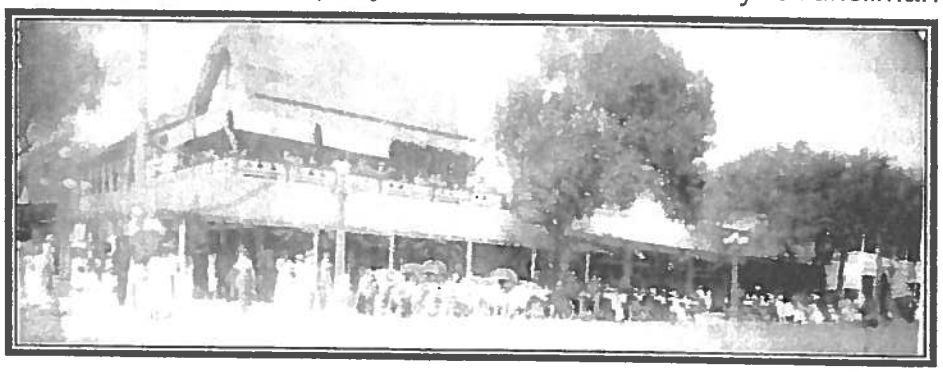
A severe freeze which destroyed the citrus groves throughout north and central Florida during the winter of 1894-95 prompted many farmers to relocate to coastal areas, such as St. Petersburg, which did not experience a freeze as severe. In an effort to attract additional tourists, the manager of the Hotel Detroit, J.H. Forquer, constructed a 16-room houseboat intended as "*a seaside addition to the Detroit*" in 1897. Known as the "floating hotel", the houseboat was anchored near present-day Pass-a-Grille. In spite of initial success, a cold winter with few tourists followed by a fire which damaged the boat in the spring of 1899 precluded Forquer from rebuilding.[14] Forquer made improvements to the Detroit during this period as well. Perhaps in an effort to imitate the minaret-topped Tampa Bay Hotel, the Detroit built its own minaret-topped gazebo addition to the entrance canopy at the front of the hotel around 1898.[15]

Hotel Detroit, ca. 1906. City of St. Petersburg Photo Archives, Photo 081602.

[11] Arsenault 1996, 62, 82-85.
[12] Grismer 1948, 70, 97, 111; "Heavy Real Estate Deal" 1906, 1.
[13] Arsenault 1996, 52-61, 64, 81-82.
[14] Grismer 1948, 99.
[15] Arsenault 1996, 93.

As the unofficial center of town, the lots surrounding the depot and the Hotel Detroit quickly filled with new construction. The first buildings were wood frame houses and commercial buildings. Central Avenue, which was then known as Sixth Avenue, was lined with large oak trees. J.C. Williams, Jr., son of founder John Williams, opened a general store across from the Detroit on the southwest corner of 2nd Street and Central Avenue. The Orange Belt Investment Company built an office on Central Avenue between 3rd and 4th Streets, and Colonel Jenness lived in a residence next door to the Detroit. D.S. Brantley, who had furnished ties for the railroad, opened a restaurant for the railroad employees on 2nd Street across from the Detroit. Edson T. Lewis and Ed Durant opened a store near 3rd Street south of the depot in 1892.

Lewis had arrived in St. Petersburg with his parents in 1888, three months before the arrival of the first train. Sixteen year old Lewis first worked in King's sawmill, then Ward's General Store, and finally Williams' General Store across from the Hotel Detroit, before venturing into partnership with Durant. When they dissolved their partnership in 1894, Lewis constructed the two-story, wood frame Lewis Building on the northeast corner of Central and 3rd Street at 277-279 Central Avenue. Prior to this time, this area was considered a "swamp" with four feet of water in which boys fished and a foot bridge spanned it from the west side of 3rd Street to the Hotel Detroit. After being filled, Lewis bought the lot for $200 and constructed his building to house his grocery store on the first floor with his home and rooms for rent available on the second floor. By the late 1890s, Lewis became a banker for many residents and helped establish the Central National Bank in 1904. He held interests in a number of local companies including the Citizens Ice and Cold Storage Company. He also served as City Councilman from 1906-07, advocated for the use of brick in paving the city streets, and was a leader in the movement for municipal ownership of the waterfront and utilities.[16]



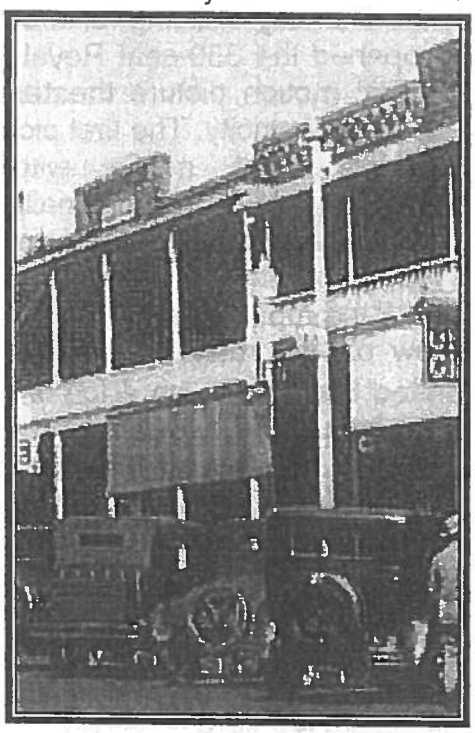
Lewis Grocery, ca. 1910.
Courtesy of Museum of History, Photo 4400.

[16] Sanborn 1899, 1904; *St. Petersburg City Directory* 1908, 1912; Polk, 1914; "Few Oaks Left Along City's Chief Avenue," *St. Petersburg Times,* 28 October 1923; "Rainy Day Story of City's Growth," *Evening Independent,* 23 August 1911; "Jottings by 'The Rambler,'" *Evening Independent,* 1 June 1922; "A St. Petersburg Booster and Builder Who Began in the Very Beginning," *St. Petersburg Daily Times,* 29 March 1914; "With Faith, He Helped Build a City,"

The Development of Block 25: 1900-1910

During the early 1900s, the creation of St. Petersburg's waterfront park system, the incorporation of a trolley system, and the construction of the Electric Pier drew additional tourists and new residents to the area. Largely through the efforts of city boosters to attract businesses and residents, developers such as H. Walter Fuller, Noel Mitchell, Charles Hall, Charles Roser, and C. Perry Snell triggered the city's first real estate land boom from 1909 to the start of World War I. Promotional efforts by the Atlantic Coast Line railroad (created in 1902 from the former Orange Belt Railroad and Henry Plant's South Florida Railroad) brought organized tourist trains from New York in 1909 and from the Midwest in 1913. Many of these tourists continued to winter in the city with some even relocating to St. Petersburg. [17]

One of the early settlers, Henry R. Binnie purchased the southeast corner of 3rd Street and 1st Avenue North for $500 soon after his arrival in St. Petersburg in 1900. He traded parcels with Ed Lewis, who owned the adjacent lot to the east. A native of Michigan, Binnie came to St. Petersburg by way of Dade City with his mother and step-father, who passed away soon after their relocation. Trained as a blacksmith by his step-father, Binnie established a blacksmith and wheelwright shop at 266-68 1st Avenue North.[18]



Ramsey Building and Addition, ca. 1925.
Courtesy of Museum of History, Photo 931.

In 1903, owner Mary Ramsey (also referred to as Marie and Maria) initiated the construction of a new brick building located at 243-247 Central Avenue, between the Hotel Detroit and the Lewis Grocery. Ramsey had moved to St. Petersburg in 1900 and was credited with being the first to build a brick commercial building in the city, which was located on

Evening Independent, 14 May 1966; "Edson T. Lewis, Pioneer of City, Succumbs at 68," *Evening Independent,* 2 December 1940; "A.W. Rogers," *Evening Independent,* 16 June 1908; Grismer 1924, 233-34; Straub 1929, 121; Grismer 1924, 233-34 .

[17] Arsenault 1996, 87-89, 135-37, 144-45.

[18] "In Early Days His Job Was Fitting Sandals to Horses," *Evening Independent,* 25 July 1925; Ancestry.com, "1900 United States Federal Census; "Noble Life Ends," *Evening Independent,* 21 July 1909; Sanborn 1904, 1908.

Central Avenue between 3rd and 4th Streets.[19] Her first two buildings have been demolished. The building at 243-247 Central Avenue, which she named the Ramsey Block, was her third commercial building. This building held the L.C. Heffner's grocery and the McPherson-Dent Bakery on the first floor. Adjacent to the east, contractor R.W. Miller constructed the Ramsey Addition at 237-241 Central Avenue for Mary Ramsey in 1908. Built as a separate building from the Ramsey Block, Mrs. Ramsey lived on the second floor and rented the first floor to the Beverly ice cream shop. Some of the rooms on the second floor were rented to tourists initially as the Majestic Hotel, operated by William Jett. Within a few years, Ed C. McPherson operated it as the McPherson Flats.[20]

In 1905-06, William B. "Bill" Carpenter leased space in the Ramsey Building for a curio shop. In the back, he opened the 350-seat Royal Palm Theater. It was the first motion picture theater in the city and even featured electricity. The first picture was "The Perils of Pauline" silent movie with a piano playing accompaniment. Occasionally vaudeville acts and comedians entertained the crowd. As part of his curio shop, Carpenter sold live alligators as souvenirs and held impromptu alligator shows. In 1916, he took his show on the road to Seattle and the northwestern United States with an alligator named Trouble and a car encouraging a visit to the "Sunshine City, St. Pete, Fla." Following the opening of the larger Rex and La Plaza Theaters, among others, Carpenter closed the theater and went into real estate in 1917.[21]

ROYAL PALMS
TO-NIGHT.
WHERE THE GOOD PICTURES ARE SHOWN.
THIRTY MOVING MEN.
Comic.
A VISIT TO A PUBLIC NURSERY.
Gee! Ain't it great to be a kid.
AVENGED BY THE SEA!
A Fine Subject—See It.
A PHLEGMATIC GENTLEMAN.
Hit Me Chist.
BIG BILL SATURDAY NIGHT!
BIG BILL SATURDAY NIGHT!
OPEN AT 6 P. M.
ADMISSION Children.....5 cents
Adults.....10 cents

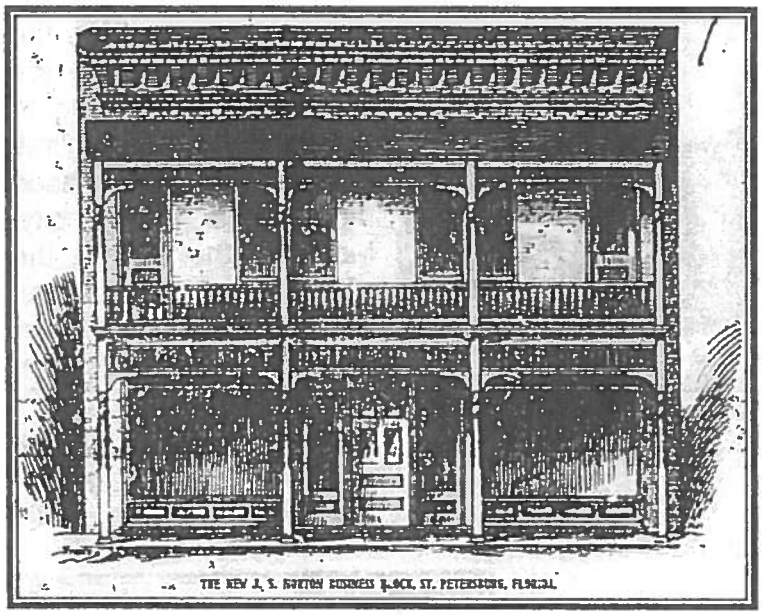
Royal Palm Theater Advertisement. *Evening Independent,* February 26, 1909.

[19] Various newspaper articles credit both Mrs. Ramsay and F.A. Wood with constructing the first brick business buildings in the city. The Wood Building was located at 325-37 Central Avenue and was constructed in 1900. Mrs. Ramsey's first building was located at 319-21 Central Avenue and was also constructed in 1900.

[20] "A Handsome Brick Block," *St. Petersburg Times,* 5 September 1903; "Announcement: L.C. Heffner," *St. Petersburg Times,* 31 October 1903; "Bought," *St. Petersburg Times,* 20 May 1905; "Woman Builds Five Business Blocks," *Evening Independent,* 28 September 1910; "Building News," *St. Petersburg Times,* 5 August 1908; "The City Enjoined," *Evening Independent,* 4 September 1908; "Majestic Hotel," *Evening Independent,* 23 December 1908; "Beverly's," *Evening Independent,* 24 June 1909; Sanborn 1899, 1903, 1908, 1913; *St. Petersburg City Directory* 1908, 1912; Polk 1914, 1916, 1918; Ancestry.com, "1910 United States Federal Census."

[21] "Woman Builds Five Business Blocks," *Evening Independent,* 28 September 1910; "Increase of Seats Shows City Growth," *Evening Independent,* 13 November 1939; "First Flick Came in '05," *Evening Independent,* 30 October 1965; "When Pinellas Land Was 25 Cents an Acre," *St. Petersburg Times,* 19 November 1961; *St. Petersburg City Directory* 1908, 1912; Polk 1914, 1916, 1918; Arsenault 121-25, 143-46, 190; Grismer 1948, 189, 246; Straub 1929, 223-24.

To the west of the Ramsey Building, James S. Norton hired contractor Walter C. Henry to build a new brick building at 249-253 Central Avenue in 1906. Reportedly the first building in the city to be piped for gas, Gallagher Palace Ice Cream Parlor occupied the west side of the building, while the east side was split into offices for real estate agent E.B. Rowland and contractor Walter C. Henry. Other early occupants included Jones' Model Market, Leland's Ice Cream Parlor, and Jack's Bazaar. Norton and his wife, Julia, lived on the second floor, and she rented out the remaining rooms on the second floor to tourists as the proprietor of Norton Flats.[22]



Drawing of proposed Norton Building. *St. Petersburg Times,* April 1, 1905.

James Norton had owned and operated a saloon located across the street at 242 Central Avenue as early as 1900. After City Council passed an ordinance in 1910 limiting the number of saloons and their location to Block 32, which is where his saloon was located, he built an addition on the rear of his building to the alley to be used as "the colored saloon." African American Sam Harper conducted that saloon. When Pinellas County voters outlawed the sale of liquor in 1913, Norton closed his saloon with "no regrets." Although saloons were allowed to reopen after another election in 1914, Norton elected not to return to the alcohol business. When the saloons reopened on March 4, crowds gathered in front of the businesses and along Block 25 to see which of the saloons would open first. All three opened at 10:30 am with a "regular football rush," and a brisk business was done all day. Norton also established the St. Petersburg Steam Laundry in 1907, which he operated until 1912. Norton served as city councilman from 1908-09 and again from 1916-18. Norton built a summer home in North

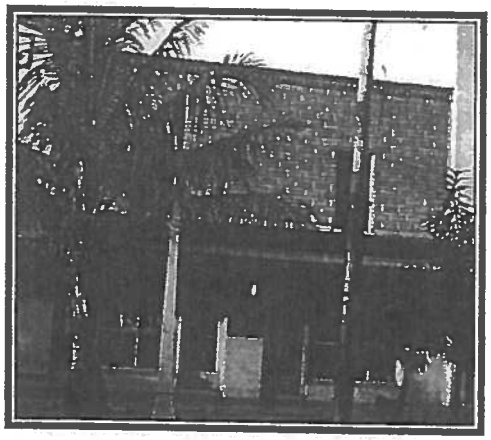
[22] "The New J.S. Norton Business Block," *St. Petersburg Times,* 1 April 1905; "Norton's Brick Block," *St. Petersburg Times,* 2 September 1906; "Jottings by the Rambler," *Evening Independent,* 5 November 1914; Ancestry.com, "1910 United States Federal Census"; *St. Petersburg City Directory,* 1912; Polk 1914, 1916, 1918; "This Week's Prizes," *Evening Independent,* 22 February 1911.

Carolina, but maintained his property interests in St. Petersburg until ca. 1929. Norton passed away in North Carolina in 1933.[23]

Detroit Hotel, ca. 1907. Florida State Archives, Photo PC3947.

The Hotel Detroit, as the oldest hotel in the community, continued to prosper. By 1905, the newspaper advertised nine hotels in the city, including the Detroit, the Manhattan, Colonial, Huntington, Wayne, Chatuaqua, Paxton House, Belmont, and Central Hotels. Of the combined 675 guests that these hotels could accommodate, the Detroit could house 100.[24]

In December 1906, the St. Petersburg Land and Investment Company announced it was closing and terminating its business dealings in St. Petersburg due to manager Colonel L.Y. Jenness' ill health. By this time, the company owned full interest in the Hotel Detroit and sold it, along with an office building on Central Avenue, 75 additional lots in the city, and 75 acres southwest of the city to C. Perry Snell, A.E. Hoxie, and J.C. Hamlett. The purchasers were well-known developers with business and real estate interests throughout the city. Although the

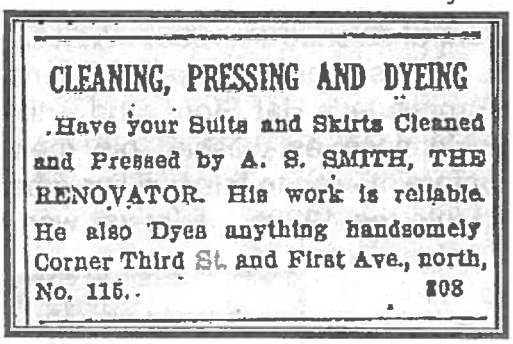


1909 Detroit Building along 1st Avenue North, ca. 1926.

[23] "St. Petersburg Steam Laundry," *St. Petersburg Times,* 19 January 1907; Ancestry.com, "1900 United States Federal Census;" "New Ordinance for Barrooms," *Evening Independent,* 16 September 1910; "More Taxes Were Paid," *Evening Independent,* 2 November 1910; "Two Cars Machinery for Steam Laundry," *St. Petersburg Daily Times,* 22 August 1912; "Norton Will Build New Brick Addition," *St. Petersburg Daily Times,* 4 October 1912; "Norton Building Started," *St. Petersburg Times,* 22 October 1912; "Saloons Will Close Here Saturday Night," *Evening Independent,* 3 July 1913; "Tries to Dodge the Law's Hand by Sharp Trick," *Evening Independent,* 28 August 1913; "Rush by the Thirsty When Three Saloons Open Doors to Public," *Evening Independent,* 4 March 1914; "Norton Resigns From the Board," *Evening Independent,* 16 January 1918; Jon Wilson, "Temperance vs. Tipplers: St. Petersburg Saga Continues," *Evening Independent,* 7 June 1982; Ancestry.com, "North Carolina, Death Certificates, 1909-75"; "For Rent," *St. Petersburg Daily Times,* 22 January 1921; Polk, 1914, 1916, 1918, 1920, 1922, 1924, 1925, 1926, 1927, 1928, 1930; *St. Petersburg City Directory,* 1908, 1912; Grismer 1948, 239-40.

[24] Grismer 1948, 124; Dell Miller, "St. Petersburg Had Many Good Hotels Before 1900; Detroit Was Leader," [St. Petersburg Independent, 1965].

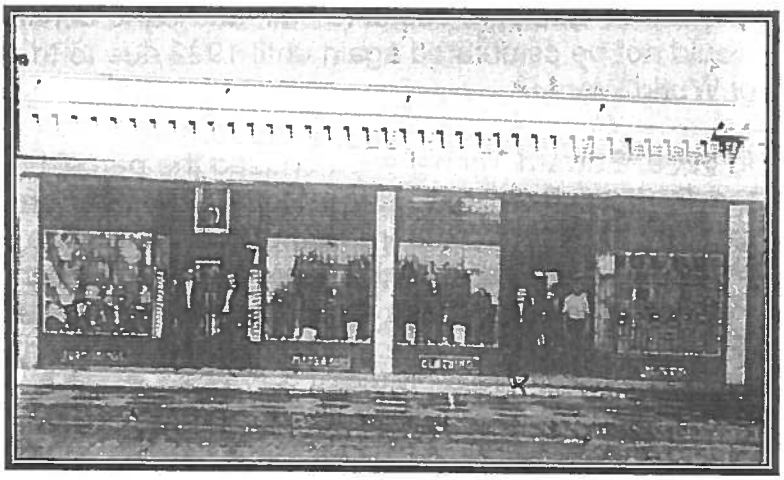
total sale price was not revealed, the hotel property alone was valued at $28,000 in 1906. Curtis N. Crawford, who had held a lease to operate the Hotel Detroit with his associate S.E. Denny since 1899, purchased it in 1907. In 1909, Crawford built a two-story, concrete block building on the north end of the hotel property at 234-236 1st Avenue North. The first floor was "devoted to a sample room, where drummers may display their wares and show the purchasing merchants what they have to offer."[25] The second floor housed four hotel rooms.[26]


CLEANING, PRESSING AND DYEING

Have your Suits and Skirts Cleaned and Pressed by A. S. SMITH, THE RENOVATOR. His work is reliable. He also Dyes anything handsomely Corner Third St. and First Ave., north, No. 115. 108

A.S. Smith Advertisement, *Evening Independent,* June 13, 1910.

Ed Lewis' second major construction project on Block 25 was a red brick commercial building, built ca. 1907, fronting 3rd Street North across the alley from his grocery. This building, located at 17-21 3rd Street North, housed the Advance Art Printery and the St. Petersburg Tailors and Dry Cleaners. Immediately north of this brick building two small, wood frame stores occupied the southeast corner of 1st Avenue and 3rd Street North. The corner building held the business of African-American cleaner and tailor, Archibald S. Smith, who maintained space between 1908 and 1917. The other wood frame structure was relocated to the site by Lewis around 1908 from the parcel adjacent to his grocery; built ca. 1890, it initially housed a photography studio, and later held a dressmaker studio, and then a cigar factory. By 1910, African American Charlotte Clayborn, alternately referred to as a



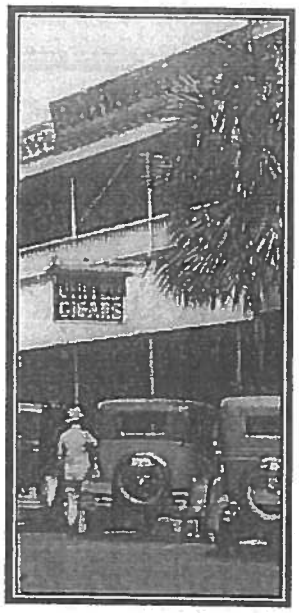
Arthur L. Jonson's Clothing Store, 265-69 Central Avenue, ca. 1913. Courtesy of Museum of History, Photo 5923.

[25] "Block Building," *Evening Independent,* 9 July 1909.

[26] "Heavy Real Estate Deal," *St. Petersburg Times,* 15 December 1906; "Crawford Buys Hotel Detroit," *St. Petersburg Times,* 26 July 1907; "Addition to the Detroit Opened," *St. Petersburg Daily Times,* 10 December 1913; "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938; Bethia Caffery, "Who Is It?" *Evening Independent,* 27 August 1981; Grismer 1948, 323-24; "Block Building," *Evening Independent,* 9 July 1909.

laundress or dressmaker, lived in the building with her three children. Her son, Edward, delivered groceries for Lewis.[27]

Back on Central Avenue, Lewis hired contractor J. Frank Chase to construct the one-story brick building located at 259-269 Central Avenue in 1908. With five stores, early occupants included Jeweler A.W. Rogers, pioneer plumber Charles Godsey, the St. Petersburg Shoe Company, Ermatinger's Hat Store, and Arthur L. Johnson's Men's Clothing Store. Arthur Johnson established his men's clothing store in 1907 at 367 Central Avenue, before moving to this building when it was completed in 1908, where he remained into the 1920s. Johnson was a leader in the Chamber of Commerce, and as Chairman of the Advertising Committee, organized the first St. Petersburg Fair and Tourist Week in 1913. Subsequently, he originated the idea of combining the annual Washington's Birthday Celebration and the St. Petersburg Fair and Tourist Week to form the Festival of States celebration. The four-day Festival of States celebration started in March 1917 complete with a "parade of states," a costume ball, and band concerts. It would not be celebrated again until 1922 due to the onset of World War I.[28]



Michigan Building, ca. 1925. Courtesy of Museum of History, Photo 931.

In 1909, Edward Tonnelier purchased the parcel between the Ramsey Building and the Hotel Detroit property. A resident of Benton Harbor, Michigan, Edward was one of six brothers, three of which were early investors in St. Petersburg. Each of the three brothers purchased land and initiated construction of commercial projects within weeks of arriving in St. Petersburg. Peter Tonnelier, the first to discover the city in 1908, built the Arcade Building at 258-260 Central Avenue. Henry Tonnelier, the last to come, purchased land, hired an architect and

[27] It would be relocated by "a woman who is now wealthy...to move it to a lot she owns here and preserve it" in 1917 and the corner building would be demolished for the construction of a new building, "Handsome Building to be Erected at Third Street and First Avenue," *Evening Independent,* 6 August 1917; "Another New Brick Bock," *Evening Independent,* 19 September 1908; Sanborn 1899, 1904, 1908, 1913; *St. Petersburg City Directory,* 1900, 1908, 1912; Polk, 1914, 1916, 1918.

[28] Sanborn 1899, 1904, 1908, 1913; *St. Petersburg City Directory*, 1900, 1908, 1912; Polk 1914, 1916, 1918; "Another New Brick Bock," *Evening Independent,* 19 September 1908; "Arthur L. Johnson Doubles Floor Space," *Evening Independent,* 18 October 1909; "Eight to Ten Inch Rain Accompanied by Wind," *Evening Independent,* 30 June 1909; "The Builders and the Work They've Done So Very Well," *Evening Independent,* 12 December 1914; "Veteran Clothier to Retire In June," *St. Petersburg Times,* 24 May 1941; "The Rambler," *Evening Independent,* 27 May 1941; "City Has Many Firms in Business 25 Years," *St. Petersburg Times,* 2 January 1938; Arsenault 121-25, 143-46, 190; Grismer 1948, 189, 246; Grismer 1924, 273-74; Straub 1929, 344-45.

contractor, and broke ground for construction of the Rex Theater at 167-171 Central Avenue within two weeks of first coming to the city in 1910. Both the Arcade Building and the Rex Theater are now demolished.[29]

The Development of Block 25: 1911-1925

Edward Tonnelier, the second to come to St. Petersburg, hired local architect Edgar Ferdon to design and J. Frank Chase to construct the two-story brick building at 231-235 Central Avenue. Known as the Michigan Building, it was designed to accommodate retail stores on the first floor and a 10-room hotel on the second floor. When he was in town, Edward Tonnelier maintained rooms on the second floor for himself. Businesses such as the Thayer's Curio Store, Red Cross Pharmacy, and the Hole in the Wall newsstand as well as the offices of Dr. William Secor and A.T. Mullins Real Estate were in the building. Thayer's Curio was owned by A.L. and Fanny Thayer.

The son of a sea captain, Thayer spent his bachelor days as a captain sailing to foreign ports and collecting oddities of the sea. After their marriage, the Thayers settled in St. Petersburg around 1898. Initially operating a jewelry store, the couple opened Thayer's Curio in the Michigan Building by 1911. Interestingly, Thayer's Curio maintained an alligator known as "Old Bill" in a small pool in the rear of their store. The couple sold out to Morris D. Gardner and his sister, Mrs. J.S. Dinwoodie, in 1913. After failing to get approval to open an aquarium and curio store on the north mole, Thayer opened a museum in Pass-a-Grille, which he operated until his death in 1926.

Gardner and Dinwoodies Curio Shop remained open in the Michigan Building until 1927 when it became Heath's, "The Shop of a Thousand Gifts." Another long-time occupant, the Red Cross Pharmacy, was opened by John H. Williams on the northeast corner of Central Avenue and 2nd Street in 1906. He relocated to the Michigan Building in 1911 and sold the business to Dr. E.C. Beach in 1914. In 1917, the pharmacy was forced to change its name due to copyright infringement on the Red Cross Organization, which filed a copyright on the name in 1905. Learning of the infringement, owner Dr. Beach changed the name to Beach's Pharmacy.[30]

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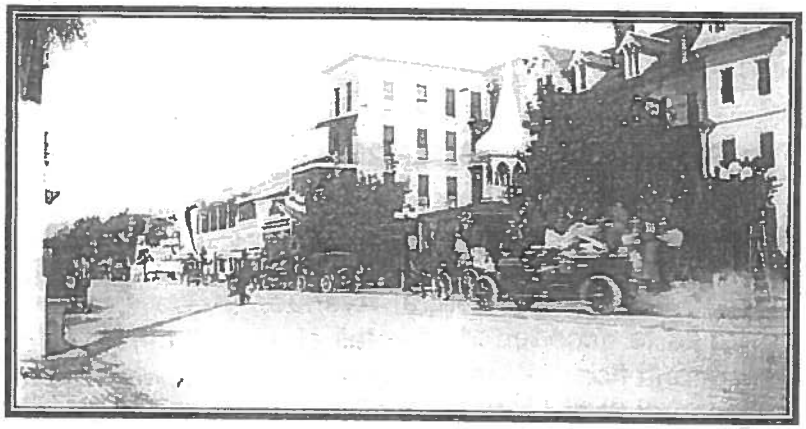
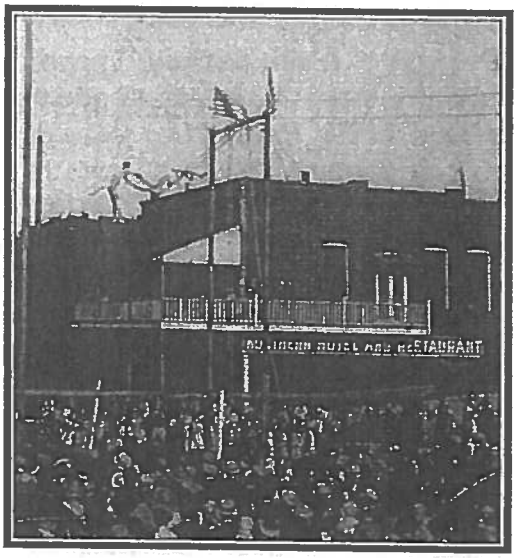
[29] Start Work on Tonnelier Block," *Evening Independent,* 28 October 1909; "Tonneliers Buy More Property," *Evening Independent,* 29 October 1909; "Mr. and Mrs. Peter Tonnelier...," *Evening Independent,* 18 December 1911; "Second Arcade Brick Building," *Evening Independent,* 5 March 1910; "Arcade Building has been Rented," *Evening Independent,* 28 September 1910; "Quick to Follow Good Example," *Evening Independent,* 19 October 1910; "Plans for New Theater Out," *Evening Independent,* 22 October 1910; "Contract for Theater Let," *Evening Independent,* 22 October 1910.

[30] "Start Work on Tonnelier Block," *Evening Independent,* 28 October 1909; "The Builders and the Work They've Done So Very Well," *Evening Independent,* 12 December 1914; "Dr. William Lee Secor," *Evening Independent,* 9 March 1910; "A.T. Mullins Real Estate Agent," *Evening Independent,* 9 July 1910; "Red Cross Pharmacy," *Evening Independent,* 4 July 1911; "Edward H.

In 1910, Lewis spearheaded the brick paving of the alley in Block 25 by the Georgia Engineering Company. In addition to Lewis, all of the local property owners, including Henry Binnie, James S. Norton, Mrs. Ramsey, and Edward Tonnelier, agreed to pay for the project. The first brick streets were laid in St. Petersburg in 1903. When Lewis organized the paving, the engineering company was just finishing paving 4th Avenue North in the downtown area. Block 25 was the first alley to be paved in the city.[31] Lewis also decided to install a private lighting plant in 1910. Lewis purchased the gasoline powered engine and, with Henry Binnie's assistance, installed it in Binnie's blacksmith shop. Lewis was able to install lights throughout his grocery as well as run a coffee mill, meat grinder, electric fans, and an elevator, while Binnie could use it to power lathes and other light machinery. Lewis also sold electricity to others on the block.[32]



Fire Truck "can do 65 mph," Central Avenue, looking west, 1913. Courtesy of Museum of History, Photo 6344.



Western portion of the Binnie-Bishop Hotel as the Northern Hotel and Restaurant, ca. 1915. Courtesy of Museum of History, Photo 478.

In 1911, Henry Binnie and Ed Lewis discussed plans to jointly construct a

Tonnelier is Putting in a Skylight," *Evening Independent,* 10 October 1911; "Hole in the Wall" advertisement, *Evening Independent,* 23 December 1911; "Trolley Cars in Trouble," *St. Petersburg Daily Times,* 12 June 1912; "Old Bill," *Evening Independent,* 4 April 1913; "Buy Thayer's Store," *Evening Independent,* 31 May 1913; "Plan Improvements on the Mole Before Opening of Next Season," *Evening Independent,* 18 May 1916; "Refuse Lease to Al Thayer," *Evening Independent,* 31 October 1916; "Famous Pass-a-Grille," *Evening Independent,* 8 February 1919; "Pharmacy Name is Changed Because of Red Cross Copyright," *St. Petersburg Daily Times,* 7 December 1917; "City Has Many Firms in Business 25 Years," *St. Petersburg Times,* 2 January 1938; "Eventful and Beautiful Life Ended in Death of Pioneer," *Evening Independent,* 1 March 1926; "Heath's" advertisement, *St. Petersburg Times,* 3 March 1927; Polk 1914, 1916, 1918, 1920, 1922, 1925, 1927.

[31] "Will Pave First Alley, North," *Evening Independent,* 26 November 1910.

[32] "Private Lighting Plant Installed," *Evening Independent,* 11 January 1910.

large brick building on the three corner lots at 1st Avenue and 3rd Street North. Instead, the two men decided to go about their construction projects separately. The two traded lots once again, giving Lewis the two corner lots and Binnie the two lots adjacent to the east. In 1911, Binnie moved his wood frame blacksmith shop two parcels to the east. There was some concern about the relocation of Binnie's shop within the fire limits. In response, he built a brick wall and a two-story brick building behind the wood frame shop as a fire break and extension to his blacksmith shop. In January 1912, he announced the construction of a new two-story commercial building on the lot adjacent to his shop. Constructed by contractors Allen & Dubois, this $8,000 building was built as a garage on the first floor with hotel rooms above. The first floor was soon leased by the local dairymen association as a milk depot for bottling and distributing. The second floor was initially leased by Harry H. Robinson as the Robinson House. After B.L. Dailey opened the Northern Tea Room and Restaurant on the first floor in 1913, the second floor hotel was renamed the Northern Hotel. When the hitching posts were removed in front of Lewis' Grocery in 1914, Binnie foresaw the end of the blacksmith trade. Although he continued to work as a blacksmith shoeing horses and mules and repairing wagons, he diversified into repairing bicycles, automobile tops, lawn mowers, umbrellas, clocks, and operating as a locksmith. By 1915, he was also operating the Northern Hotel and Restaurant.[33]

Detroit Hotel, ca. 1911, first brick addition on west. Florida State Archives, Photo PC4095.

The Hotel Detroit capitalized on the influx of winter tourists during the city's first real estate land boom from 1909 to the start of World War I. Between 1911 and 1913, two large brick additions and a one-story commercial building were constructed on the Detroit. The first, a four-story brick addition constructed in 1911 on the west elevation, consisted of an additional 30 rooms, 15 of them with

[33] "Two-Story Brick on Third Street," *Evening Independent,* 18 April 1911; "Fire Limit Law Being Violated," *Evening Independent,* 10 November 1911; "Binnie Stops Work on New Structure," *Evening Independent,* 15 November 1911; "Warm Session of City Dads," *Evening Independent,* 17 November 1911; "H.R. Binnie Lets Contract for Brick Building," *Evening Independent,* 2 January 1912; "New Buildings $100,000 In," *Evening Independent,* 2 January 1912; "Inspector to Make Tests of All Milk Sold From the New Depot," *Evening Independent,* 2 November 1912; "Home Preserves by the Carload," *Evening Independent,* 3 October 1913; "Northern Hotel and Restaurant," *Evening Independent,* 28 December 1915; "Henry R. Binnie," *Evening Independent,* 18 June 1914; "Northern Hotel and Restaurant," *Evening Independent,* 28 December 1915; Polk 1914, 1916, 1918,1920; Ancestry.com. "U.S., World War I Draft Registration Cards, 1917-1918"; "Repairs Clock 500 Years Old," *St. Petersburg Times,* 17 November 1922.

private baths, and one store on the first floor. It incorporated electricity, running hot and cold water in each room, and was designed by an "architect from Tampa."[34]

In 1912, Crawford hired the Eureka Stone and Paving Company to construct a one-story concrete block, commercial building on the northeast corner of the property at 22-30 2nd Street North. Initially planned as storage, businesses soon occupied the storefronts. Dr. John D. Peabody, who founded the St. Petersburg Sanitarium with A.P. Avery in 1906 and organized the Pinellas County Medical Society in 1913, was one of the first occupants. The building also housed the Detroit Beauty Parlor, Central Printery, and Browning Gift Shop among others.[35]

Detroit Hotel, ca. 1914, second brick addition on east. Florida State Archives, Photo PC4097.

The second brick addition, designed by M. Leo Elliott of the architectural firm of Bonfoey and Elliott of Tampa, was constructed in 1913. This four-story brick addition was attached to the east elevation of the original wood frame building and extended north from the corner of Central Avenue and 2nd Street North. The original 70-foot tower located at the southeast corner of the wood frame building was removed. Archibald Atkinson was selected as the contractor. One of the most notable elements in the new construction was the elevator installed by the Warner Electric Company, a novelty in the city at the time. The 60-room addition was completed by December 10, 1913 at a cost of $75,000. With these additions, the hotel could lodge 200 overnight guests, and the enlarged dining room could accommodate 300 patrons.[36]

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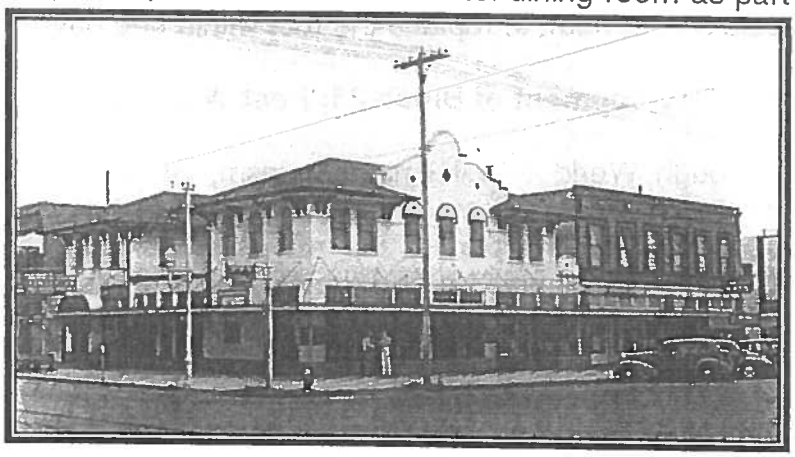
[34] "Brick Addition to Hotel Detroit," *St. Petersburg Evening Independent,* 5 May 1911; "Hotels are Opening for Season," *St. Petersburg Times*, 3 Oct 1911; "Hotel Detroit" advertisement, *St. Petersburg Times,* 3 October 1911; "Preparing for Immense Season," *St. Petersburg Times*, 27 October 1911.

[35] "Detroit Hotel Being Enlarged," *St. Petersburg Daily Times,* 9 May 1912; "Settling of Building Alarms the Occupants," *Evening Independent*, 5 June 1913; "Doctors of This County Organize Medical Society," *Evening Independent,* 8 October 1913; Polk 1914-20; "Big Hospitals Grew Out of Small Start," *Evening Independent,* 2 April 1938.

[36] "Complete Plans for New Detroit," *St. Petersburg Daily Times*, 22 March 1913; "Eight Bids Made for Detroit Annex," *St. Petersburg Times,* 1913; "Crawford Rejects All Hotel Bids" *St. Petersburg Times,* 1913, 6; "To Install Elevator," *St. Petersburg Times,* 1913, 8; "Addition to the Detroit Opened," *St. Petersburg Times,* 10 December 1913, 2; Sanborn Map Company 1913.

Following the death of owner Curtis N. Crawford in 1914, his widow retained ownership of the Hotel Detroit even after her subsequent marriage to L.M. Backus around 1917. Assistant Manager Gordon Bainbridge Hayward, who had been with the hotel since about 1912, was chosen to manage the hotel during this period. Following his service in World War I, he permanently relocated to St. Petersburg. According to the St. Petersburg City Directory, other individuals were noted as managers of the hotel in his absence, but none filled the position longer than a year.[37] In 1916, a large electric sign was installed on the roof of the hotel. Advertisements for the hotel in the 1916 St. Petersburg City Directory listed the following attributes, "*Hotel Detroit. Rooms en Suite with Bath. Electric Light, Steam Heat. Open All Year, American Plan. Mrs. C. N. Crawford, Owner. L.R. Cornell, Manager. $3.00 up, 120 rooms, 50 with Bath*".[38] Hotels, which functioned under the American Plan, including the Detroit, catered to winter visitors by including breakfast, lunch, and dinner in the hotel dining room as part of the rate.



Southeast corner of 1st Avenue and 3rd Street North, ca. 1938. Brick building on right was Lewis Building #2, built ca. 1907, and white Mission Revival style building on left was Lewis Building #4, constructed in 1917. Both demolished in 1966. Courtesy of Museum of History, Photo 2628.

The City's administration started to formally encourage tourism with promotional campaigns following the election of Al Lang as mayor in 1916. Lang was elected after he arranged to bring the Philadelphia Phillies baseball team to the city for spring training. Under his leadership, the City publicly encouraged tourism and made efforts to improve the physical appearance of the city. With approximately 83 real estate companies operating in the city in 1914, the focus turned increasingly to winter residents with the local population doubling during the season. These winter residents even formed tourist societies organized by state or region of origin which acted as booster clubs in their native states. Although the land boom collapsed during World War I, the development created a pattern for the future growth of the city. During the 1910s, the city's population grew from 4,127

[37] "C.N. Crawford Dies in North," *Evening Independent,* 25 September 1914; "Business Stops During Funeral," *Evening Independent,* 26 September 1914; Polk 1915, 1916, 1918, 1920; "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938, 1; Grismer 1948, 324; "Hayward Leases Moore Building as New Hotel," *St. Petersburg Times,* 4 March 1939.
[38] "Electric Sign on the Detroit is a Big One," *Evening Independent, 19 January 1916;* Polk 1916.

in 1910 to 14,237 in 1920.[39] In spite of the downturn, limited new construction continued during the war. In 1917, Ed Lewis and fellow owner George Van Houten built a Mission Revival style building on the southeast corner of 1st Avenue and 3rd Street North. It was designed by architect W.S. Shull and constructed by Van Houten, who was a contractor. It tied into Lewis' adjacent brick building at 17-21 2nd Street North and housed the Hotel Dennis on the 2nd floor. Other businesses which occupied the first floor of the building included Thompson's Sanitary Market and Carpenter's New England Home Bakery and Tea Room.[40] In the midst of the construction of this new building, Lewis' Grocery caught fire in November 1917. Damage was limited to the roof and the second story thanks to the quick action of the fire department and the local Boy Scout Troop, who covered the stock of the grocery to prevent water damage. The store reopened within a few hours. Wanting to keep the store open during the winter season, Lewis decided to repair the building instead of building a new structure. Fearing a storm, Lewis hired contractor George Van Houten and 20 carpenters, paid $1 per hour, to replace the roof within one day.[41]

The Development of Block 25: Post WWI-1935

Although World War I limited tourism, St. Petersburg quickly rebounded with increases in people visiting St. Petersburg during the winter season of 1918-1919. Thanks in part to the efforts of John Lodwick, publicity agent for the Chamber of Commerce and the City of St. Petersburg, the hotels and boarding houses were filled to capacity during the season.[42] At the onset of this post-war boom, Frank Fortune Pulver purchased the Hotel Detroit in 1919. Pulver had made his fortune through the manufacture of Spearmint chewing gum, a formula and business which he sold to William Wrigley, Jr. in 1913 before permanently settling in St. Petersburg in 1917. In addition to operating the Hotel Detroit, he purchased the McAdoo Bridge to Pass-a-Grille, acquired the Hollenbeck and Huntington Hotels, and opened the Soft Water Laundry. Pulver served as Mayor from 1921 to 1924. In this position, Pulver, along with city publicity director John Lodwick, collaborated to create widely publicized stunts to draw attention and tourists to the city.[43]

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[39] Arsenault 1996, 124, 143-46, 190.
[40] Polk, 1918; "Handsome Building to be Erected at Third Street and First Avenue," *Evening Independent*, 6 August 1917.
[41] "Lewis Building Gets New Roof in Single Day," *Evening Independent*, 5 November 1917; "Workmen Use a Searchlight to Repair Damage," *St. Petersburg Daily Times*, 2 November 1917.
[42] Arsenault 1996, 186-189.
[43] Grismer 1948, 320; Fuller 1972, 266-67; "Detroit Hotel Owner Buys Huntington and Will Add 200 Rooms," *St. Petersburg* Times, 11 May 1920, 1; "Detroit Sold To Rutland for Over $200,000," *St. Petersburg Times*, 13 October 1938, 1; "Franklin F. Pulver, 84, Dies," *St. Petersburg Times*, 6 October 1955.

Southwest corner of 1st Avenue and 2nd Street North, ca. 1926. One-story concrete block building on left was built as part of the Hotel Detroit property in 1912. Peacock Row is on the right. Courtesy of University of South Florida Special Collections.

At the Detroit, Pulver retained Bainbridge Hayward as the manager of the hotel. Within a year after Pulver's purchase, he initiated the construction of the two-story commercial building at 208-230 1st Avenue North. Located on the Hotel Detroit property and considered part of the hotel complex, the building was called Peacock Row. It housed some of the first commercial stores on 1st Avenue North including early occupants such as the Dr. Hugh W. Wade, the Tourist Café, The Palm Book Store, Fisher & Deaderick Realtors, Hanover Women's Shop, Campbell & Mixon Fruits, George Atherton's Confections, and Lydia Husband's Art Craft Studio. Peacock Row offered 49 hotel rooms on the second floor and ten new commercial storefronts, increasing the overall Hotel Detroit capacity to 175 hotel rooms and 18 stores. Even with the additional rooms, the hotel reached capacity during the off-season. All four floors of the Detroit and the rooms in the new building were occupied during the summer of 1921. In 1922, the hotel advertised "200 outside rooms, Sunshine in Every Room." During this period, the Detroit offered a barber shop and auto service, with the Hotel Detroit Grill & Coffee Shop, Katherine Veach's Needlecraft Shop, Postal Telegraph Cable Company, Clewell & Fitzgibbon's soft drinks, Broadway Fashion Shop, First Loan and Savings Company, and several real estate agencies occupying commercial space.[44]

The construction of a national, state, and local road system opened St. Petersburg to an increasing number of middle-class vacationers and a new type of vacationer known as "tin-can tourists." This type of vacationer typically came by car and generally favored inexpensive campgrounds to hotels. The city's shortage of hotel rooms led to the 1920 creation of Tent City, a municipal

[44] Polk 1922, 1924, 1925, 1926, 1927, 1928, 1930, 1935; "Detroit Hotel Owner Buys Huntington and Will Add 200 Rooms," *St. Petersburg Times,* 11 May 1920, 1; "Summer Hotel Rush is Noted," *St. Petersburg Times,* 26 May 1921; "Detroit Sold To Rutland for Over $200,000," *St. Petersburg* Times, 13 October 1938, 1; Sanborn Map Company 1918, 1923.

campground for the "tin-can tourists." This new type of tourist threatened the city's established hotel industry and was not the class of visitor the leaders of the city were interested in attracting.[45]

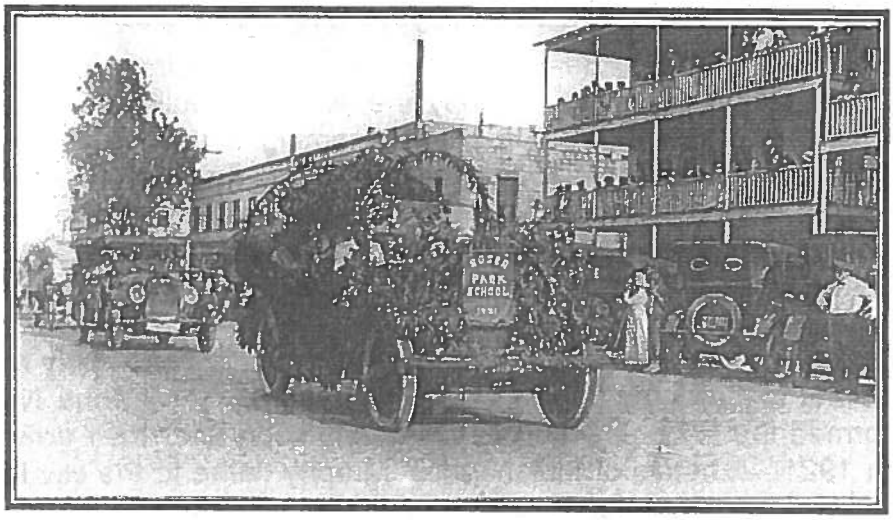
The lack of hotel space and the booming economy during the late 1910s and early 1920s prompted the conversion of a number of private residences surrounding downtown into boarding houses, apartment buildings, or small hotels. Many owners recognized the inevitable growth of the central business district and built new houses in the most fashionable residential section now known as the Old Northeast. The opening of the Gandy Bridge to Tampa in 1924 further encouraged widespread development and construction extending north of downtown to the bridge. With only five hotels providing fewer than 500 hotel rooms at the start of the boom, city leaders were encouraged by the construction of mid-sized hotels, such as the Alexander Hotel, the Mari-Jean, and the Hotel Cordova, and several large hotels, including the Princess Martha, Pennsylvania Hotel, and Vinoy Park Hotel, during the boom). In an effort to compete with the newer hotels, Pulver promoted the Hotel Detroit as the "Best Known Hotel in St. Petersburg," "A Step Away to Shop or Play," and "the Heart of the Sunshine City."[46]

Central Avenue, looking west, ca. 1925. Courtesy of Museum of History, Photo 931.

In 1919, Ed Lewis sold his interest in his grocery, but retained ownership of his buildings and land. Ed Lewis, W.C. Burton, and Ed Wright had formed a partnership to operate the grocery store in 1913, and it was renamed the Lewis-Burton Company. After Lewis sold his interest, Burton controlled the majority of stock and continued to operate the grocery until 1923, when the owners decided to close the retail grocery, relocate, and convert it to a wholesale enterprise.[47]

At the same time, Arthur Johnson decided to move his clothing store from 259-69 Central to 428 Central Avenue. In his place, a new men's store was opened by

[45] Arsenault 1996, 186-189, 199-200.
[46] Polk 1927; Arsenault 1996, 201.
[47] "Lewis-Burton Firm in Grocery Business," *St. Petersburg Daily* Times, 18 May 1913; "Brown Bros. Buy Ed T. Lewis' Grocery Interest," *Evening Independent,* 30 January 1919; "Oldest Grocery in City to be Closed Here Soon," *Evening Independent,* 2 July 1923.



Festival of States Parade in front of the 1921 Binnie-Bishop Hotel Building. Courtesy of Museum of History, Photo 2887.

Henry Hayward and Ian Boyer, and the Pelican Book Shop and Library opened. The Ermatinger Hat Store opened at 273 Central Avenue in 1926. In the Lewis Building at the northeast corner of Central and 3rd Street, the Pinellas County Sheriff's Office decided to open an office in the Lewis Building in 1925. Leon Lewis, Ed Lewis' son, opened an office in his father's building after he sold the Crystal and Pinellas County Ice Companies in 1926. Architect Henry Dupont maintained an office in the Lewis Building. The St. Petersburg Red Cross opened an office in the Lewis Building in 1928 and remained there into the 1940s. [48]

With the success of his first brick commercial building and the onset of the Florida land boom, Henry Binnie decided to demolish his ca. 1900 wood frame blacksmith shop and build a new three-story brick building in its place in 1921. Contractor Charles Dubois had the $20,000 contract to demolish the old building and build the new structure. Binnie retained the rear two-story brick building as his blacksmith shop. The new three-story brick building on the front of the lot was incorporated into his existing adjacent hotel and Binnie renamed it the Binnie Hotel. The Williams Art Store, the New York Hat Shop, and William Kirby's Photography Studio opened in the storefronts of the building. In 1926, a fire caused $10,000 worth of damage to the Binnie Hotel when 70 gallons of gasoline "'unlawfully stored in a hat shop underneath the hotel" exploded. The event prompted the strict enforcement of laws regarding the storage of explosives and inflammables state-wide.[49]

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[48] "Veteran Clothier To Retire in June," *St. Petersburg Times,* 24 May 1941; "The Rambler," *Evening Independent,* 27 May 1941; "To Open Store for Men Here," *Evening Independent,* 27 September 1923; "Branch Office Located Here," *St. Petersburg Times,* 10 June 1925; "Close to $1,000,000 Deposited Following Sale of Ice Plants," *Evening Independent,* 22 December 1926; "Ermatinger Hat Store," *St. Petersburg Times,* 1 January 1937; "Pelican Book Shop & Library," *St. Petersburg Times,"* 6 February 1932; "Notice to Elevator Manufacturers," *St. Petersburg Times,* 14 May 1935; "Local Red Cross Board During World War Days," *Evening Independent,* 22 August 1939.

[49] Ancestry.com, "1920 United States Federal Census; Polk 1920, 1922, 1925; "Handsome New Building Replaces One of the Oldest Houses in the City," *Evening Independent,* 19 May 1921;

During the 1920s, Beach's Pharmacy and Gardner & Dinwoodie's Curio and China Hall continued to occupy the Michigan Building. In 1927, J. Heath took over the Curio and China Hall, renaming it the Heath's Gift Shop. William Weaver provided hotel rooms on the second floor as Weaver's Hotel.[50] By 1922, the St. Charles Hotel operated on the second floor of the Ramsey Building, and the Modern Oasis "thirst quenching emporium" took over the McPherson-Dent Bakery location. Mary Ramsey died in 1924.[51]

In September 1924, owners Samuel V. Schooley and Perry M. Murphy pulled the permit to build the Tamiami Hotel at 240-42 1st Avenue North. The two men formed the Schooley-Murphy Company soon after their arrival in St. Petersburg in 1921. A native of Indianapolis, Murphy came to the city to investigate groves that he had purchased. Involved in the manufacture of bricks and hollow clay tile, he convinced friend and builder Samuel V. Schooley of the possibilities of St. Petersburg, prompting their relocation. Initially, the two men focused on residential construction, pulling permits for several residences at a time, and then hiring real estate firms to sell the houses upon completion. At first, the houses started at $8,000 each, but by the height of the land boom, the average sale price was 16,000. Their first projects were in the North Shore neighborhood, and they selected the Paul R. Boardman Real Estate Agency as their general sales agent.[52] By April 1922, the *Evening Independent* reported that,

BUILT TO SELL
—Just Like Packard Automobiles
SCHOOLEY-MURPHY HOMES CONSTRUCTED TO ESTABLISH REPUTATION FOR FUTURE
ROY SMITH MOVES INTO NEW SCHOOLEY-MURPHY RESIDENCE
BUCK TURNER TELLS ABOUT SALE

Schooley-Murphy Advertisement, *St. Petersburg Times,* January 21, 1923.

> Schooley and Murphy, who have erected many fine houses in this city and who are now building several, took out permits for two more. They are of the usual type erected by that firm of

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"Williams Art Store," *St. Petersburg Times,* 23 September 1923; "Are Enforcing Hotel Measure," *Sarasota Herald Tribune,* 30 January 1926; "First Three Months Fire Loss Surpasses Entire 1925 Record," *Evening Independent,* 24 March 1926; Ancestry.com, "1930 United States Federal Census."

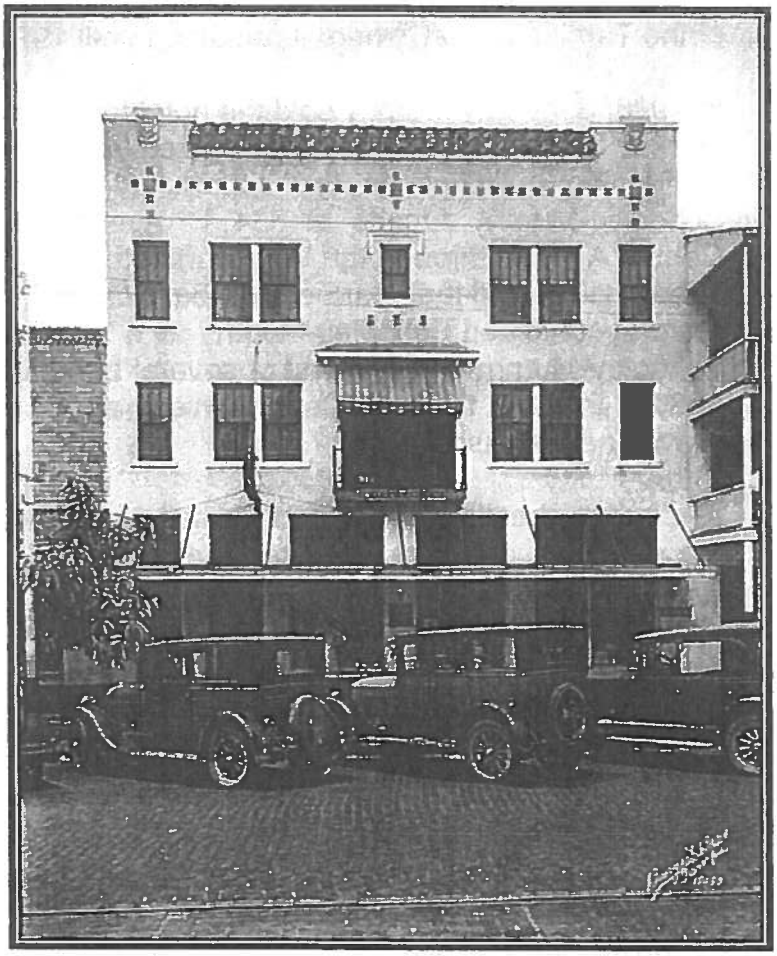
[50] Polk 1920, 1922, 1924, 1925, 1926, 1927, 1928; "Heath's" advertisement, *St. Petersburg Times,* 3 March 1927.

[51] "Oasis Will Aid Thirsty Crowds," *Evening Independent,* 31 May 1921; "Pioneer Woman of City Dies at Former Home in Georgia," *Evening Independent,* 11 January 1924; Polk 1922.

[52] City of St. Petersburg, Property Card; "Perry Murphy, Contractor, Dies," *St. Petersburg Times,* 14 September 1945; "Announcement," *St. Petersburg Times,* 20 May 1922; "Do You Really Know Samuel V. Schooley?" *Evening Independent,* 6 February 1924.

contractors, of hollow tile and stucco and each contains eight rooms and bath and suitable porches.[53]

By June 1922, the firm had 27 residences under construction in the North Shore neighborhood. Boardman purchased large ads in the newspapers to promote the new construction, focusing especially on the fact that these homes would please any wife. (insert ad, September 25, 1922) In 1923, Schooley-Murphy started an advertising campaign in which the owners explained their methods used in building the homes and the features of the homes in local newspapers. In the space of two weeks in January 1923, Schooley-Murphy sold ten residences which they had constructed for a total of $172,000.[54]



Tamiami Hotel, 1926. Burgert Brothers Collection, Tampa-Hillsborough County Public Library System.

With their success, the company moved into other residential areas of the city including Euclid-St. Paul, Pasadena, Snell Isle, and their own residential development near Lake Maggiore along Lakeview Avenue (now 22nd Avenue South) at 23rd Street. In April 1923, the company reported that they had built more than 150 houses, representing over $600,000 worth of construction. The men also started purchasing land in downtown St. Petersburg to develop for commercial purposes. They built a two-story commercial building at 736 Central Avenue, a one-story commercial building on the southwest corner of Central and 6th Street, the three-

[53] "Building in Three Weeks Runs to Quarter Million," *Evening Independent*, 22 April 1922.
[54] "Schooley & Murphy Start Work on Four More Homes," *Evening Independent,* 8 June 1922; "Built to Sell," *St. Petersburg Times,* 21 January 1923; "Schooley Co. Makes Record," *Evening Independent,* 25 January 1923.

story Schooley-Murphy Apartments at 320 4th Avenue North, and the Tamiami Hotel.[55]

Opened in 1925, rooms at the Tamiami Hotel started at $5.00 per week with hot water guaranteed at all times by manager Henry H. Williams, Jr. Upon the completion of the new building, the Williams Art Store relocated to the first floor of the Tamiami Hotel, where it remained until 1929.

In 1926, Schooley-Murphy sold the hotel for around $150,000. As the real estate market declined, the company shifted to advertising to do repairs, but still developing buildings as the opportunity arose. In 1936, they opened the Schooley-Murphy Arcade at 534 1st Avenue North providing a connection to Central Avenue through the Woolworth store. In the 1930s, the two men appear to have dissolved their partnership, but Schooley continued as a contractor, while Murphy continued Schooley-Murphy as a real estate agency. The 1926 sale by Schooley-Murphy was the first of several transfers for the Tamiami Hotel into the 1930s. In 1926, the "for sale" advertisement for the 22 room hotel noted that the "owner needs cash."[56]

A relatively healthy tourist trade initially kept the local economy afloat following the downturn of the real estate market in 1926 and the devastating hurricanes which damaged south Florida in 1926 and 1928. However, the crash of the stock market in 1929 kept the traveling public at home during the ensuing national depression. A dismal tourist season during the winter of 1929-1930 led to business failures, mortgage foreclosures, and unemployment in the city. Every bank in the city failed and closed by April 1931.[57]

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[55] Schooley-Murphy Buy Site for a 10-Story Building," *Evening Independent,* 26 January 1923; "To Build Fine Residences in Splendid Citrus Grove," *Evening Independent,* 30 January 1923; "Pasadena is Glad to Announce," *Evening Independent,* 19 February 1923; "Euclid Place on Euclid Boulevard Presents its Charms Pictorially Today in a Rather Unusual Way," *Evening Independent,* 16 October 1923; "407 Brightwaters Blvd. – Snell Isle," *Evening Independent,* 17 November 1926; "Rutland Buys Schooley Home," *St. Petersburg Times,* 30 June 1927; "Schooley Sells Home to Latham," *Evening Independent,* 15 February 1927; "Schooley-Murphy Start Homes to Cost $29,000," *Evening Independent,* 19 April 1923; "Pix," *St. Petersburg Times,* 2 November 1923; "$250,000 Apartment House to be Erected This Summer," *Evening Independent,* 21 April 1923; "Do You Really Know Samuel V. Schooley?" *Evening Independent,* 6 February 1924; "Schooley & Murphy Acquire Corner on Central Avenue," *Evening Independent,* 23 March 1923; "Local Men Acquire Business Building on Central Avenue," *Evening Independent,* 31 October 1931; Polk, 1924; "West Central Deal Involves Half Million," *St. Petersburg Times,* 8 June 1924.

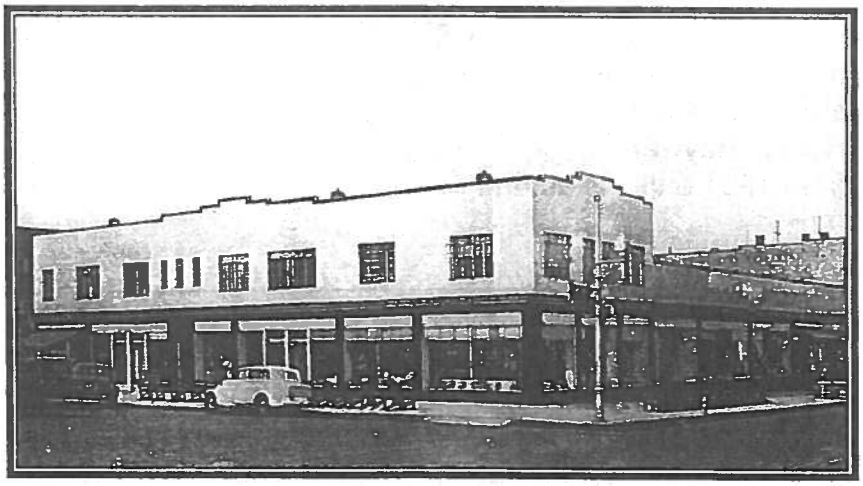
[56] "Tamiami Hotel For Sale," *St. Petersburg Times,* 9 May 1926; Polk, 1924, 1925, 1926, 1927, 1928, 1929, 1930; "Hot Water Guaranteed at All Times!" *Evening Independent,* 5 May 1925; "Williams Art Store Moves into its New Location on Central Avenue," *Evening Independent,* 10 July 1929; "Property Owners," *Evening Independent,* 22 April 1930; "New Schooley-Murphy Arcade Opens Tomorrow," *Evening Independent,* 30 October 1936; Polk 1933; "Perry Murphy, Contractor, Dies," *St. Petersburg Times,* 14 September 1945.

[57] Arsenault 1996, 253-255.

Like most other businessmen in the city, Frank Pulver overextended himself during the real estate boom. Political infighting led to his removal from office in 1924. He then started a daily tabloid called the *Daily News*, which failed less than two years later. Pulver retreated into semi-retirement. In 1929, long-time hotel manager Bainbridge Hayward and Olive Matthews formed a company and purchased the Hotel Detroit from Pulver through a mortgage with the Life and Casualty Company of Nashville, Tennessee. With the decline of tourism during the Depression, the Life and Casualty Company foreclosed on the mortgage in 1934, but retained Hayward as manager.[58]

The Development of Block 25: 1936-1945

Federal relief projects helped revive the city's economy by the mid-1930s. Local projects included the construction of Bay Pines Veterans' Hospital, an addition to Albert Whitted Airport, Bartlett Park, an addition to Mound Park City Hospital, a beach water system, a new city hall, the construction of the U.S. Coast Guard Air Station near Bayboro Harbor, the North Shore sewer system, a National Guard armory, and a new campus for the St. Petersburg Junior College. By providing these kinds of projects throughout the nation, the New Deal agencies brought partial economic recovery to residents of St. Petersburg as well as other cities. With an improved financial outlook, tourists returned to St. Petersburg during the late-1930s.[59]



1937 Refacing of Lewis Grocery and Lewis Building #3. From *St. Petersburg Architecturally,* Orlando, B.R. Walzer, 1939. Courtesy of Robin Reed.

The revival of the economy during the late 1930s led to several improvement projects in Block 25. Ed Lewis decided to reface his buildings and remodel the interiors in 1937. His $16,000 refacing with glass was performed by contractor R.E. Clarkson. Ed Lewis died in 1940.[60] Barber Groves Packing House, owned by Clayton Barber, opened in the Ramsey Addition at 239 Central Avenue around 1935. The company would remain in the building into the 1970s.[61]

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[58] Arsenault 1996, 195; Grismer 1948, 321; "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938.
[59] Arsenault 1996, 257-260.

By 1939, Merton Rogers operated the hotel in the Michigan Building and renamed it the Michigamma Hotel. Beach's Pharmacy also closed and the Goldenrod Candy Shop opened in its place.[62] By 1932, William E. Currie of Michigan owned the Tamiami Hotel building and leased the operation to Mr. and Mrs. Henry Bruhns. In 1935, Anna Gerhard and Elizabeth Hussher of New Jersey purchased the hotel for approximately $35,000. By 1941, Elizabeth Moore was the owner. In spite of the numerous ownership changes, the building served as the Tamiami Hotel well into the 1960s.[63]In 1938, local businessman Hubert Rutland purchased the Hotel Detroit from the Life and Casualty Company for approximately $200,000. Following his arrival in St. Petersburg in 1921, Rutland worked with his brother in one of the largest department stores in the county, Northup-Rutland Store. In 1923, Hubert Rutland opened Rutland's Men's Store. Along with the growth of the store into the Rutland Clothing Company, Rutland had invested in real estate during the 1920s and 1930s. With the purchase of the Hotel Detroit, Rutland owned 1,022 feet of frontage in the downtown business district housing 75 stores.[64] Following his purchase, Rutland announced that some remodeling at the Hotel Detroit would be conducted. Touted as modernization, the renovation, completed by contractor W.D. Berry in 1939, included adding stucco to the front elevation of the original wood frame portion of the building, removing the second floor of the front porch, and rebuilding the first floor porch. The wood canopy which extended from the hotel entrance to Central Avenue was replaced with a canvas awning. The front patio at the hotel entrance was created with the construction of a masonry garden wall. Although it was announced that Hayward would be retained as manager, he left in 1938 after he signed a long-term lease for a nearby hotel property and opened the Bainbridge Hotel. Hayward would serve as City Councilman from 1937 to 1940, and again from 1951 until his death in office in 1953. [65]

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[60] "Central Avenue Stores Undergo Improvements," *St. Petersburg Times,* 25 August 1937; City of St. Petersburg, Property Card, 279 Central Avenue; "Edson T. Lewis, Pioneer of City, Succumbs at 68," *Evening Independent,* 2 December 1940.

[61] "Familiar as Palms; Gift Box Industry," *St. Petersburg Times,* 6 February 1958; Margaret Nuccio, "Barber Groves, (8PI313)," Florida Master Site File Form, 1977, on file, Florida Division of Historical Resources, Tallahassee.

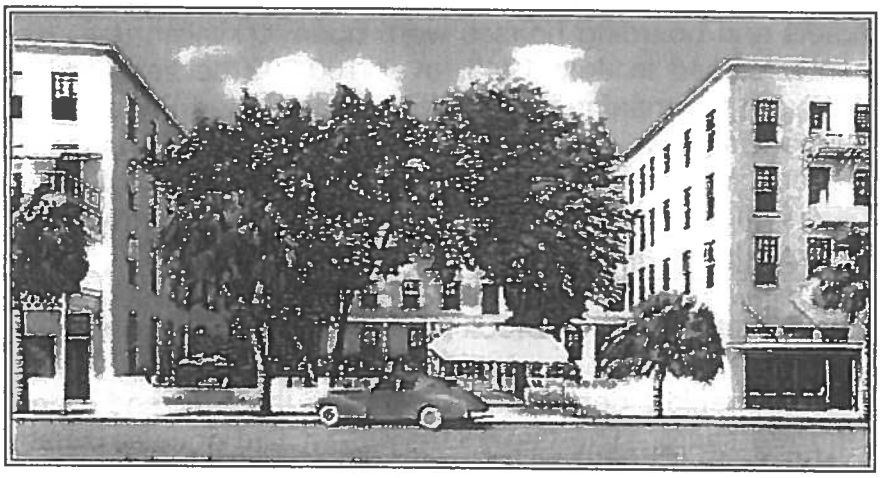
[62] "Michigamma Hotel," *Evening Independent,* 22 April 1939; Personal Mention," *Evening Independent,* 4 March 1940; "Goldenrod Candy Shop" advertisement, *Evening Independent,* 8 May 1940; "City Outgrowing Seasonal Business," *St. Petersburg Times,* 30 May 1948; Polk, 1940, 1945.

[63] "Couple Lease Tamiami Hotel," *St. Petersburg Times,* 15 May 1932; "Tamiami Hotel, Other Property Sold in Week," *St. Petersburg Times,* 23 June 1935; "Tamiami Hotel," *Evening Independent,* 1 December 1941.

[64] "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938, 1; "Detroit Hotel Completely Remodeled," *St. Petersburg Times,* 1 October 1939, 3; Grismer 1948, 348.

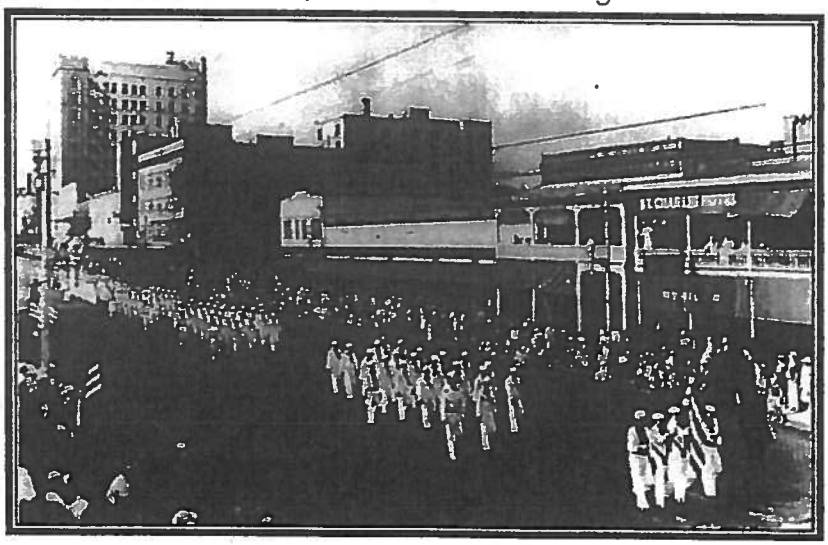
[65] "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times,* 13 October 1938, 1; "Detroit Hotel Completely Remodeled," *St. Petersburg Times,* 1 October 1939, 3; "Hayward Leases Moore Building as New Hotel," *St. Petersburg Times,* 4 March 1939; Grismer 1948, 240, 324; "Bainbridge Hayward, Councilman, Dies," *St. Petersburg Times,* 3 June 1953.

In 1940, Ida Nancy Merrill purchased the Hotel Detroit from Rutland. Rutland retained ownership of Peacock Row on 1st Avenue North, separating the building from the Hotel Detroit property. After her arrival in St. Petersburg in 1923, Merrill entered the hotel business owning and/or managing several hotels prior to her purchase of the Detroit including the Merrill Hotel, Royal Palm Hotel, Deermont, and Allison Hotels. She was active in numerous civic organizations and held leadership roles in the YWCA, the Republican Party, Zonta Club, National League of American Pen Women, St. Petersburg Hotel Association, the Florence Crittenton Home, Chamber of Commerce, St. Petersburg Woman's Club, League of Overseas Women, American Association of University Women, and the Business and Professional Women's Club. Following the purchase of the Detroit, Merrill announced that her nephew, Charles Brazier, would be the manager.[66]



Hotel Detroit, ca. 1940. City of St. Petersburg Photo Archives, Photo 053001.

Although tourism had rebounded to some extent by 1940, the activation of the military, rationing, and travel restrictions of World War II severely curtailed St. Petersburg's tourism based economy. Most of the city's hotels and boarding houses remained empty during the winter of 1941-42.



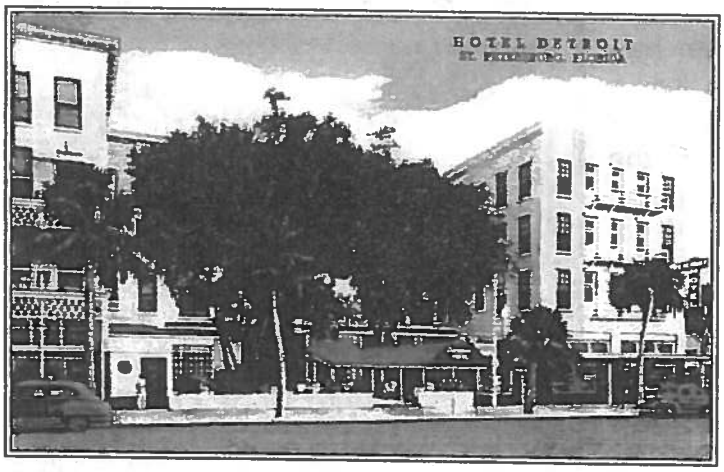
World War II era parade along Central Avenue, ca. 1945. Courtesy of the Museum of History, Photo 229.

[66] "Detroit Hotel Sold," *St. Petersburg Times*, 11 June 1968, 3B; "Ida N. Merrill, Citizen," *Evening Independent*, 14 October 1965; "Miss Ida Merrill, Hotel Owner, Dies," *St. Petersburg Times*, 12 October 1965; Bethia Caffery, "Preserving History...Detroit Block Reflects Strong Commitment to the Downtown," *Evening Independent*, 14 May 1982, 3D; Polk 1935.

Realizing that the empty rooms could be an asset as military housing, city leaders successfully lobbied the War Department for a military base. The opening of a technical services training center for the Army Air Corps brought over ten thousand soldiers to the city during the summer of 1942. The military leased almost every major hotel and many of the smaller hotels in the city, including the Hotel Detroit. Only the Suwannee Hotel and some of the smaller hotels and boarding houses were open to civilian use. By the time the training center closed in July 1943, over 100,000 soldiers had visited St. Petersburg. Although the training center closed, the United States Maritime Service Bayboro Harbor Base, which trained merchant seamen, continued to grow, and eventually leased four of the downtown hotels abandoned by the Army Air Corps. Other bases and support facilities throughout the area brought thousands of soldiers to central Florida and the St. Petersburg area.[67]

The Development of Block 25: 1946-present

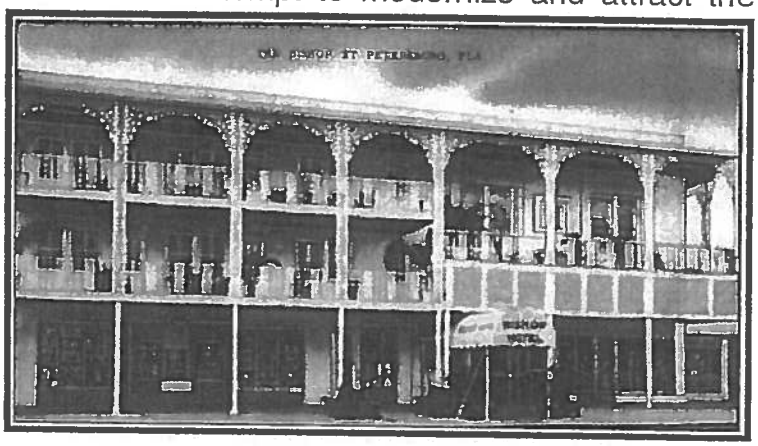
The city rapidly demilitarized following the war, and many veterans returned to St. Petersburg. The Great Depression and governmental restrictions during the war led to a housing shortage following World War II. Many hotels and boarding houses were again filled with tourists and new residents awaiting the construction of new homes. New houses filled the subdivisions platted during the 1920s, but left vacant by the real estate decline and depression. As development spread westward, the introduction of shopping centers, including Central Plaza and Tyrone Gardens Shopping Center, and motels along the west coast drew new residents and tourists away from downtown St. Petersburg.[68]



Hotel Detroit, ca. 1946. Florida State Archives, Photo PC4098.

[67] Arsenault 1996, 298-301.
[68] Arsenault 1996, 307-313.

During the post-World War II period, the block on which the Hotel Detroit was located underwent modernization. In an attempt to modernize and attract the post-World War II customer, the Detroit owners installed air conditioning and constructed an addition in the front courtyard area to open the Patio Restaurant. On the north side of the block, Roy Bishop purchased the Binnie Hotel in 1948. Soon after, pioneer blacksmith Henry Binnie passed away in 1949. Bishop remodeled and redecorated the hotel and renamed it the Bishop Hotel. Alterations included the installation of air conditioning and the addition of wrought iron to the front balconies to unify the two buildings. Bishop owned the hotel until 1977. Following the death of Edward Tonnelier in 1960, the interior of the Michigan Building was modernized, and by 1971, the hotel was renamed the James Hotel.[69]



Binnie-Bishop Hotel, postcard, ca. 1950.

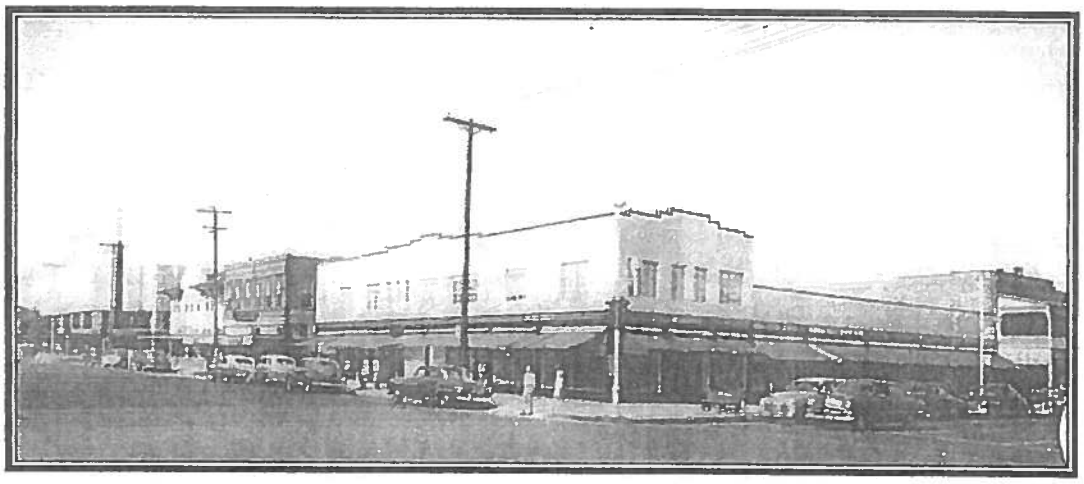
Following the death of Ida Nancy Merrill in 1965, her nephews, Charles Brazier Jr. and Frank Brazier, inherited the Hotel Detroit. Charles Brazier had managed the hotel since her purchase in 1940. In 1968, the brothers sold the hotel to St. Petersburg businessmen E.B. Joe Porter, Wilbert R. Canning, and Harold E. Wells for $260,000. At the time, it was noted as a 110 room facility. Purchased as an investment, Porter, Canning and Wells sold the Hotel Detroit to William L. Pendergast and Robert Barnes in 1977.[70]

After the death of Ed Lewis in 1940 and his son, Leon Lewis, in 1950, the Lewis properties remained in the ownership of the Lewis Interests. In 1966, the company decided to raze the two buildings on the southeast corner of 1st Avenue and 3rd Street North, and construct the existing one-story commercial building located at 270 1st Avenue North. Also in 1966, the Lewis Buildings along Central

[69] Polk 1951; "Newly Remodeled Bishop Hotel Has its Formal Opening," *Evening Independent,* 13 December 1948; Bethia Caffery, "A Bit of City History…," *Evening Independent*, 21 May 1977; Ancestry.com, "Florida Death Index"; City of St. Petersburg, Property Cards.

[70] "Detroit Hotel is Sold," *St. Petersburg Times,* 11 June 1968, 3B; Clayton Reed, "Detroit Hotel is Sold," *St. Petersburg Times*, 2 November 1977; Charles Benbow, "The Restoration," *St. Petersburg Times,* 18 May 1980, F1.

Avenue received a "face-lift" for $40,000 when they were refaced with stucco and Carrara Glass and an aluminum canopy and wall cap were installed.[71]



Northeast corner of Central Avenue and 3rd Street showing the Lewis Buildings, ca. 1950. Courtesy of the Museum of History, Photo 2636.

During the 1960s, downtown and the neighborhoods surrounding the city core entered a period of decline and abandonment. Many of the buildings associated with the early history of the community slowly deteriorated. One of the first widespread efforts at reinvestment and revitalization in the downtown area resulted in the complete renovation of the entire block on which the Hotel Detroit was located. The efforts were partially funded through a $1.3 million Community Development Block Grant. In addition to providing the owners funding to hire architects to modernize the buildings, public improvements in the block included replacing paving, landscaping, lighting, and installing planters and fountains.[72]

On the former Detroit parcel, Peacock Row was renovated and leased as office and commercial space. The adjacent building along 2nd Street North on the northeast corner of the parcel, built in 1912 as additional commercial space for the Detroit, was demolished between 1977 and 1982. The centrally located north (rear) wing of the Hotel Detroit, which was part of the original 1888 construction, was demolished in June 1981 to create space for a paved courtyard. The courtyard was converted to the Jannus Landing (now Jannus Live) concert

[71] "City Pioneer's Building Coming Down," *Evening Independent,* 14 May 1966; John Schaffner, "With Faith, He Helped Build a City," *Evening Independent,* 14 May 1966; "Lewis Building Gets Face-Lifting," *Evening Independent,* 24 June 1966; "Leon Lewis Stricken Fatally at Yacht Club," *St. Petersburg Times,* 1 June 1950; City of St. Petersburg, Property Card, 279 Central Avenue.
[72] Dick Bell, "Block's Past Gives Way to its Future," *St. Petersburg Times, 9 June* 1981, 3B; Jon East, "Detroit Block Facelift to Begin," *Evening Independent,* 5 May 1981; Bethia Caffery, "Preserving History," *Evening Independent,* 14 May 1982, 3D; Charles Benbow, "The Restoration," *St. Petersburg Times,* 18 May 1980; Charles Benbow, "A Tasteful Blend of Old and New Creates an Air of Charm at Janus Landing," *St. Petersburg Times,* 16 August 1982, D1; Donna Vavala, "Developers Try to Get Hotel, Land," *St. Petersburg Times,* 8 March 1989.

venue, named for Tony Jannus who flew an airboat from St. Petersburg to Tampa making it the official birthplace of commercial aviation. The concert venue opened in October 1982. Other alterations included the application of stucco to the north (rear) elevation to cover the removal of the rear wing, replacement windows, addition of balconies and stairs to the rear elevation, and removal of paint from the original red brick additions. The Lewis Buildings, sold by the Lewis Interests in 1981, received a fresh coat of stucco.[73]

Although businesses on the first floor remained open, the hotel finally closed in 1992. In December 1998, Jannus Landing Ltd. purchased the Detroit along with several adjacent properties from Bob Barnes and Bill Pendergast for over $2 million. In 2000, Jannus Landing transferred ownership to St. Pete Jannus for $3.6 million. St. Pete Jannus subsequently converted the property to a condominium in 2002. Of the 29 units, 24 are residential and five are commercial. With the conversion, the building underwent extensive alterations. The interior layout changed with the removal of hotel room walls and installation of modern equipment to create larger, independent condominium units. Exterior alterations included the construction of a new tower, re-stuccoing the front of the wood frame portion of the building, and replacing most of the original double-hung sash and the single-hung sash windows.[74]

STATEMENT OF SIGNIFICANCE

Community Planning and Development, Commerce, and Settlement

Block 25 is significant at the local level in the areas of Community Planning and Development, Commerce, and Settlement as an example of the evolution of the tourism industry and settlement patterns in St. Petersburg. It meets the following criteria for designation of a property found in Section 16.30.070.2.5(D) of the City of St. Petersburg Code:

(a) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation;

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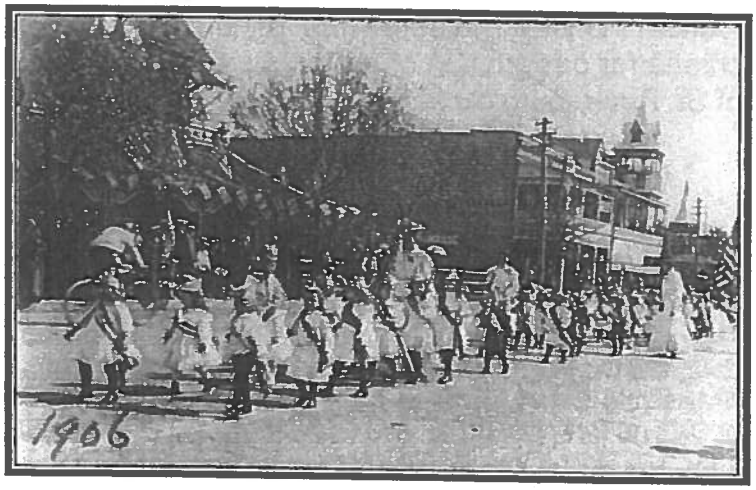
[73] Dick Bell, "Block's Past Gives Way to its Future," *St. Petersburg Times, 9 June* 1981, 3B; Jon East, "Detroit Block Facelift to Begin," *Evening Independent,* 5 May 1981; Bethia Caffery, "Preserving History," *Evening Independent,* 14 May 1982, 3D; Charles Benbow, "A Tasteful Blend of Old and New Creates an Air of Charm at Janus Landing," *St. Petersburg Times,* 16 August 1982, D1; Donna Vavala, "Developers Try to Get Hotel, Land," *St. Petersburg Times,* 8 March 1989; "Deaths: Eva Lewis Ford, Charter Member of Junior League," *Evening Independent,* 29 September 1982.

[74] Alicia Caldwell, "Landmark Hotel to Close Doors," *St. Petersburg Times,* 28 April 1992; Pinellas County Clerk of Circuit Court, OR Book 12214, Page 2478, OR Book 10859, Page 2012, and OR Book 10356, Page 2095; Pinellas County Property Appraiser, Parcel 193117744660250011; "Detroit Hotel Ready for May Occupancy," *St. Petersburg Times*, 17 April 2002.

(c) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation;
(d) It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation;
(g) Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and
(h) Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

As the first hotel in the City, the Hotel Detroit was constructed in conjunction with the railroad depot to encourage the settlement and growth of the new community. By providing lodging for prospective residents, the hotel supported the early growth of the city. Block 25 and the Hotel Detroit were the center of the community from the filing of the Map of the Town of St. Petersburg in 1888.

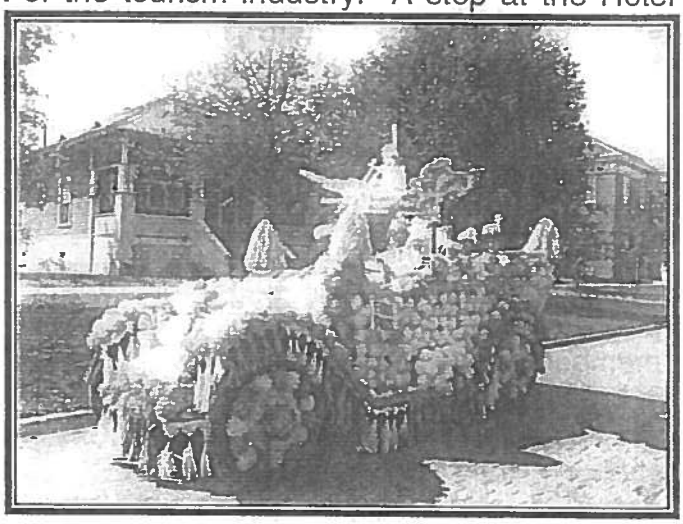
Until the construction of the hotels in the 1920s, the Detroit served as the central hub of social life in St. Petersburg where significant events were celebrated. For example, residents marked the 1897 introduction of electricity in the town with a day of celebration culminating in a grand ball at the Hotel Detroit. Block 25 held the earliest clothing stores, bakeries, restaurants, and the first movie theater in the city. The owners and business operators within the block played a significant role in the development of the city including John C. Williams, Frank Fortune Pulver, Bainbridge Hayward, Curtis N. Crawford, Edson T. Lewis, James Norton, Mary Ramsey, Bill Carpenter, Samuel V. Schooley & Perry M. Murphy, Henry Binnie, Arthur Johnson, Ida Nancy Merrill, and Hubert Rutland. Several, including Ed Lewis, Frank Fortune Pulver, and Bainbridge Hayward, played a leadership role in city government, actively establishing good roads, the city waterfront, public utilities, and safe drinking water. Developers John



Washington's Birthday Celebration, 1906. Parade passing in front of Lewis' Grocery with Norton Building, Ramsey Building and Addition, Michigan Building, and Hotel Detroit in background. Courtesy of Museum of History, Photo 2124.

Williams, Ed Lewis, Mary Ramsey, Herbert Rutland, S.V. Schooley and Perry Murphy laid the foundation for the growth and beauty of the City.

Supporting not only the settlement of the community, Block 25 played a significant role in the development of the tourism industry. A stop at the Hotel Detroit for refreshments was part of the first seaside excursions offered by the Orange Belt Railway in 1889. A number of the new residents likely stayed at the Detroit and the smaller surrounding hotels such as the St. Charles, Binnie-Bishop, and Tamiami Hotels when they first visited the city and while awaiting the construction of a residence. According to historian Karl Grismer, Lewis' Grocery became a "show place of the city and when F.A. Davis brought prospects to the city in an attempt to interest them in his various enterprises, he invariably took them to the Lewis store to show them evidences of prosperity."[75] From Bill Carpenters excursion to Seattle with his alligator named "Trouble", to Frank Fortune Pulver's periodic visits to Broadway in New York City in a white suit flanked by Florida beauty queens, Block 25 occupants made a concerted effort to draw tourists to St. Petersburg. Events, such as the Festival of States organized by Arthur Johnson, not only drew tourists but bolstered community pride.



1st Prize entry driven by Arthur Johnson in the first Festival of States Parade, 1917. Courtesy of Museum of History, Photo 1336.

Block 25 is also significant as a cohesive collection of commercial buildings dating to the early settlement and growth of the city. They remain indicative of early commercial construction and the ever present effort to modernize and attract new customers. The buildings also convey a sense of history exhibiting the evolution of construction and the growth of St. Petersburg. The styles within Block 25 indicate the overall evolution of architectural design during the early- to mid-twentieth century and the history of development in St. Petersburg. Although the buildings display varying degrees of ornamentation, Block 25 achieves uniformity through the use of similar materials, massing, streetscaping, setback, scale, and proximity.

[75] Grismer 1924, 233-24.

A Note About Commercial Architecture: In the U.S., the main street storefront is usually the most prominent feature of a historic commercial building, playing a crucial role in a store's advertising and merchandising strategy. Although storefronts normally do not extend beyond the first story, it often relates to the rest of the building visually through a unity of form and detail. The earliest extant storefronts in the U.S., dating from the late 18th and early 19th centuries, had bay or oriel window fronts that provided additional display space. The 19th century witnessed the progressive enlargement of display windows as plate glass became available in increasingly larger units. The use of cast iron columns and lintels at the ground floor level permitted structural members to be reduced in size. Recessed entrances provided shelter for sidewalk patrons and further enlarged display areas.

200 block of Central Avenue, 1960s.

Commercial establishments of the 18th and early 19th centuries were frequently located on the ground floor of buildings and, with their residentially scaled windows and doors, were often indistinguishable from surrounding houses. In some cases, however, large bay or oriel windows comprised of small panes of glass set the shops apart from their neighbors. Awnings of wood and canvas and signs over the sidewalk were other design features seen on some early commercial buildings. The ground floors of large commercial establishments, especially in the first decades of the 19th century, were distinguished by regularly spaced, heavy piers of stone or brick, infilled with paneled doors or small paned window sash. Entrances were an integral component of the facade, typically not given any particular prominence although sometimes wider than other openings.

The first decades of the 20th century revealed a growing use of decorative transom lights (often using small prismatic glass panes) above display windows; in some cases, these transoms could be opened to permit air circulation into the store. Electric incandescent lights enabled storeowners to call attention to their entrance and display windows and permitted nighttime shopping. In the 1920's and 1930s a variety of new materials were introduced into the storefront, including aluminum and stainless steel framing elements, pigmented structural glass (in a wide variety of colors), tinted and mirrored glass, glass block and neon.

Because commercial architecture responds to a variety of factors—environmental, cultural, and economic—distinct regional variations in storefronts can be noted. Fixed metal canopies supported by guy wires, for example, were common in late 19th and early 20th century storefronts in southern states where it was advantageous to have shaded entrances all year long. Such a detail was less common in the northeast where moveable canvas awnings predominated. These awnings could be lowered in summer to keep buildings cooler and raised in winter when sunlight helps to heat the building.

Notable Architects and Builders of Block 25

The buildings depict the craftsmanship of local architects, builders, and artisans. Several notable architects and contractors worked on the buildings of Block 25 including Edgar Ferdon, M. Leo Elliott, William Shull, J. Frank Chase, Charles DuBois, and Walter C. Henry. Henry Taylor occupied an office in one of the buildings, and designed a small infill building still present today. These men played a significant role in designing the built environment of an early St. Petersburg community.

Edgar Ferdon

Edgar Ferdon was born in Englewood, New York in 1869. He visited the St. Petersburg area in the 1890s, most likely to visit his father, who lived in the city. In 1892, although not a permanent resident, Ferdon designed the Chautauqua Villa, the first house to be built on the north side of the city (northeast corner of First Avenue and Second Street North). He moved to the City permanently in 1903 from Summit, New Jersey to become a permanent resident and was probably St. Petersburg's first professional architect, locating his office at 319 Central Avenue.

Ferdon had an important impact on Downtown St. Petersburg and the rest of the City in the first three decades of the twentieth century. In addition to the Michigan Building, Ferdon designed several important buildings in the City including the American Bank and Trust Building in the 300 block of Central Avenue, where his office was located, First National Bank (Florida Bank and Trust) in the 400 block of Central Avenue, the Crislip Arcade at 645 Central Avenue, the Rex (Cameo) Theater at 169 Central Avenue, Harrison Hardware Building, parts of the Pheil Hotel, and the First Congregational Church.

Ferdon was also associated for several years in the mid-1910s with noted local architect George Feltham, who would later design the Sunset Hotel, Green-Richman Arcade, Ponce de Leon Hotel, and the First Baptist Church, all locally designated historic landmarks. During the 1920s, Ferdon designed many attractive residences on Snell Isle and in the North Shore neighborhood, while

also designing commercial buildings. During the peak of his career in St. Petersburg, Ferdon lived with his wife Florence and their four sons in their home on Tangerine Avenue South near Ninth Street. Ferdon died from a stroke on May 2, 1932, at his home at 2345-1/2 First Avenue North in Historic Kenwood.[76]

M. Leo Elliott

M. Leo Elliott, who designed the addition to the Hotel Detroit, was born in 1886 in Woodstock, New York. He attended Cooper's Institute in New York City and received training at the New York City firm of Welch, Smith & Provost. Early in his career he helped design buildings for the Jamestown Exposition of 1907 in Norfolk, Virginia. At the age of 21, he moved to Tampa and formed a partnership with Bayard C. Bonfoey. They designed the Tampa YMCA (1909), Centro Asturiano (1914) and Tampa City Hall (1915). The partnership was dissolved in 1917.

During World War I, Elliott served as an engineer in the construction of concrete oil tankers in Jacksonville. After his return to Tampa, he created the firm of M. Leo Elliott, Inc., Architects and Engineers. Elliott then designed the Italian Club (1917) and Cuban Club (1918) in Ybor City. In 1925, the firm was designing projects throughout Florida, maintaining a St. Petersburg office. During the peak of the land boom, the firm employed six structural engineers, forty-six draftsmen, and seventeen site inspectors. One of the firm's major projects in St. Petersburg includes the 1926 Ninth Street Bank and Trust designed in the Neoclassical Revival style.

Many of Elliott's notable projects in Tampa are still extant on Davis Islands near downtown Tampa and in Temple Terrace. Other important buildings in Tampa designed by Elliott include the Masonic Temple, the Scottish Rite Temple and the First National Bank. He also designed Sarasota High School. During World War II, he designed war housing for the Public Housing Administration. In 1946 the firm became Elliott & Fletcher. Elliott retired from practice in 1954 and died on August 18, 1967. [77]

J. Frank Chase

A veteran of the Civil War, Captain J. Frank Chase came to St. Petersburg in 1895, and initially tried to develop present-day Gulfport as Veteran City. When

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[76] City of St. Petersburg, *St. Petersburg's Notable Architects*, available on-line at http://www.stpete.org/historic_preservation/docs/Architects.pdf.

[77] "M. Leo Elliott, Sr., Noted Tampa Architect," *St. Petersburg Times*, 19 August 1967; Karl H. Grismer, *Tampa: A History of the City of Tampa and the Tampa Bay Region of Florida* (St. Petersburg: St. Petersburg Printing Company, 1950), 384-85; City of St. Petersburg, *St. Petersburg's Notable Architects*, available on-line at http://www.stpete.org/historic_preservation/docs/Architects.pdf .

that effort failed, he joined with J.T. Lindsey to form a contracting firm in 1906. In addition to the Michigan Building and the Lewis Building at 259-269 Central, Chase and Lindsey went on to build the Wilson-Chase Building, the Welch Building, and the McCrory 5 & 10 Store, along with numerous residences.[78]

Charles DuBois

Charles DuBois came to St. Petersburg in 1910 after working throughout the southeastern United States. In addition to the Binnie-Bishop Hotel, DuBois also built the Vogel apartments, Elks Club, Sunset Hotel, the Municipal Power Plant, the Municipal Gas Plant, and numerous residences as well as many seawalls along the waterfront. DuBois served as the president of the St. Petersburg Association of General Contractors during the 1920s.[79]

Walter C. Henry

Walter C. Henry came to St. Petersburg in 1896 after severe freezes in 1894-95 destroyed local citrus groves and devastated the local economy in Leesburg, Florida. Once in St. Petersburg, he immediately built a combination office and residence on Central Avenue and went into business as a contractor. Henry was elected to City Council in 1901-02, but resigned in order to bid on the contract, which he received, for the construction of the first high school building in 1902. In addition to the 1905 Norton Building, he also built the 1910 First Congregational Church, the 1909 St. Petersburg High School, the 1913 American Bank & Trust, and the 1915 Mirror Lake Carnegie Library.[80]

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[78] "The Builders and the Work They've Done So Very Well," *Evening Independent,* 12 December 1914; "J.T. Lindsey and J. Chase Form Contracting Firm," *St. Petersburg Times,* 22 December 1906; "Capt. J.F. Chase Taken by Death," *Evening Independent,* 28 November 1914; Grismer 1948, 283-84; Grismer 1924, 246-47.

[79] Straub 1929, 262-3.

[80] Grismer 1924, 250-51.

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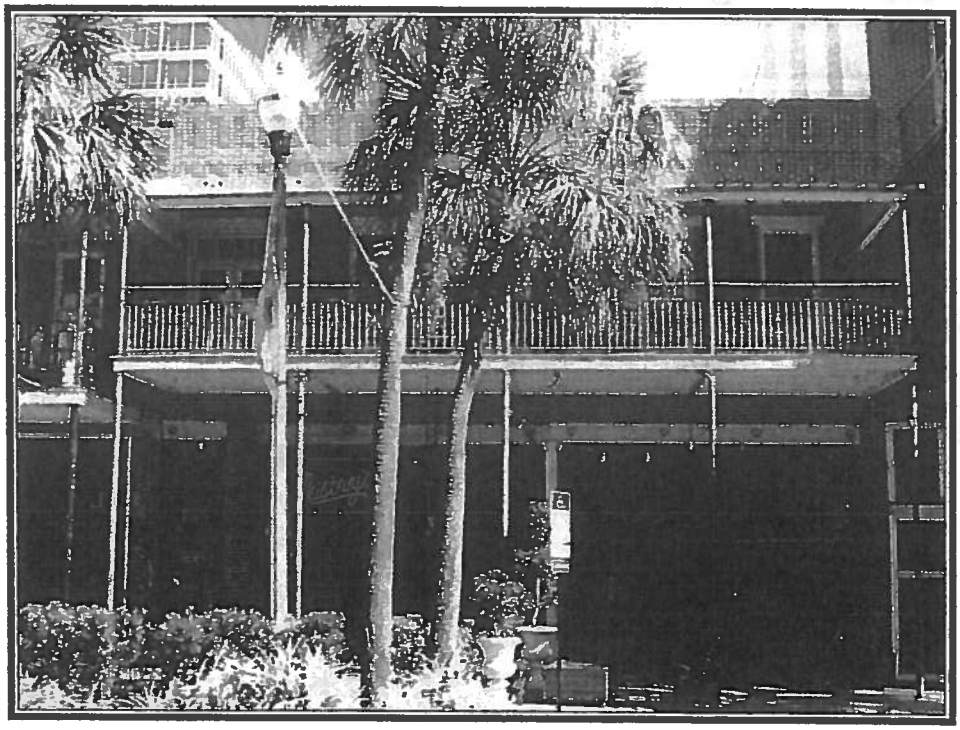
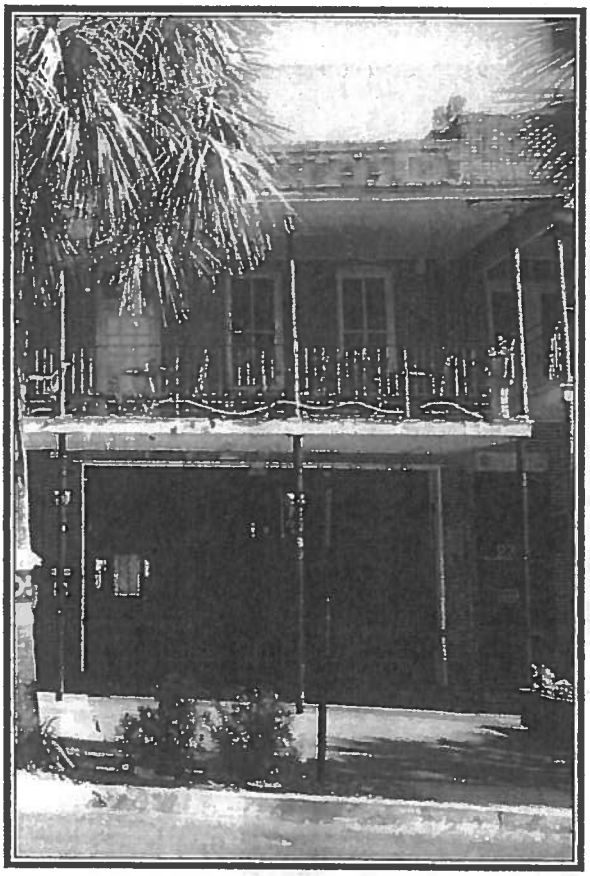
CONTINUATION SHEET

Additional Photographs (all photos by City Staff, 2015, unless otherwise noted)

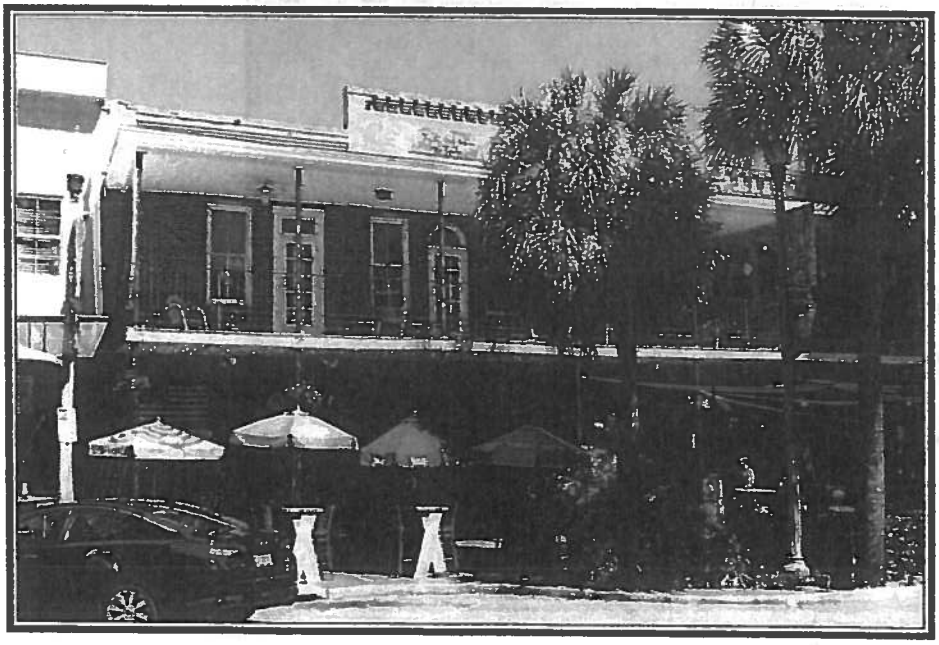
Detroit Hotel, Southeast Façade



Michigan Building, South Façade

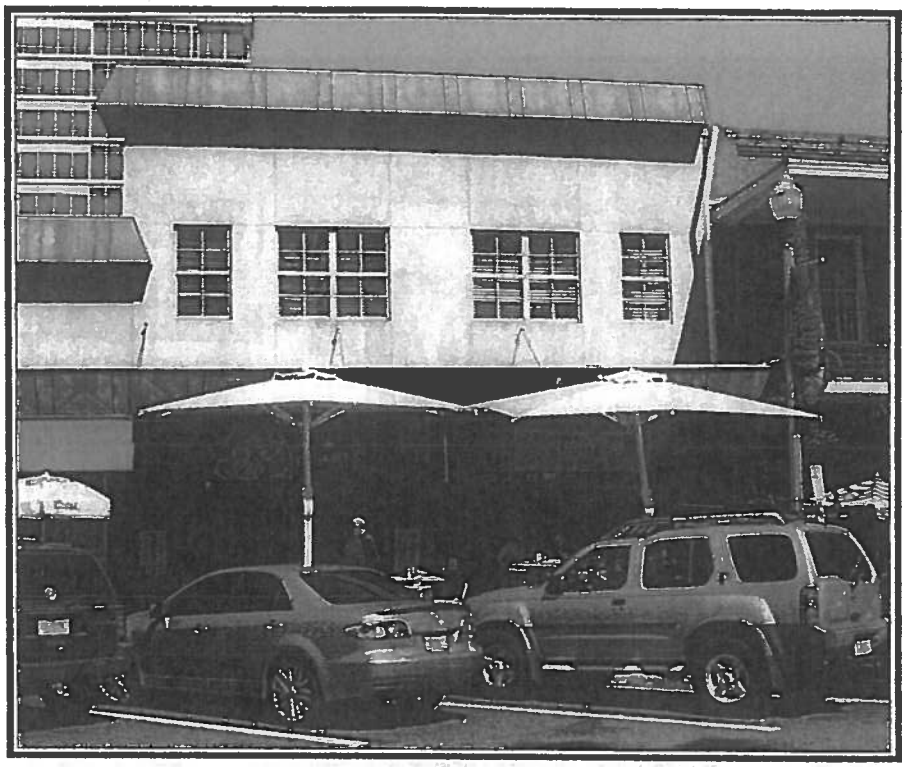


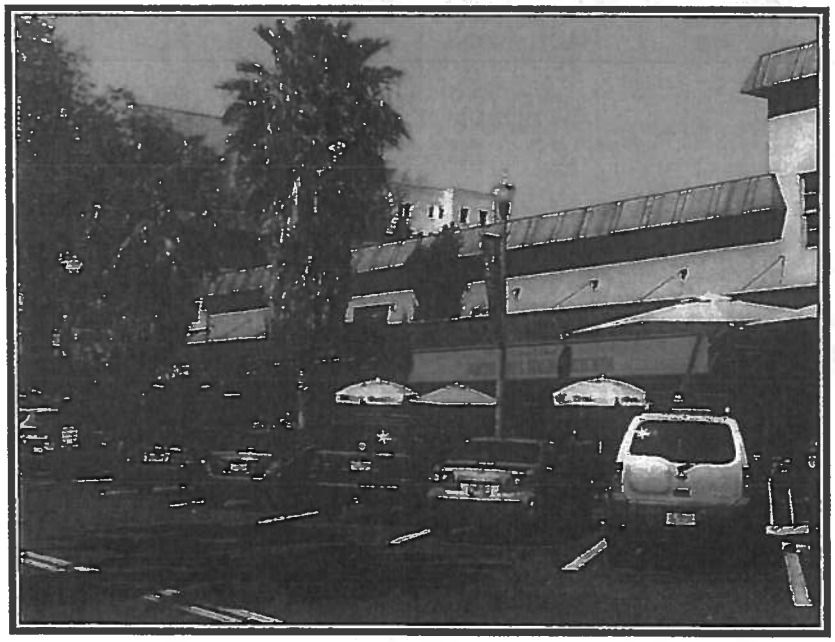
Ramsey Addition, South Façade



Ramsey Building, South Facade

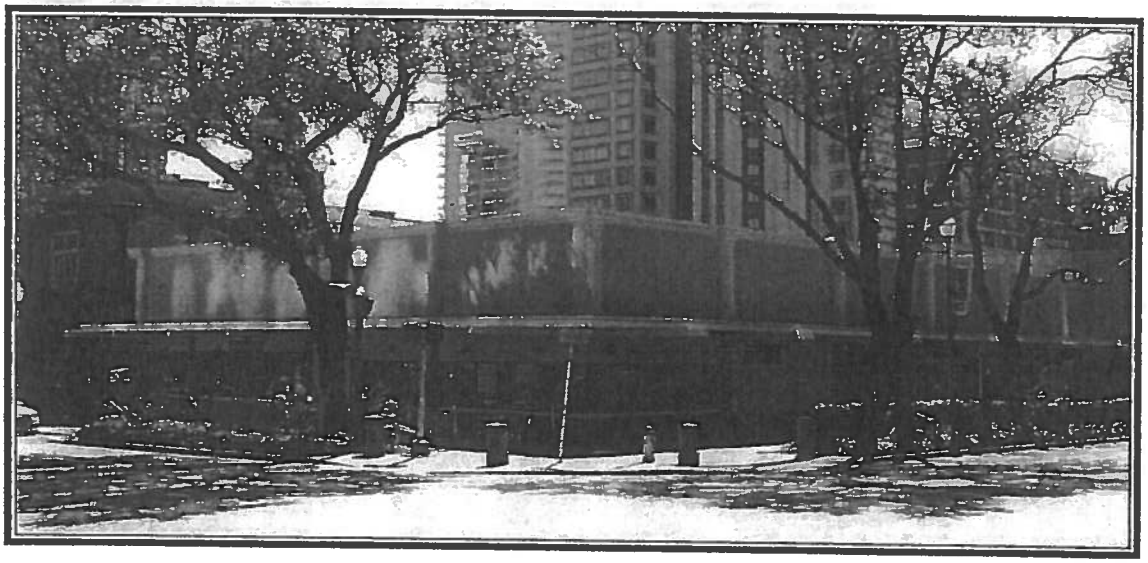
Norton Building,
South Façade





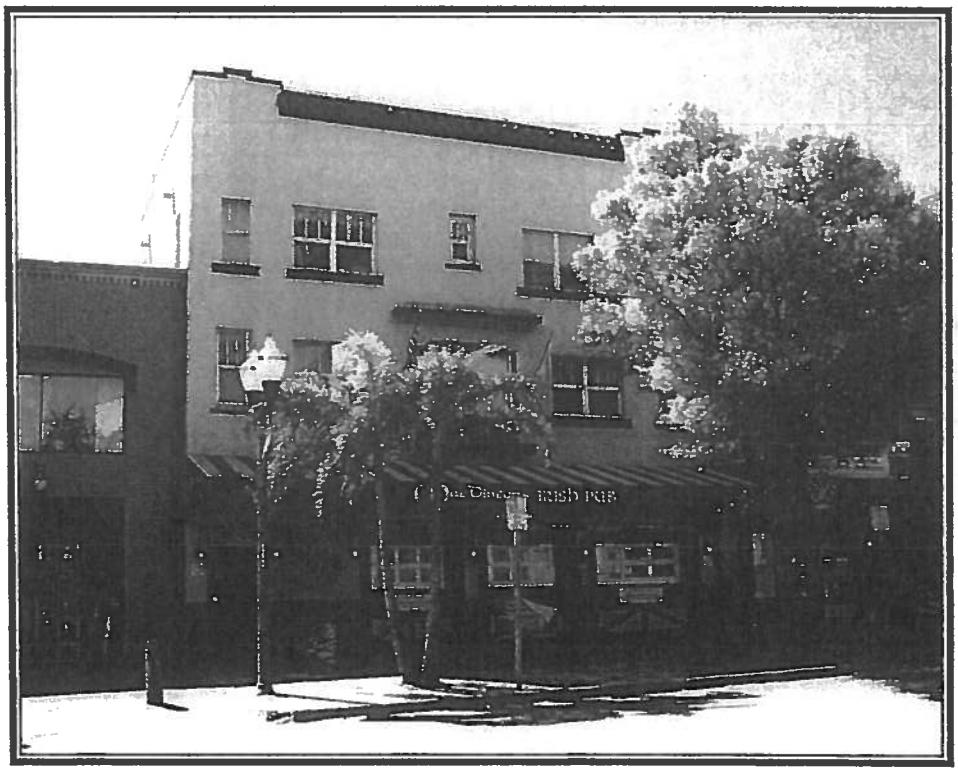
Lewis Building #3, South Facade

Lewis Grocery (Lewis Building #1), South Façade



Lewis Building #5, Southwest Façade

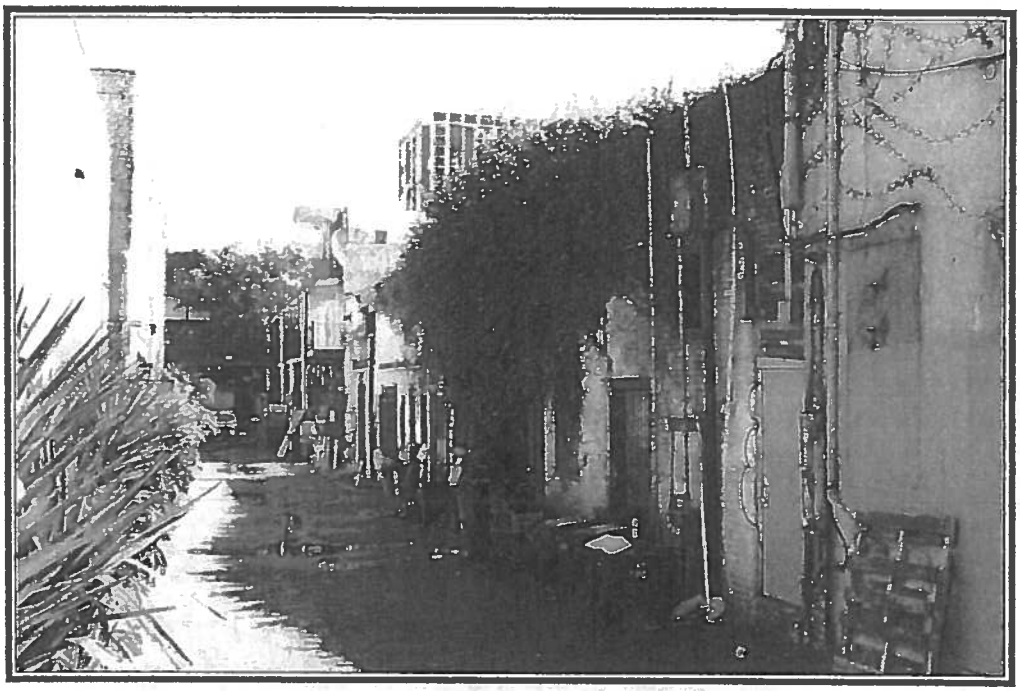
Binnie-Bishop Hotel, North Facade



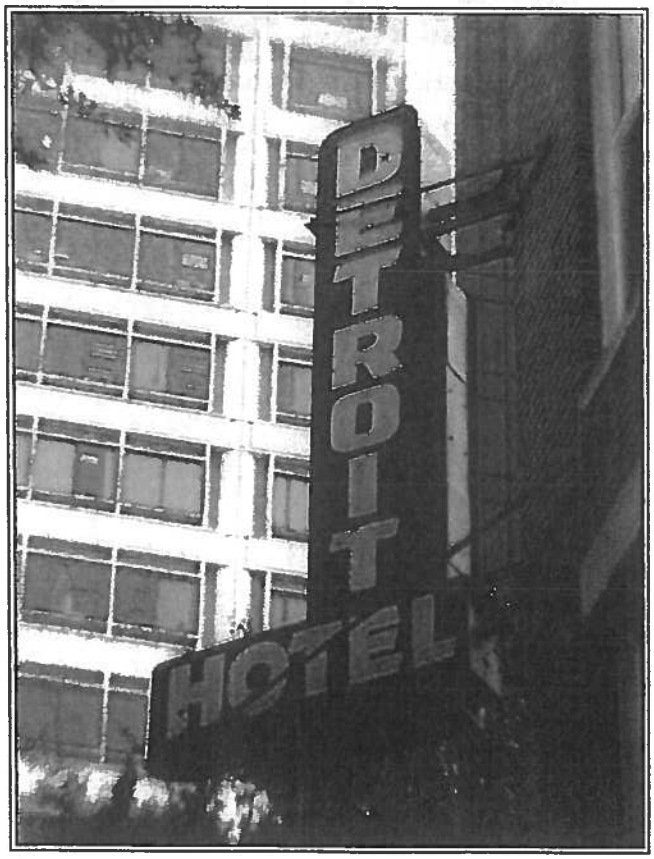
Tamiami Hotel, South Facade

1909Hotel Detroit Building, North Facade

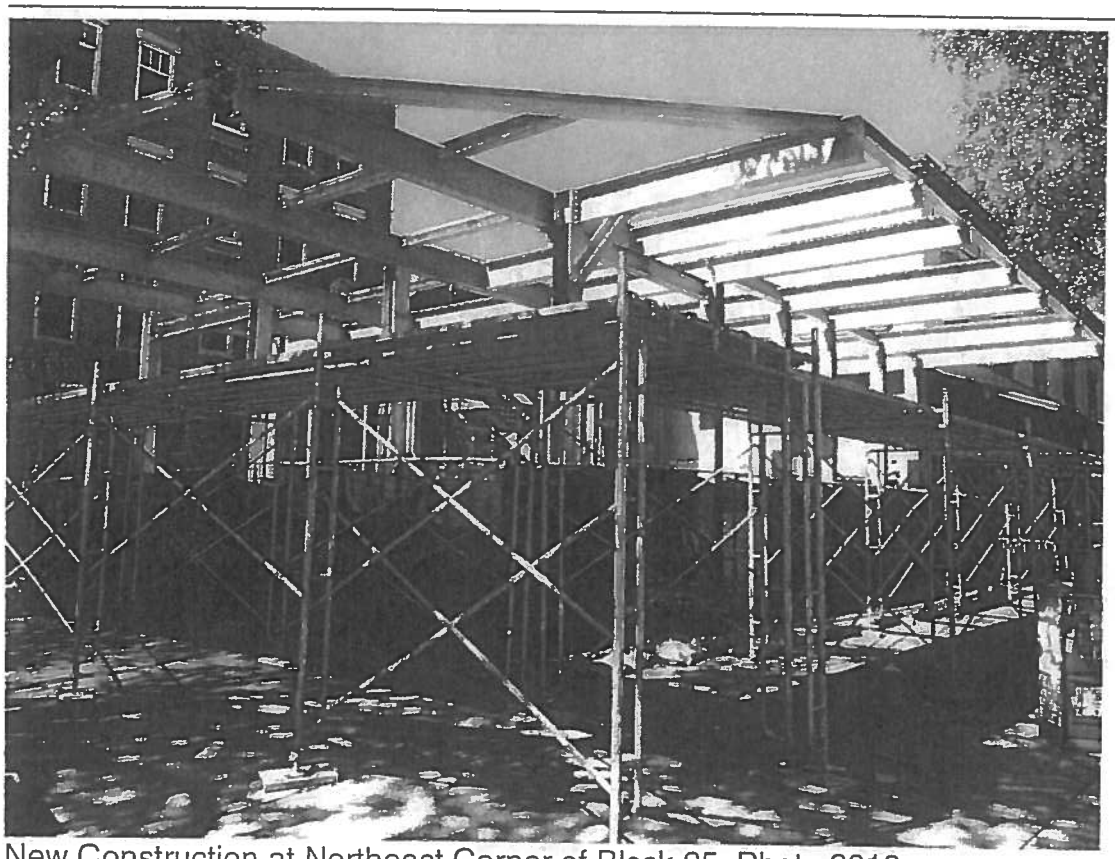
Peacock Row, North Facade



Block 25 Alley, Looking east



Detroit Hotel
Historic Sign at Southeast Corner



New Construction at Northeast Corner of Block 25. Photo 2016.

APPENDIX D

Supporting Documents

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August 18, 2016

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RE: "Detroit Block Renovation" Concept and Block 25 City-Initiated Historic District Designation

Mr. Taraszki, Mr. Foster, and Ms. Sole:

The City Administration and staff have reviewed the preliminary "Detroit Block Renovation" (the "concept") dated May 13, 2016, pursuant to its introduction at the June 29, 2016 meeting between each of you, City staff, and certain property owners. The "concept" maximizes the development potential of the block, while preserving only parts of the historically significant buildings' frontal constructs. While elements of the "concept" have merit under certain redevelopment scenarios, it does not appear to fully adhere to the type of redevelopment/adaptive reuse suitable for maintaining the essential founding built heritage of St. Petersburg's oldest and most historically significant downtown city block. Because of the distinctive character represented by Block 25 as the City's first developed block after platting of the Town of St. Petersburg in 1888, City Administration currently cannot support the "concept" pursuant to the considerations explained in the paragraphs that follow.

In part, because of the City's ongoing infrastructure planning and investments, Block 25 also presents significant redevelopment opportunities that are inclusive of the full array of the block's historic buildings and original platted configuration, and we remain very open to future considerations that balance sensitive preservation with innovative redevelopment. Therefore, in light of the ongoing dialogue between parties, the Administration will continue to process the City-initiated local landmark designation of Block 25, in its entirety, to be heard by the Community Planning and Preservation Commission at its regularly scheduled meeting on September 13, 2016.

Background Information

Block 25 currently consists of eleven divided parcels and a central alleyway in the City's urban core. It is contained within a boundary generally described as occurring between Central Avenue to 1st Avenue North, and 2nd to 3rd Streets North. Though there were eleven parcels as part of the original plat, the configuration today is different, wherein most of the east half reveals a reconfiguration of property lines. It is generally understood that all or parts of the entire block are considered historically significant for associations with the City's early commercial development after the Town was first platted in 1888. The earliest extant building after platting is the remnant of the Hotel Detroit completed in 1888, with the last historically significant building developed by the end of 1924, with at least one infill building added during the 1930s.

Block 25 is currently an economic showcase as an urban destination and event venue that reveals its own distinctive vibrancy and character apart from surrounding City blocks and intensive development in other parts of the urban core. The subject property is zoned Downtown Center-Core (DC-C), the City's most intensive category, which allows innovative redevelopment scenarios. The downtown core is experiencing robust redevelopment marked by several built high- and medium-rise projects, with several more committed but not yet commenced. The Central Avenue corridor extends this occurrence of redevelopment westward, whereby medium story residential projects are also being approved.

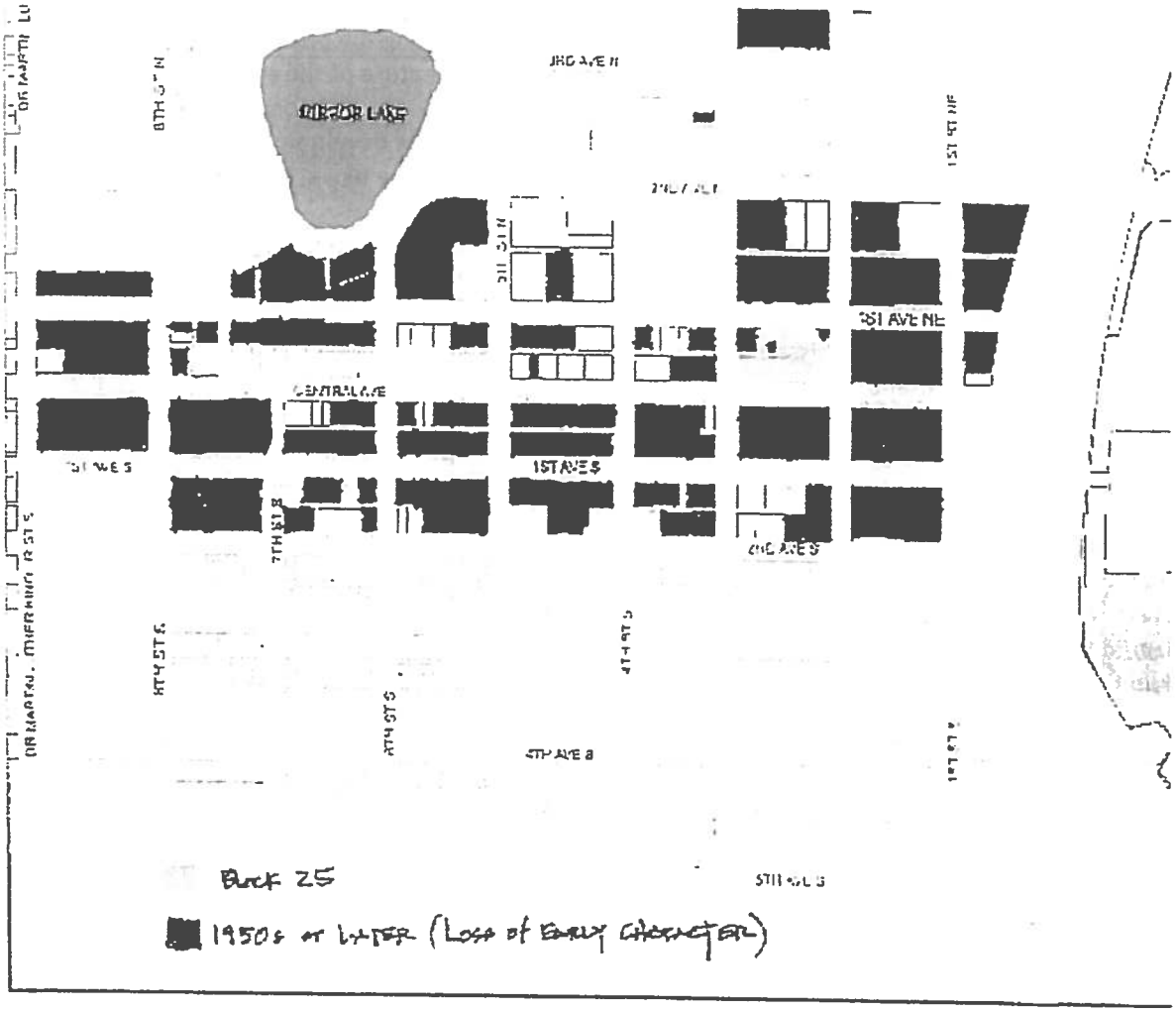
As you are already aware, the City-initiated local historic landmark designation application for Block 25 is considered to be *in-process* as a result of an ongoing public-private partnership for addressing the infrastructure issues and improvements referenced above, as they are commonly associated with an aging and heavily used city block. Two buildings are already designated as local historic landmarks, and four are considered potentially eligible for local landmark status. As an expression of its significance, ten of the eleven parcels contribute to the Downtown Historic District, as listed on the National Register of Historic Places, and most of the buildings of Block 25 are contributing resources. The completed Staff Evaluative Findings from the local landmark district designation recommend 15 out of 16 buildings as contributing to the proposed Block 25 Historic District.

Pursuant to City Code, Section 16.30.070.2.5.H, it is understood that a Certificate of Appropriateness (COA) is required for most development activity when an active application for local landmark designation is in-progress. Pending legal review by the City Attorney's office, the City could potentially co-consider the local landmark designation application along with a submitted, complete COA, and perhaps an associated Development Agreement. All COA applications are subject to the review criteria found in City Code, Section 16.30.070.2.6.E-M. Under these criteria, special attention and weight are given to how the integrity of historic buildings and sites are affected by effects to their character such as height, scale, frontal elevations, and spatial relationships. Visual compatibility, materials preservation, and original building form are also considered along with other factors as referenced in the City Code.

Considerations of the "Concept" and its Effects to Block 25

1. The importance of preserving Block 25 as a single historic district. *Even without a full comprehensive evaluation, it is readily apparent that the "concept" would likely eliminate the integrity of the City's most important historic downtown block and historic public gathering place, and create a scale that irreversibly changes the dynamic of the relationships between the individual buildings; a valuable part of the City's heritage would be forever lost.*

Explanation. The significance of Block 25 is in its integrity as a whole block. The collection of historic buildings is perhaps the most intact for its scale and representation of pre-1920s commercial land boom development activity in St. Petersburg. As surrounding blocks have been redeveloped, Block 25 is now more of an enclave, representing a different historic experience from all that is happening around it. The quick-sketch graphic below reveals how demolitions of pre-1930s building stock have changed the downtown urban corridors, leaving little behind to form a cohesive, historic commercial scale and experience. Block 25, highlighted in yellow, still retains its prime location between the waterfront and the core blocks of Central Avenue as it extends to the fringe of the urban core. Though an extant row of historic buildings remain along the north side of Central Avenue from 4th Street North to 8th Street North, they do not carry the significance and historical precedent of Block 25 as the first developed block responding to the 1888 platting of the Town of St. Petersburg.



The current parcel configuration of Block 25 is similar to the original plat, and the alley reveals an on-site circulation characteristic that is virtually unchanged. The direct relationship between buildings along 1st Avenue North and Central Avenue is united by the historically important alley, that at one time led to a central courtyard of the Hotel Detroit (now Jannus Live). Though use and demographic changes have occurred and have become part of the contextual character, Block 25 still serves as a primary urban

destination and meeting place for the general public. Today, it is set apart from surrounding block development in its lower scale and vibrancy that continue the earliest dynamics. Redevelopment that considers the entire block and its historic buildings as an intermingled historic fabric would best serve its significance and heritage distinction, of which appropriate and sensitive and robust design and planning have proven under similar circumstances.

2. Altering the linear depths of historically significant buildings. *Per the City Code criteria, the "concept" appears to disqualify any proposed historic district since it would reduce too much of each factor of integrity needed to sustain the historic block's physical aspects, and character-defining layout. Façade-only retention, while an important tool under certain situations, does not appear to work positively for Block 25 without understanding other dynamics such as future use, aesthetics, scale, experience, etc.*

Explanation. The existing building frontages reveal a communal relationship with the rear alley, to which the City has committed significant improvements. Eliminating the alley, and retaining only the frontal footprints of some buildings destroys this relationship by eliminating the physical elements that also bring together each side of the block. The alley is an important feature of the early block along which all original buildings were constructed. Alternatives for an improved, more historically sensitive design are available that allow a more compatible scale and separation of new development versus old, while incorporating the most important character-defining elements of the block, including the alley.

3. Development of an internal high-rise project. *The "concept" would likely render Block 25 as unrecognizable according to its historic configuration, its historic role, and its historic functions.*

Explanation. Again, scale is an issue of concern. The projection of a large, multi-dimensional high-rise building from the center of Block 25 completely alters the setting, while creating a false sense of history by retaining only the facades of certain buildings. The current block is now a rarity when compared to all other blocks in the City. The enormity of the proposed "concept" would likely require a false preservation of existing historic buildings, whereby they become only shell remnants that may no longer meet required minimum integrity standards. In this case, the buildings would become mere references to their original design, workmanship, and materials. In other words, the stabilization of the historic fabric is unclear, as revealed in the "concept," since it appears that each building would be permanently altered and modified in a gratuitous manner and therefore lose the effect of completeness. This produces an unclear understanding then, of how the Central Avenue street venue, and the block as a historic whole would retain any of its current historic character and value.

4. Continued uses of the existing historic buildings are an important part of retaining important historic collections of buildings. *The "concept" does not appear to preserve enough of any existing street corridor character, and it is unclear how a complete and accurate historic building ensemble is then restored and revived in tandem with the newly developed building construct that appears to improperly and perhaps excessively engage and overwhelm the historic constructs.*

Explanation. It has to be considered that the current atmosphere and dynamics of Block 25 would change with development of the "concept", but the immediate, and both short- and long-term predictable effects are unknown. The strong flux of people and event activities, especially along Central Avenue, is a characteristic feature throughout all historic periods that create a strong sense of identity for St. Petersburg's residents and visitors. Without preserving at least one full street block component of buildings, the current historic setting and atmosphere are not likely going to be retained.

5. The Hotel Detroit. The "concept" slices through the hotel in an awkward manner and may disqualify the City's most important pioneer building as a local historic landmark.

Explanation. As the earliest and perhaps most important building on the block, and the first major building constructed after the 1888 Town platting, the Hotel Detroit and its later 1911 and 1913 additions, all local landmarks, should be retained in their entirety. Though the historic integrity of the original hotel is now compromised, such changes have become part of its history. The winged additions that reveal its early dominance and progressive character, are old enough and architecturally significant enough today to perhaps allow it to reveal the history back to the founding of St. Petersburg better than any other building in the City.

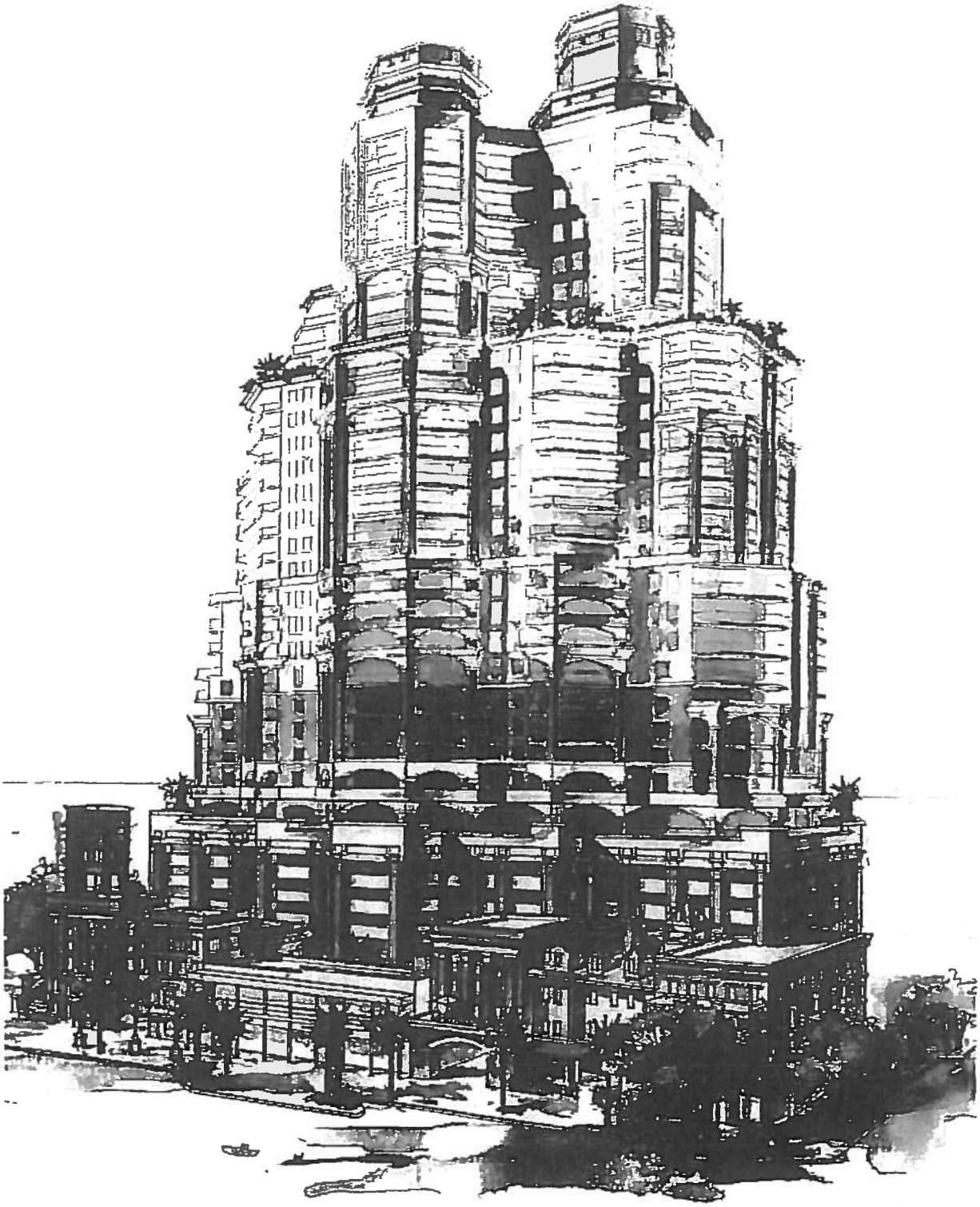
We respect the desire to make substantial financial investments and improvements to the urban core of St. Petersburg. We also understand how critical historic areas have contributed to the success of our City as one of the best places to live, work, and vacation. As part of the upcoming local landmark district designation consideration, let us continue the open process of communication and public input that has already helped to shape our great City. We look forward to your input and comments.

Sincerely,

Dave Goodwin, Director, Planning & Economic Development Department

LF/dg

CC: Alan DeLisle, City Development Administrator
Derek Kilborn, Manager, Urban Planning and Historic Preservation Division
Michael Dema, Esq., Assistant City Attorney
Dr. Larry Frey, Historic Preservation Planner II



JOHN A. BODZIAK
ARCHITECT AIA PA

DETROIT BLOCK RENOVATION
2565 US HIGHWAY 19 N
CLEARWATER, FL 33761

RENDERED DRAWING

JOHN A. BODZIAK
ARCHITECT AIA FA

DETROIT BLOCK RENOVATION

PARKING LEVEL GARAGE FLOOR 1
TOTAL PARKING LEVEL 1 - 72 SPACES, 4 HDCP

GROUND FLOOR PARKING/ COURTYARD PLAN

DETROIT BLOCK RENOVATION

JOHN A. BODZIAK

A-1.0

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HISTORIC BLOCK 25 TERM SHEET

This *Letter of Intent* or *Term Sheet* follows a more comprehensive letter of commitment that was previously prepared by the City of St. Petersburg and published on April 14, 2015. The purpose of this Term Sheet is to summarize action items discussed at a joint planning meeting on Tuesday, May 26, 2015. The meeting was attended by City Staff, legal representation for the property owners, and several property owners.

1. **Amend the City's Land Development Regulations ("LDRs") to prioritize use of the transfer of development rights:**

   - ***Support dialogue*** and ***strongly recommend*** re-ordering the FAR bonuses to prioritize historic preservation. The consensus recommendation is to combine the first 0.5 FAR requirement for workforce housing with the second 0.5 FAR requirement for historic preservation, workforce housing, and downtown transit, into a consolidated requirement for the first 1.0 FAR to be selected from any single or combination of historic preservation, workforce housing, and downtown transit.

   - **Support dialogue** and **strongly recommend** that where a streamline or public hearing application impacts properties listed individually or as a contributing resource on the St. Petersburg Register of Historic Places or the National Register of Historic Places, or properties formally identified through City Code Section 16.30.070.2.11 as potentially eligible for designation as a local landmark, then use of the historic preservation FAR bonus shall be mandated.

   - **Assign** one (1) representative from Block 25 to the committee that shall be convened to review and consider changes to the FAR exemption and bonus program within the Downtown Center zoning classification.

   - **Support dialogue** and **evaluation** of proposal that the Historic and Archeological Preservation Overlay ("HAPO") Section of the City Code be amended to make contributing resources within a local landmark district eligible for the creation of TDR credits.

2. **Amend the LDRs to allow the application of TDR,H outside the DC, CCS, and RC zoning districts:**

   - **Research opportunities for** increasing the number of receiver zoning districts. Expansion must occur within permissible allowances governed by the provisions of the applicable plan category and the Countywide Plan Rules.

   - **Initiate** a text amendment application, and **strongly recommend** support for, applicable changes to the City's LDRs that allow additional transfer opportunities.

3. **Amend the Certificate of Appropriateness procedures to add more objective standards and to lower the threshold for allowing replacement or redevelopment:**

   - **Confirm our commitment** to schedule a pre-development meeting with related staff liaisons in advance of any redevelopment proposal, if requested. The development review team would include staff liaisons from zoning, permitting, preservation, engineering, sanitation, water, and transportation and parking. The purpose of the development review team will be to provide preliminary assistance in identifying potential problems and solutions prior to submitting a formal application and processing fee.

   - **Support dialogue** to consider amending the HAPO to allow greater flexibility when considering requests to replace original windows with impact resistant and energy efficient windows. During such consideration, City Staff will not be supportive of changes that jeopardize the City's CLG status. Decisions regarding window and exterior door replacement often require Community Planning and Preservation Commission ("CPPC") action, which is appealable to City Council. Favorable Commission and Council decisions cannot be guaranteed.

   - **Support dialogue** pertaining to the use of a development agreement on proposals requiring COA approval. City staff can review and recommend support for certain exterior modifications that may be a part of a development agreement. However, development agreements cannot supersede the authority of existing laws and codes, including the decision making authority of an elected or appointed body. Development agreements are subject to review and recommendation by the Community Planning and Preservation Commission and approval by the City Council, such approval cannot be assured. Further, when a proposal requires public hearing review, in accordance with the COA Matrix, final authority is assigned to the Community Planning and Preservation Commission or City Council, on appeal. Again, favorable Commission and Council decisions cannot be guaranteed by the terms of a development agreement.

   - **Prepare a list** of character defining features for each of the buildings located within the proposed district to help inform future decision making about exterior modifications. (The COA review process considers the impact of proposed changes on character defining features of the historic resource.) Said list shall be incorporated into a **Letter of Opinion** that will, to the best of our abilities, describe how future interpretations shall be made.

4. **Alley improvements, including resurfacing and utility infrastructure. Issues and concerns include stormwater, grease traps, and access for trash hauling and deliveries, and, streetside enhancements along the perimeter of the block, including lighting, sidewalks, banners, signage, and monuments. This includes general maintenance of public rights-of-way and adding new enhancements to place a spotlight on the block as an entertainment and historic district:**

   - **City will review** the various challenges associated with the service alley and streetscape around Block 25 and will prepare an improvement plan and implementation strategy. The improvement plan will be prepared with input from the affected property owners, and the implementation strategy will be a negotiated agreement specifying obligations of both the City and affected property owners.

   - **City will invest** available funding sources to prepare the implementation strategy and install any identified improvements or enhance programming.

   - **Evaluate** assignment of special assessments to abutting property owners for negotiated improvements beyond City's funding capabilities.

   - **Evaluate** opportunities for additional loading zones to accommodate service vehicles.

- **Support dialogue** pertaining to elimination of on-street parking, either along Central Avenue or around the entire city block. Dialogue may include alternatives, such as elimination of diagonal parking along the north side of Central Avenue, conversion of diagonal parking to parallel parking, or redesigning this segment of Central Avenue into a convertible street meaning that it would be designed to prioritize pedestrians and special events and may be more regularly closed to vehicle traffic.

5. **Marketing of the district and expanded wayfinding signage on major arterial roadways, downtown pedestrians, thoroughfares and City-sponsored maps. Website content on stpete.org and stpete.com:**

   - **Market the local historic district** through promotional materials and special event programming. All aspects of marketing will be coordinated through the City's Marketing Department.
   - **Pursue grant funding** or make a commitment through city funds to develop and install a heritage trail around the block. Descriptive panels could be designed featuring specific buildings and include historic narrative about the individual buildings and city block. Create a virtual tour on the City website to replicate the heritage trail on-site.
   - **Pursue installation of directional signage** along I-275 and the I-175 and I-375 feeders. The Florida Administrative Code Chapter 14-51.1 regulates guide signs: 1) **provide annual trip data** to show compliance with the Qualifying Historic District requirements, meaning a minimum 100,000 annual trips; and 2) **negotiate with the Florida Department of Transportation** for additional signage in compliance with their installation criteria.
   - **Consult with property owners** to help identify alternative district names that are historically accurate yet more agreeable from a marketing and branding perspective.
   - **Evaluate** the potential for signature signage, similar to the signature signage installed along Beach Drive directing pedestrians to the Sundial.
   - **Support identification on pedestrian wayfinding signs.** The City's Transportation and Parking Department is commencing a study to update an existing pedestrian wayfinding sign program for the downtown center. The local historic district, if approved, will be included for consideration.

st.petersburg
www.stpete.org

TO: The Honorable Karl Nurse, Chair, and Members of City Council

THROUGH: Derek Kilborn, Manager of Urban Planning and Historic Preservation

FROM: Kimberly Hinder, Historic Preservation Planner

DATE: Meeting of August 1, 2013

SUBJECT: Pursuant to a request by City Council at their April 18, 2013 meeting, this report is an analysis of the eligibility of Block 25, commonly known as the Jannus Landing block, for local landmark designation as a district.

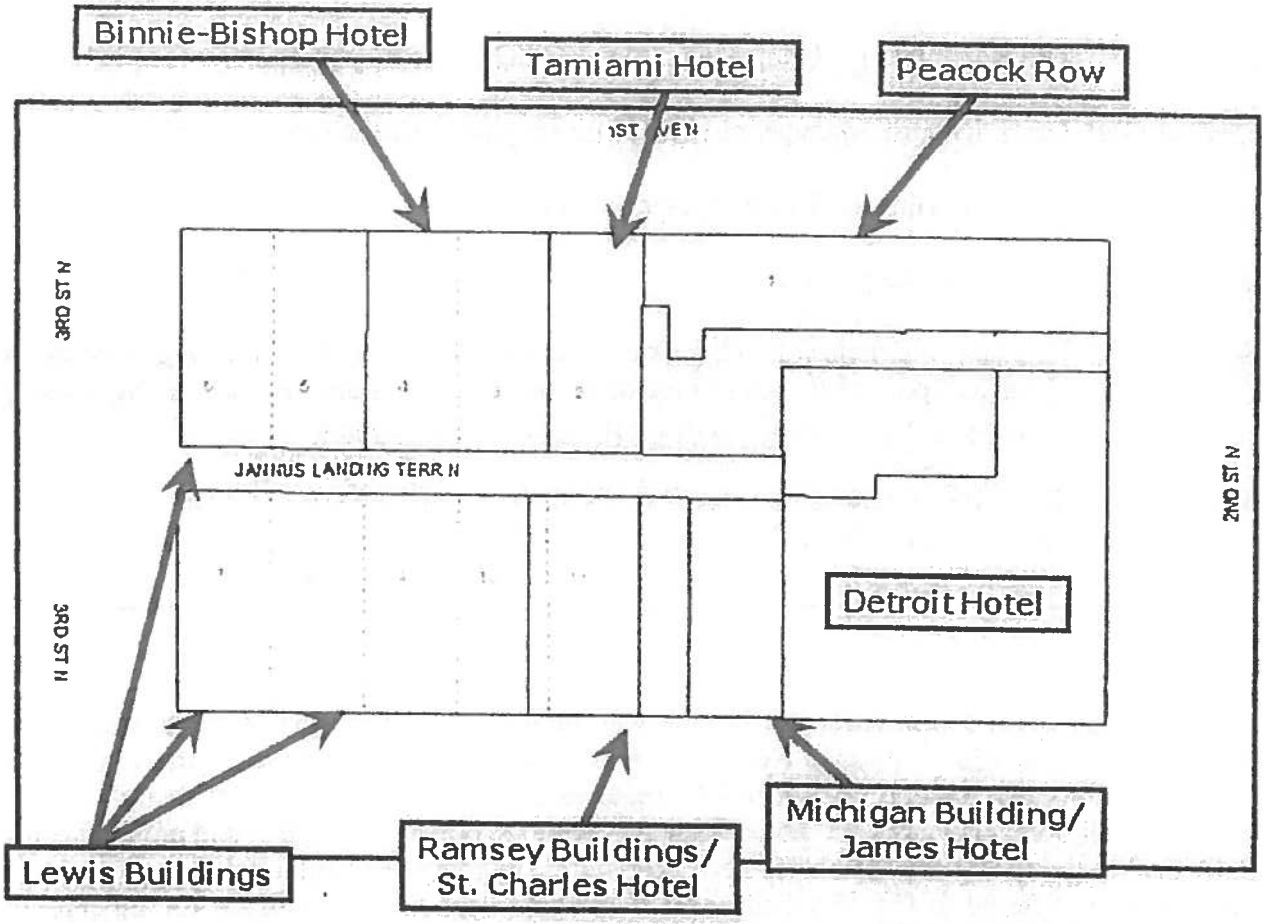
REQUEST: The CPC is requesting that City Council initiate a local landmark designation application for Block 25 to be designated as a district.

Background:
On March 12, 2013, a demolition application was submitted for a portion of the Bishop Hotel property located at 256 1st Avenue North, which was identified as a potential historic landmark in 2006. City Code Section 16.30.070.2.11 requires a 30 business day stay of demolition for potentially eligible landmarks and notification of such to the owner, the CPC, and any interested individual or group. At the March 15, 2013 CPC public meeting, the Commission requested that the matter be referred to City Council under City Code Section 16.30.070.2.8 for Emergency Actions; Nondesignated Properties with the request for an extension of the demolition delay. During the discussion and approval of the demolition delay at their April 18, 2013 meeting, Council also approved a resolution requesting that the CPC work with staff to review the landmark eligibility of all of the buildings on Block 25, also known as the Jannus Landing Block, not currently locally designated as a historic landmark and report back to City Council. At the July 9, 2013 public hearing, the CPC reviewed the history of the block, identified it as potentially eligible, and approved a motion to refer their findings to City Council.

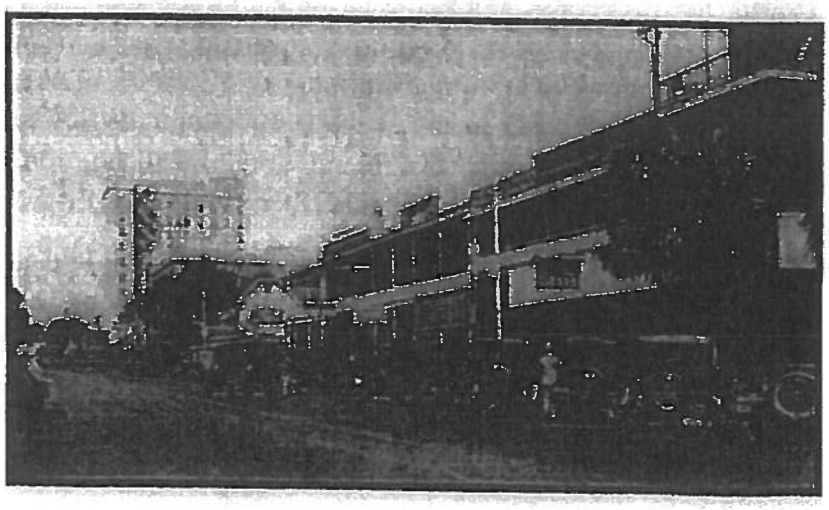
According to City Code, the property owner or any resident or organization in the City may submit an application for local landmark designation. If privately initiated, the applicant must provide evidence of the approval of the district from the owners of two-thirds of the properties within the boundaries. The City, including City Council, may also initiate a designation. Evidence of ownership approval is not required for city-initiated designations.

Staff has prepared the following information regarding the block as additional background information.

In addition to the Binnie-Bishop Hotel and the Detroit Hotel, which was designated in 2010, there are seven other historic buildings on the block. It appears that there is sufficient historic integrity and significance to form a district.

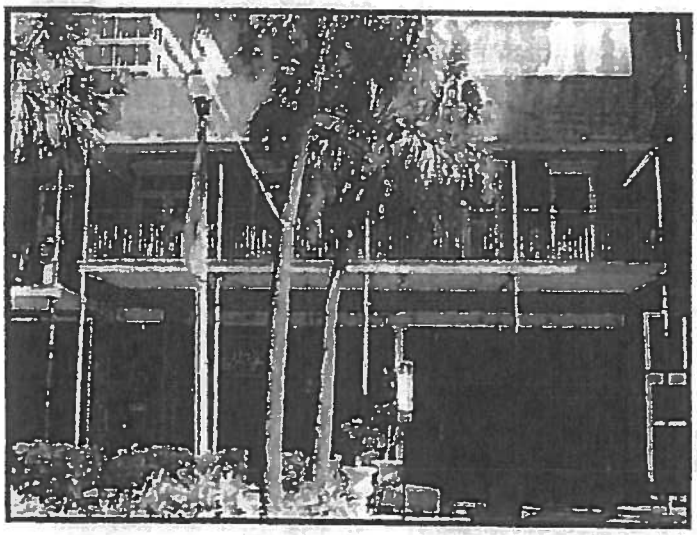


Block 25 was part of the original plat for the City of St. Petersburg with the eastern portion, on which the Detroit Hotel was built, identified for hotel use. With the train depot half a block away and the city park nearby, Block 25 saw some of the earliest settlement and businesses in the new town.

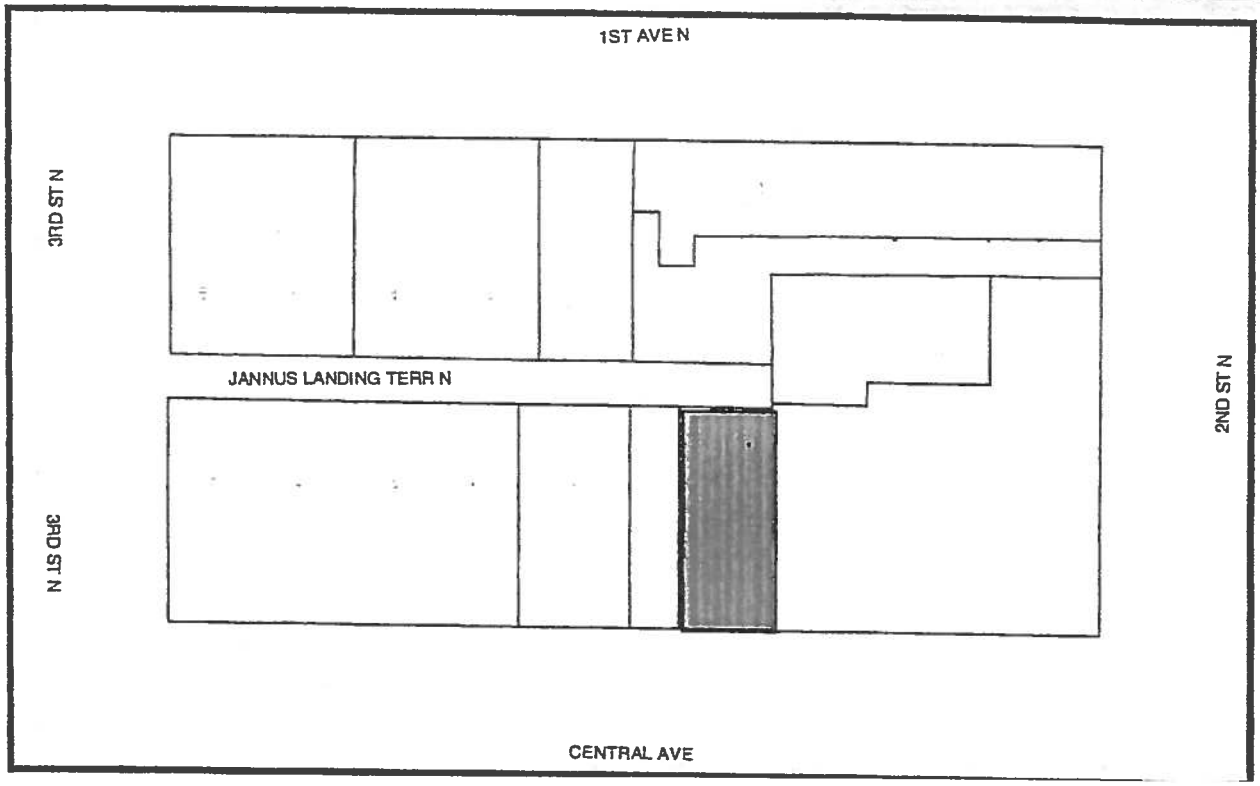


Central Avenue looking west from the Detroit Hotel, ca. 1926. St. Petersburg Museum of History.

Michigan Building/James Hotel, 231-35 Central Avenue (8PI291)

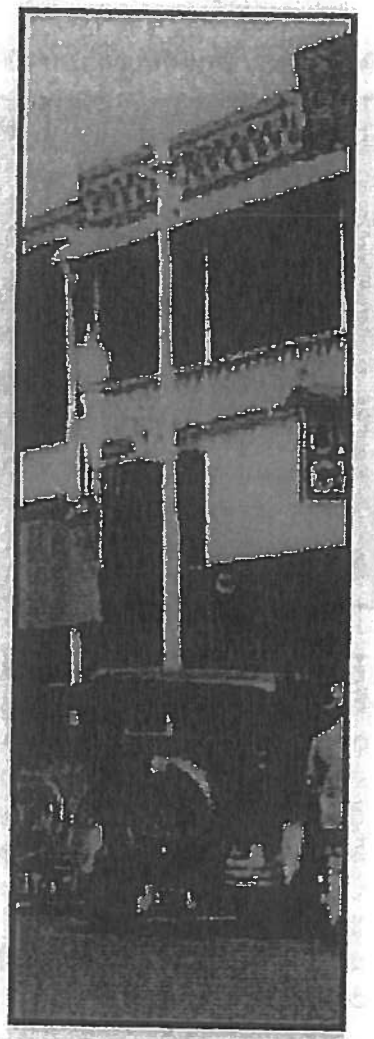


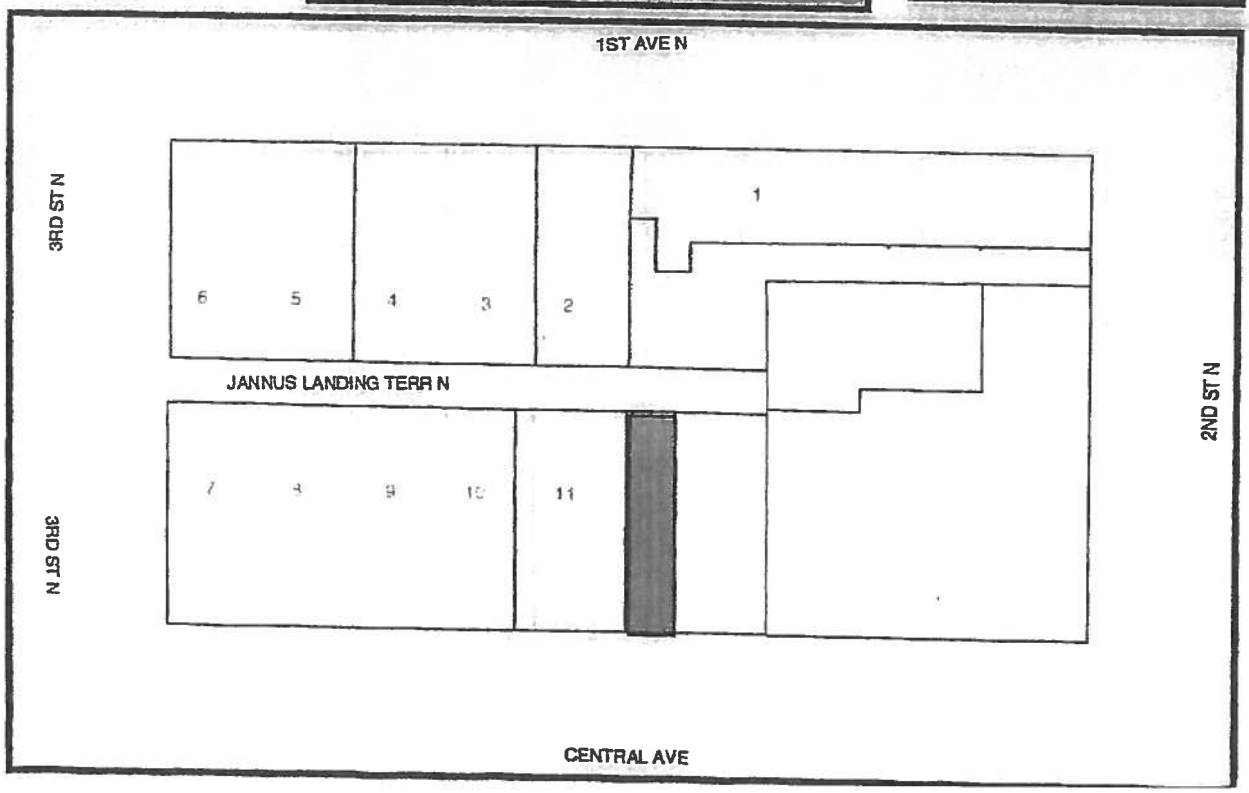
The Michigan Building was designed by architect Edgar Ferdon and constructed in 1909. Edward Tonnelier owned the property which was designed to accommodate stores on the first floor and a 10 room hotel on the second floor. Businesses such as Dr. William Secor, A.T. Mullins Real Estate, Beach's Pharmacy, Sun Drug Company, United Cigars, and the James Hotel occupied the building. The Masonry Vernacular building remains an excellent example of early twentieth century commercial design.



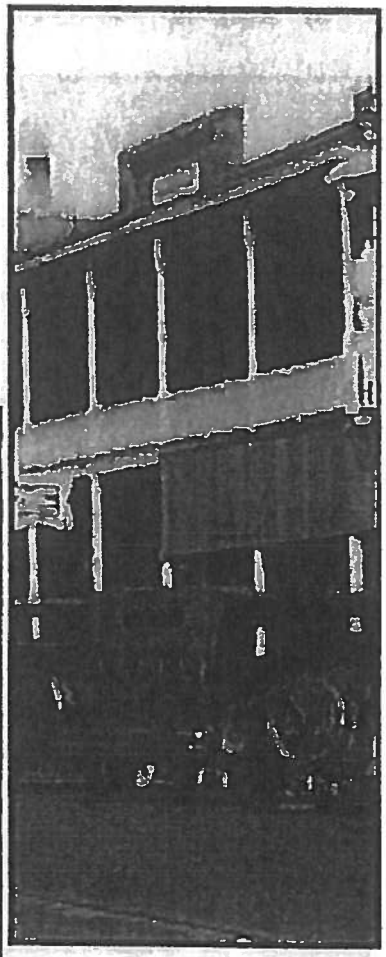
Ramsey Addition, 237-41 Central Avenue (8PI313)

Although built separately, this narrow structure was built by the same owner as the building immediately west. Contractor R.W. Miller constructed the building for Mary Ramsey in 1908. Mrs. Ramsey lived on the second floor and rented the first floor to the Beverly ice cream shop. Later occupants included a bakery and Barber Groves.

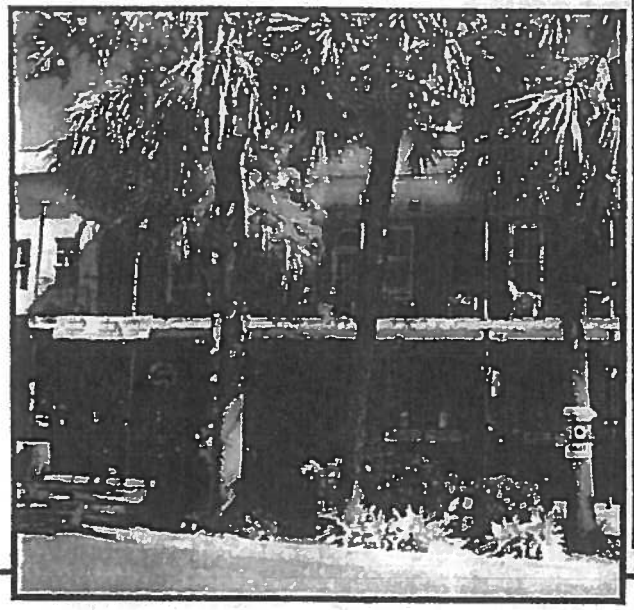


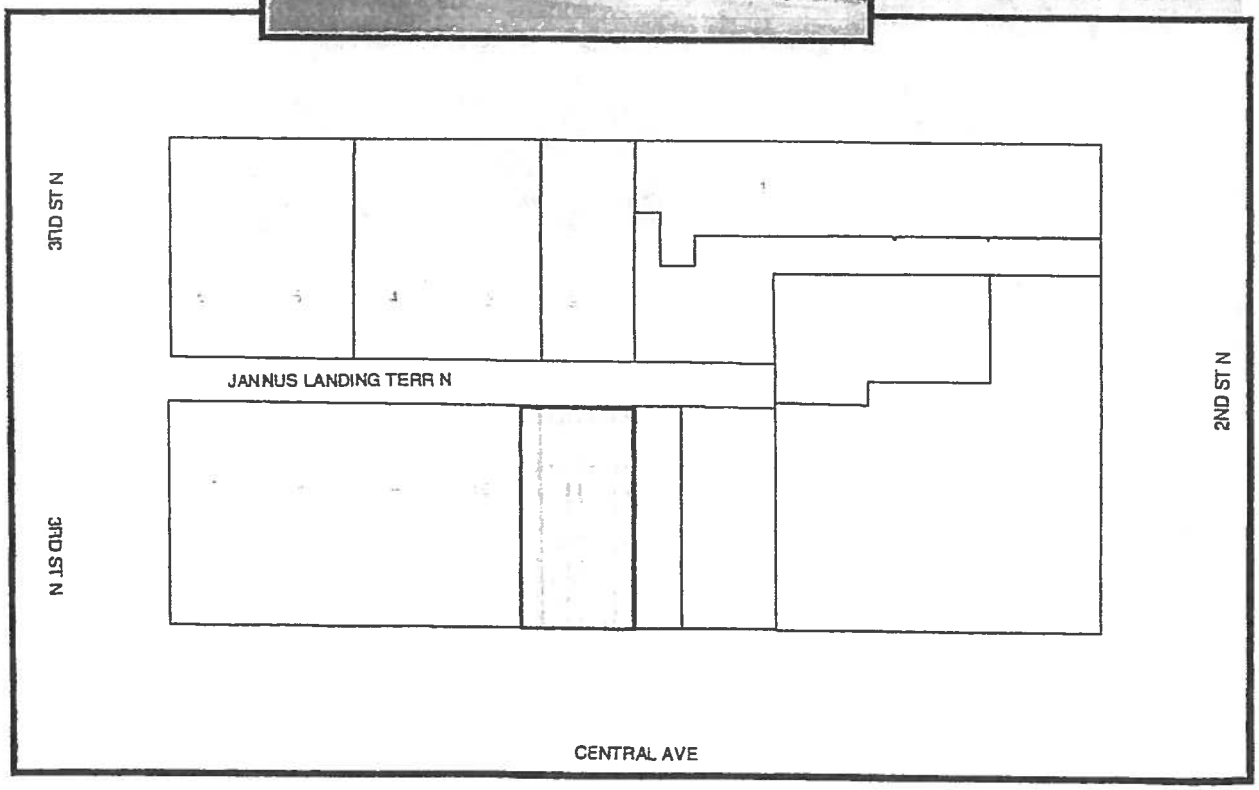


Ramsey Block/St. Charles Hotel, 243-47 Central Avenue (8PI278)

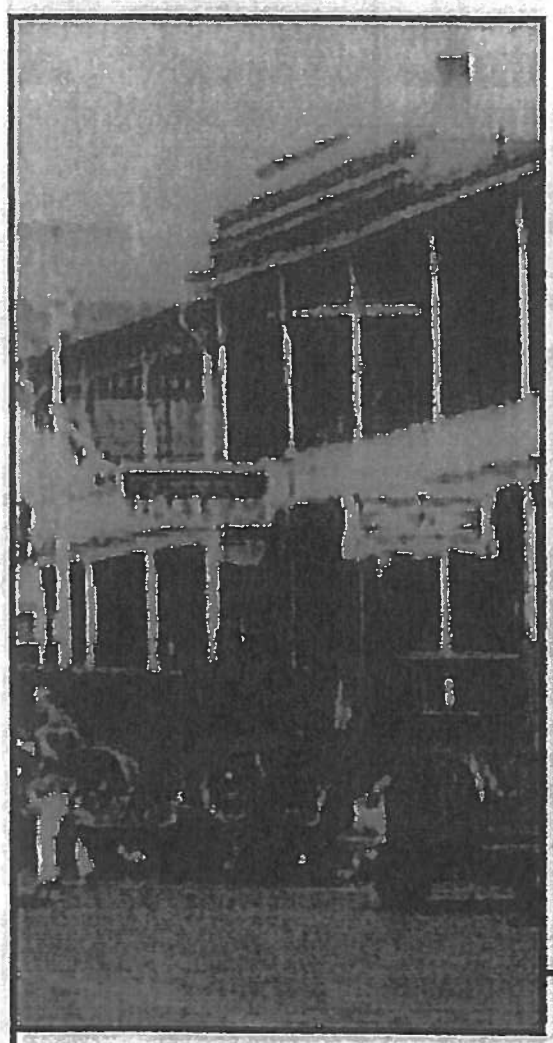


The Ramsey Block, also known as the St. Charles Hotel, was constructed in 1904 by owner Mary Ramsey. She moved to St. Petersburg in 1900 and is credited with building the first brick commercial building in the city, which was located in the block where the City's Municipal Services Center is now. Her first two buildings have been demolished. This building, which she named the Ramsey Block, was her third commercial building with the building adjacent to the east as her fourth. This building held the Royal Palms Theater, one of the first with electricity, and the McPherson-Dent Bakery on the first floor. The second floor served as the St. Charles Hotel.



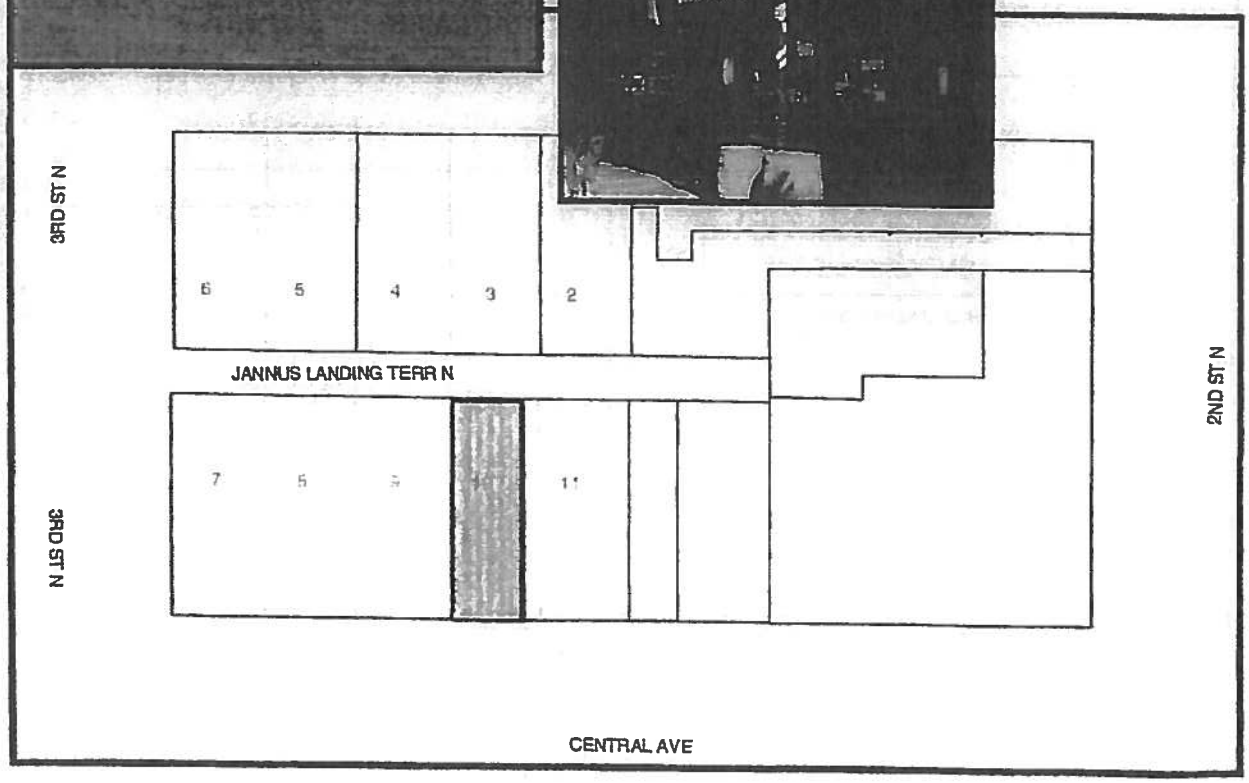


Norton Building, 249-53 Central Avenue



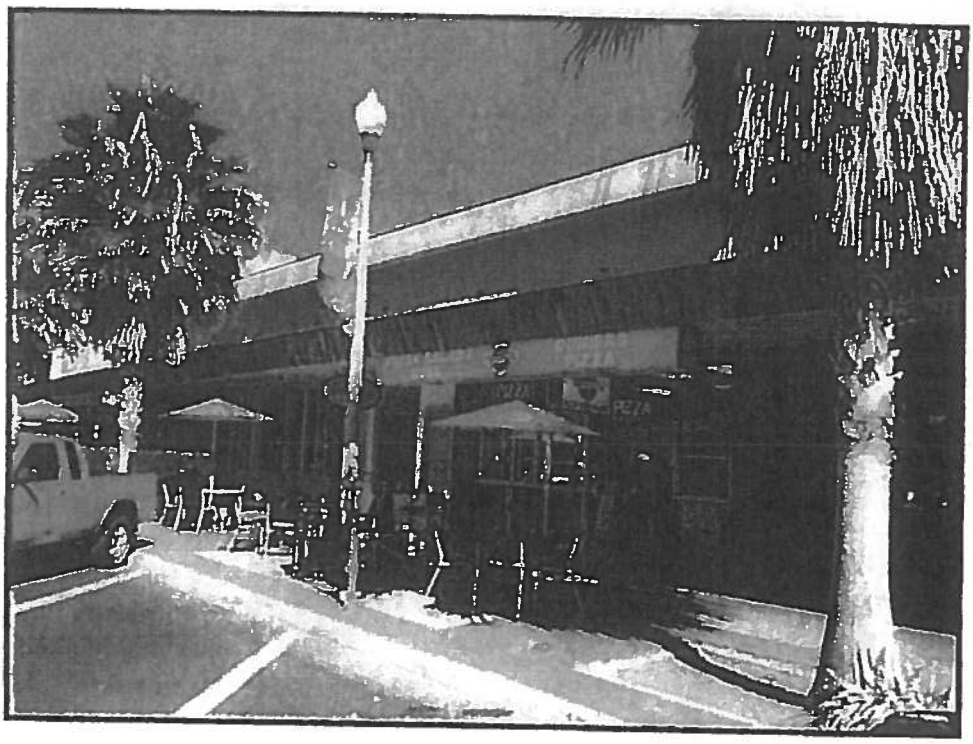
The Norton Building was built in 1906 by owner James Norton. Until Pinellas County voters outlawed saloons in 1913, Norton operated one of the last saloons in St. Petersburg. His wife, Julia, was the proprietor of Norton Flats, which were rooms available for rent on the second floor of this building. Other occupants included the Palace Ice Cream Parlor, Leland's Ice Cream Parlor, and Jack's Bazaar. It was the first building in the city to be piped for gas.

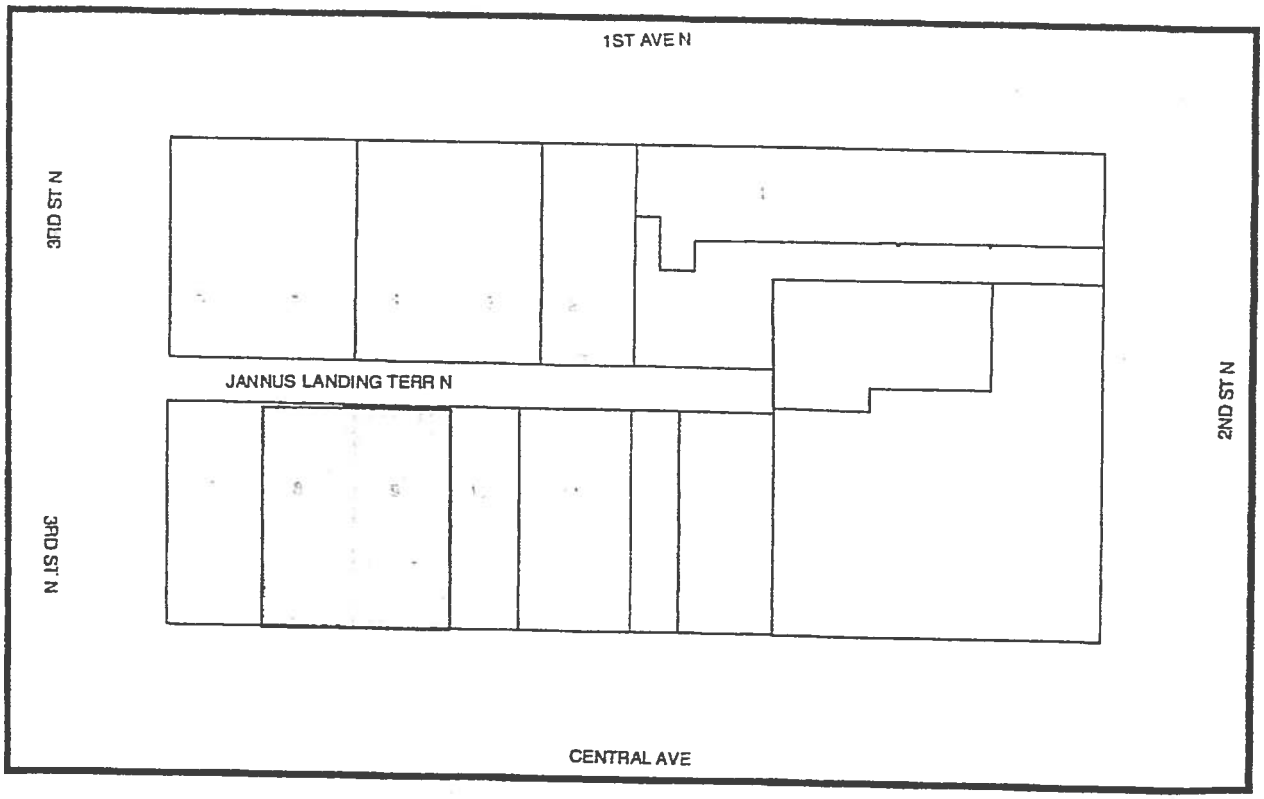
This building was later acquired by the Lewis family, who owned the rest of the buildings to the corner of 3rd Street and was refaced with the others in 1966. Although this building has been altered, it is still identifiable as a historic building in terms of mass, height, setback and openings and could be returned to a semblance of its original design.

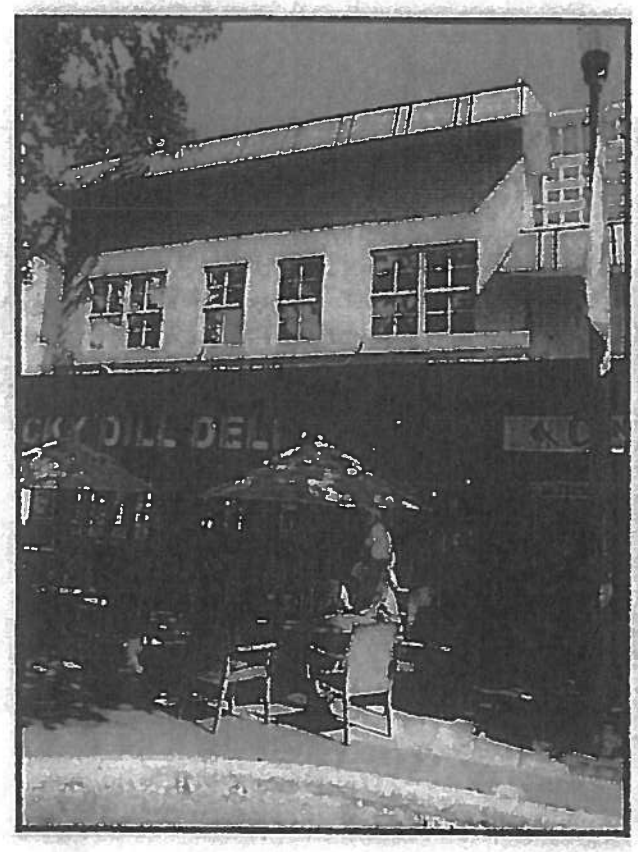


Lewis Building #3,
259-69 Central Avenue

This one-story block was constructed ca. 1908 by owner Ed Lewis, who owned the property to the corner of 3rd Street. Early occupants included Roger's Jewelry, a plumbing business, the St. Petersburg Shoe Company, Ermatinger's Hat Store, and Arthur L. Johnson's Men's Clothing Store. Johnson was a leader in the Chamber of Commerce, and originated the Festival of States celebration.

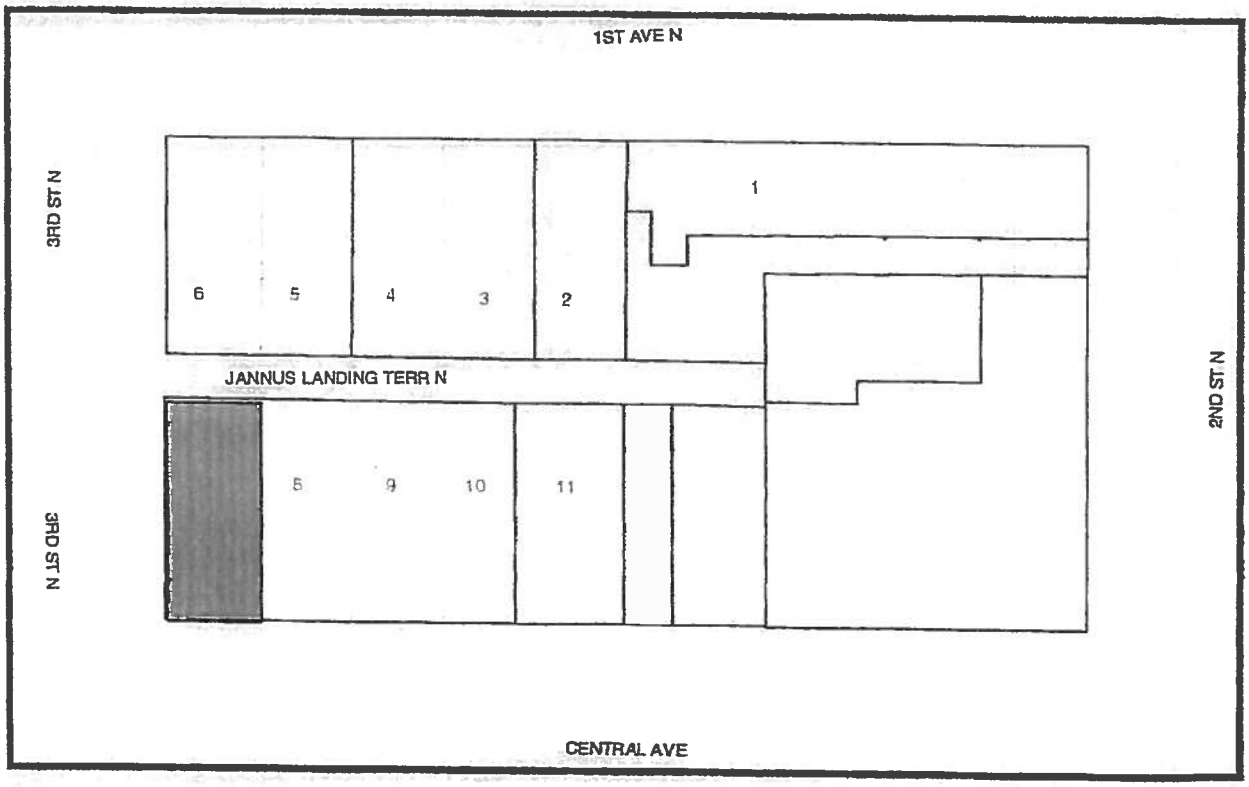






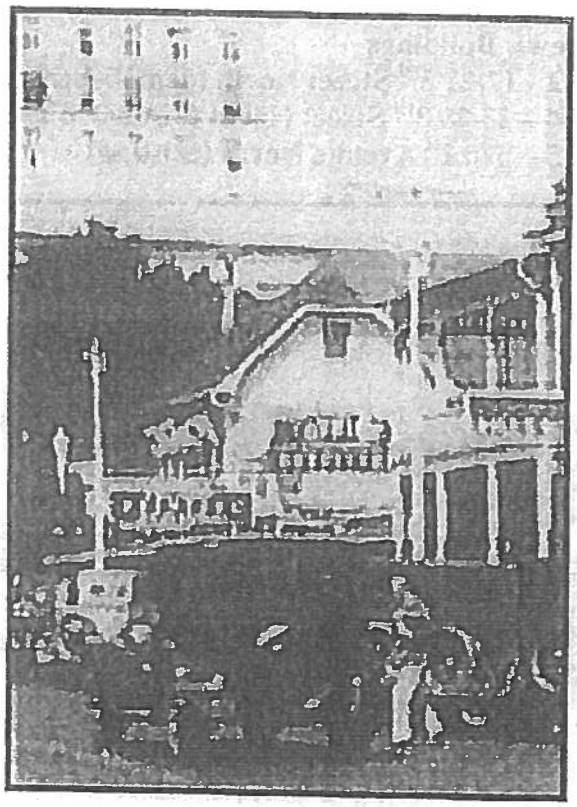
Lewis Building #1,
277-79 Central Avenue

Constructed by owner Edson T. Lewis in 1894, the two-story wood frame Lewis Building was built to house Lewis' grocery store on the first floor with a hotel on the second floor. Lewis arrived in St. Petersburg with his parents in 1888, three months before the arrival of the first train. Sixteen year old Lewis first worked in Williams General Store across from the Detroit Hotel, before venturing into a partnership in 1892, and then building and operating his own grocery in 1894. By the late 1890s, Lewis became a banker for many residents and helped establish the Central National Bank in 1904. He served as City Councilman, advocated for the use of brick in paving the city streets, and was a leader in the movement for municipal ownership of the waterfront and utilities.

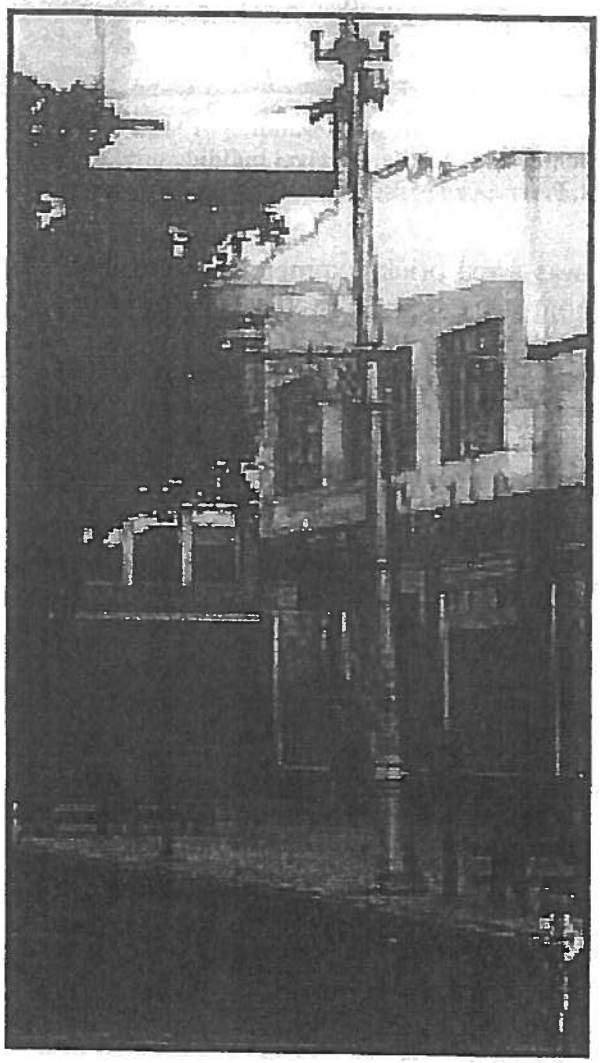


In 1913, W.C. Burton joined the grocery firm and Lewis sold his interest in the grocery around 1920, although he retained ownership of the building and land. In 1923, the grocery closed, relocated, and became a wholesale enterprise. Among other interests, Lewis and his son, Leon Lewis, maintained investments in real estate, building four structures in the Jannus Landing Block alone.

It appears that the original wood frame building remains, although it was substantially altered with refacing in 1937 and again in 1966. Other entities which occupied the building include the Red Cross, starting in 1928, and architect Henry Dupont.



Lewis Building #1, ca. 1926.

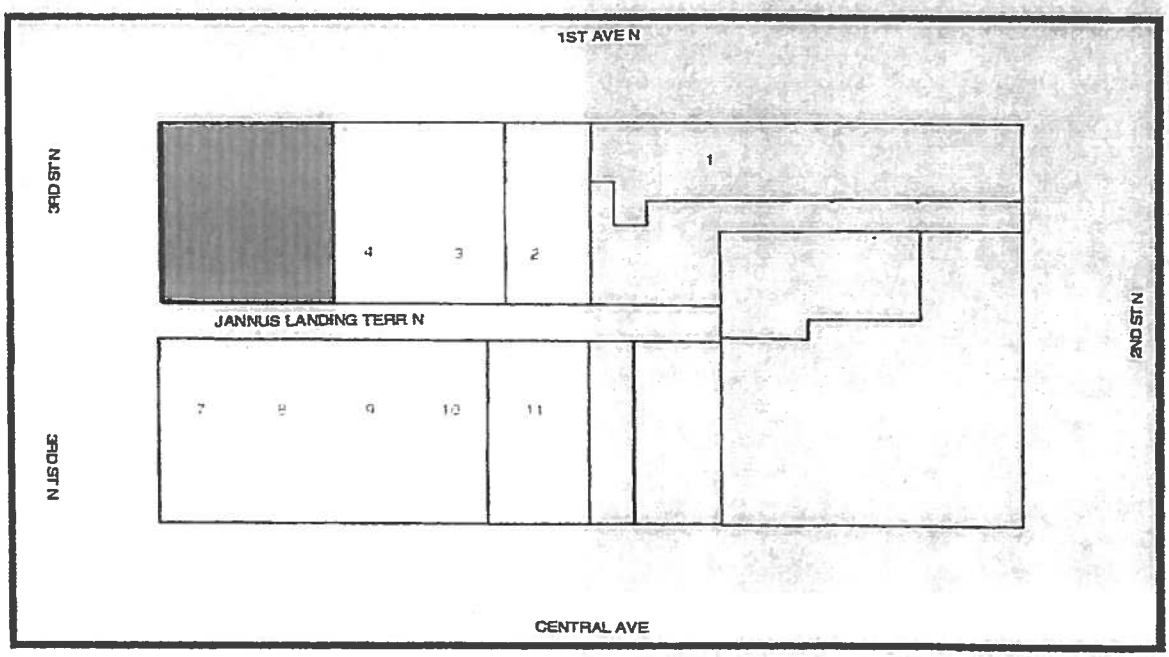


Lewis Building #1, ca. 1937. St. Petersburg Times.

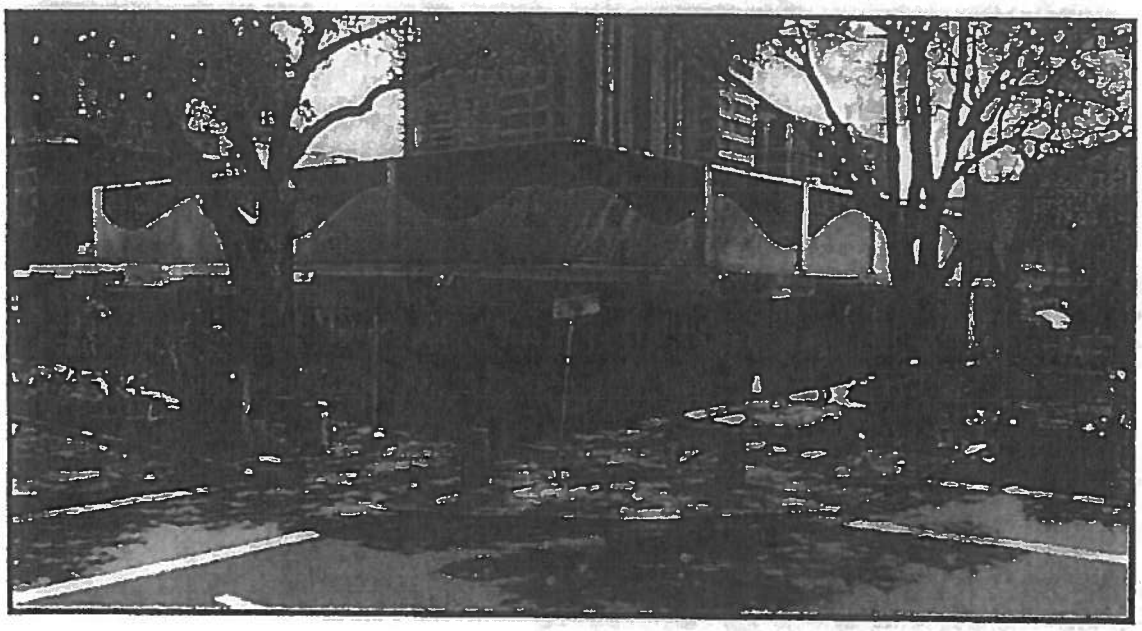
Lewis Buildings
 # 2 - 17-21 3rd Street North (demolished)
 # 4 – 23-29 3rd Street North & 262-278 1st Avenue North (demolished)
 # 5 – 270 1st Avenue North (existing)

Southeast Corner of 3rd Street and 1st Avenue North, ca. 1950. Lewis Grocery Building #1 is on far right. Red brick building to the left was Lewis Building #2 (demolished). Mission Revival building on the corner was Lewis Building #4 (demolished). St. Petersburg Museum of History.

Lewis' second construction project on the block was a red brick commercial building built ca. 1907 fronting 3rd Street North across the alley from his grocery. In 1917, Lewis and fellow owner George Van Houten, who was a contractor, built the Mission Revival building on the corner which was designed by architect W.S. Shull. It tied into the red brick building and housed

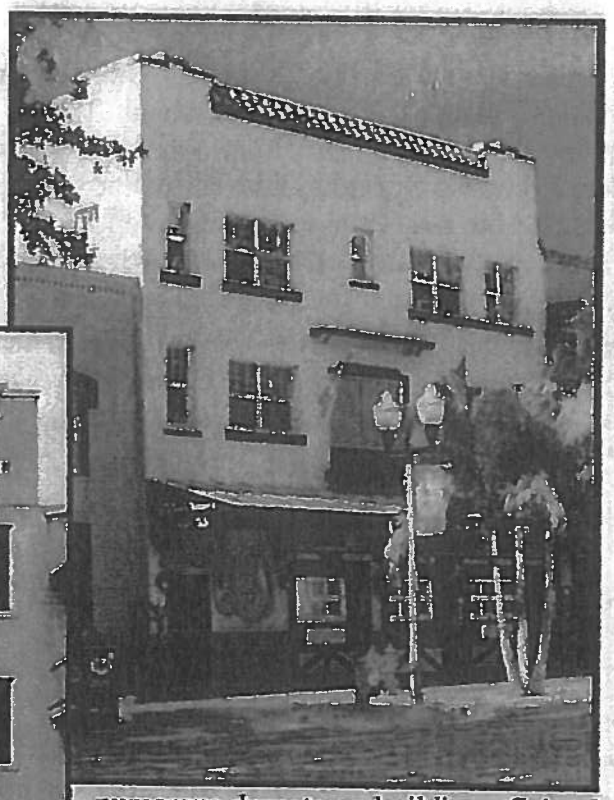


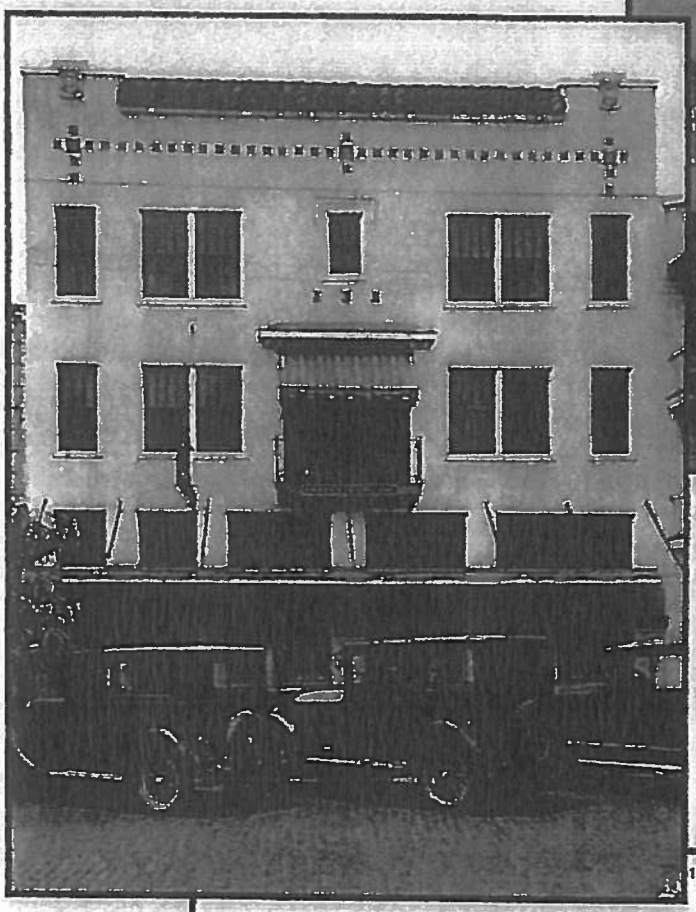
the Hotel Dennis on the 2nd floor. Other businesses which occupied the first floors of the buildings included the St. Petersburg Tailors and Dry Cleaners, Advance Art Printery, Carpenter's New England Home Bakery and Tea Room, and an African-American barber and tailor, Archibald S. Smith, who maintained space between 1908 and 1914. After the death of Lewis and his son, Leon Lewis, the property remained in the ownership of the Lewis Interests. In 1966, the company decided to raze the two buildings on the corner, and construct the existing one-story commercial building located at 270 1st Avenue North. The Binnie-Bishop Hotel is located adjacent to the east of this building.



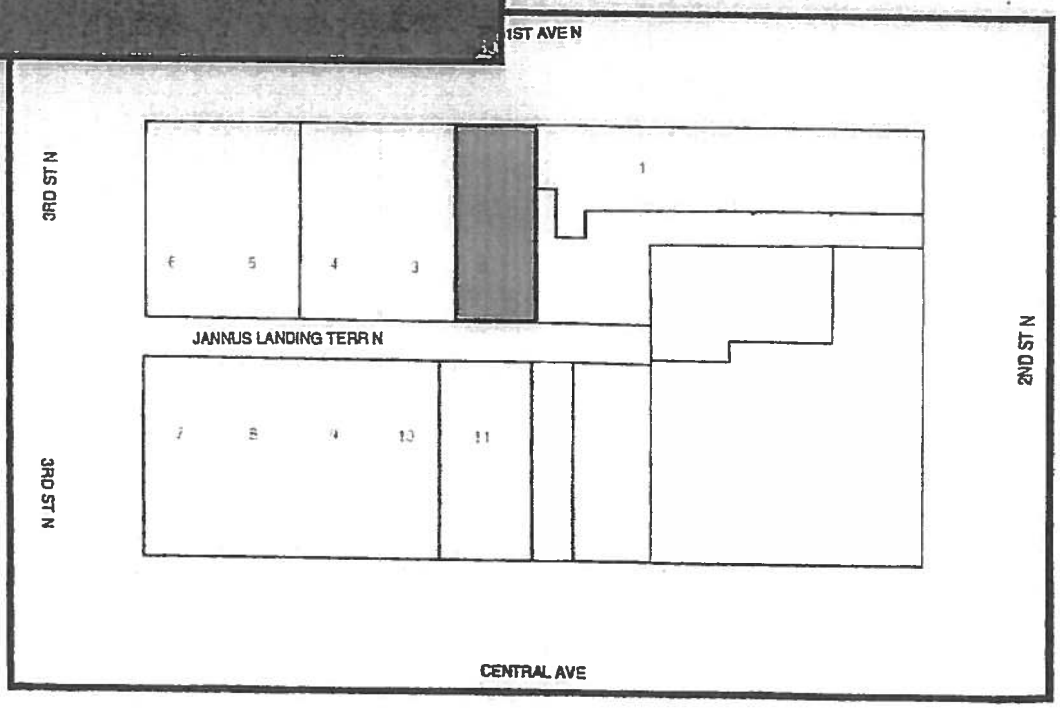
Tamiami Hotel, 242 1st Avenue North (8PI10446)

The Tamiami Hotel was built in 1924 by the Schooley-Murphy Company, a prominent contractor and developer in St. Petersburg during the 1920s and 1930s. In addition to numerous downtown buildings, Schooley-Murphy also built a number of high style Mediterranean Revival style residences in Euclid-St. Paul, the Historic Old Northeast, Snell Isle, and Pasadena. The building served as the Tamiami Hotel well into the 1960s.

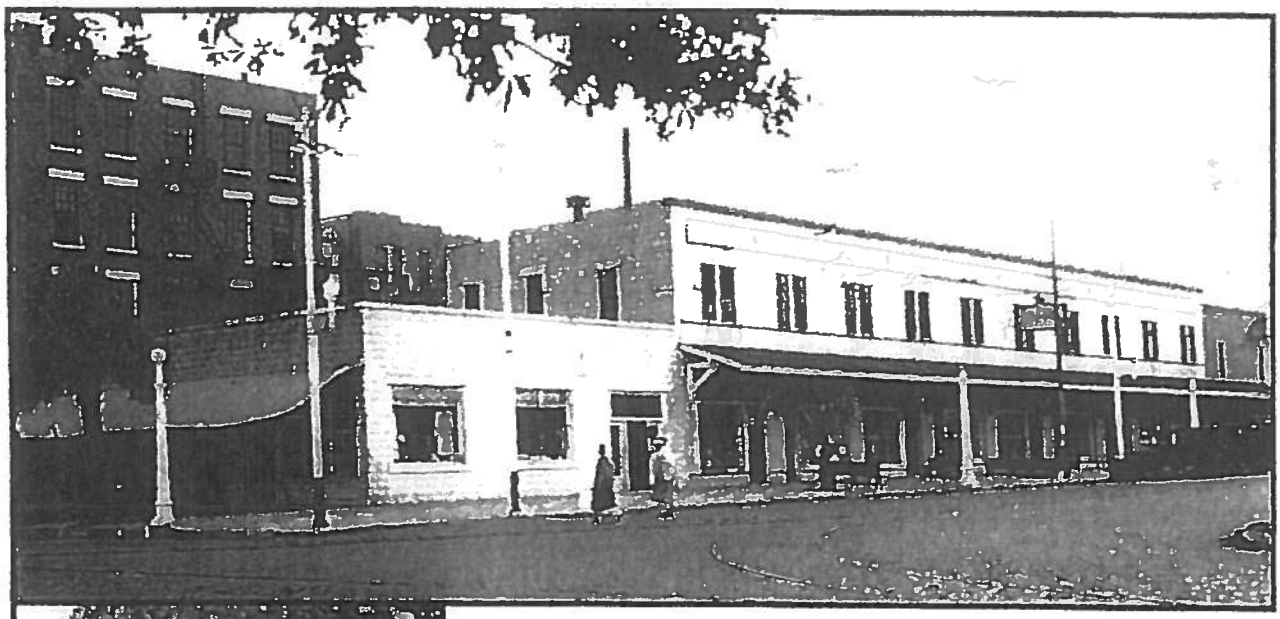


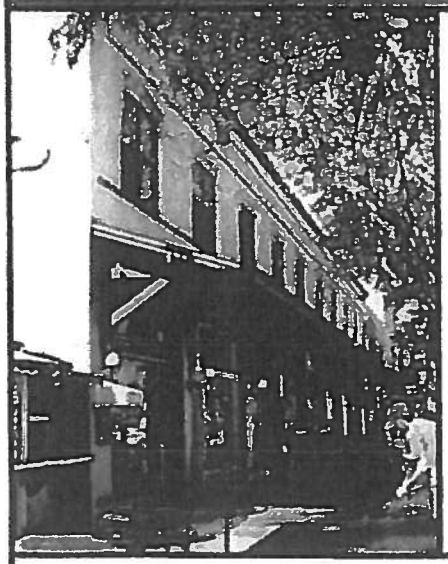


Tamiami Hotel, 1926. Burgert Bros. Collection.



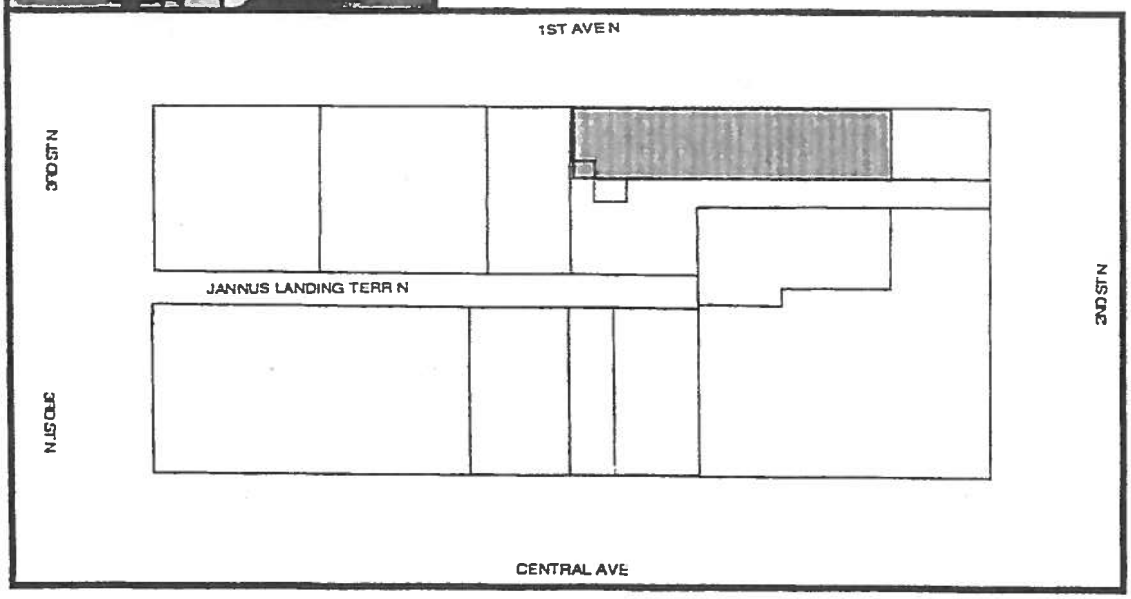
Peacock Row, 208-36 1st Avenue North (8PI3053)





Peacock Row, ca. 1926. Frances G. Wagner Photographs, University of South Florida, St. Petersburg.

The one-story corner building in the historic photo and Peacock Row were built as part of the development of the Detroit Hotel. The corner building was constructed in 1909 and housed the Detroit Beauty Parlor, Central Printery, and Browning Gift Shop among others. It was demolished between 1977 and 1986. Peacock Row, the two-story building which remains, was built around 1920 under the ownership of Mayor Frank Fortune Pulver. It too housed businesses such as the Palm Book Store, Woman's Exchange, and the Tourist Café. The rooms upstairs alternately served as additional hotel rooms and as offices.



RECOMMENDATION: The CPC recommends, pursuant to Section 16.30.070.2.5, that City Council initiate a local landmark designation application to designate Block 25, Revised Map of St. Petersburg, as a historic district.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, INITIATING A LOCAL LANDMARK DESIGNATION APPLICATION FOR BLOCK 25, REVISED MAP OF THE CITY OF ST. PETERSBURG, COMMONLY KNOWN AS THE JANNUS LANDING BLOCK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 18, 2013, the City Council of the City of St. Petersburg approved a resolution requesting that the Community Preservation Commission (CPC) work with City staff to review the landmark eligibility of all buildings on Block 25, Revised Map of St. Petersburg, not currently locally designated as a historic landmark, and

WHEREAS, at their July 9, 2013 public meeting, the CPC reviewed the landmark eligibility of the buildings and the history of Block 25, and

WHEREAS, the CPC requested that the City Council initiate a local landmark application for Block 25 to be designated as a local historic landmark district, and

WHEREAS, Section 16.30.070.2.5 provides for the initiation and filing of a local landmark designation application by the City Council.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg that, pursuant to Section 16.30.070.2.5, the local landmark designation process is hereby initiated for Block 25, Revised Map of the City of St. Petersburg. The City Council of the City of St. Petersburg requests that City staff prepare and process a local landmark application for designation of Block 25 as a district.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney (designee)

Planning and Economic Development Department

.arry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:32 PM
To: Larry Frey
Subject: Block 25 Public Comment - FOR

Sorry ... please note the following comments.
Starting June 14.

From: Kiki Russell [mailto:krussell626@gmail.com]
Sent: Tuesday, June 14, 2016 8:13 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>; info@stpetepreservation.org; Council <Council@stpete.org>
Subject: First Block - YES to Landmarking

I have lived in the Tampa Bay area for over 40 years and recently moved to dtsp to embrace the diverse backgrounds of the people, the arts, and the historic buildings. These buildings give our city character and ground the community filled with exciting nightlife, a rich music, art and film making culture, and spectacular, yet somewhat zany, art murals.

With each high rise built up around me (I live in a lovely 1930's former hotel of 20 units on 2nd Ave S & 6th St) I mourn the change of the skyline, the loss of view from my 2nd floor apartment, and the destruction of gorgeous historic buildings.

YES to Landmarking.

Thank you,

Kiki (Karen) S. Russell
129 6th St S, Apt 205
St. Petersburg, FL 33701

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:32 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Angela Alexander [mailto:inkedsnowwhite@gmail.com]
Sent: Tuesday, June 14, 2016 8:38 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: Landmark First Block

I say YES to landmarking the First Block of Downtown St. Pete.

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:34 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

-----Original Message-----
From: lisa Schweitzer [mailto:mercerlisa1@icloud.com]
Sent: Thursday, September 01, 2016 12:48 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: First Block

I support landmarking First Block.

Thank you,

Lisa Schweitzer MS, LMHC, NCC, RPT
727.560.9082
www.playful-therapy.com
Counseling for children and the grown-ups who love them

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:37 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Lynn Kenchel [mailto:lynniekok@aol.com]
Sent: Monday, July 25, 2016 8:08 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>; info@stpetepreservation.org; Council <Council@stpete.org>
Subject: detroit/first blook

It's a terrible loss for St Petersburg that money has talked our city into tearing down another beautiful historic building in the "cheese grater". I know all our mayor/city council can see is tax revenue/MONEY, but how many of these skyscraper condo buildings do you think our roads water and other infrastructure can handle before traffic, crowds and an ugly skyline ruin the quaint, artsy charm that draws people here in the first place. If I wanted to live in Miami, I'd be there! Please consider this when you consider the fate of our historic Detroit block,
Lynn Kenchel
lynniekok@aol.com

.arry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:37 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Donna Terrence [mailto:seeingstars@mindspring.com]
Sent: Saturday, July 23, 2016 11:54 AM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: First Block

Hi, Derek. I'd like to add my voice to those who support the designation of First Block as a St. Petersburg historic district. Many cities can and do erect high-rise behemoths but it's the early buildings that show a city's character and showcase its journey from past to future. Too few of our landmarks have been preserved. Hope First Block doesn't become another casualty of unfettered and thoughtless expansion. --Donna

~-.-~ ___ ~-.-~ ___ ~-.-~ ___ ~-.-~

Where all people think alike, no one thinks very much.
--Walter J. Lippmann

Donna L. Terrence
727-398-6862 Home
336-288-1627 Mobile/Text

Larry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:37 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

From: Mandy Minor [mailto:mandy.minor@gmail.com]
Sent: Wednesday, July 20, 2016 10:50 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>; info@stpetepreservation.org; Council <Council@stpete.org>
Subject: I support historic district designation for First/Detroit Block

Dear Mr. Kilborn and City Council,

I am writing to express my strong support of making the block bordered by Central & 1st Ave. N. and 2nd & 3rd Streets a historic district. This block, home to the 1888 Detroit & 1910 Bishop Hotel, among other historic buildings, is the critical historical block in St. Petersburg and deserves official protection so it is not lost.

In 2014, City Council initiated a historic district application for the block, but the application has faced opposition and is still in limbo. I understand the current owners was to be able to sell the block for development but really - how many generic, same-old-same-old high rises does St. Pete need? Aren't we, as the present citizens, beholden to protect the history of our city, as well as its uniqueness?

At the application hearing set by the CPPC for September 13th I urge you to consider the value of a strong sense of place and find in favor of granting the historical designation.

Warmly,
Mandy Minor

`arry Frey

From: Derek Kilborn
Sent: Friday, September 02, 2016 1:38 PM
To: Larry Frey
Subject: BLOCK 25: Public Comment - FOR

LAST ONE!

From: janet adams [mailto:janetadams2@gmail.com]
Sent: Wednesday, July 20, 2016 12:07 PM
To: Derek Kilborn <Derek.Kilborn@stpete.org>
Subject: First Block

Dear Mr Kilborn-

The most important issue in the development of St. Petersburg now is to retain it's character. I was greatly influenced
as a young woman when I was a pharmacy intern in Miami in the 80's. At that time I became involved with the group that was responsible
for saving the art deco buildings at South Beach. At the time I didn't completely understand their mportance, but seeing the world
destination it has become I completely get it now. People love to see the link to history in a city- it's what New Orleans, Savannah,
Santa Fe, St.Augustine have that make them such unique destinations.

St. Petersburg still has this appeal. Overdevelopment would be a tragic waste of our most valuable commodity. Please have the same
forsight and vision as the developers of the Vinoy. Please save "First Block" and the integrity of downtown for the future of our city so
that it can join the ranks of those beloved, historic world destinations.

Warm regards,

Janet Adams

Derek Kilborn

From: Melissa Thorp <poetikvision@gmail.com>
Sent: Monday, June 13, 2016 7:11 PM
To: Derek Kilborn
Subject: Landmark first block

Please landmark first block. Keep St. Pete special.

Derek Kilborn

From: Alivia <cdgdancer@gmail.com>
Sent: Monday, June 13, 2016 11:52 PM
To: Derek Kilborn

YES

Sent from my iPhone

Derek Kilborn

From: David Wishner <dmwishner@gmail.com>
Sent: Tuesday, June 14, 2016 12:37 AM
To: Derek Kilborn
Cc: Council
Subject: First block historic district = yes!

Dear Mr. Kilborn & Council;

Please vote "yes" to make St. Pete's "First Block" an historic district. So many people, locals and visitors, come downtown to enjoy St. Pete's history along with it's events & activities. Creating the First Block Historic District will allow the City to anchor it's culture in the hub that is our first block - something unique and special, to cherish and herald.

As a parent and Old North East resident, I take pride in the City we call home and love sharing it with everyone, neighbors and tourists alike.

Respectfully,
-David Wishner
632 Bay Street NE

Derek Kilborn

From: Adele Visaggio <adelevisaggio@gmail.com>
Sent: Tuesday, June 14, 2016 7:53 AM
To: Derek Kilborn
Subject: First Block

Dear Derek,
I support St Pete Preservation's request, on behalf of many residents of St Petersburg, to designate First Block as a local historic moment district. Let's preserve our history, culture and uniqueness which is what attract people to our beautiful city. Keep St Pete beautiful. We don't need another Sand Key or Miami.

Thank you,
Adele Visaggio
1234 Beach Dr NE
St Petersburg, FL 33701

I support
Sent from my iPhone

Derek Kilborn

From: Carolynn Russell <Carolynn.Russell@RaymondJames.com>
Sent: Tuesday, June 14, 2016 9:11 AM
To: Derek Kilborn
Subject: NO MORE HIGH RISE BUILDINGS IN DOWNTOWN - I'm saying YES to landmarking St. Petersburg's First Block!

I'm saying YES to landmarking St. Petersburg's First Block! Will you please, please do the same? Enough with the tall buildings - keep the historic local feel!! Our iconic Pier is gone and now you want to level what's left of the historic buildings for $$$$ - shame on all involved!!!

Ms. Carolynn Russell
2039 64th Ave N
St. Petersburg, FL 33702

Derek Kilborn

From: Peter Pastman <Peter.Pastman@RaymondJames.com>
Sent: Tuesday, June 14, 2016 10:15 AM
To: Derek Kilborn
Cc: Council
Subject: Please Historically Landmark First Block

Please Landmark First Block.

Thank you,
Peter

Peter Pastman, CFP®
Financial Advisor

O 727.567.2670 | M 727.793.9293 | F 727.567.8349
850 Carillon Parkway 32E, Saint Petersburg, FL 33716

www.GoodrichWealthPlanning.com

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Derek Kilborn

From: Shelle B <imnxtz1@aol.com>
Sent: Tuesday, June 14, 2016 1:29 PM
To: Derek Kilborn

Mr. Kilborn, please support the preservation of the historic buildings in our downtown. They are what makes our beautiful city so special. I know, I live here 14 years now, originally from NYC. Please!!! Thank you, Shelle Berk

Derek Kilborn

From: Claire Seminario <claireseminario@gmail.com>
Sent: Tuesday, June 14, 2016 2:03 PM
To: Derek Kilborn
Subject: YES to landmarking First Block!

Yes please to landmarking St. Pete's First Block! Good luck this afternoon!

Claire Seminario

Sarasota

To: Derek Kilborn <Derek.Kilborn@stpete.org>; Council <Council@stpete.org>
Subject: Please Oppose and Reject Historic Status for Detroit Block

Hello,

As a third-generation St. Petersburg native, I appreciate St. Petersburg's unique history. I also know that freezing in time parts of our town using very burdensome historic designations actually hurts our thriving, innovative city rather than help it.

That is why I am asking you to oppose and reject any historic designation for the Detroit Block in downtown St. Pete.

Our city is so wonderful because it lets people build, innovate, grow, and create a better future. The city's founders were part of that tradition, and it would be a shame to create a bureaucratic regime that stifles creativity and growth in the heart of downtown.

My mother and grandparents worked in the "cheese grater" building for decades, and I have wonderful memories of downtown St. Pete. Still, I am thankful that blight of a building will not be frozen in time, and I'm excited to see downtown St. Pete continue to embrace the 21st century rather than being shackled to the past. (My family and friends are all also glad that the cheese grater building is not being preserved - thank you!)

Historic preservation is pushed by a very small number of people who do not have to foot the bill for the immense cost that it brings property owners and the city *forever - in perpetuity*. Preservation restricts the ability to create new housing and office space, and makes cities less affordable for people to work and live in.

The founders of St. Pete intended to create a new city that would be different than the past - they did not intend to create a museum that will be frozen in time. I hope downtown remains a place where people can innovate and create livable residences and businesses for the 21st century, and not be forced to live in the past.

Thank you for your time and consideration,

Zach Ferguson

Fla. Stat. § 267.061

Current with amendments effective through June 28, 2019 from the 2019 First Regular Session of the 26th Legislature.

LexisNexis® Florida Annotated Statutes > Title XVIII. Public Lands and Property. (Chs. 253 — 274) > Chapter 267. Historical Resources. (§§ 267.011 — 267.174)

§ 267.061. *Historic properties*; state policy, responsibilities.

(1) State policy relative to *historic properties*.

(a) The rich and unique heritage of ***historic properties*** in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations. The destruction of these nonrenewable historical resources will engender a significant loss to the state's quality of life, economy, and cultural environment. It is therefore declared to be state policy to:

1.Provide leadership in the preservation of the state's ***historic*** resources;

2.Administer state-owned or state-controlled ***historic*** resources in a spirit of stewardship and trusteeship;

3.Contribute to the preservation of non-state-owned ***historic*** resources and to give encouragement to organizations and individuals undertaking preservation by private means;

4.Foster conditions, using measures that include financial and technical assistance, for a harmonious coexistence of society and state ***historic*** resources;

5.Encourage the public and private preservation and utilization of elements of the state's historically built environment; and

6.Assist local governments to expand and accelerate their ***historic*** preservation programs and activities.

(b) It is further declared to be the public policy of the state that all treasure trove, artifacts, and such objects having intrinsic or historical and archaeological value which have been abandoned on state-owned lands or state-owned sovereignty submerged lands shall belong to the state with the title thereto vested in the Division of Historical Resources of the Department of State for the purposes of administration and protection.

(2) Responsibilities of state agencies of the executive branch.

(a) Each state agency of the executive branch having direct or indirect jurisdiction over a proposed state or state-assisted undertaking shall, in accordance with state policy and prior to the approval of expenditure of any state funds on the undertaking, consider the effect of the undertaking on any ***historic property*** that is included in, or eligible for inclusion in, the National Register of ***Historic*** Places. Each such agency shall afford the division a reasonable opportunity to comment with regard to such an undertaking.

(b) Each state agency of the executive branch shall initiate measures in consultation with the division to assure that where, as a result of state action or assistance carried out by such agency, a ***historic property*** is to be demolished or substantially altered in a way which adversely affects the character, form, integrity, or other qualities which contribute to historical, architectural, or archaeological value of the ***property***, timely steps are taken to determine that no feasible and prudent alternative to the

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA DECLARING AND ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF THIRD-PARTY APPLICATIONS FOR LOCAL LANDMARK HISTORIC DESIGNATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council is the governing body of the City of St. Petersburg ("City") and is vested with all legislative powers of the City to regulate the use of property for the purposes of maintaining the health, safety and welfare of the City's residents and visitors; and

WHEREAS, Florida law recognizes that local governments may impose moratoria on zoning decisions and other development approvals to promote effective planning and to ensure that a community's land use issues are not exacerbated during times of regulatory change; and

WHEREAS, on April 9, 2019, the City's Community Planning and Preservation Commission ("CPPC") expressed a desire to meet with City Council to discuss current challenges with administration of the City's Historic and Archaeological Preservation Overlay ("HAPO") ordinance; and

WHEREAS, during City Council proceedings on May 9, 2019, several members of the Council body expressed discomfort with the current process set forth in the HAPO for initiation of applications for historic designation by non-owners other than the City, also known as third-party applications; and

WHEREAS, increasingly adversarial public hearings are occurring in which citizens have expressed concerns over the HAPO's third-party application process, and particularly, the impact that these applications have on a landowner's property rights and plans for their property when an application is filed prior to the owner's notification and involvement in said efforts; and

WHEREAS, the increase of third-party applications has had, and continues to have, a deleterious impact on the administrative efficiency of the City's Urban Planning and Historic Preservation Division, due to the expenditure of unplanned effort and taxpayer resources to respond to these non-owner, non City-initiated applications for historic designation; and

WHEREAS, such proliferation of third-party applications has also increased the amount of litigation related to the City's historic preservation program; and

WHEREAS, members of the public, the CPPC, and the City Council, and concurrent with the aforementioned discussions regarding third-party applications, have also expressed their desire to address the implications of the City's potentially eligible list as set forth in the HAPO; and

WHEREAS, the City Council finds that it is in the interest of the general welfare, which includes the valid public objectives of determining the most appropriate methods for preservation, protection, perpetuation and use of local landmarks, the efficient administration of the HAPO by the City, and the reduction of exposure to litigation, to undertake a thorough analysis of the sections of the City Code related to historic preservation, with particular focus on the process for initiation

of applications for historic designation and the process for establishing the City's list of properties that are potentially eligible for designation; and

WHEREAS, the City Council considers a six-month moratorium on the acceptance of third-party applications for historic designation to be a proper exercise of its police powers while the City's elected officials, Commission volunteers and City Administration and staff engage with the public to consider potential changes to the HAPO.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg that a six (6) month moratorium on the City's acceptance of third-party applications for local landmark historic designation is hereby declared and adopted, as follows:

1. No third-party applications for local landmark designation shall be accepted by City staff for six (6) months from the effective date of this resolution.

2. For the purposes of this resolution, third-party applications shall mean applications for local landmark designation initiated by any individual, organization or association who is not the property owner or the City.

3. During this six month period, City staff is hereby requested to engage with the City Council and the Community Planning and Preservation Commission to discuss current concerns regarding the process for initiation of applications for historic designation and the process for including properties on the City's potentially eligible list for historic designation.

4. City staff is hereby further requested to make recommendations to City Council as to potential changes to sections of the City Code regarding historic preservation based on such discussions and based on community input.

5. This moratorium does not apply to the establishment of historic districts under the duly enacted process set forth in the City Code, nor does it apply to the City's emergency or expedited action processes.

This resolution shall become effective immediately upon its adoption.

Legal: _____

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proposed demolition or alteration exists, and, where no such alternative is determined to exist, to assure that timely steps are taken either to avoid or mitigate the adverse effects, or to undertake an appropriate archaeological salvage excavation or other recovery action to document the ***property*** as it existed prior to demolition or alteration.

(c) In consultation with the division, each state agency of the executive branch shall establish a program to locate, inventory, and evaluate all ***historic properties*** under the agency's ownership or control that appear to qualify for the National Register. Each such agency shall exercise caution to assure that any such ***historic property*** is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

(d) Each state agency of the executive branch shall assume responsibility for the preservation of ***historic*** resources which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for the purpose of carrying out agency responsibilities, the agency shall use, to the maximum extent feasible, ***historic properties*** available to the agency. Each agency shall undertake, consistent with the preservation of such ***properties***, the mission of the agency, and the professional standards established pursuant to s. 267.031(5)(k), any preservation actions necessary to carry out the intent of this paragraph.

(e) Each state agency of the executive branch, in seeking to acquire additional space through new construction or lease, shall give preference to the acquisition or use of ***historic properties*** when such acquisition or use is determined to be feasible and prudent compared with available alternatives. The acquisition or use of ***historic properties*** is considered feasible and prudent if the cost of purchase or lease, the cost of rehabilitation, remodeling, or altering the building to meet compliance standards and the agency's needs, and the projected costs of maintaining the building and providing utilities and other services is less than or equal to the same costs for available alternatives. The agency shall request the division to assist in determining if the acquisition or use of a ***historic property*** is feasible and prudent. Within 60 days after making a determination that additional space is needed, the agency shall request the division to assist in identifying buildings within the appropriate geographic area that are ***historic properties*** suitable for acquisition or lease by the agency, whether or not such ***properties*** are in need of repair, alteration, or addition.

(f) Consistent with the agency's mission and authority, all state agencies of the executive branch shall carry out agency programs and projects, including those under which any state assistance is provided, in a manner which is generally sensitive to the preservation of ***historic properties*** and shall give consideration to programs and projects which will further the purposes of this section.

(3) Department of Management Services. —The Department of Management Services, in consultation with the division, shall adopt rules for the renovation of ***historic properties*** which are owned or leased by the state. Such rules shall be based on national guidelines for ***historic*** renovation, including the standards and guidelines for rehabilitation adopted by the United States Secretary of the Interior.

History

S. 6, ch. 67-50; ss. 10, 25, 35, ch. 69-106; s. 5, ch. 81-173; s. 19, ch. 83-216; s. 2, ch. 85-281; s. 47, ch. 86-163; s. 2, ch. 87-33; s. 1, ch. 88-351; s. 1, ch. 90-259; s. 243, ch. 91-224; s. 2, ch. 92-61; s. 197, ch. 92-279; s. 55, ch. 92-326; s. 3, ch. 94-190; s. 108, ch. 94-356; s. 854, ch. 95-148; s. 3, ch. 95-235; s. 9, ch. 96-418; s. 7, ch. 97-68; s. 4, ch. 2001-199.

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Certificate of Appropriateness

City of St. Petersburg

Urban Planning and Historic Preservation

COA Number	07-07	Application Date	2/21/2007
Applicant First Name	James	Last Name	Bond
Property Owne First Name	Church of	Last Name	Scientology

Property Address	Number	Street	Street Type	Direction	Unit Number
	336	1st	Avenue	N	

Resource Name	Women's Town Improvement Association	Designation Number	98-05
Cost	$6,000.00	Related File	COA #07-07mm

Proposed Work:

Reconstruct original parapet and balustrade, repair windows, clean exterior of building and repoint mortar joints as needed.

TypeReview	Staff - ARA	CPC Date	

Approval	Approved with conditions	Action Date	3/15/2007	COA Expiration	9/15/2008

Conditions Of Approval

1. Cleaning will be undertaken using the gentlest techniques and least possible degree of intervention. Sandblasting is not an allowable method. 2. Mortar used for repointing will match the existing mortar in color, texture, and tooling. 3.Any replacement material will match original historic fabric.

This certifies that the proposed work related to the property listed above has been approved by the Urban Planning and Historic Preservation division of the Planning and Economic Development Department. The approval of this Certificate of Appropriateness in no way constitutes approval of an "Application for Permit to Build" by the City of St. Petersburg's Construction Services and Permitting Division or any other required City permit approvals.

Laura Duvekot

Staff Signature

Applicant Signature

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Certificate of Appropriateness

City of St. Petersburg

Urban Planning and Historic Preservation

COA Number: 06-15mm

Application Date: 9/8/2006

Applicant First Name:

Applicant Last Name:

Property Owne First Name: Barbara

Property Owne Last Name: White

Property Address: 619 (Number) 65th (Street) Street (Street Type) S (Direction) (Unit Number)

Resource Name: Wellington Lake House

Designation Number: 02-07

Cost: $0.00

Related File:

Proposed Work:

Replace roof tile with like material. Permit 06-06000015.

TypeReview: Staff - ARA

CPC Date:

Approval: Approved

Action Date: 9/8/2006

COA Expiration: 3/8/2008

Conditions Of Approval

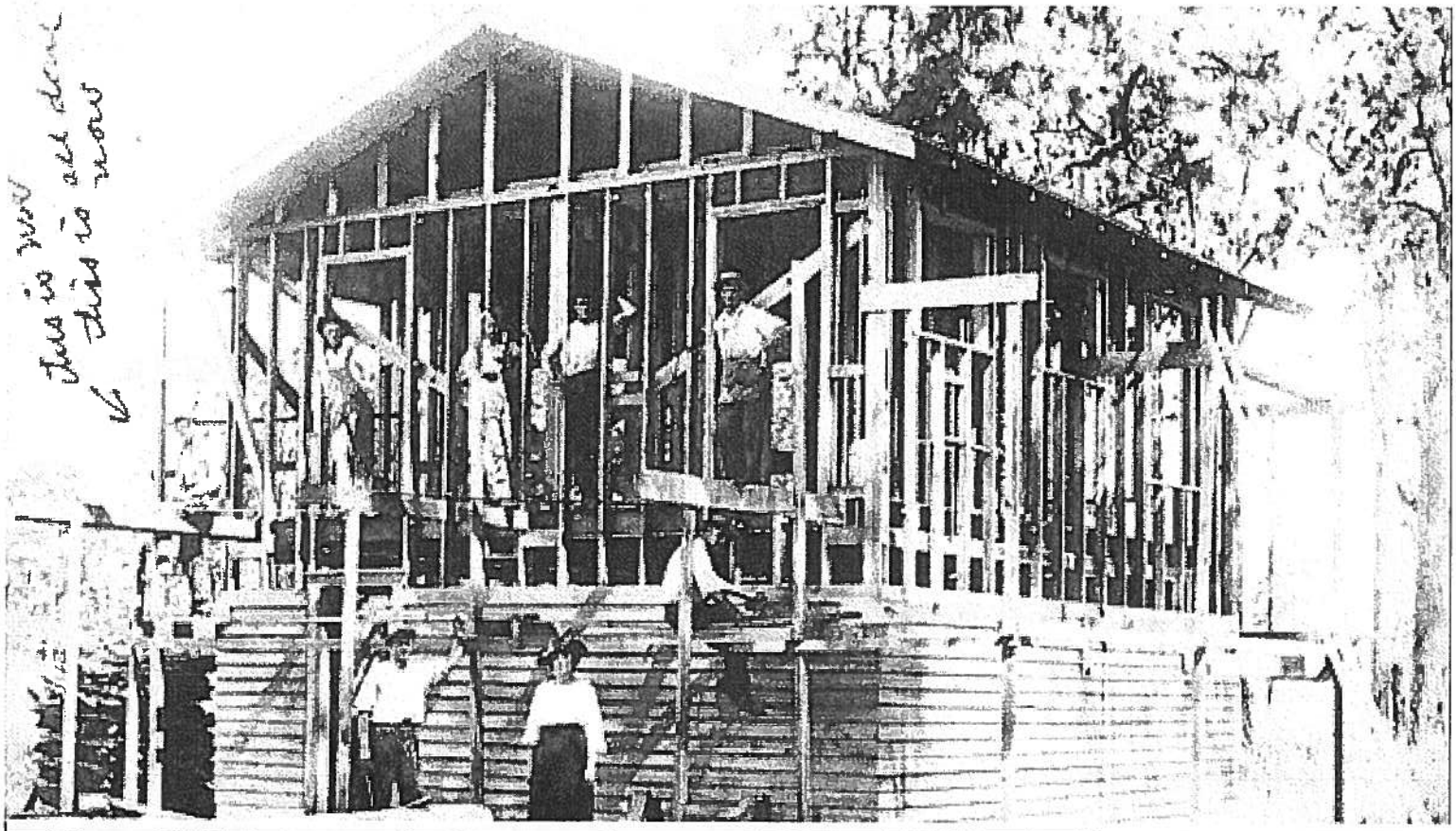
Roof replacement materail shall be in like kind (terra cotta tile). Any additional damage discovered requiring repair of exterior features shall require additional approval by HP staff.

This certifies that the proposed work related to the property listed above has been approved by the Urban Planning and Historic Preservation division of the Planning and Economic Development Department. The approval of this Certificate of Appropriateness in no way constitutes approval of an "Application for Permit to Build" by the City of St. Petersburg's Construction Services and Permitting Division or any other required City permit approvals.

Laura Duvekot

Staff Signature

Applicant Signature



CITY OF ST. PETERSBURG, FLORIDA

CERTIFICATE OF APPROPRIATENESS APPLICATION PACKET

stpete.org/history

Urban Planning and Historic Preservation Division
Planning and Development Services Department
City of St. Petersburg
Municipal Services Center
One Fourth Street North, 8th Floor
St. Petersburg, Florida 33701

st.petersburg
www.stpete.org

CERTIFICATE OF APPROPRIATENESS

APPLICATION

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Planning and Development Services Department, located on the 8th floor of the Municipal Services Building, One Fourth Street North, St. Petersburg, Florida. Laura Duvekot, Historic Preservationist II, (727) 892-5451 or Laura.Duvekot@stpete.org

GENERAL INFORMATION

Property Address	Parcel Identification No.
Historic District / Landmark Name	Corresponding Permit Nos.
Owner's Name	Property Owner's Daytime Phone No.
Owner's Address, City, State, Zip Code	Owner's Email
Authorized Representative (Name & Title), if applicable	Representative's Daytime Phone No.
Owner's Address, City, State, Zip Code	Representative's Email

	APPLICATION TYPE (Check applicable)		
	Addition		Window Replacement
	New Construction		Door Replacement
	Demolition		Roof Replacement
	Relocation		Mechanical (e.g. solar)
	Other:		

	TYPE OF WORK (Check applicable)
	Repair Only
	In-Kind Replacement
	New Installation
	Other:

AUTHORIZATION

By signing this application, the applicant affirms that all information contained within this application packet has been read and that the information on this application represents an accurate description of the proposed work. The applicant certifies that the project described in this application, as detailed by the plans and specifications enclosed, will be constructed in exact accordance with aforesaid plans and specifications. Further, the applicant agrees to conform to all conditions of approval. It is understood that approval of this application by the Community Planning and Preservation Commission in no way constitutes approval of a building permit or other required City permit approvals. Filing an application does not guarantee approval.

NOTES: **1) It is incumbent upon the applicant to submit correct information. Any misleading, deceptive, incomplete or incorrect information may invalidate your approval.**
2) To accept an agent's signature, a notarized letter of authorization from the property owner must accompany the application.

Signature of Owner: _____ Date: _____

Signature of Representative: _____ Date: _____

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CERTIFICATE OF APPROPRIATENESS

GENERAL INFORMATION

Purpose

The Historic and Archaeological Preservation Overlay, City Code Section 16.30.070, requires issuance of a Certificate of Appropriateness (COA) prior to any exterior alteration to a locally designated landmark or property within a locally designated historic district. Exterior alterations include, but are not limited to, the following work: changes to walls, roof, or windows; painting unpainted masonry; additions; relocation, and demolition. Building new structures and demolition requests within a historic district, as well as any digging or replacement of plantings on a designated archaeological site also require a COA. The intent of the COA is to ensure that the integrity and character of the individual landmark or historic district is maintained.

Pre-Application Meeting

Applicants are encouraged to schedule a pre-application meeting with Staff prior to an application being accepted. Staff requests that all pre-application meetings be scheduled at least one (1) week prior to the application deadline. Minor maintenance projects can often be approved at this meeting. Pre-application meetings can be scheduled by calling (727) 892-5470 or (727) 892-5451.

At the meeting, staff will determine if the application is appropriate for administrative approval based upon the COA Approval Matrix as per the regulations in the Historic and Archaeological Preservation Overlay. Administrative approvals do not require a public hearing, unless an appeal is filed with the Urban Planning and Historic Preservation Division. Permits must be obtained within 18 months of approval. Staff shall have the discretion to refer any case to the Community Planning and Preservation Commission ("CPPC").

Application Submittal

Only complete applications will be accepted. Complete applications must be filed by 2:00 PM on the application deadline date. Per the CPPC's Rules of Procedure, a maximum of twelve (12) applications may be scheduled for any given public hearing. This limit does not apply to applications which are determined by the Urban Planning and Historic Preservation Division to be appropriate for administrative approval. Applications requiring a public hearing are scheduled in the order received.

Fee Schedule

Commission Review		Staff Review	
Additions	$ 300.00	General Application	$ 50.00
Appeal	$ 250.00	Appeal	$ 250.00
Alterations and Repair	$ 300.00		
Demolition (primary building)	$ 1,000.00		
Demolition (accessory structure)	$ 500.00		
New Construction	$ 300.00		
Relocation	$ 500.00		
After-the-Fact – Twice the initial fee; Revision of previously approved COA - ½ of the original fee			

Site Plans, Floor Plans, and Elevation Drawings

All applications for the CPPC require a detailed, accurate site plan or survey and elevation drawings. Some applications for the CPPC require floor plans as well. Staff strongly encourages applicants to retain the services of a design professional to prepare the required plans. The City is unable to accept site plans, floor plans, or elevations that are incomplete, illegible, unclear, or do not meet the criteria listed on the "List of Required Submittals." Such determinations are made at the discretion of the City.

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CERTIFICATE OF APPROPRIATENESS

GENERAL INFORMATION

Community Planning and Preservation Commission Review
By applying to the CPPC, the applicant grants permission for Staff and members of the CPPC to visit the subject property to evaluate the request. Applicants with special requests related to timing of site visits should advise Staff in writing at the time of application submittal.

Legal Notification
All applications that require CPPC approval shall provide public notification. The applicant will be required to send via the U.S. Postal Service, notification letters to all property owners within 200 linear feet of the subject property. The City will provide one original notification letter, mailing labels, and instructions. These legal notifications must be mailed by the dates noted on the CPPC schedule with verification of mailing returned to staff within seven (7) days of the meeting date.

Public Hearing
Applications appropriate for public hearing will be heard by the CPPC on the dates listed on the CPPC Schedule. The public hearings begin at 2:00 p.m. in the City Council Chambers at City Hall, located at 175 5th Street North. All proceedings are quasi-judicial.

CPPC Approvals
If approved by the CPPC, the applicant must wait to initiate construction until after the ten (10) day appeal period. Permits and inspections are required, when applicable. Permits must be obtained within 18 months from the date of the CPPC decision, unless otherwise directed by the CPPC. After the expiration date, a one-year extension to complete the work in progress may be approved in the manner originally approved if the owner can show why the work has not been completed.

All conditions of approval must be satisfied and approved through inspection by Historic Preservation staff before the final building inspection is approved. Failure to satisfy these requirements will invalidate the approval of the request. Approval of a request by the CPPC or Historic Preservation Division does not grant or imply other variances from the City Code, FEMA regulations, or other applicable codes.

FEMA Regulations
FEMA regulations may affect your ability to proceed with your plans – even if approved by the CPPC. Designated properties may receive variances from local flood hazard requirements when rehabilitating their buildings. Applicants are advised to contact the City's FEMA Coordinator at (727) 893-7283 to determine the impact of FEMA regulations, if any.

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Certificate of Appropriateness Approval Matrix

(City Code Section 16.30.0070.2.6, updated February 10, 2015)

	CONTRIBUTING & INDIVIDUAL LANDMARKS			NON-CONTRIBUTING		
	Staff	CPPC	No Review	Staff	CPPC	No Review
ADDITIONS						
All		X			X	
ARCHAEOLOGY						
Ground disturbing activities	Certificate to Dig Required			Certificate to Dig Required		
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						
1. With a roof		X		X		
2. Without a roof	X			X		
DEMOLITIONS						
1. Primary structures		X			X	
2. Accessory structures, historic		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		
3. Change in openings		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		
3. New or relocated driveway	X			X		
EXTERIOR WALL FINISH						
1. Removal of non-historic material	X			X		
originally unpainted surface)	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		
INTERIOR ALTERATIONS						
Ad Valorem Tax Exemption Apps ONLY	X					X
LANDSCAPE FEATURES						
1. Arbors, pergolas, and gazebos	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		

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Certificate of Appropriateness Approval Matrix

(City Code Section 16.30.0070.2.6, updated February 10, 2015)

	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	X			X		
3. Solar Panels	X			X		
4. Other	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		
2. In ground pools	X			X		
3. Pool screen enclosures	X			X		
PORCHES AND BALCONIES						
1. Open an enclosed porch	X			X		
2. Enclose a porch		X		X		
3. Alterations		X		X		
RELOCATION						
1. Into a Local Landmark district		X			X	
2. Other		X		X		
on historic evidence as originally designed and						
All	X			X		
ROOF and CHIMNEYS						
1. Same materials and shape	X			X		
2. Change in materials		X		X		
3. Change in shape		X		X		
4. Other alterations		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		
façade		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		
3. Change in openings		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.

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CERTIFICATE OF APPROPRIATENESS

CHECKLIST, ALTERATIONS

- ☐ **Completed COA application**
- ☐ **Application fee (Confirm w/City Staff, based on type of review)**
- ☐ **Site plan or survey of the subject property:**
  - To scale, no larger than 11" x 17" paper or digital submission
  - North arrow
  - Setbacks of structures to the property lines
  - Dimensions, locations of all property lines, structures, parking spaces
- ☐ **Floor Plans and Elevations:**
  - To scale, no larger than 11" x 17" paper
  - Depicts all sides of existing & proposed structure(s)
- ☐ **Photographs of the subject property**
- ☐ **Written description explaining how the proposed work complies with the following evaluation criteria:**

1. A local landmark should be used for its historic purpose or be adaptively fit into 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.
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 without sufficient documentary evidence, 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, as appropriate.
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, texture, and other visual qualities and, where reasonable, 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.

(continued next page)

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CERTIFICATE OF APPROPRIATENESS

CHECKLIST, ALTERATIONS

Typical Alterations and Minimum Requirements for Submittals

Please be advised that UPHP staff may request additional information or a site visit

Type of work	Minimum Required Submittals
Canvas Awnings	• Plan drawings showing proposed location • Image and dimensions of proposed awnings • Photographs of extant conditions in location of proposed
Door Replacement	• Plan drawings showing proposed location • Photographs of existing door, general area of proposed location, and resource view from Right of Way • Manufacturers brochure or detail of proposed replacement
Driveways	• Site plan showing proposed location • Photograph of existing location • Materials and measurements of proposed
Exterior Wall Repair Siding, Stucco, etc.	• Location description • Description of proposed materials • Photographs showing condition of existing to be replaced
Fences	• Survey indicating proposed location • Photograph showing area where fence will be constructed • Type of fence, material, and any treatment
Mechanical Systems Electrical/plumbing work HVAC, Solar Panels, etc.	• Location, profile, and dimension of units • If rooftop unit: dimensions including height of roof and setback of unit from eaves • Photograph of proposed location of work and of resource from public Right of Way
Minor Maintenance	• Photographs showing existing condition • Description of work and estimated square footage of space impacted
Pools	• Site plan showing proposed location • Photograph of proposed location and of resource from public Right of Way • Materials to be used • Description of any landscaping, fencing, or other screening to be installed
Reroofing	• Photographs of building and roof condition • Description of roof materials to be used
Sheds	• Survey showing placement • Photographs of proposed location and of resource from public Right of Way • Drawings indicating measurements and materials
Shutters / Hurricane Panels	• Photographs of proposed location and resource from public Right of Way • Images of shutters and description of material and style
Window Replacement	• Floorplan indicating location of each replacement • Photographs of each elevation to be affected, existing windows, and resource from public Right of Way • Dimensioned and scaled profile of proposed windows • Dimension and profile of any trim, sills, or other ornamentation impacted • Manufacturer's brochure and photographs of proposed location • Description and elevation drawings of any proposed changes to opening sizes, location, etc.

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CERTIFICATE OF APPROPRIATENESS

CHECKLIST, WINDOW REPLACEMENT

- ☐ **Completed COA application**
- ☐ **Application fee - $50 (same materials) or $300 (chance of materials)**
- ☐ **Floor Plans and Elevations:**
  - To scale, no larger than 11" x 17" paper or digitally submitted
  - Depicts all sides of existing & proposed structure(s)
  - Indicate location of each window replacement
- ☐ **Window Schedule specifying existing windows to be replaced: materials, size, type, finish**
- ☐ **Number Key Photos, Floor Plans, and Elevation to correspond with Window Schedule**
- ☐ **Dimensioned and scaled profile section of new windows**
- ☐ **Manufacturers brochure and catalog photo of proposed replacement**
- ☐ **Written description explaining how the proposed window replacement complies with the following evaluation criteria:**

1. The replacement window and glass shall be impact resistant.
2. The replacement window shall be Energy Star qualified for southern climate zones.
3. The replacement window shall be setback into the wall the same distance as the historic window.
4. The replacement window shall be the same size and shape as the historic window and opening. Historic openings shall not be altered in size. Existing, exterior trim shall be retained, where practicable.
5. The replacement window shall have the same light configuration as the historic window. If the historic window configuration cannot be determined, the replacement window configuration shall be appropriate to the architectural style of the subject building;
6. The replacement window shall have the same visual qualities of the historic window, where commercially reasonable:
   a. Where provided, muntins and mullions shall have the same dimensions and profile of the historic muntins and mullions.
   b. For hung windows, stiles shall align vertically and be the same width at the upper and lower sashes.
   c. The top, meeting and bottom rails of a hung window, including the corresponding blind stop, shall have the same dimensions and profile of the historic window.
7. The finished surface and appearance shall match the historic window, where practicable.

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CERTIFICATE OF APPROPRIATENESS

CHECKLIST, NEW CONSTRUCTION

- ☐ **Completed COA application**
- ☐ **Application fee - $300.00**
- ☐ **Site plan or survey of the subject property:**
  - To scale, no larger than 11" x 17" paper or digitally submitted
  - North arrow
  - Setbacks of structures to the property lines
  - Dimensions, locations of all property lines, structures, parking spaces
- ☐ **Floor Plans and Elevations:**
  - To scale, no larger than 11" x 17" paper or digitally submitted
  - Depicts all sides of existing & proposed structure(s)
- ☐ **Photographs of the subject property**
- ☐ **Written description explaining how the proposed work complies with the following evaluation criteria:**

1. The height and scale of the proposed new construction shall be visually compatible with contributing resources in the district.
2. The relationship of the width of the new construction 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 the new construction 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 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, and balconies to sidewalks of the new construction shall be visually compatible with contributing resources in the district.
7. The relationship of the materials and texture of the facade of the new construction shall be visually compatible with the predominant materials used in contributing resources in the district.
8. The roof shape of the new construction shall be visually compatible with contributing resources in the district.
9. Appurtenances of the new construction such as walls, gates and fences, vegetation and landscape features, shall, if necessary, form cohesive walls of enclosures along a street, to ensure visual compatibility of the new construction with contributing resources in the district.

(continued next page)

8. The mass of the new construction in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with contributing resources in the district.
9. The new construction shall be visually compatible with contributing resources in the district in its orientation, flow, and directional character, whether this is the vertical, horizontal, or static character.
10. New construction shall not destroy historic materials that characterize the local landmark or contributing property to a local landmark district. The new construction shall 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 and its environment, or the local landmark district.
11. New construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the local landmark and its environment would be unimpaired.

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CERTIFICATE OF APPROPRIATENESS

CHECKLIST, DEMOLITION

- ☐ **Completed COA application**
- ☐ **Application fee - $1000.00 Primary Building / $500 Accessory Structure**
- ☐ **Site plan or survey of the subject property:**
  - To scale on 8.5" x 11" paper
  - North arrow
  - Setbacks of structures to the property lines
  - Dimensions, locations of all property lines, structures, parking spaces
- ☐ **Elevation drawings:**
  - On 8.5" x 11", 8.5" x 14", or 11" x 17" paper
  - Depicts all sides of existing & proposed structure(s)
- ☐ **Floor plans:**
  - To scale: on 8.5" x 11", 8.5" x 14", or 11" x 17" paper
  - North arrow
  - Locations of all doorways, windows, and walls (interior & exterior)
  - Dimensions and area of each room
- ☐ **Photographs of the subject property**
- ☐ **Written description explaining why there is no feasible alternative to demolition, no reasonable beneficial use of the property or why the applicant cannot receive a reasonable return on a commercial or income-producing property:**

The CPPC may solicit expert testimony and will likely 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:

1. 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.
2. 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:
   a. 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.

(continued next page)

b. The most recent assessed value of the property.

c. Photographs of the property and description of its condition.

d. Annual debt service or mortgage payment.

e. Real estate property taxes for the current year and the previous two years.

f. 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.

g. 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.

h. Evidence of attempts to sell or rent the property, including the price asked within the last two years and any offers received.

i. 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.

j. 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.

k. If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition.

l. Evidence that the building can or cannot be relocated.

m. The Commission may request that the applicant provide additional information to be used in making the determinations of reasonable beneficial use and reasonable return.

n. 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 request that the applicant provide additional information to be used in making the determinations of reasonable beneficial use and reasonable return.

4. 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.

Registry for Transfer of Development Right, Historic

Contact	Name of Property	# TDRs Established (sf)	# TDRS Transferred (sf)	# TDRs Available/Remaining (sf)
YMCA/Nick Ekonomou ehff.nick@gmail.com	YMCA/The EDWARD TDR #08-01 (3/21/08)	595,160	0	595,160.00
Snell Arcade Condo Assoc, Inc. Dar Webb, President 405 Central Avenue, Suite 250 St. Petersburg, FL 33701 727-822-3743 (land) 727-688-3775 (cell) dar@webette.com	Snell Arcade TDR # 08-02 11/21/08	609,420	10,010 (May 2015) 209,963 (June 2016) 16,393 (Jan 2017) 5,187 (Jan 2017)	367,867.00
Flori De Leon Cooperative Apartments, Inc. Ilene Shandell, Treasurer 130 4th Ave N. St Petersburg, FL 33701 (402) 212-8669 ILENE1125@yahoo.com	Flori De Leon TDR #08-03 (12/12/08)	938,640	0	938,640.00
The Cathedral Church of St. Peter, Inc. Dean Stephen Morris (727) 822-4173	First Baptist Church TDR # 08-06 01/16/09	53,470	0	DENIED
The Cathedral Church of St. Peter, Inc. Rev. Dean Stephen Morris 140 4th St N (727) 822-4173	St. Peter's Episcopal Church TDR #09-01 (4/17/09)	**198,120** 87,520 First Baptist Church bldg 90,670 St. Peters Main Cathedral 19,930 St. Peters Garden	0	198,120.00
Mark Tong/Al Laforce 7401 Central Ave, St. Petersburg (808) 937-2510 lyraestarsystems@gmail.com	Crystal Bay (Sunset Hotel) TDR #08-05 (11/21/08)	358,180	0	358,180.00
Mirror Lake Lyceum/Brian Wilder	*Mirror Lake Lyceum TDR #08-04 1/16/09-deferred*	*289,620*		
First Congregational Church	*TDR #15-90500001*	*under review*		

Hotel Detroit	*TDR #15-90500002*	*under review*		
Balance				**2,457,967.00**

SOLE LAW
4260 Central Ave. St. Petersburg, FL 33711
www.SoleLaw.com | 727.490.9086

September 18, 2015

City of St. Petersburg

Re: TDR Application for Hotel Detroit
Property Address: 215 Central Ave, St. Petersburg, FL 33701

Please find enclosed the following documents in regards to the Transfer of Development Rights Application:

- Application
- Title Commitment
- Association Information
- Mortgage Bills
- List of all Building Owners and Square Footage
- Property Appraiser's Information
- Survey (Anthony Amico would like this returned to him at the completion of your review)
- Check to City of St. Petersburg in the amount of $500

Should you require any further information, please contact my office at 727-490-9086 or by email at support@sole-law.com.

Sincerely,

Kathryn J. Sole, Esq.

KATHRYN J. SOLE
ATTORNEY AT LAW

727-490-9086
Kathryn@Sole-Law.com
www.SoleLaw.com

4260 Central Ave.
St. Petersburg, FL 33711

2123 N.E. Coachman Rd.
Clearwater, FL 33765

1158

SOLE LAW PLLC
4260 CENTRAL AVE
ST PETERSBURG, FLORIDA 33711

63-215-631

DATE 9/18/2015

PAY TO THE ORDER OF City of St. Petersburg $ 500.00

Five Hundred Dollars 0/100 DOLLARS

SUNTRUST ACH RT 061000104

FOR Azalea Gulf Coast Hotel Detroit
Application Fee for TDRs

⑈00001158⑈ ⑆063102152⑆ 1000179751978⑈

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

OWNER INFORMATION (Please attach a list with the same information for additional owners)

Owner Name Hotel Detroit Condominium Association, INC Contact Person ANTHONY AMICO

Mailing Address: C/O Associa / 9887 Fourth St N, Ste 301

City and State St Petersburg Zip Code: 33702

Phone Number(s): Day 727-452-2403 Other

E-mail Address: Kmorris@associagulfcoast com

AGENT INFORMATION (If different than property owner)

Agent name: Associa Gulf Coast

Mailing Address: 9887 Fourth St N, Ste 301

City and State: St Petersburg Zip Code: 33702

Phone Number: 7274522403 E-mail Address: Kmorris@associagulf coast. com

LOCAL LANDMARK PROPERTY INFORMATION

Property Address: 215 Central Ave St Petersburg, FL 33701

Property Identification Number (PIN):

Local Landmark Name: HOTEL Detroit Date Constructed: 1925

HPC Designation No.: Date Designated:

Existing zoning: Existing use:

Existing future land use designation. Total Acreage of Parcel:

For locally designated landmark building/structure

Existing Gross Floor Area (total square footage of building): 40,340 (does not inc stairs or chairs

Amount of square footage to be established for TDR Program: 40,340

For locally designated landmark site (i.e. cemetery or archaeological site)

Existing Gross Square Footage of the site

Amount of square footage to be established for TDR Program:

TITLE COMPANY INFORMATION

A current title report must be supplied by the owner as part of the TDR application.

Name of Title Company Sole Title Phone 7275650548

Address: 4260 Central Ave

City and State: St Petersburg, FL Zip Code. 33711

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

MORTGAGE COMPANY INFORMATION

A title commitment or other sufficient evidence of all persons with a property interest (e.g. mortgagor, lienholder, joint owner) must be supplied as part of the TDR application.

Are there any liens or mortgages on the property? Yes ✓ No _____

Mortgage Holder's Name: Bank of America Phone: _____

Address: PO Box. FF5144 / FL9-100-04-24 Bldg 100 4th FL

City and State: Jacksonville, FL Zip Code: 32232-9923

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
PLEASE REFER TO THE "LIST OF REQUIRED SUBMITTALS"

By signing this application the applicant affirms that all information contained within this application packet has been read and that the information on this application represents an accurate description of the property. Further, the applicant agrees to conform to all conditions of approval. It is understood that approval of this application by the Community Planning and Preservation Commission or Staff in no way constitutes approval of a building permit or other required City permit approvals. Filing an application does not guarantee approval.

SIGNATURE OF PROPERTY OWNER _____ **DATE** 8/29/15

PRINT NAME AND TITLE Anthony Amico

Note: To accept an agent's signature, a notarized letter of authorization from the property owner must accompany this application.

CITY STAFF ONLY	**TDR Case No.** _____
Neighborhood Association: _____	Plat Page No.: _____
Approved/Approved with Conditions/Denied: _____	
Square footage approved for transfer: _____	
Application Fee: $ _____	Received? _____ Yes _____ No
Covenant filed: _____ Yes ____No	Official Record Book _____ Page _____

First American Commitment	Commitment for Title Insurance ISSUED BY **First American Title Insurance Company** **5011612 - 2061-3419256**

FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation (the "Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the Land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by an authorized officer of the Company or an agent of the Company.

IN WITNESS WHEREOF, First American Title Insurance Company has caused its corporate name to be affixed by its duly authorized officers on the Effective Date shown in Schedule A.

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

(This Commitment is valid only when Schedules A and B are attached)

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CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.

2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company whether or not based on negligence arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

5. The policy to be issued will contain the following arbitration clause: Unless prohibited by applicable law, arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association may be demanded if agreed to by both the Company and the Insured at the time of the controversy or claim. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the Insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.
The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

First American Title

ISSUED THROUGH THE OFFICE OF:

FIRST AMERICAN
TITLE INSURANCE
COMPANY

Corporate Office
1 First American Way
Santa Ana, CA 92707
(800) 854-3643

First American	Commitment for Title Insurance ISSUED BY **First American Title Insurance Company** **5011612 - 2061-3419256**
Schedule A	

Customer Reference Number: Hotel Detroit Search
First American File Number: 2061-3419256

1. Effective Date: August 18, 2015 @ 8:00 A.M.

2. Policy or Policies to be issued: Proposed Amount of Insurance:

   a. Owner's Policy
   ALTA Owner's Policy of Title Insurance (6-17-06) $1,000.00
   (with Florida modifications)

   Proposed Insured: A Natural Person or Legal Entity to be Designated

   b. Loan Policy
   ALTA Loan Policy of Title Insurance (6-17-06) $0.00
   (with Florida modifications)

   Proposed Insured:

   c. $

   Proposed Insured:

   Premium: $

3. The estate or interest in the land described or referred to in this Commitment is Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

   St. Pete Jannus, Inc., a Florida corporation

5. The land referred to in this Commitment is described as follows:

   See Exhibit "A" attached hereto and made a part hereof

Sole Title, LLC

By: _____
Authorized Countersignature for Sole Title, LLC

(This Schedule A valid only when Schedule B is attached.)

Customer Reference Number: Hotel Detroit Search
First American File Number: 2061-3419256

The land referred to herein below is situated in the County of Pinellas, State of Florida, and is described as follows:

All of THE HOTEL DETROIT, a condominium, LESS AND EXCEPT Units 2A, 3A, 4A, 2B, 3B, 3C, 4C, 2D, 3D, 4D, 2E, 3E, 4E, 2F, 3F, 4F, 2G, 3G, 4G, 2H, 3H AND 4H, according to the Declaration of Condominium thereof recorded in OR Book 12214, Page 2478, as amended in OR Book 12245, Page 1965, of the Public Records of Pinellas County, Florida, together with the appurtenant share of the common elements described therein

Customer Reference Number: Hotel Detroit Search
First American File Number: 2061-3419256

REQUIREMENTS

The following requirements must be met:

1. Pay and/or disburse the agreed amounts for the interest in the land and/or the mortgage to be insured.

2. Pay us the premiums, fees and charges for the policy.

3. Pay all taxes and/or assessments, levied and assessed against the land, which are due and payable.

4. The following documents, satisfactory to us, creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded:

   a. Warranty Deed conveying the land from St. Pete Jannus, Inc., a Florida corporation , to A Natural Person or Legal Entity to be Designated . In connection with said deed, we will further require: 1) Certified copy of a Board of Directors resolution setting forth the terms, conditions and consideration for which the corporation is authorized to convey its property. The resolution must further identify the officers authorized to execute the deed and other closing documents on behalf of the corporation; 2) Certified incumbency certificate showing the identity of the officers authorized to execute the conveyance on behalf of the corporation; 3) The corporation must have been formed prior to, the date the corporation acquired title to the land; 4) Certificate from the Secretary of State of the state of origin of said corporation's current good standing; 5) If the property constitutes all or substantially all of the corporation's assets and the sale is not in the usual and regular course of the corporation's business, the Company shall further require shareholder approval for the transaction obtained in compliance with the State's statutory requirements; and 6) The Company reserves the right to amend the commitment, including but limited to, the addition of further requirements and/or exceptions as it deems necessary based upon a review of any of the documentation required above.

5. Partial Release of Mortgage, releasing the land to be insured from encumbrance of the Mortgage from St. Pete Jannus, Inc., a Florida corporation (as to Parcels I, II, III, V, VI, VII, VIII and IX) and Jannus Bishop Group, Inc., a Florida corporation (as to Parcel IV) to Bank of America, N.A., recorded in Book 14198, Page 2528 .

6. Partial Release of Mortgage, releasing the land to be insured from encumbrance of the Mortgage from St. Pete Jannus, Inc., a Florida corporation (as to Parcels I, II, III, V, VI, VII, VIII and IX) and Jannus Bishop Group, Inc., a Florida corporation (as to Parcel IV) to Bank of America, N.A., recorded in Book 14198, Page 2552 .

7. Payment, cancellation and satisfaction of record of mortgage in the original principal amount of $100,000.00, executed by St. Pete Jannus, Inc. in favor of John Porricello, recorded March 8, 2006 in Book 14974, Page 2364. (as to Unit 4B only)

8. Partial Release of Mortgage, releasing the land to be insured from encumbrance of the Mortgage from T.A. Holding Company One, LLC to Tierra Verde Investments, Inc., recorded in Book 16718, Page 958 modified in Book 17517, Page 1228, Book 18294, Page 618 and Book 18785, Page 1360 .

9. Partial Release of Mortgage, releasing the land to be insured from encumbrance of the Mortgage from T.A. Holding Company One, LLC to Trisland Holdings, Inc., recorded in Book 16718, Page 966 modified in Book 17517, Page 1235, Book 18294, Page 625 and Book 18785, Page 1367 .

10. Partial Release of Mortgage, releasing the land to be insured from encumbrance of the Mortgage from Gulf Sands Properties, LLC, a Florida limited liability company to Thomas F. Gaffney, recorded in Book 17242, Page 2215 modified in Book 18337, Page 499 .

11. Release of Assignment of Rents and Leases from St. Pete Jannus, Inc., a Florida corporation (as to Parcels I, II, III, V, VI, VII, VIII and IX) and Jannus Bishop Group, Inc., a Florida corporation (as to Parcel IV) to Bank of America, N.A. recorded March 24, 2005, in Book 14198, Page 2542 .

12. Release of Assignment of Rents and Leases from St. Pete Jannus, Inc., a Florida corporation (as to Parcels I, II, III, V, VI, VII, VIII and IX) and Jannus Bishop Group, Inc., a Florida corporation (as to Parcel IV) to Bank of America, N.A. recorded March 24, 2005, in Book 14198, Page 2566 .

13. Satisfactory verification from appropriate governmental authorities that any and all unrecorded Special Taxing District Liens, City and County Special Assessment Liens, MSBU Assessment Liens, Impact Fees, and Water, Sewer and Trash Removal Charges, have been paid.

14. Note: The following is for informational purposes only and is given without assurance or guarantee: 2014 taxes show **PAID** in the gross amount of $2,284.18 for Tax Identification No. 19/31/17/41408/000/0023.

15. Note: The following is for informational purposes only and is given without assurance or guarantee: 2014 taxes show **PAID** in the gross amount of $3,281.54 for Tax Identification No. 19/31/17/41408/000/0042.

16. Note: The following is for informational purposes only and is given without assurance or guarantee: 2014 taxes show **PAID** in the gross amount of $10,989.63 for Tax Identification No. 19/31/17/41408/000/0310.

17. Note: The following is for informational purposes only and is given without assurance or guarantee: 2014 taxes show **PAID** in the gross amount of $4,959.29 for Tax Identification No. 19/31/17/41408/000/0320.

18. Note: The following is for informational purposes only and is given without assurance or guarantee: 2014 taxes show **PAID** in the gross amount of $3,566.18 for Tax Identification No. 19/31/17/41408/000/0330.

19. Note: The following is for informational purposes only and is given without assurance or guarantee: 2014 taxes show **PAID** in the gross amount of $11,559.25 for Tax Identification No. 19/31/17/41408/000/0340.

20. Note: The following is for informational purposes only and is given without assurance or guarantee: 2014 taxes show **PAID** in the gross amount of $3,037.79 for Tax Identification No. 19/31/17/41408/000/0350.

NOTE: The following conveyance(s) have been recorded within the last 24 months:

None

Customer Reference Number: Hotel Detroit Search
First American File Number: 2061-3419256

PART II

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. Any rights, interests, or claims of parties in possession of the land not shown by the public records.

3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land.

4. Any lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.

5. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water.

6. Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy.

7. Any minerals or mineral rights leased, granted or retained by current or prior owners.

8. Taxes and assessments for the year 2015 and subsequent years, which are not yet due and payable.

   NOTES FOR STANDARD EXCEPTIONS: Standard Exceptions for parties in possession, for mechanics liens, and for taxes or special assessments not shown as liens in the public records shall be deleted upon receipt of an acceptable Non-Lien and Possession Affidavit establishing who is in possession of the lands, that there are no liens or encumbrances upon the lands other than as set forth in the Commitment, that no improvements to the lands have been made within the past 90 days or are contemplated to be made before closing that will not be paid in full, and that there are no unrecorded taxes or assessments that are not shown as existing liens in the public records. Any Policies issued hereunder may be subject to a Special Exception for matters disclosed by said affidavit.

   Standard Exception(s) for questions of survey may be deleted upon receipt and review of a properly certified Survey meeting the Florida Minimum Technical Standards for all land surveys dated no more than 90 days prior to closing or such other proof as may be acceptable to the Company. Any Policies issued hereunder may be subject to a Special Exception for matters disclosed by said survey or proof.

9. Easement granted to City of St. Petersburg by instrument recorded in Book 5365, Page 642.

10. Declaration of Covenants, Conditions, Restrictions and Easements, recorded in Book 9068, Page 1563 , but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

11. Easement recorded in Book 11930, Page 1767.

12. Terms, provisions, restrictive covenants, conditions, reservations, rights, duties and easements contained in Declaration of Condominium of THE HOTEL DETROIT, a Condominium, and any Exhibits annexed thereto, including all amendments and modifications thereto, including, but not limited to, provisions for a private charge or assessments, recorded in Book 12214, Page 2478, as Amended in Book 12245, Page 1965, but deleting any covenant, condition or restriction indicting a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

13. St. Petersburg Development Orders as set forth in instrument recorded in Book 6900, Page 2224 and Book 6933, Page 78 and Book 8053, Page 1395 .

14. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

15. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of REVISED MAP OF THE CITY OF ST. PETERSBURG, as recorded in Plat Book 12214, Page(s) 2478, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

16. Terms and provisions of that Memorandum of Rights and Restrictions recorded in Book 17448, Page 1463.

Note: All of the recording information contained herein refers to the Public Records of Pinellas County, Florida , unless otherwise indicated. Any reference herein to a Book and Page is a reference to the Official Record Books of said county, unless indicated to the contrary.

Notices - Where Sent

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company, Attention: Claims Department, 1 First American Way, Santa Ana, CA 92707.

Service, Quality and Availability

First American Title Insurance Company cares about its customers and their ability to obtain information and service on a convenient, timely and accurate basis. A qualified staff of service representatives is dedicated to serving you. A toll-free number is available for your convenience in obtaining information about coverage and to provide assistance in resolving complaints at 1-800-854-3643. Office hours are from 8:30 a.m. through 5:30 p.m. Monday through Friday.

Sole Title, LLC
4260 Central Ave
Saint Petersburg, FL 33711
Phn - (727)490-9086
Fax - (727)823-5916

09/09/2015

Re: Customer Reference Number: **Hotel Detroit Search**
First American File Number: **2061-3419256**

Property Address: **Entire Block, St. Petersburg, FL 33701**

YOU MAY BE ENTITLED TO A REDUCED PREMIUM FOR TITLE INSURANCE IF THIS OFFICE IS PROVIDED WITH A PRIOR OWNER'S POLICY INSURING THE SELLER OR MORTGAGOR IN THE CURRENT TRANSACTION.

An order has been placed with this company for a title insurance policy. The purpose of this letter is to provide you with important information regarding the title insurance premium that has been or will be charged in connection with this transaction.

Eligibility for a discounted title insurance premium will depend on :

REFINANCE TRANSACTIONS:
To qualify for a reduced premium for title insurance you must provide our office with a copy of your prior owner's policy of title insurance insuring your title to the above-referenced property.

SALES TRANSACTIONS:
To qualify for a reduced premium for title insurance you must provide our office with a copy of your (or your seller's) prior owner's policy of title insurance insuring your title to the above-referenced property. The effective date of the prior owner's policy must be less than three years old or the property insured by the policy must be unimproved (except roads, bridges, drainage facilities and utilities are not considered improvements for this purpose).

To qualify for the reduced rate, you or your representative may hand deliver, mail or fax a copy of the prior owner's policy of title insurance to the above address or fax number prior to closing, although we will accept the prior policy up to 5 working days after the closing date of your transaction.

Associa
Gulf Coast

2E

HOTEL DETROIT CONDOMINIUM ASSOCIATION, INC.
A Corporation Not-for-Profit

INITIAL NOTICE
OF
ANNUAL MEETING

The Annual Meeting of the Hotel Detroit Condominium Association, Inc. will be at the following place, date and time:

Place of Meeting: Associa Gulf Coast ~~Board Room~~
9887 Fourth Street North, Ste. 301
St. Petersburg, Florida 33702

ATTN: KIM MORRIS

Date of Meeting: Wednesday, December 03, 2014

Time of Meeting: 6:00 PM

The purpose of the annual meeting is to elect (5) members to the Board of Directors for 2015 as well as transact such other business as may properly come before the membership.

In accordance with Florida Statute 718.112 (2)(d)3 and the Florida Administrative Code, any owner or other eligible person desiring to be a candidate for the Board of Directors shall submit written notice to the association (see enclosed Notice of Intent) no less than forty (40) days before the election December 03, 2014.

Hotel Detroit Condominium Association, Inc.
c/o Associa Gulf Coast
9887 Fourth Street North, Ste. 301
St. Petersburg, Florida 33702

With the notice of intent, the candidate may also submit an information sheet describing the candidate's background, education, qualifications and/or platform for office. The information sheet cannot exceed 8 ½ x 11 inches, one sided and will be duplicated and distributed with the final meeting notice in exactly the same form as it is received. Please note that the association will have no liability for the contents of the information sheets prepared by the candidates.

Detroit Hotel SQ. FT.

Unit	Owners as of 6/29/2015	Sq. Ft.
C1	St. Pete Jannus LLC.	4,260
C2	St. Pete Jannus LLC.	1,535
C3	St. Pete Jannus LLC.	1,104
C4	St. Pete Jannus LLC.	4,133
C5	St. Pete Jannus LLC.	940
2A	Jeff Knight	1,344
2B	Gulf Sands Properties LLC.	1,072
2C	St. Pete Jannus LLC.	807
2D	Carlos & Coleen Lopez	1,452
2E	Michelle & Anthony Amico	1,210
2F	NVTA LLC.	1,100
2G	Erica Clark	1,406
2H	David Raimo	1,065
3A	NAMSSA LLC.	1,344
3B	Matthew Jensen	1,072
3C	Mary Gray & George Hickerson	807
3D	Christina Gultepe	1,452
3E	Greco Family Ltd.	1,210
3F	Connie Israel	1,100
3G	David Rose	1,406
3H	Esteli Holdings LLC.	1,065
4A	Matthew Shields	1,344

Detroit Hotel SQ. FT.

Unit	Owners as of 6/29/2015	Sq. Ft.
4B	St. Pete Jannus LLC.	1,072
4C	CENTRAL AVE 4C FAMILY TRUST / MC MILLION, KIMBERLY TRE	807
4D	Montieth Stewart	1,452
4E	DUNNE, JAMES G LIVING TRUST / DUNNE, JANET A LIVING TRUST	1,210
4F	SCHUMACHER & ASSOCIATES INC / PURCHASE PENSION PLAN & TRUST	1,100
4G	Jon Quigley	1,406
4H	Malcolm Phillips	1,065
	BUILDING TOTAL SQUARE FOOTAGE	**40,340**

Not Counting Hallways or Lobby

Interactive Map of this parcel | Back to Query Results | New Search | Tax Collector Home Page | Contact Us | EN

19-31-17-41408-000-0001

Compact Property Record Card

Portability Calculator

Data Current as of September 18, 2015

Email Print Radius Search Improvement Value per F.S. 553.844

Ownership/Mailing Address Change Mailing Address	Site Address
HOTEL DETROIT CONDO ASSN INC 3637 4TH ST N STE 230 ST PETERSBURG FL 33704-1300	0 2ND ST S ST PETERSBURG

Property Use. 0974 (Condo Common Area Assn Own - w/improvement (939)) Living Units.

[click here to hide] Legal Description

HOTEL DETROIT CONDO, THE COMMON ELEMENTS

File for Homestead Exemption

Exemption	2015	2016
Homestead	No	No
Government	No	No
Institutional	No	No
Historic	No	No

2015 Parcel Use

Homestead Use Percentage 0.00%
Non-Homestead Use Percentage 100.00%
Classified Agricultural No

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Plat Book/Page
10859/2012		121030215001	E	126/081

2015 Preliminary Value Information

Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2015	$0	$0	$0	$0	$0

[click here to hide] Value History as Certified (yellow indicates correction on file)

Year	Homestead Exemption	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2014	No	$0	$0	$0	$0	$0
2013	No	$0	$0	$0	$0	$0
2012	No	$0	$0	$0	$0	$0
2011	No	$0	$0	$0	$0	$0
2010	No	$0	$0	$0	$0	$0
2009	No	$0	$0	$0	$0	$0
2008	No	$0	$0	$0	$0	$0
2007	No	$0	$0	$0	N/A	$0
2006	No	$0	$0	$0	N/A	$0
2005	No	$0	$0	$0	N/A	$0
2004	No	$0	$0	$0	N/A	$0
2003	No	$0	$0	$0	N/A	$0
2002	No	$0	$0	$0	N/A	$0
2001	No	$0	$0	$0	N/A	$0
2000	No	$0	$0	$0	N/A	$0
1999	No	$0	$0	$0	N/A	$0
1998	No	$0	$0	$0	N/A	$0
1997	No	$0	$0	$0	N/A	$0
1996	No	$0	$0	$0	N/A	$0

2014 Tax Information

Click Here for 2014 Tax Bill
Tax Collector Mails 2015 Tax Bills October 31

Tax District: SP

2014 Final Millage Rate	22.8749
2014 Est Taxes w/o Cap or Exemptions	$0.00

A significant change in taxable value may occur when sold due to changes in the market or the removal of exemptions. Click here for more information.

Ranked Sales (What are Ranked Sales?) See all transactions

Sale Date	Book/Page	Price	Q/U	V/I

No recent sales on record

2015 Land Information

Seawall: No Frontage: None View:

Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Residential Common Area (09)	0x0	0.10	1.0000	1.0000	$0	LT

[click here to hide] 2015 Extra Features

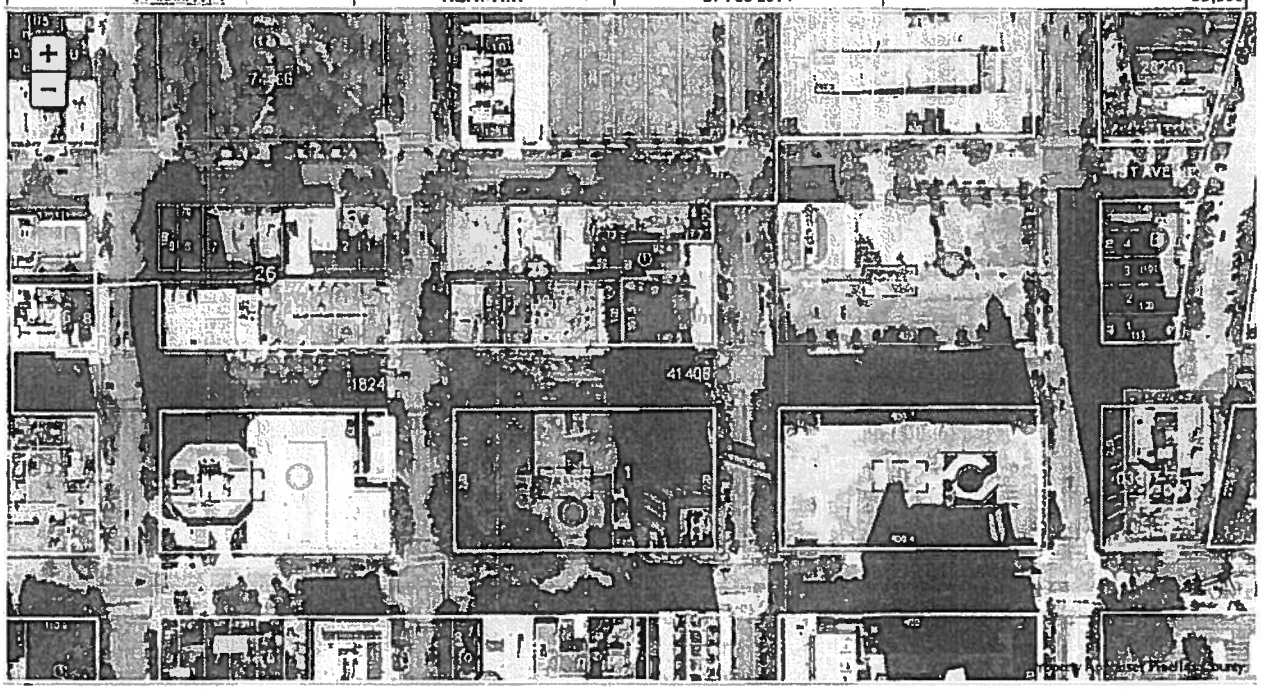
Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year

No Extra Features on Record

[click here to hide] Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits or the status of non-permitted improvements should be directed to the permitting office in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
14-08000669	HEAT/AIR	18 Aug 2014	$3,500
14-02001194	HEAT/AIR	27 Feb 2014	$3,500



Interactive Map of this parcel Map Legend Back to Query Results New Search Tax Collector Home Page Contact Us

Registry for Transfer of Development Right, Historic

Contact	Name of Property	# TDRs Established (sf)	# TDRS Transferred (sf)	# TDRs Available/Remaining (sf)
YMCA/Nick Ekonomou ehff.nick@gmail.com	YMCA/The EDWARD TDR #08-01 (3/21/08)	595,160	0	595,160.00
Snell Arcade Condo Assoc, Inc. Dar Webb, President 405 Central Avenue, Suite 250 St. Petersburg, FL 33701 727-822-3743 (land) 727-688-3775 (cell) dar@webette.com	Snell Arcade TDR # 08-02 11/21/08	609,420	10,010 (May 2015) 209,963 (June 2016) 16,393 (Jan 2017) 5,187 (Jan 2017)	367,867.00
Flori De Leon Cooperative Apartments, Inc. Ilene Shandell, Treasurer 130 4th Ave N. St Petersburg, FL 33701 (402) 212-8669 ILENE1125@yahoo.com	Flori De Leon TDR #08-03 (12/12/08)	938,640	0	938,640.00
The Cathedral Church of St. Peter, Inc. Dean Stephen Morris (727) 822-4173	First Baptist Church TDR # 08-06 01/16/09	53,470	0	DENIED
The Cathedral Church of St. Peter, Inc. Rev. Dean Stephen Morris 140 4th St N (727) 822-4173	St. Peter's Episcopal Church TDR #09-01 (4/17/09)	198,120 87,520 First Baptist Church bldg 90,670 St. Peters Main Cathedral 19,930 St. Peters Garden	0	198,120.00

Mark Tong/Al Laforce 7401 Central Ave, St. Petersburg (808) 937-2510 lyraestarsystems@gmail.com	Crystal Bay (Sunset Hotel) TDR #08-05 (11/21/08)	358,180	0	358,180.00
Mirror Lake Lyceum/Brian Wilder	*Mirror Lake Lyceum TDR #08-04 1/16/09-deferred*	*289,620*		
First Congregational Church	*TDR #15-90500001*	*under review*		
Hotel Detroit	*TDR #15-90500002*	*under review*		
Balance				**2,457,967.00**

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

PURPOSE

This application is to establish Historic Transfer of Development Rights credits. The St. Petersburg City Code Section 16.70.040.1.17 provides for a Transfer of Development Rights (TDR) for individually designated local historic landmarks and sites. The City recognizes that locally significant 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 the owners of historically designated properties to benefit from the development potential by allowing the sale of the development rights with the condition that the building or site be retained. The process will be completed in two phases: approval of the establishment of TDR credits for the historic landmark and approval of the transfer or sale of the credits to a receiving site. The establishment and transfer of TDR credits may occur at separate times.

Calculating the Amount of TDR Credits

For a locally designated historic building, the amount of transferable floor area will be determined by multiplying the gross floor area of the designated building by ten (10). This multiplier shall be twenty (20) for buildings constructed before 1901. For a landmark site (cemetery or archaeological site), the amount of transferable floor area will be determined by multiplying the gross square footage of the landmark site by five (5).

Upon approval, the City shall issue a TDR Credits Certificate indicating the number of units or amount of FAR available for transfer or sale. Approval of a request by the Community Preservation Commission or Historic Preservation Division does not grant or imply other variances from the City Code, FEMA regulations, or other applicable codes. Applicants are advised to contact the Construction Services and Permitting Division at (727) 893-7231 to determine if any other regulations may affect a given proposal

Protective Covenant

Once the TDR credits are established, the owner shall be required to execute and record a declaration of covenants and restrictions (provided by the City). The covenant will restrict the development potential to the size of the historic landmark and any TDR credits not established or transferred. The covenant will run with the property, binding all future owners. If the landmark is removed, any new development may only be constructed up to the size of the historic landmark and any TDR credits not transferred. If the allowable density or intensity of the site increases due to a change in zoning or the City Code, any additional development rights may be used on site, or additional TDR credits may be created by utilizing the same application process. The owner must provide proof that the covenant has been filed with the Pinellas County Clerk of Circuit Court in order to receive the TDR Credits Certificate indicating the amount of square footage available for sale.

Transfer or Sale of TDR Credits

The establishment and transfer of TDR credits may occur at separate times. TDR credits may only be transferred to property located within the DC (Downtown Center) and CCS (Corridor Commercial Suburban) districts. The owner of the local landmark or landmark site with approved TDR credits will need to submit a Request to Transfer TDR Credits application for approval of the transfer or sale of credits to the Historic Preservation Division. The owner of the receiving site will need to obtain approval of the site plan for the parcel from the Development Review Commission (DRC) before credits may be transferred to the receiving parcel. Evidence of all sales or transfers must be recorded with the Clerk of the Community Planning and Preservation Commission.

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

LIST OF REQUIRED SUBMITTALS

- ☐ Completed TDR application form
- ☐ Application fee: $500
- ☐ Survey of the Property
- ☐ Evidence of square footage of landmark building or site (Pinellas Property Appraiser records or floor plans/site plans with measured drawings may be used.)
- ☐ Current title report
- ☐ Title commitment, or other sufficient evidence, of all persons with a property interest (e.g. mortgagor, lienholder, joint owner) indicating their support of the establishment of the TDRs
- ☐ Tax bill from most recent year

All data and exhibits submitted in connection with this application become a permanent part of the Public Records of the City of St. Petersburg.

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

OWNER INFORMATION **(Please attach a list with the same Information for additional owners)**

Owner Name:_____Contact Person:_____

Mailing Address:_____

City and State: _____ Zip Code: _____

Phone Number(s): Day_____ Other _____

E-mail Address:_____

AGENT INFORMATION (if different than property owner)

Agent name:_____

Mailing Address:_____

City and State: _____ Zip Code: _____

Phone Number:_____ E-mail Address:_____

LOCAL LANDMARK PROPERTY INFORMATION

Property Address:_____

Property Identification Number (PIN):_____

Local Landmark Name:_____ Date Constructed:_____

HPC Designation No.:_____ Date Designated:_____

Existing zoning:_____Existing use:_____

Existing future land use designation: _____Total Acreage of Parcel: _____

For locally designated landmark building/structure

Existing Gross Floor Area (total square footage of building):_____

Amount of square footage to be established for TDR Program:_____

For locally designated landmark site (i.e. cemetery or archaeological site)

Existing Gross Square Footage of the site:_____

Amount of square footage to be established for TDR Program:_____

TITLE COMPANY INFORMATION

A current title report must be supplied by the owner as part of the TDR application.

Name of Title Company: _____ Phone: _____

Address: _____

City and State: _____ Zip Code: _____

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

MORTGAGE COMPANY INFORMATION

A title commitment or other sufficient evidence of all persons with a property interest (e.g. mortgagor, lienholder, joint owner) must be supplied as part of the TDR application.

Are there any liens or mortgages on the property? Yes _____ No _____

Mortgage Holder's Name: _____ Phone: _____

Address: _____

City and State: _____ Zip Code: _____

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
PLEASE REFER TO THE "LIST OF REQUIRED SUBMITTALS"

By signing this application, the applicant affirms that all information contained within this application packet has been read and that the information on this application represents an accurate description of the property. Further, the applicant agrees to conform to all conditions of approval. It is understood that approval of this application by the Community Planning and Preservation Commission or Staff in no way constitutes approval of a building permit or other required City permit approvals. Filing an application does not guarantee approval.

SIGNATURE OF PROPERTY OWNER_____ DATE_____

PRINT NAME AND TITLE _____

Note: To accept an agent's signature, a notarized letter of authorization from the property owner must accompany this application.

CITY STAFF ONLY TDR Case No. _____

Neighborhood Association:_____ Plat Page No.:_____

Approved/Approved with Conditions/Denied:_____

Square footage approved for transfer:_____

Application Fee: $_____ Received? _____ Yes _____ No

Covenant filed: _____ Yes ____No Official Record Book _____ Page _____

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

PURPOSE

This application is to establish Historic Transfer of Development Rights credits. The St. Petersburg City Code Section 16.70.040.1.17 provides for a Transfer of Development Rights (TDR) for individually designated local historic landmarks and sites. The City recognizes that locally significant 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 the owners of historically designated properties to benefit from the development potential by allowing the sale of the development rights with the condition that the building or site be retained. The process will be completed in two phases: approval of the establishment of TDR credits for the historic landmark and approval of the transfer or sale of the credits to a receiving site. The establishment and transfer of TDR credits may occur at separate times.

Calculating the Amount of TDR Credits

For a locally designated historic building, the amount of transferable floor area will be determined by multiplying the gross floor area of the designated building by ten (10). This multiplier shall be twenty (20) for buildings constructed before 1901. For a landmark site (cemetery or archaeological site), the amount of transferable floor area will be determined by multiplying the gross square footage of the landmark site by five (5).

Upon approval, the City shall issue a TDR Credits Certificate indicating the number of units or amount of FAR available for transfer or sale. Approval of a request by the Community Preservation Commission or Historic Preservation Division does not grant or imply other variances from the City Code, FEMA regulations, or other applicable codes. Applicants are advised to contact the Construction Services and Permitting Division at (727) 893-7231 to determine if any other regulations may affect a given proposal

Protective Covenant

Once the TDR credits are established, the owner shall be required to execute and record a declaration of covenants and restrictions (provided by the City). The covenant will restrict the development potential to the size of the historic landmark and any TDR credits not established or transferred. The covenant will run with the property, binding all future owners. If the landmark is removed, any new development may only be constructed up to the size of the historic landmark and any TDR credits not transferred. If the allowable density or intensity of the site increases due to a change in zoning or the City Code, any additional development rights may be used on site, or additional TDR credits may be created by utilizing the same application process. The owner must provide proof that the covenant has been filed with the Pinellas County Clerk of Circuit Court in order to receive the TDR Credits Certificate indicating the amount of square footage available for sale.

Transfer or Sale of TDR Credits

The establishment and transfer of TDR credits may occur at separate times. TDR credits may only be transferred to property located within the DC (Downtown Center) and CCS (Corridor Commercial Suburban) districts. The owner of the local landmark or landmark site with approved TDR credits will need to submit a Request to Transfer TDR Credits application for approval of the transfer or sale of credits to the Historic Preservation Division. The owner of the receiving site will need to obtain approval of the site plan for the parcel from the Development Review Commission (DRC) before credits may be transferred to the receiving parcel. Evidence of all sales or transfers must be recorded with the Clerk of the Community Planning and Preservation Commission.

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

LIST OF REQUIRED SUBMITTALS

- ☐ Completed TDR application form
- ☐ Application fee: $500
- ☐ Survey of the Property
- ☐ Evidence of square footage of landmark building or site (Pinellas Property Appraiser records or floor plans/site plans with measured drawings may be used.)
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- ☐ Tax bill from most recent year

All data and exhibits submitted in connection with this application become a permanent part of the Public Records of the City of St. Petersburg.

Community Planning and Preservation Commission
Historic Transfer of Development Rights
Application to Establish Credits

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Historic Transfer of Development Rights
Application to Establish Credits

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Are there any liens or mortgages on the property? Yes _____ No _____

Mortgage Holder's Name: _____ Phone: _____

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CITY STAFF ONLY **TDR Case No.** _____

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Approved/Approved with Conditions/Denied:_____

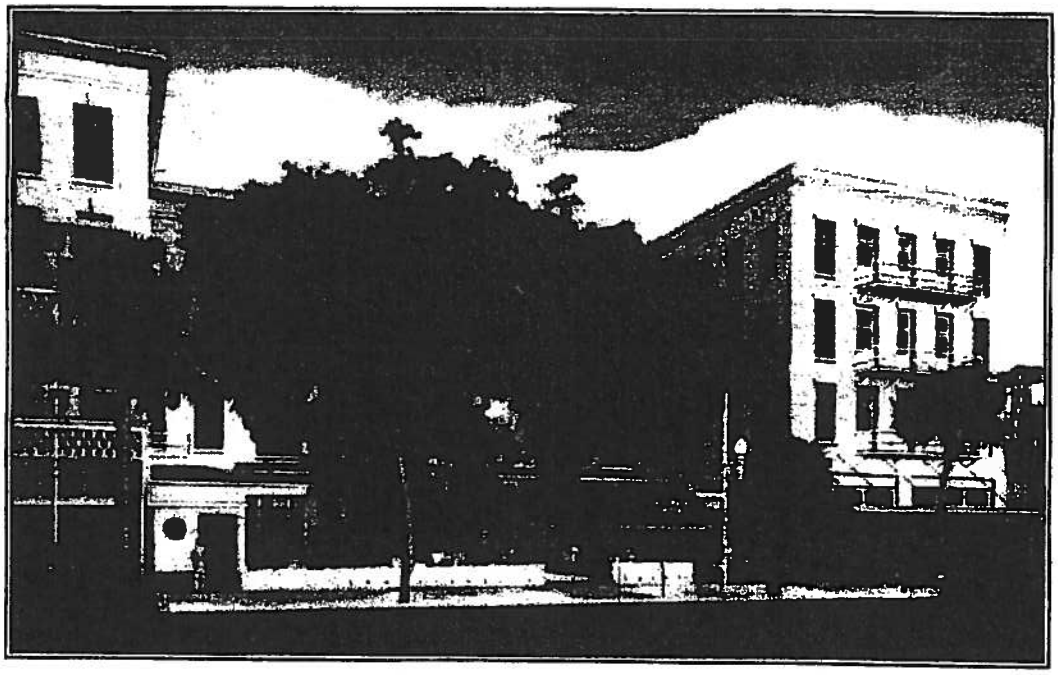
Square footage approved for transfer:_____

Application Fee: $_____ Received? _____ Yes _____ No

Covenant filed: _____ Yes ____No Official Record Book _____ Page _____

DETROIT HOTEL
215 CENTRAL AVENUE

DESIGNATION REPORT



ST. PETERSBURG COMMUNITY PRESERVATION COMMISSION

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CITY OF ST. PETERSBURG, FLORIDA
DEVELOPMENT SERVICES DEPARTMENT
URBAN PLANNING, DESIGN, AND HISTORIC PRESERVATION

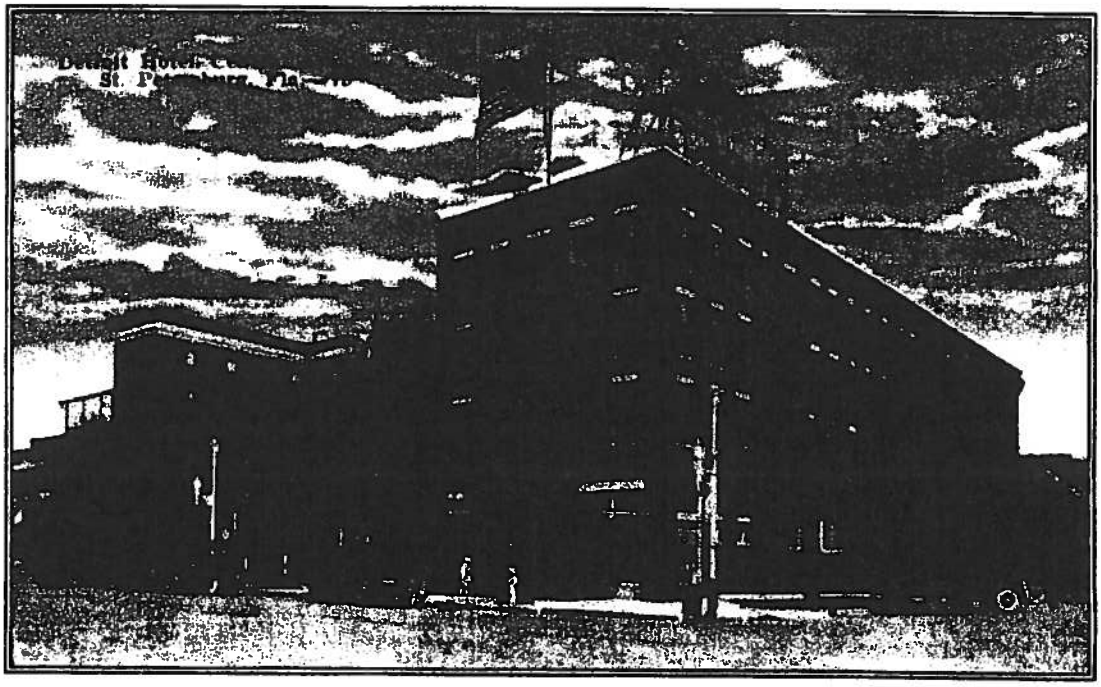
STAFF REPORT

COMMUNITY PRESERVATION COMMISSION
LOCAL DESIGNATION REQUEST

For **Public Hearing** and **Recommendation to City Council** on **November 20, 2009** beginning at 9:00 A.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Development Services Department records, Bob Carter and Marie Stirling, reside or have 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.

CASE NO.:	**HPC 09-04/09-90300006**
STREET ADDRESS:	215 Central Avenue
LANDMARK:	Detroit Hotel
OWNER:	various
APPLICANT:	St. Petersburg Preservation
REQUEST:	Local Designation of the Detroit Hotel



Detroit Hotel, 215 Central Avenue

BACKGROUND

In September 2009, St. Petersburg Preservation submitted a local designation application for the Detroit Hotel located at 215 Central Avenue. Prepared by Katy Anderson and Dr. William Michaels, the application provided extensive information concerning the role the hotel played in the growth of the community. Staff prepared the following architectural history and description, to identify significant features as a supplement to the application.

Architectural History

The Detroit Hotel, located at 201-15 Central Avenue, was built in 1888 by the Orange Belt Railway company. On July 14, 1888, John C. Williams and the Orange Belt Railway, represented by General Manager P.A. Demens, entered into a Memorandum of Agreement concerning the construction of a hotel. As part of the agreement, John C. Williams agreed to pay the Orange Belt Railway $5,000 upon the completion of the construction of the hotel by the railway. The agreement continues by stating,

> The Orange Belt Railway agrees to build a hotel at St. Petersburg, Hillsborough County, Fla. On lots to be selected and agreed upon by the respective parties, hereto said selection to be made, within the next seven days, according to plans agreed upon and dated and signed by the respected parties hereto, said hotel to cost not less than ten thousand dollars.[1]

Williams' interest in the hotel would total the $5,000 he paid to the railway, while the railway's interest would total the actual cost of construction. Williams included a clause that the railway would be required to pay for the materials, the contractors, and the workmen in full before he had to pay the railway his $5,000 interest. A receipt recorded on the same document indicated that Williams paid his full $5,000 in February 1889.[2]

The hotel was completed by the time the original city plat was officially filed. Prepared by Engineer A.L. Hunt and Draftsman G.A. Miller in August 1888, the Map of the Town of St. Petersburg was officially filed in April 1889 and revised in October 1889.[3] As part of the plat, Williams and the Orange Belt Railway reserved space for the city park, the depot (which was completed late in 1888), Williams Grove, and the hotel which was on Lot 1 of Block 25. The parcel, which constituted almost half of a city block, was bordered on the south by

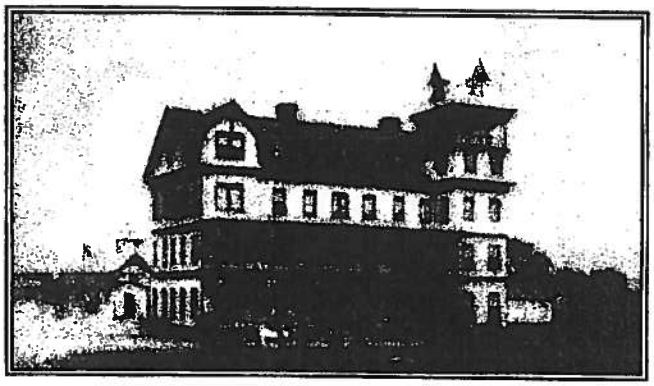


Figure 1. Detroit Hotel, ca. 1895. Florida State Archives, Photo N040078.

[1] "The Detroit Hotel. Copy of an Agreement in Possession of R.C.M. Judge of Los Angeles." 14 July 1888. Transcription by A.H. Phinney, 21 August 1923. Subject file, Archives, St. Petersburg Museum of History, St. Petersburg.
[2] Ibid.
[3] Pinellas County Clerk of Circuit Court (PCCCC), Map of the Town of St. Petersburg, 16 April 1889, Plat Book H1, Page 27, and Revised Map of the City of St. Petersburg, 29 October 1889, Plat Book H1, Page 49.

6th Avenue, on the north by 5th Avenue, and on the east by 2nd Street (now Central Avenue, 1st Avenue North, and 2nd Street North).

Conveniently located a block from the Orange Belt Railway Depot, the 40 room hotel served as the only hotel in the community for two years. Built by a "crew of carpenters from Oakland," the hotel was three-and-one-half stories high with a tower extending 70 feet high at the southeast corner and a two-story wing extending to the rear. E.G. Peyton of Virginia served as the first manager of the hotel, which was open all year, not just during the winter season.[4]

When the railroad could not pay its debts in 1889, the syndicate of Philadelphia financiers holding the debts took over the railroad and the Orange Belt Investment Company, which was responsible for the land held in the name of the railroad, including the hotel. The syndicate organized the St. Petersburg Land and Investment Company for the purpose of selling the lots comprising the 250 acres deeded by Williams in exchange for bringing the railroad to his land.

Colonel L.Y. Jenness was designated the manager of the new development company. In 1889, the Orange Belt Railway started to offer seaside excursions to St. Petersburg. To make a good impression, Colonel Jenness ordered the manager of the Detroit Hotel to make sure that the hotel bar was well-stocked with refreshments. These excursions were one of the first concentrated efforts by the community and the development company to attract tourists.[5]

In an effort to attract additional tourists, the manager of the Detroit Hotel, J.H. Forquer, constructed a 16-room houseboat intended as "a seaside addition to the Detroit" in 1897. Known as the "floating hotel", the houseboat was anchored near present-day Pass-a-Grille. In spite of initial success, a cold winter with few tourists followed by a fire which damaged the boat in the spring of 1899 precluded Forquer from rebuilding. Forquer made improvements to the Detroit during this period as well. Perhaps in an effort to imitate the minaret-topped Tampa Bay Hotel, the Detroit built its own minaret-topped gazebo addition to the entrance canopy at the front of the hotel around 1899.[6]

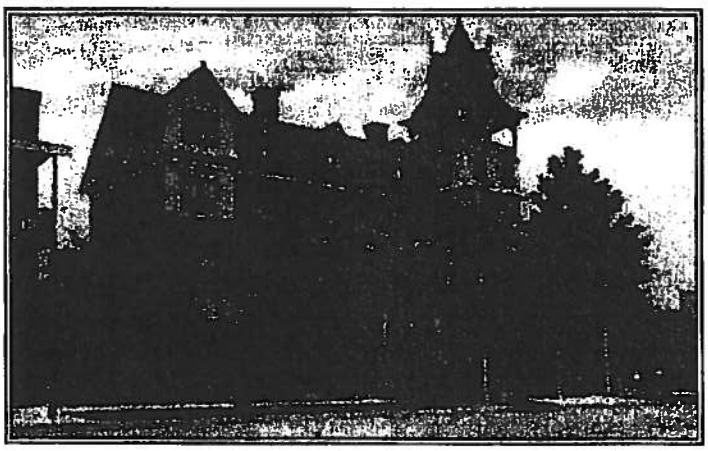


Figure 2. Detroit Hotel, ca. 1906. City of St. Petersburg Photo Archives, Photo 081602.

As the unofficial center of town, the lots surrounding the depot and the Detroit Hotel quickly filled with new construction. The hotel was used to celebrate important events, hold civic and political meetings, and impress prospective residents. For example, occupants of the city marked the 1897 introduction of electricity in the town with a day of celebration culminating in a grand ball at the Detroit Hotel.[7] By 1905, the newspaper advertised nine

[4] Karl H. Grismer, *The Story of St. Petersburg: The History of Lower Pinellas Peninsula and The Sunshine City* (St. Petersburg: P.K. Smith & Company, 1948), 81-79; Raymond Arsenault, *St. Petersburg and the Florida Dream 1888-1950,* (Gainesville: University Press of Florida, 1996), 58.
[5] Arsenault, 62; Grismer, 70, 97, 111; "Heavy Real Estate Deal: Old Company Goes Out of Business." *St. Petersburg Times,* 15 December 1906.
[6] Grismer, 99; Arsenault, 93.
[7] Arsenault 1996, 64, 81-82.

Figure 3. Detroit Hotel, ca. 1906. Florida State Archives, Photo N040080.

hotels in the city, including the Detroit, the Manhattan, Colonial, Huntington, Wayne, Chatuagua, Paxton House, Belmont, and Central Hotels. Of the combined 675 guests that these hotels could accommodate, the Detroit could house 100.[8]

In December 1906, the St. Petersburg Land and Investment Company announced it was closing and terminating its business dealings in St. Petersburg due to manager Colonel L.Y. Jenness' ill health. By this time, the company owned full interest in the Hotel Detroit and sold it, along with an office building on Central Avenue, 75 additional lots in the city, and 75 acres southwest of the city to C. Perry Snell, A.E. Hoxie, and J.C. Hamlett. The purchasers were well-known developers with business and real estate interests throughout the city. Although the total sale price was not revealed, the hotel property alone was valued at $28,000 in 1906. At the time of the transaction, C.N. Crawford and S.E. Deming held a lease to operate the Detroit Hotel.[9] By 1908, Crawford had purchased the hotel, and hired Gordon Bainbridge Hayward as night clerk around 1912.[10]

The Detroit Hotel capitalized on the influx of winter tourists during the city's first real estate land boom from 1909 to the start of World War I. Between 1911 and 1913, two large brick additions were constructed on the Detroit. The first, a four-story brick addition constructed in 1911 on the west elevation, consisted of an additional 30 rooms, 15 of them with private baths, and one store on the first floor. It incorporated electricity, running hot and cold water in each room, and was designed by an "architect from Tampa."[11] The second addition, designed by M. Leo Elliott of the architectural firm of Bonfoey and Elliott of Tampa, was constructed in 1913. This four-story brick addition was attached to the east elevation of the original wood frame building and extended from the corner of Central Avenue and 2nd Street North to the alley between Central and 1st Avenue North. The original 70-foot tower located at the southeast corner of the wood frame building was removed. Archibald Atkinson was selected as the

Figure 4. Detroit Hotel, ca. 1911, first brick addition on west. Florida State Archives, Photo PC4095.

[8] Grismer, 124; Dell Miller, "St. Petersburg Had Many Good Hotels Before 1900; Detroit Was Leader," *St. Petersburg Independent*, [1965], Subject file, St. Petersburg Museum of History Archives, St. Petersburg.
[9] "Heavy Real Estate Deal" 1906.
[10] "Addition to the Detroit Opened." *St. Petersburg Times*, 10 December 1913, 2.; "Detroit Sold to Rutland for Over $200,000," *St. Petersburg Times*, 13 October 1938, 1; Bethia Caffery, "Who Is It? Mystery Portrait of Man Remains Unidentified," *St. Petersburg Independent*, 27 August 1981. Subject file, St. Petersburg Museum of History Archives, St. Petersburg; Grismer, 323-24.
[11] "Brick Addition to Hotel Detroit," *St. Petersburg Evening Independent*, 5 May 1911; "Hotel Detroit" advertisement, *St. Petersburg Times*, 3 October 1911.

contractor. The scope of work included repairs and redecoration of the original structure, as well as the enlargement of the dining room and kitchen. One of the most notable elements in the new construction was the elevator installed by the Warner Electric Company, a novelty in the city at the time. The 60 room addition was completed by December 10, 1913 at a cost of $75,000. With these additions, the hotel could lodge 200 overnight guests, and the enlarged dining room could accommodate 300 patrons. A new one-story commercial structure was also added to the property at 22-30 2nd Street North in 1909.[12]

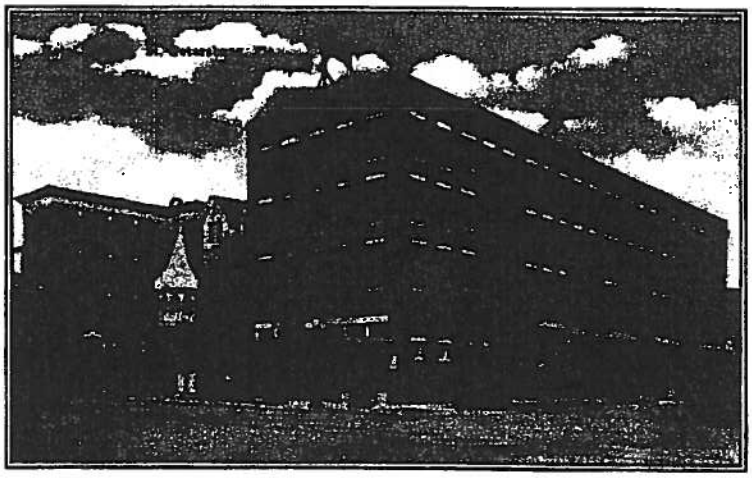


Figure 5. Detroit Hotel, ca. 1914, second brick addition on east. Florida State Archives, Photo PC4097.

Following the death of owner C.N. Crawford in 1914, his widow retained ownership of the Detroit Hotel even after her subsequent marriage to L.M. Backus around 1917. Although Bainbridge Hayward was generally recorded as the manager of the Detroit Hotel during this period, he returned to his native New York for over a year in the 1910s and served in World War I before permanently relocating to St. Petersburg. According to the St. Petersburg City Directory, other individuals were noted as managers of the hotel in his absence, but none filled the position longer than a year.[13] In 1916, advertisements for the Detroit Hotel in the St. Petersburg City Directory listed the following attributes, "Hotel Detroit. Rooms en Suite with Bath. Electric Light, Steam Heat. Open All Year, American Plan. Mrs. C. N. Crawford, Owner. L.R. Cornell, Manager. $3.00 up, 120 rooms, 50 with Bath."[14] Hotels which functioned under the American

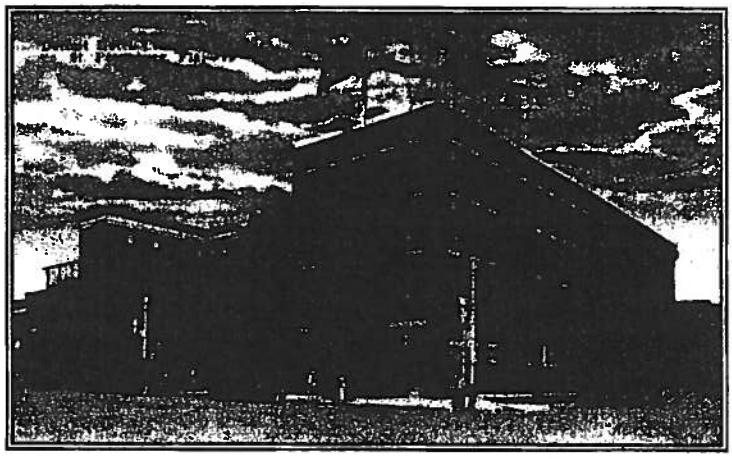


Figure 6. Detroit Hotel, ca. 1920. Florida State Archives, Photo PC4096.

[12] "Eight Bids Made for Detroit Annex," *St. Petersburg Times,* 23 May 1913, 1; "Crawford Rejects All Hotel Bids." *St. Petersburg Times,* 28 May 1913, 6; "To Install Elevator." *St. Petersburg Times,* 1 July 1913, 8; "Addition to the Detroit Opened," *St. Petersburg Times,* 10 December 1913, 2; Sanborn Map Company, Sanborn Fire Insurance Map, 1913, accessed via internet, http://sanborn.umi.com; "Block Building," *St. Petersburg Evening Independent*, 9 July 1909.

[13] "Business Stops During Funeral," *St. Petersburg Evening Independent*, 26 September 1914; R.L. Polk, ed., *Polk's St. Petersburg City Directory, 1918,* (Jacksonville: R.L. Polk, Co., 1918); "Detroit Sold to Rutland for Over $200,000" 1938; Grismer, 324.

[14] Polk 1916, 10.

Plan, including the Detroit, catered to winter visitors by including breakfast, lunch, and dinner in the hotel dining room as part of the rate.

At the onset of the post-World War I boom, Frank Fortune Pulver purchased the Detroit Hotel in 1919. Pulver had made his fortune through the manufacture of Spearmint chewing gum, a formula and business which he sold to William Wrigley, Jr. in 1913 before permanently settling in St. Petersburg in 1917. He purchased the bridge to Pass-a-Grille, acquired the Huntington Hotel, and opened the Soft Water Laundry. Pulver served as Mayor from 1921 to 1924. In this position, Pulver, along with city publicity director John Lodwick, collaborated to create widely publicized stunts to draw attention and tourists to the city.[15]

At the Detroit, Pulver retained Bainbridge Hayward as the manager of the hotel. Within a year after Pulver's purchase, 49 hotel rooms and ten new commercial storefronts were added increasing the overall capacity on the property to 175 hotel rooms and 18 stores. In 1922, the hotel advertised "200 outside rooms, Sunshine in Every Room." This construction campaign included the demolition of the former laundry and servant's quarters along 1st Avenue North and the construction of a two-story commercial building at 208-36 1st Avenue North (now 200 1st Avenue North). This building housed some of the first commercial stores on 1st Avenue North. During this period, the Detroit offered a barber shop and auto service, with the Postal Telegraph Cable Company, Beach's Pharmacy, Broadway Fashion Shop, and First Loan and Savings Company occupying commercial space.[16]

With only five hotels providing fewer than 500 hotel rooms at the start of the 1920s Florida land boom, city leaders were encouraged by the construction of mid-sized hotels, such as the Alexander Hotel, the Mari-Jean, and the Hotel Cordova, and several large hotels, including the Princess Martha, Pennsylvania Hotel, and Vinoy Park Hotel, during the boom.[17] In an effort to compete with the newer hotels, Pulver promoted the Detroit Hotel as the "Best Known Hotel in St. Petersburg," "A Step Away to Shop or Play," and "the Heart of the Sunshine City."[18]

Like most other businessmen in the city, Frank Pulver overextended himself during the real estate boom. Political infighting led to his removal from office in 1924. He then started a daily tabloid called the *Daily News*, which failed less than two years later. Pulver retreated into semi-retirement. In 1929, long-time hotel manager Bainbridge Hayward and Olive Matthews formed a company and purchased the Detroit Hotel from Pulver through a mortgage with the Life and Casualty Company of Nashville, Tennessee. With the decline of tourism during the Depression, the Life and Casualty Company foreclosed on the mortgage in 1934, but retained Hayward as manager.[19]

In 1938, local businessman Hubert Rutland purchased the Detroit Hotel from the Life and Casualty Company for approximately $200,000. Following his arrival in St. Petersburg in 1921, Rutland worked with his brother in one of the largest department stores in the county, Northup-Rutland Store. In 1923, Hubert Rutland opened Rutland's Men's Store. Along with the growth of the store into the Rutland Clothing Company, Rutland had invested in real estate during the

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[15] Grismer, 320; Walter P. Fuller, *St. Petersburg and Its People* (St. Petersburg: Great Outdoors Publishing, 1972), 266-67; ""Detroit Hotel Owner Buys Huntington and Will Add 200 Rooms." *St. Petersburg Times*, 11 May 1920, 1; "Detroit Sold To Rutland for Over $200,000" 1938.
[16] Polk 1922, 1925, 1927; "Detroit Hotel Owner Buys Huntington and Will Add 200 Rooms" 1920; "Detroit Sold To Rutland for Over $200,000" 1938, 1; Sanborn Map Company 1918, 1923.
[17] Arsenault 1996, 201.
[18] Polk 1927.
[19] Arsenault, 195; Grismer, 321; "Detroit Sold to Rutland for Over $200,000" 1938.

1920s and 1930s. With the purchase of the Detroit Hotel, Rutland owned 1,022 feet of frontage in the downtown business district housing 75 stores.[20]

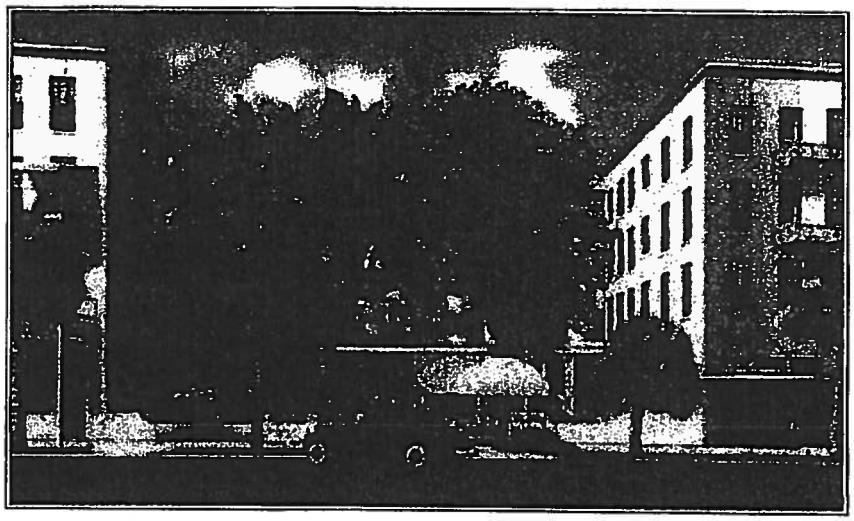


Figure 7. Detroit Hotel, ca. 1940. City of St. Petersburg Photo Archives, Photo 053001.

Following his purchase, Rutland announced that some remodeling at the Detroit Hotel would be conducted. Touted as modernization, the renovation, completed by contractor W.D. Berry in 1939, included adding stucco to the front elevation of the original wood frame portion of the building, removing the second floor of the front porch, and rebuilding the first floor porch. The wood canopy which extended from the hotel entrance to Central Avenue was replaced with a canvas awning. The front patio at the hotel entrance was created with the construction of a masonry garden wall. The interior was also remodeled with the removal of interior walls to create a large lobby, painting of the woodwork, and the installation of carpeting and wallpaper in many rooms. Although it was announced that Hayward would be retained as manager, he left in 1938 after he signed a long-term lease for a nearby hotel property and opened the Bainbridge Hotel.[21]

In 1940, Ida Nancy Merrill purchased the Detroit Hotel from Rutland who had separated the annex on 1st Avenue North and the Detroit Hotel property into two parcels. Following the purchase, Merrill announced that her nephew, Charles Brazier, would be the manager. She had been in the hotel business in St. Petersburg for 16 years and had owned the Royal Palm Hotel.[22]

Although tourism had rebounded to some extent by 1940, the activation of the military, rationing, and travel restrictions of World War II severely curtailed St. Petersburg's tourism based economy. The opening of a technical services training center for the Army Air Corps brought over ten thousand soldiers to the city during the summer of 1942. The military leased almost every major hotel and many of the smaller hotels in the city, including the Detroit Hotel. The city rapidly demilitarized following the war, and many veterans returned to St. Petersburg. The Great Depression and governmental restrictions during the war led to a housing shortage

[20] "Detroit Sold to Rutland for Over $200,000" 1938; "Detroit Hotel Completely Remodeled." *St. Petersburg Times,* 1 October 1939; Grismer, 348.
[21] "Detroit Sold to Rutland for Over $200,000" 1938; "Detroit Hotel Completely Remodeled" 1939; Grismer, 324.
[22] "Detroit Hotel is Sold," *St. Petersburg Times,* 11 June 1968, 3B; Bethia Caffery, "Preserving History...Detroit Block Reflects Strong Commitment to the Downtown," *St. Petersburg Independent*, 14 May 1982, 3D. Subject file, St. Petersburg Museum of History Archives, St. Petersburg, 3D; Polk 1935.

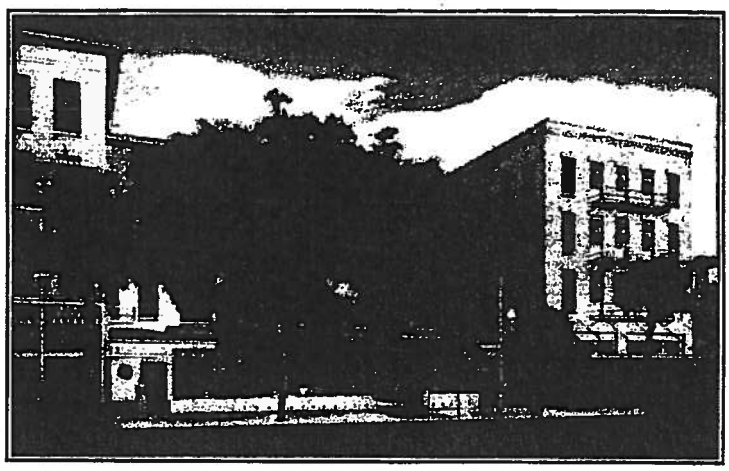


Figure 8. Detroit Hotel, ca. 1946. Florida State Archives, Photo PC4098.

following World War II. Many hotels and boarding houses were again filled with tourists and new residents awaiting the construction of new homes.[23]

During the post-World War II period, the block on which the Detroit Hotel was located underwent substantial alteration. In an attempt to modernize and attract the post-World War II customer, the owners of the Detroit constructed an addition in the front courtyard area and opened the Patio Restaurant. They also installed air conditioning and applied asbestos shingle siding to the rear elevation of the wood frame portion of the building.[24]

Following the death of Ida Nancy Merrill in 1965, her nephews, Charles Brazier Jr. and Frank Brazier, inherited the Detroit Hotel. Charles Brazier had managed the hotel since her purchase in 1940. In 1968, the brothers sold the hotel to St. Petersburg businessmen E.B. Joe Porter, Wilbert R. Canning, and Harold E. Wells for $260,000. At the time, it was noted as a 110 room facility. Purchased as an investment, Porter, Canning and Wells sold the Detroit Hotel to William L. Pendergast and Robert Barnes in 1977.[25]

During the 1960s, downtown and the neighborhoods surrounding the city core entered a period of decline and abandonment. One of the first efforts at reinvestment and revitalization in the downtown area resulted in the complete renovation of the entire block on which the Detroit Hotel was located. The efforts were partially funded through a Community Redevelopment Block Grant. Public improvements in the block included replacing paving, landscaping, lighting, and installing planters and fountains.[26]

On the former Detroit parcel, the building at 200 1st Avenue North was renovated and leased as office and commercial space. The adjacent building along 2nd Street North on the northeast corner of the parcel built in 1909 as additional commercial space for the Detroit was

[23] Arsenault, 298-301, 307-313.
[24] City of St. Petersburg, Property Card, 215 Central Avenue, Form on file, City of St. Petersburg, Development Services.; Polk 1951.
[25] "Detroit Hotel is Sold" 1968, 3B; Clayton Reed, "Detroit Hotel is Sold," *St. Petersburg Times*, 2 November 1977. Subject file, St. Petersburg Museum of History Archives, St. Petersburg; Charles Benbow, "The Restoration," *St. Petersburg Times,* 18 May 1980, F1. Subject file, St. Petersburg Museum of History Archives, St. Petersburg, F1.
[26] Dick Bell, "Block's Past Gives Way to its Future," *St. Petersburg Times*, 9 June 1981, 3B. Subject file, St. Petersburg Museum of History Archives, St. Petersburg; Jon East, "Detroit Block Facelift to Begin," *St. Petersburg Independent*, 5 May 1981. Subject file, St. Petersburg Museum of History Archives, St. Petersburg; Caffery, 1982, 3D; Charles Benbow, "A Tasteful Blend of Old and New Creates an Air of Charm at Jannus Landing," *St. Petersburg Times*, 16 August 1982, D1. Subject file, St. Petersburg Museum of History Archives, St. Petersburg, D1; Donna Vavala, "Developers Try to Get Hotel, Land," *St. Petersburg Times*, 8 March 1989. Subject file, St. Petersburg Museum of History Archives, St. Petersburg.

demolished. The centrally located north (rear) wing of the Detroit Hotel, which was part of the original 1888 construction, was demolished in June 1981 to create space for a paved courtyard. The courtyard was converted to the Jannus Landing concert venue, named for Tony Jannus who flew an airboat from St. Petersburg to Tampa making it the official birthplace of commercial aviation. The concert venue opened in October 1982. Other alterations included the application of stucco to the north (rear) elevation to cover the removal of the rear wing, replacement windows, addition of balconies and stairs to the rear elevation, and removal of paint from the original red brick additions.[27]

Although businesses on the first floor remained open, the hotel finally closed in 1992.[28] In December 1998, Jannus Landing Ltd. purchased the property from Bob Barnes and Bill Pendergast.[29] In 2000, Jannus Landing transferred ownership to St. Pete Jannus for $3.6 million.[30] St. Pete Jannus subsequently converted the property to a condominium in 2002.[31] Of the 29 units, 24 are residential and five are commercial. With the conversion, the building underwent extensive alterations. The interior layout changed with the removal of hotel room walls and installation of modern equipment to create larger, independent condominium units. Exterior alterations included the construction of a new tower, restuccoing the front of the wood frame portion of the building, and replacing most of the original double-hung sash and the single-hung sash windows.[32]

Architectural Description

The original building consisted of a T-shaped three-and-one-half-story wood frame structure with a wrap-around porch and a five-story square tower. Two brick additions constructed in 1911 and 1913 on the east and west elevations significantly enlarged the hotel. Although originally designed as a Folk Victorian style structure, the 1911 and 1913 additions represent a simple commercial Masonry Vernacular building tradition. The building served as a hotel from the time of its construction until 1992. Converted to a condominium in 2002, the building presently incorporates 24 residential condominium units and five commercial units.

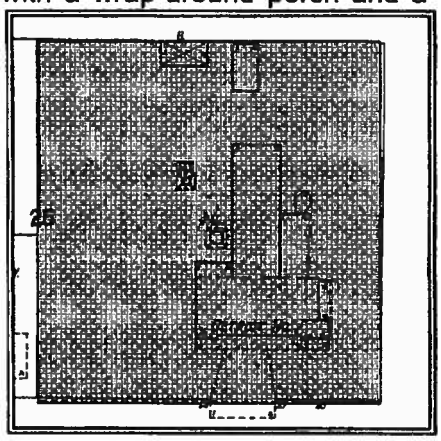


Figure 9. 1899 Sanborn Fire Insurance Map.

Located in the center of downtown St. Petersburg at 201-15 Central Avenue, the Detroit Hotel is situated on a portion of Lot 1, Block 25, Revised Map of the City of St. Petersburg. At the time of its construction, the area was sparsely inhabited with a few scattered residences and a general store located to the west along present-day Central Avenue.

[27] Bell 1981, 3B; East 1981; Caffery, 1982, 3D; Benbow 1982, D1; Vavala 1989.
[28] Alicia Caldwell, "Landmark Hotel to Close Doors," *St. Petersburg Times*, 28 November 1992. Subject file, St. Petersburg Museum of History Archives, St. Petersburg.
[29] Pinellas County Clerk of Circuit Court, OR Book 10356, Page 2095; Pinellas County Property Appraiser Parcel 193117744660250011.
[30] Pinellas County Clerk of Circuit Court OR Book 10859, Page 2012; Pinellas County Property Appraiser Parcel 193117744660250011.
[31] Pinellas County Clerk of Circuit Court, OR Book 12214, Page 2478.
[32] "Detroit Hotel Ready for May Occupancy," *St. Petersburg Times*, 17 April 2002. Subject file, Archives, St. Petersburg Museum of History, St. Petersburg..

The former Detroit Hotel is now surrounded by low-, mid-, and high-rise commercial buildings occupied by stores, offices, hotels, and condominiums.

The combination masonry and wood frame four-story Detroit Hotel is five bays wide and nine bays long with an irregularly shaped footprint. The former hotel is situated at the southeast corner of the block between Central and 1st Avenue North and 2nd and 3rd Street North with the primary entrance facing Central Avenue on the south. When constructed, the building was a T-shaped three-and-one-half-story wood frame structure with a two-story wrap-around porch anchored by a five-story square tower in the southeast corner of the building.

Two brick additions, constructed between 1911 and 1913, further enlarged the hotel with additional hotel rooms and dining areas. Two annexes, constructed as commercial space separate from the original structure, were added to the parcel in 1909 and ca. 1921. One, a one-story commercial building erected in 1909, was located along 2nd Street North, but was demolished ca. 1981. The other, a ca. 1921 two-story commercial building, remains standing, now on a separate parcel at 200 1st Avenue North. The hotel site originally incorporated several other structures separate from the hotel including a windmill, water tower, hotel laundry, and servant's quarters. As the hotel grew within the confined parcel, these structures were demolished with the windmill removed by 1904, the water tower demolished by 1913, and the laundry and servant's quarters eliminated by 1923.[33]

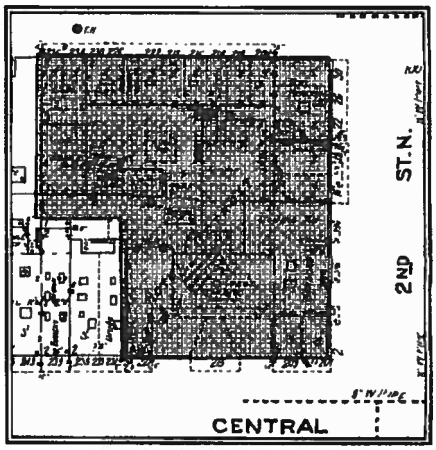


Figure 10. 1923 Sanborn Fire Insurance Map.

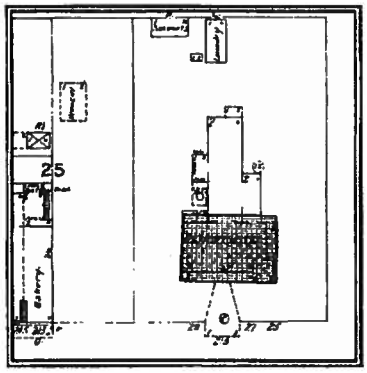


Figure 11. 1908 Sanborn Fire Insurance Map. Existing center wing highlighted.

The central wing of the building connecting the two brick additions is part of the original 1888 wood frame construction. This three-and-one-half-story section is surfaced with stucco on both the north and south elevations. The gable roof is pierced by gabled dormers and an interior brick chimney. A one-story open porch with a shed roof and decorative wood posts and railing extends across the front of this connecting wing. The windows within the one-story front porch are original with a two-over-two double-hung sash pattern set independently and paired. A gabled entrance stoop frames the former entrance to the hotel which is also historic with five-light paired doors set under a four-light transom. The majority of windows on the north and south elevations of the central wing and the tower are fixed windows with a three-over-one simulated divided light pattern and three-over-one single-hung sash windows. The north (rear) elevation features several wrought iron balconies accessed by sliding glass doors. Alterations

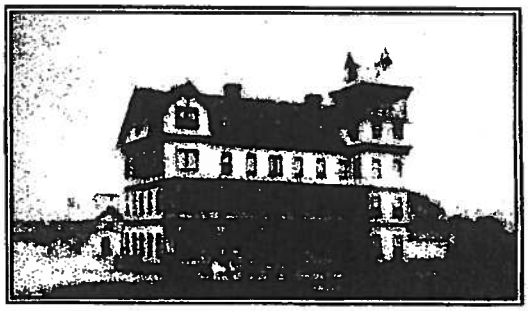


Figure 12. Detroit Hotel, ca. 1895. Florida State Archives, Photo N040078.

[33] Sanborn Map Company 1908, 1913, 1918, 1923, 1951.

include the removal of the rear wing of the original wood frame building in 1981, and the construction of a fire escape and balcony system in the rear courtyard built in 1981 and expanded during the 2002 conversion to condominiums.

An open patio enclosed by a masonry garden wall occupies the space in front of the central wing between the east and west additions. The masonry garden wall features a decorative metal gate and historic signage at the east end of the patio. A covered handicap accessible entrance ramp extends along the east edge of the patio. The five-story corner tower, which was removed in 1913, was recreated ca. 2002 at the northeast end of the patio area. Clad with vinyl siding and composition shingles, the tower has a hip roof with gabled dormers and an open top floor. A ca. 2002 one-story addition, clad with stucco, connects to the tower at the north end of the patio providing an entrance to the condominium units on the upper floors. A one-story restaurant was constructed ca. 1946 at the west end of the patio. The east elevation of this restaurant addition, visible from the patio, features the original stucco finish and five-light casement windows set in a ribbon pattern.

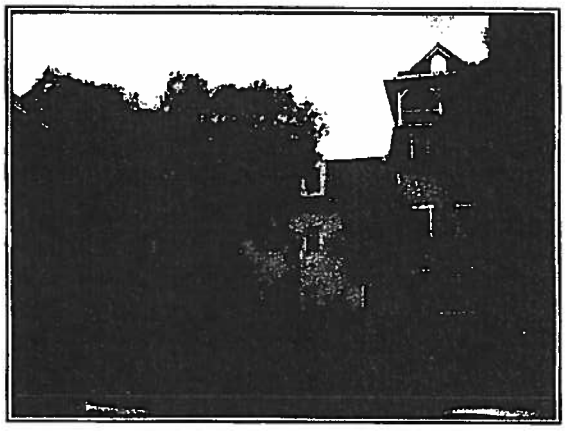


Figure 13. Detroit Hotel, central wing and tower, 2006.

Between 1911 and 1913, two large brick additions were constructed on the Detroit. The first, a four-story brick addition built in 1911 on the west elevation, consisted of an additional 30 rooms. This addition has a flat roof with a raised parapet. This L-shaped addition features a wrought iron balcony system on the front (south) façade creating a canopy at the first story street level and balconies on the second through the fourth floors. On the first floor, the south storefronts of the 1911 brick addition and the ca. 1946 restaurant addition were altered ca. 1981 with the application of wood and fieldstone siding and the installation of one- and 20-light fixed and three-light casement windows. The second through the fourth stories feature a 15-light French door set under a one-light transom to access the balcony system and a three-over-one single-hung sash window. Windows on the east, west, and north elevations are also three-over-one single-hung sash and fixed windows with a three-over-one simulated divided light pattern placed independently and paired. The original windows were one-over-one double-hung sash. The south and east elevations, which constitute the front façade, have flat arch brick lintels with marble keystones above the windows

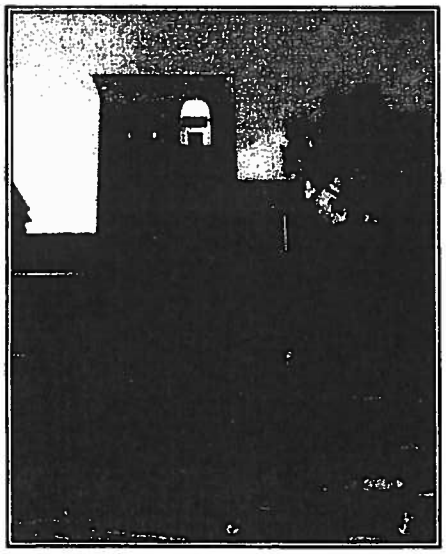


Figure 14. Detroit Hotel, 1911 west addition, 2006.

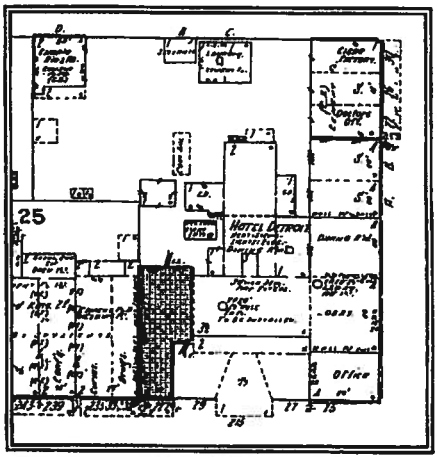


Figure 15. 1913 Sanborn Fire Insurance Map. West addition highlighted.

and granite sills below the windows. Windows on the north and west elevations have segmental brick arch lintels and granite sills.

The four-story brick addition on the east was constructed in 1913. The style of this addition mimics the style of the first brick addition on the west. Like the west addition, this addition also has a flat roof with a raised parapet. This rectangular addition features a wrought iron balcony system on the front (south) façade creating a canopy at the first story street level and balconies on the second through the fourth floors. The second through the fourth stories feature two 15-light French doors set under a one-light transom to access the balcony system and three-over-one single-hung sash windows. Windows on the east, west, and north elevations are also three-over-one single-hung sash and fixed windows with a three-over-one simulated divided light pattern placed independently and paired. Windows on this addition were originally nine-over-one double-hung sash. The south, west, east, and north elevations, which front the streets, have plain concrete lintels above the windows and concrete sills below the windows. Windows on the west elevation which face the rear courtyard have segmental brick arch lintels and brick sills. First floor windows are commercial store-front plate glass windows. A neon sign advertising "Liquor" is located on the east elevation at first story. An L-shaped historic sign identifying the structure as the "Detroit Hotel" is anchored to the southeast corner of the building.

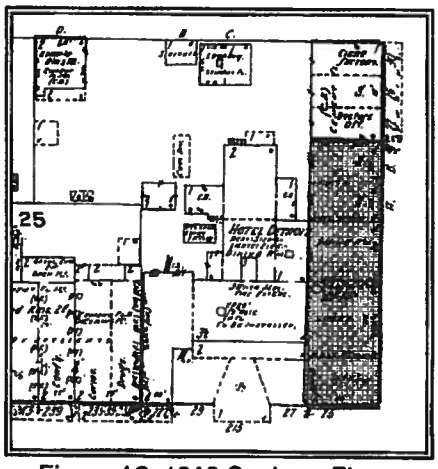


Figure 16. 1913 Sanborn Fire Insurance Map. East addition highlighted.

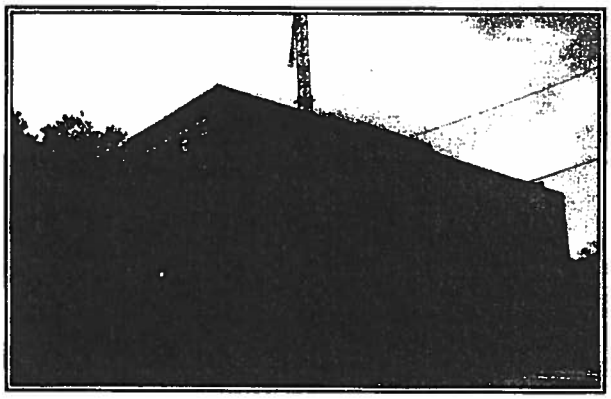


Figure 17. Detroit Hotel, ca. 1913 east addition, 2006.

Integrity

The evolution of the building resulted in a number of changes including the replacement of original siding on the wood frame portions, the demolition of the rear wing of the original wood frame portion, and the replacement of most original windows and doors. However, the building is significant for its historical associations, not its architecture. The Detroit Hotel retains integrity of location, setting, feeling, and association.

RECOMMENDATION

Staff recommends **APPROVAL** of the request to designate the Detroit Hotel, located at 215 Central Avenue, as a local historic landmark, thereby referring the application to City Council for first and second reading and public hearing.

The designation application found that the Detroit Hotel is significant at the local level in the areas of COMMUNITY PLANNING AND DEVELOPMENT, COMMERCE, SOCIAL HISTORY, and ARCHITECTURE under the local landmark designation criteria found in Section 16.30.070.2.5(D) of the City Code:

(1) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation.
(3) It is identified with a person or persons who significantly contributed to the development of the city, state, or nation.
(6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials

Due to extensive alterations to the former hotel, staff disagrees with the inclusion of ARCHITECTURE as an area of significance. Although the form, scale, and setback remain consistent with the historic streetscape, its integrity in terms of design, materials, and workmanship has been compromised by numerous changes. The introduction of the two brick wings, removal of the original tower and rear wing, application of stucco, and replacement of most of the original windows destroyed the architectural design of the original Queen Anne style structure. The alteration of the original storefront and replacement of original doors and windows on the brick additions adversely impacted the integrity of the remaining structure. However, staff does agree that the building is significant for its historical associations, but not its architecture. The Detroit Hotel retains integrity of location, setting, feeling, and association.

Staff concurs that the Detroit Hotel is significant at the local level in the areas of COMMUNITY PLANNING AND DEVELOPMENT, COMMERCE and SOCIAL HISTORY and meets criteria 1 and 3 found in Section 16.30.070.2.5(D) of the City Code for designation of a landmark property. As the first hotel in the City, the Detroit Hotel was constructed in conjunction with the railroad depot to encourage the settlement and growth of the new community. By providing lodging for prospective residents, the hotel supported the early growth of the city. It served as the only hotel from 1888 to 1890 during which time the population grew from less than 50 to 273 residents. A number of the new residents likely stayed at the Detroit when they first visited the city and while awaiting the construction of a residence. Even in 1905, the Detroit was one of only nine hotels in the city.

Supporting not only the settlement of the community, the Detroit played a significant role in the development of the tourism industry. A stop at the Detroit for refreshments was part of the first seaside excursions offered by the Orange Belt Railway in 1889. Until the construction of the hotels in the 1920s, the Detroit served as the central hub of social life in St. Petersburg where significant events were celebrated. For example, residents marked the 1897 introduction of electricity in the town with a day of celebration culminating in a grand ball at the Detroit Hotel. The Detroit also housed some of the city's most active businesses and was associated with some of the most significant members of the community including John C. Williams, Bainbridge Hayward, Frank Fortune Pulver, and Hubert Rutland. In a 1992 article, Historian Ray Arsenault

stated that the Detroit Hotel was "really the most significant building in the city historically. There's no question about that....It was the coming of the railroad and the hotel that really created St. Petersburg....It's truly a landmark. (Caldwell 1992)."

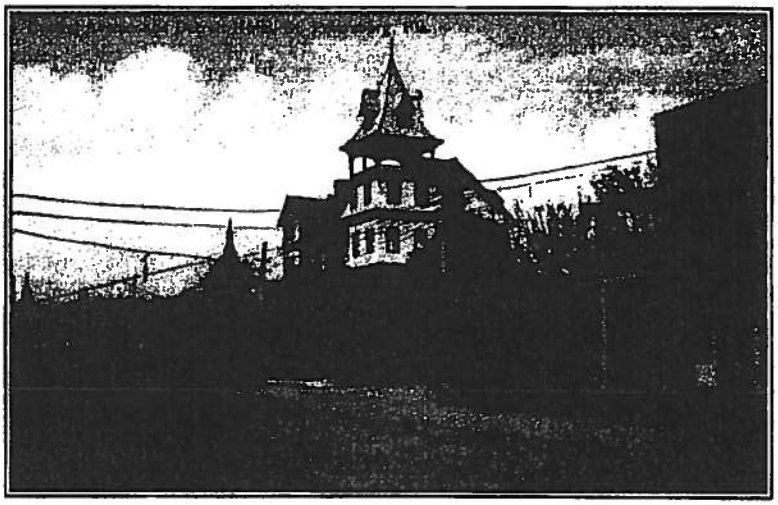
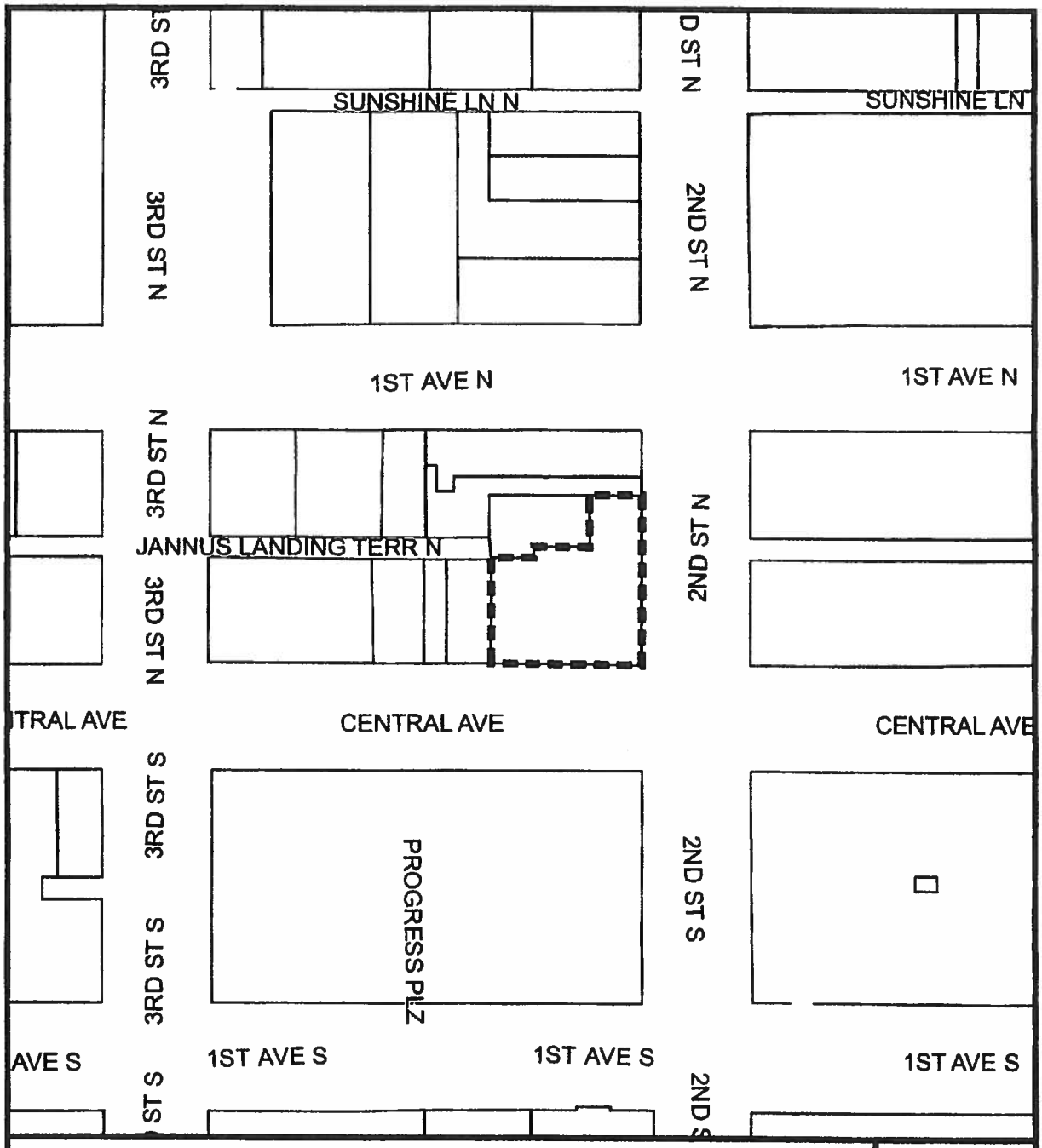


Figure 18. Detroit Hotel, ca. 1907. Florida State Archives, Photo PC3947.

PROPERTY OWNER CONSENT AND IMPACT OF DESIGNATION

This application for designation was not initiated or submitted by the owner(s) of the property. Although letters have been sent to the condominium association as well as to each owner through the public notification process, staff has not received a response from the owner regarding their support of the designation. Owners often have concerns about additional permit and maintenance requirements due to designation and limitations on alteration and demolition of designated structures. The benefits of designation include the local ad valorem tax exemption and federal tax credit for rehabilitation projects, increased heritage tourism through the maintenance of the historic character and significance of the city, some relief from the requirements of the Florida Building Code and FEMA regulations, and the transfer of development rights (TDR) program. As a structure built before 1900, the Detroit Hotel will be eligible for the creation of 20 times the existing square footage in TDR credits, provided that the code amendments are approved by City Council in December. These credits could then be sold to other development projects resulting in monies to maintain and restore the local landmark.

ATTACHMENTS: **ADDITIONAL PHOTOGRAPHS**
PUBLIC COMMENT
DESIGNATION APPLICATION



Community Preservation Commission

215 Central Avenue

AREA TO BE APPROVED, SHOWN IN

CASE NUMBER
HPC 09-04

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SCALE:
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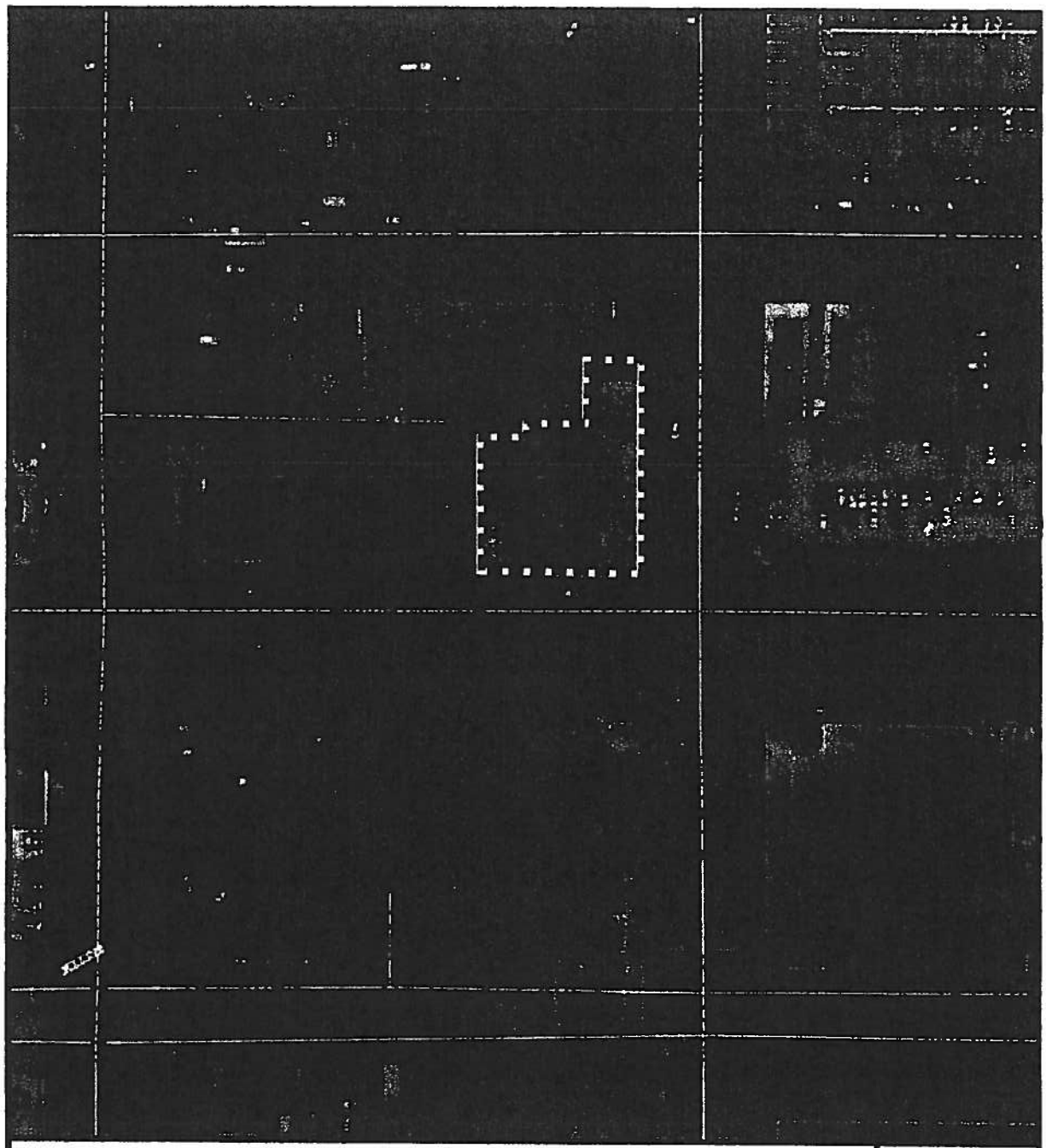

Community Preservation Commission

215 Central Avenue

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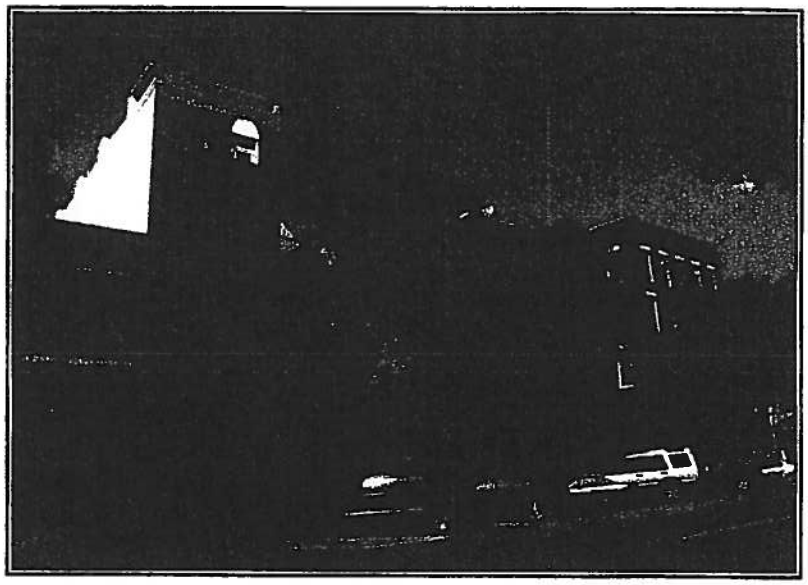
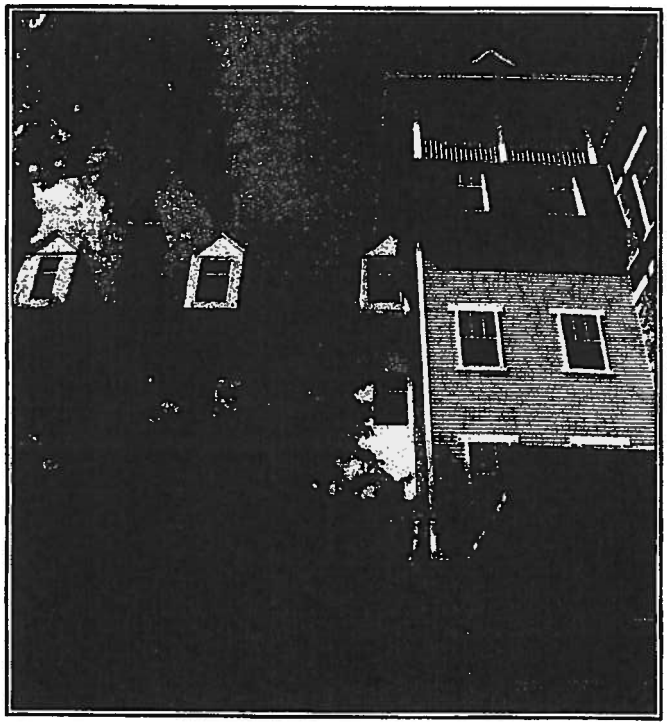
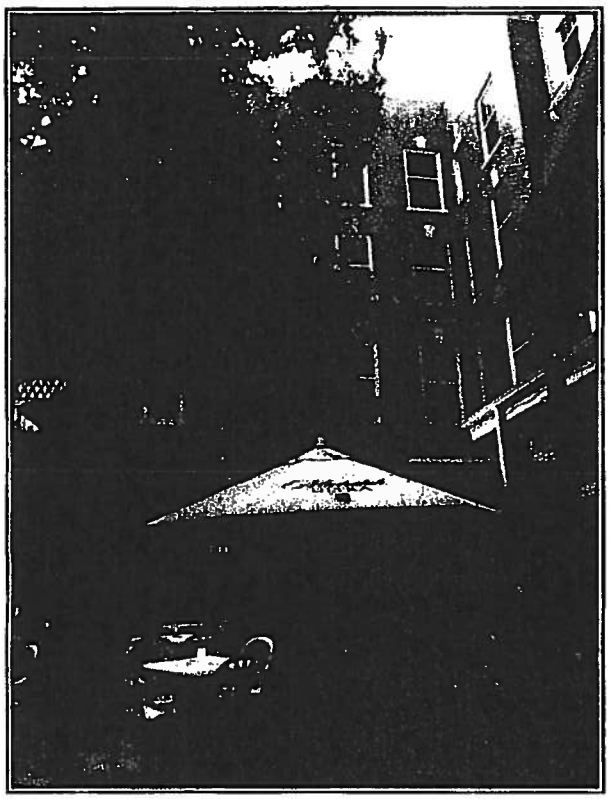
ADDITIONAL PHOTOGRAPHS



Detroit Hotel
South Façade, 2006

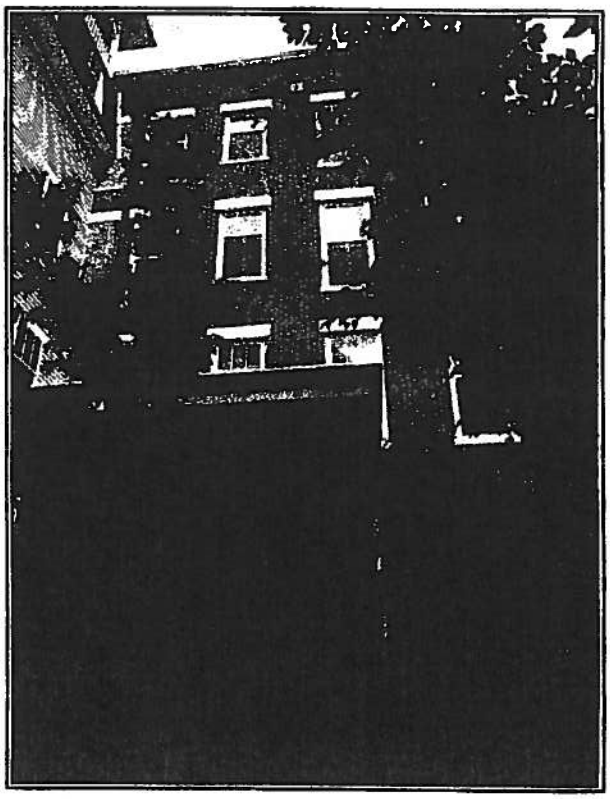


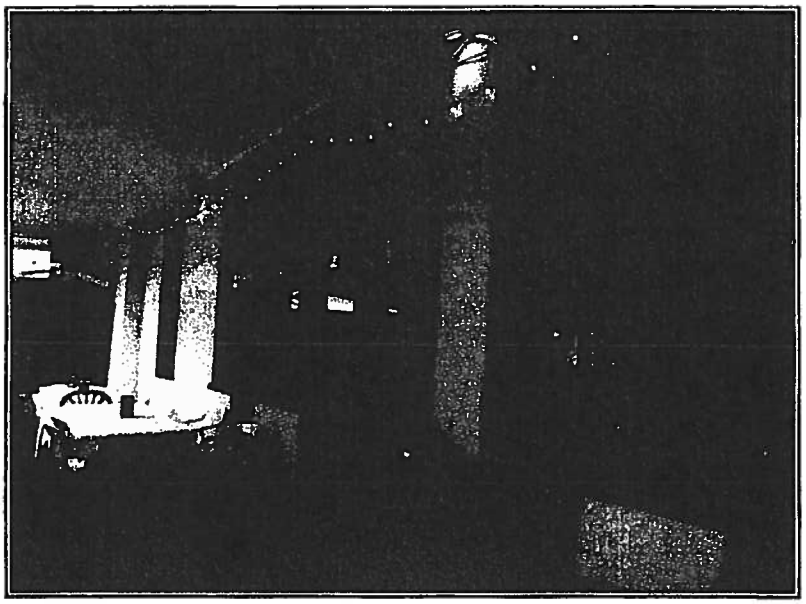
Detroit Hotel
South Elevation of Center Wing
and Tower Within Front Patio
Courtyard, 2006



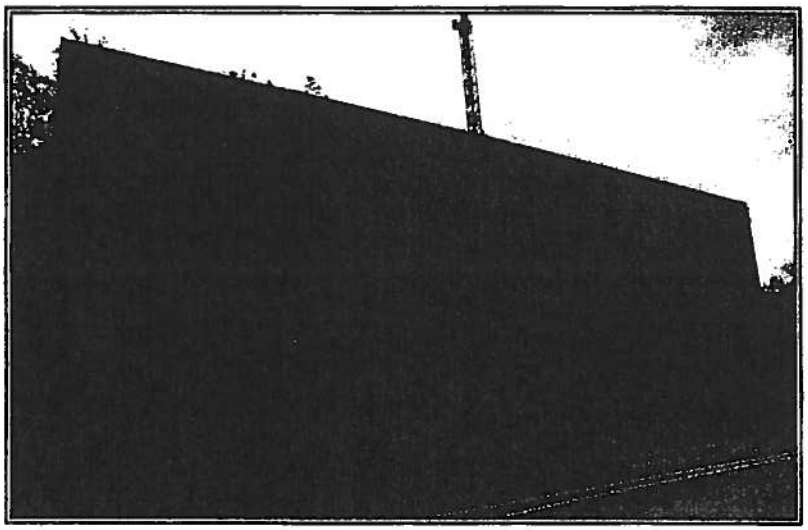
Detroit Hotel
East Elevation Within Front Patio
Courtyard, 2006

Detroit Hotel
West Elevation Within Front Patio
Courtyard, 2006

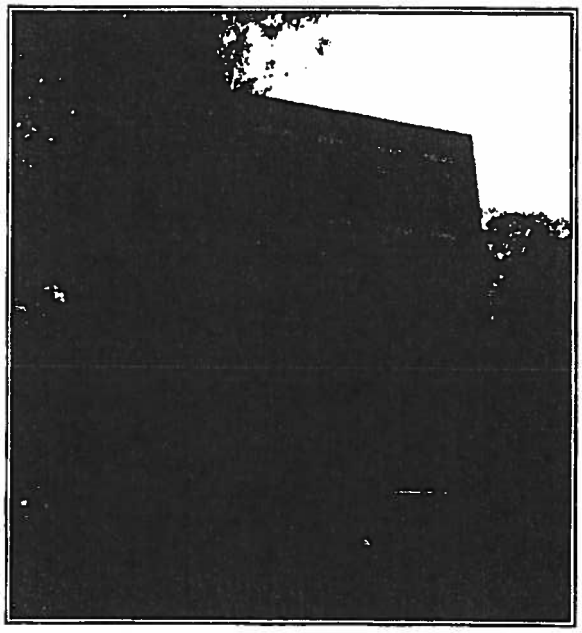




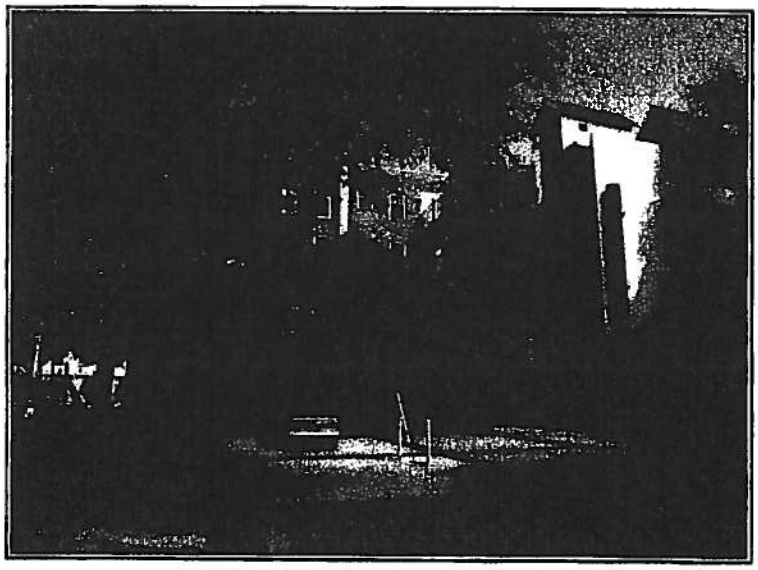
Detroit Hotel
Historic Entrance and
Windows within First Floor
Porch, 2006



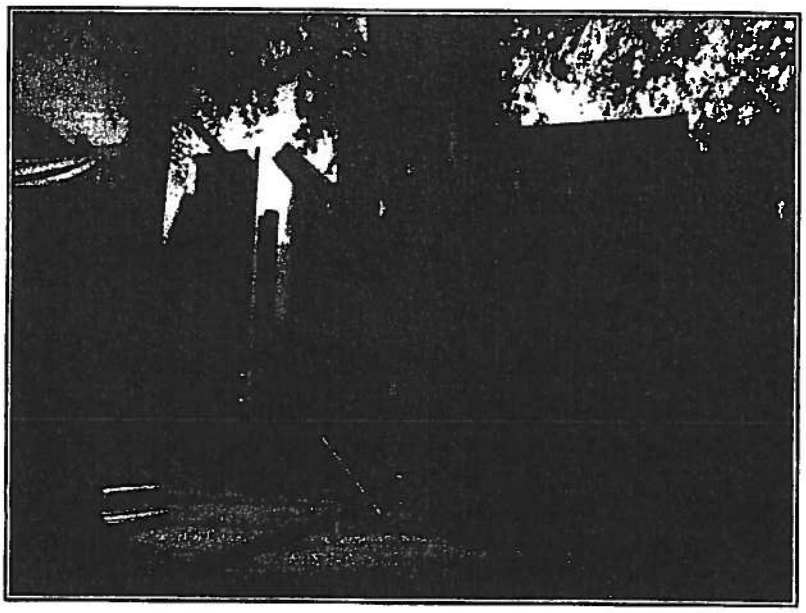
Detroit Hotel
East Elevation, 2006



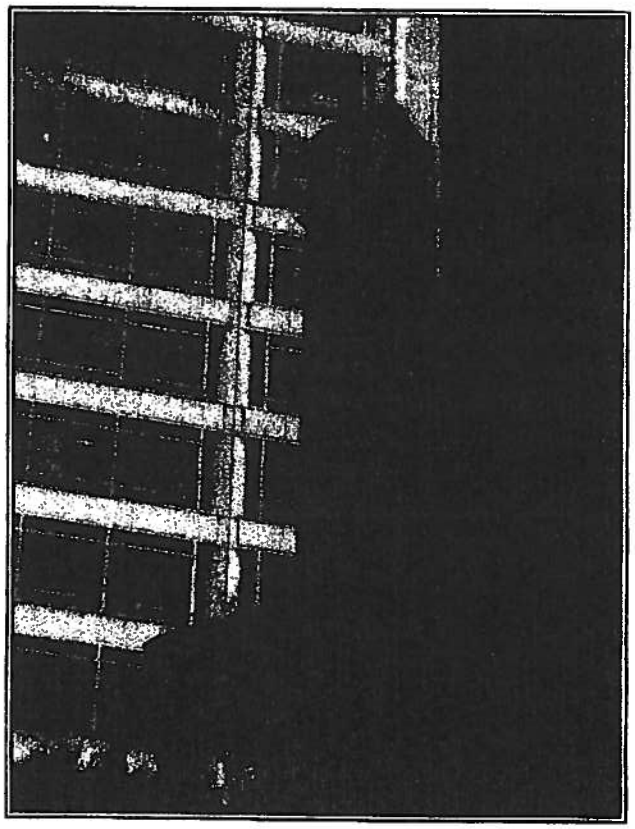
Detroit Hotel
North Elevation, 2006



Detroit Hotel
North and West
Elevations Within Rear
Courtyard, 2006

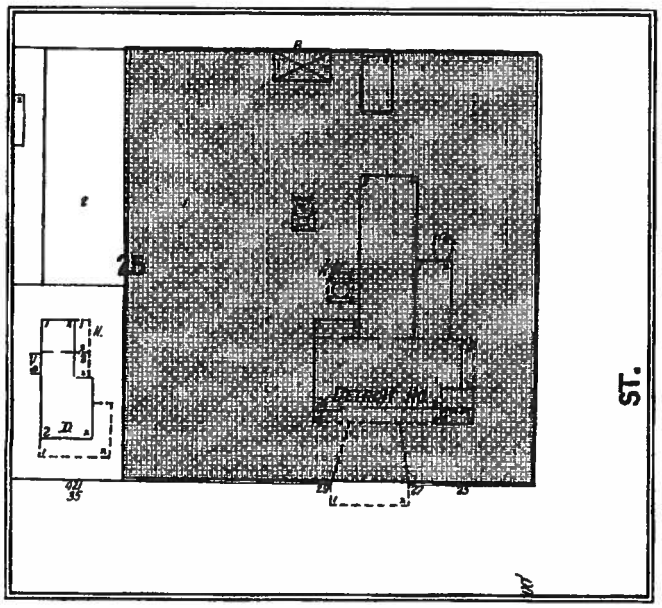


Detroit Hotel
North Elevation Within
Rear Courtyard, 2006



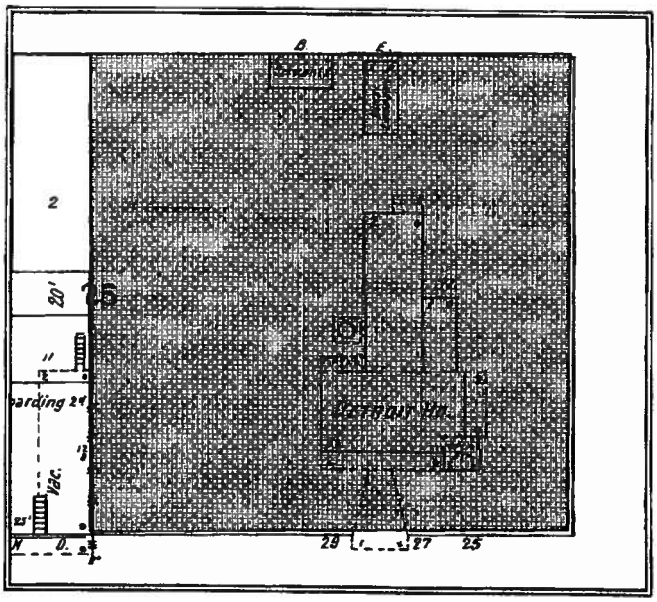
Detroit Hotel
Historic Sign at Southeast
Corner, 2006

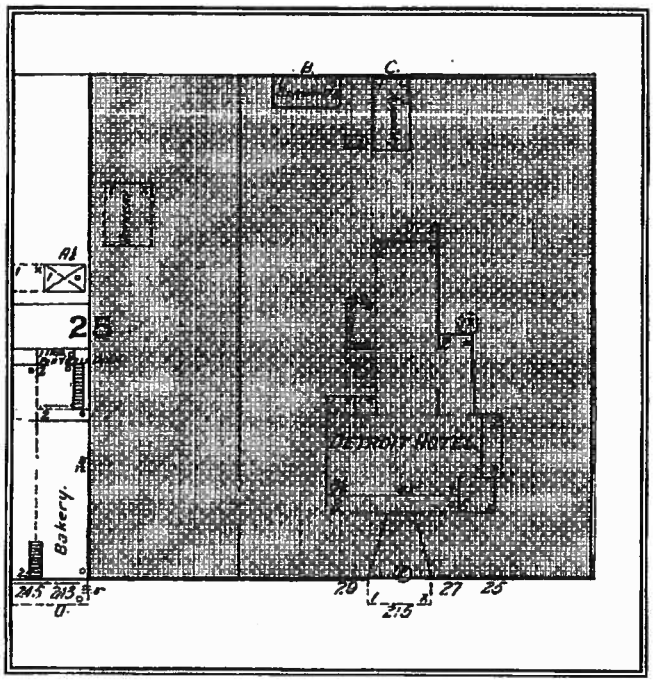
SANBORN FIRE INSURANCE MAPS



Sanborn Fire Insurance Map, 1899

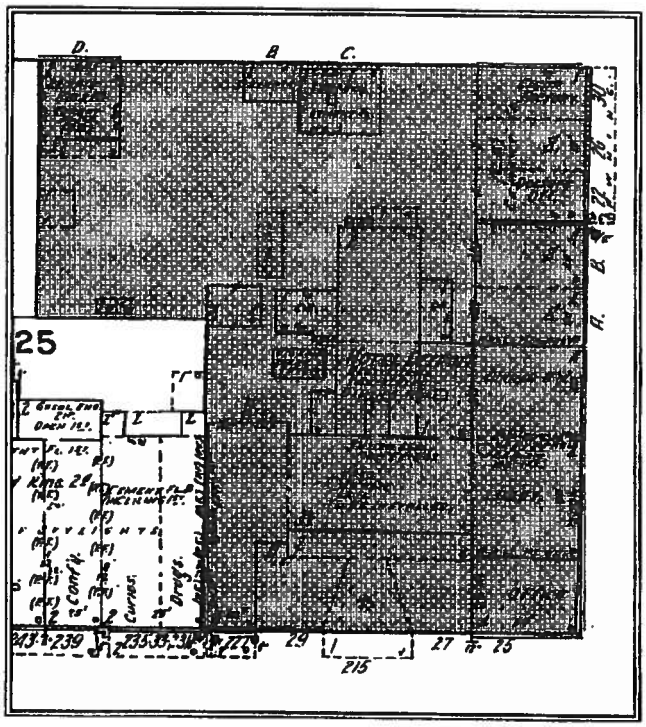
Sanborn Fire Insurance Map, 1904

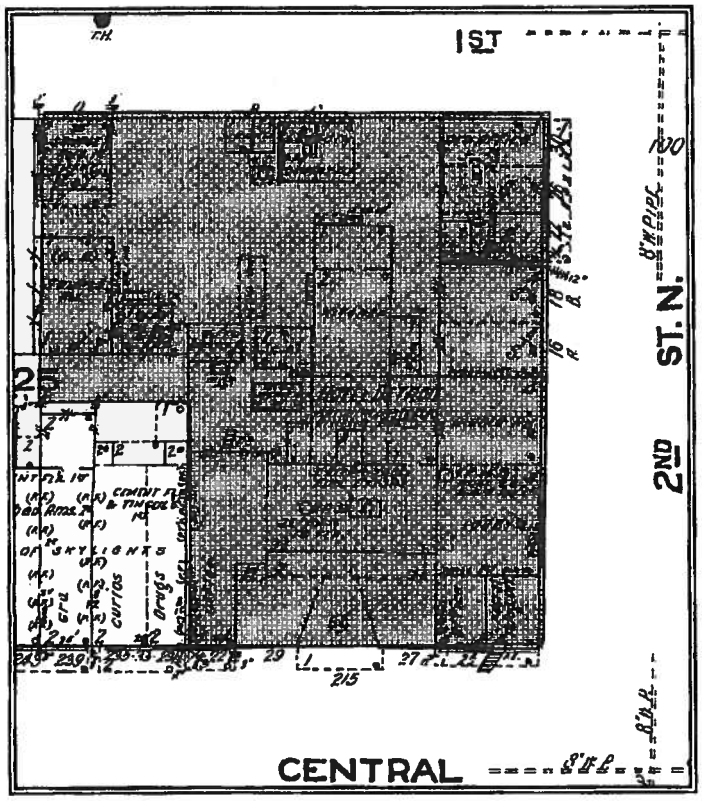




Sanborn Fire Insurance Map, 1908

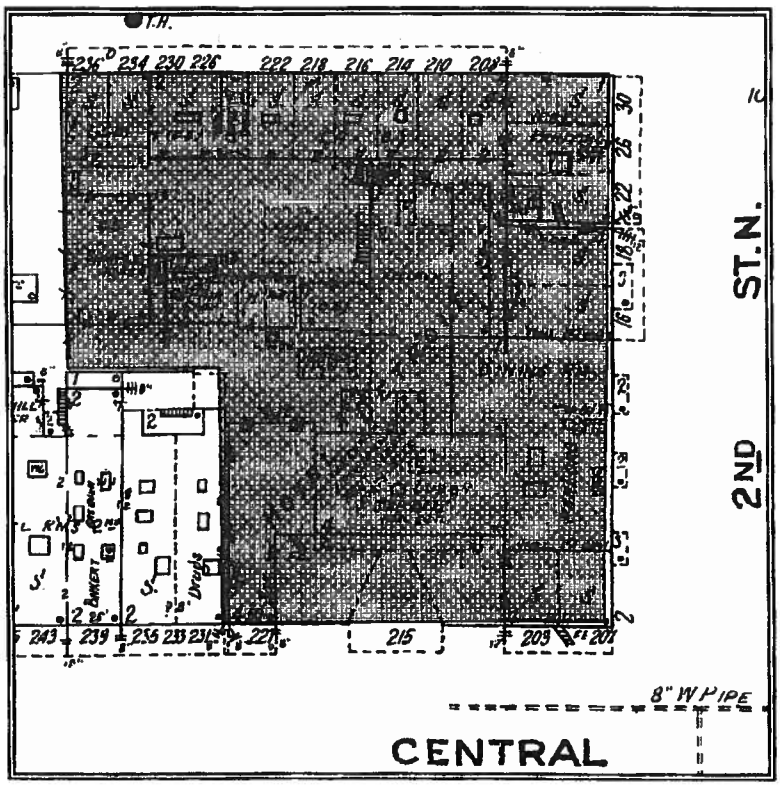
Sanborn Fire Insurance Map, 1913

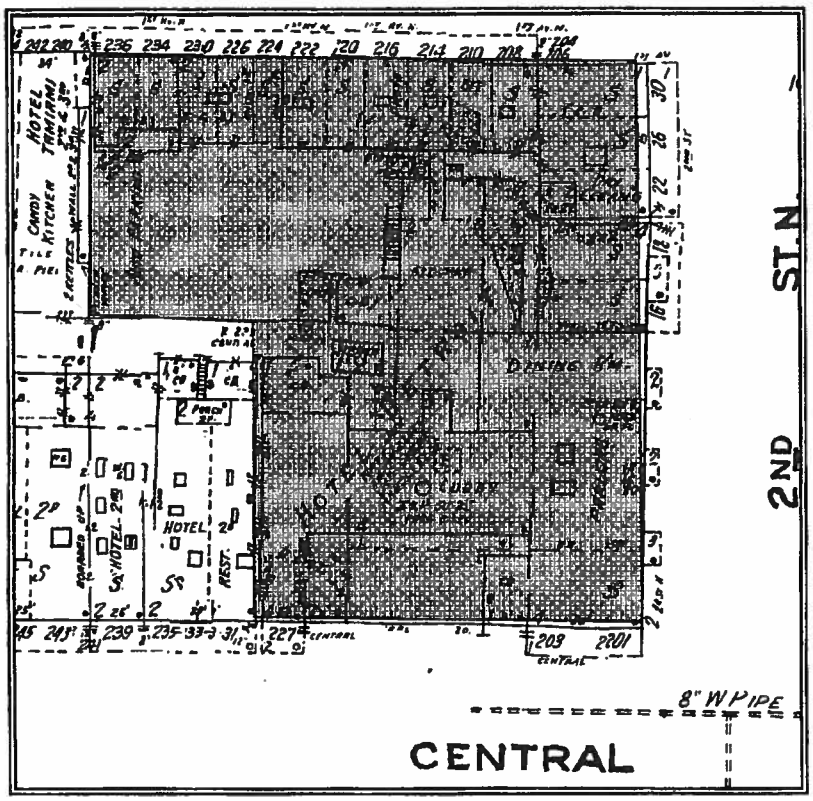




Sanborn Fire Insurance Map, 1918

Sanborn Fire Insurance Map, 1923





Sanborn Fire Insurance Map, 1951

09-90300006

City of St. Petersburg
Division of Urban Planning, Design, and Historic Preservation

Local Landmark Designation Application

Type of property nominated (for staff use only)
☐ building ☐ structure ☐ site ☐ object
☐ historic district ☐ multiple resource

1. NAME AND LOCATION OF PROPERTY

historic name: Detroit Hotel

other names/site number: The Hotel Detroit Condo/P100113

address: 215 Central Avenue

historic address: Corner of Second Street and Sixth Avenue (revised in 1903), 201-215 Central Avenue, 208-234 First Avenue North, 16-26 Second Street North

2. PROPERTY OWNER(S) NAME AND ADDRESS

name: Various

street and number: 215 Central Avenue

city or town: St. Petersburg state: FL zip code: 33713

phone number (h): (w): e-mail:

3. NOMINATION PREPARED BY

name/title: Katy Anderson/Will Michaels (President, Saint Petersburg Preservation)

organization: St. Petersburg Preservation

street and number: 4510 6th Avenue North

city or town: St. Petersburg state: FL zip code: 33713

phone number (h): 3228604 (w): e-mail: kanderson1552@yahoo.com

wmichaels2@tampabay.rr.com

date prepared: 9/10/2009 signature: Katy Anderson / Will Michaels

4. BOUNDARY DESCRIPTION AND JUSTIFICATION

Describe boundary line encompassing all man-made and natural resources to be included in designation (general legal description or survey). Attach map delimiting proposed boundary. (Use continuation sheet if necessary)

BLOCK 25, LOT 1 LESS WEST 60 FEET OF SOUTH 120 FEET, REVISED MAP OF THE CITY OF ST. PETERSBURG.

5. GEOGRAPHICAL DATA

acreage of property: less than 1 acre

property identification number 0

Detroit Hotel
Name of Property

6. FUNCTION OR USE

Historic Functions	Current Functions
Hotel	Commercial/Condominium

7. DESCRIPTION

Architectural Classification (See Appendix A for list)	Materials
Late Victorian/Queen Anne	Wood, brick
Masonry Vernacular	brick,

Narrative Description

On one or more continuation sheets describe the historic and existing condition of the property use conveying the following information: original location and setting; natural features; pre-historic man-made features; subdivision design; description of surrounding buildings; major alterations and present appearance; interior appearance;

8. NUMBER OF RESOURCES WITHIN PROPERTY

Contributing	Noncontributing	Resource Type	Contributing resources previously listed on the National Register or Local Register
1		Buildings	National Register of Historic Places
		Sites	
		Structures	
		Objects	Number of multiple property listings
1	0	Total	

Detroit Hotel

Name of Property

9. STATEMENT OF SIGNIFICANCE

Criteria for Significance
(mark one or more boxes for the appropriate criteria)

- ☒ Its value is a significant reminder of the cultural or archaeological heritage of the City, state, or nation.
- ☒ Its location is the site of a significant local, state, or national event.
- ☒ It is identified with a person or persons who significantly contributed to the development of the City, state, or nation.
- ☐ It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation.
- ☐ Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
- ☒ It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
- ☐ Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development.
- ☐ Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.
- ☒ It has contributed, or is likely to contribute, information important to the prehistory or history of the City, state, or nation.

Areas of Significance
(see Attachment B for detailed list of categories)

Community Planning and Development

Commerce

Social History

Architecture

Period of Significance

1888 through 1960

Significant Dates (date constructed & altered)

1888, 1910, 1914, 1923

Significant Person(s)

Peter Demens

John C. and Sarah Williams, Sr.

Cultural Affiliation/Historic Period

Settlement of St. Petersburg/1888

Early History to 1960

Builder

Peter Demens

Architect

None Known

Narrative Statement of Significance

(Explain the significance of the property as it relates to the above criteria and information on one or more continuation sheets. Include biographical data on significant person(s), builder and architect, if known. Please use parenthetical notations, footnotes or endnotes for citations of work used.)

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Please list bibliographical references.

Section 7 Narrative Description

Boundary Description

The boundary consists of various (22) Pinellas County Tax Parcel Numbers, listed on continuation sheet, page 12 – 14, described as follows: Revised Map of St. Petersburg (1903), Block 25, Lot 1, Less W 60 Ft of S 120 Ft, as recorded in Plat Book 126, Page 081, of the Public Records of Pinellas County, Florida.

Boundary Justification

The boundary consists of the property historically associated with the Detroit Hotel.

Physical Description

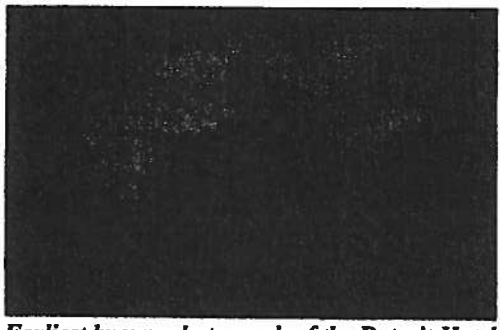
Summary

The original wood frame Victorian/Queen Anne style building known as the Detroit Hotel was constructed on Sixth Avenue in 1888 (Tewksbury 1888), four years before the city of St. Petersburg was incorporated. Apart from a support building constructed to house the workers employed to build the hotel (St. Petersburg Times, 5/3/1989, p. 98), it was the second building constructed in St. Petersburg. The hotel was built after an agreement was reached between John Constantine Williams, Sr. and Peter Demens to bring the Orange Belt Railway to present-day downtown St. Petersburg. The first train arrived at a newly built train station on June 8, 1888 (Grismer 1948, 76). The Detroit was built within walking distance (one block) of the train station. The train station, long since demolished, was the first building constructed in the city. The Detroit Hotel, also the oldest hotel in downtown St. Petersburg, later added two wings on one half of the block it occupied on Central Avenue, Second Street North, and First Avenue North (Sanborn Map Company 1899, 1923).

The Victorian/ Queen Anne style of architecture was popular from 1880 to 1910 (McAlester 1991, 262-268). The three and a half story hotel was originally wood frame with a decoratively detailed, steeply pitched, cross-gabled roof, an asymmetrical facade with a two story high, full-width porch which extended along both side walls, overhanging eaves, trusses, wooden wall cladding, dormer windows, and a seventy foot square tower at the corner of the front facade. A gazebo with a distinct minaret was added in the late 1890s. While the porch, dormers, and tower have been rebuilt, the core of the first part of the hotel still remains. The dominant decorative original red chimney remains in place as does the original elevator, although this is not in use.

As the city grew, brick and cement block also came to be used as building materials and these were used for the additions to the hotel. The Masonry Vernacular style expansion included the dining room, parlor, lobby, and office while forty-rooms were added on the

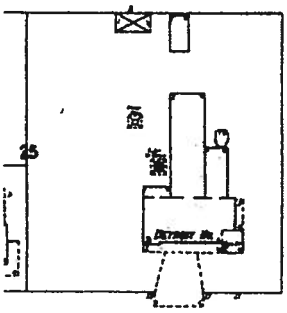
west wing ca. 1910 and sixty-rooms on the east wing ca. 1914. The original 1888 section remains in the center of the hotel. The hotel today looks much like it did in 1914.



Earliest known photograph of the Detroit Hotel. 1888 by J. R. Tewksbury. Courtesy USF.

Setting

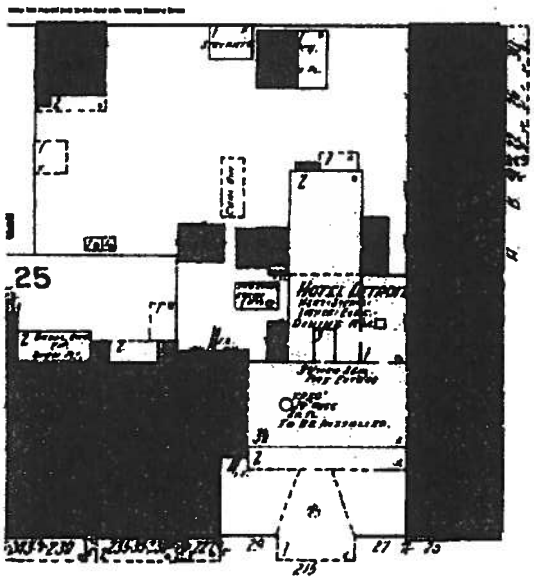
Situated in the middle of downtown St. Petersburg, the Detroit Hotel occupies Lots 201 through 217 of Block 25, of the Revised Map of St. Petersburg, which was recorded when St. Petersburg was part of Hillsborough County in 1890. The building originally faced Sixth Avenue on the corner of Second Street (Sanborn Map Company 1896). In 1903, City Council changed the street name from Sixth Avenue to Central Avenue which then became the dividing line of the city. This required re-naming avenues in accordance to their location, north and south of Central (Grismer 1948:76). Central Avenue served as the main commercial street of the city and just as today, it was lined with a mix of single family residences, boarding houses, hotels, and small businesses.



Sanborn Map from 1899. Footprint of original Detroit Hotel without wings.

In 1888, Central Avenue was a dirt road on which horses pulled coaches and carts and where bicycles and pedestrians were commonly seen (Tewksbury 1988). The first public improvement in St. Petersburg was the construction of a wooden sidewalk along Central

Avenue, which started at Ninth Street in 1889 and extended to the bay. The walk was completed to the Detroit Hotel in 1891. In 1894, a swampy area between Second and Third Streets where several feet of water stood during the rainy season was filled. Shell from Indian mounds near what was Mound Park City Hospital, now Bayfront Center, was used to repair street crossings, sidewalks, and sandy stretches in the street. On June 24, 1897, Central Avenue was paved with pebble phosphate and in 1900 the sidewalks were paved with an asphalt preparation (Straub 1929: 122-123). A photo of the Detroit Hotel, ca. 1909, shows a trolley line on Central Avenue connecting the waterfront to the west end of the city. Streets were paved with brick in 1903 and automobiles began to appear in St. Petersburg ca. 1910, creating a need for "a hard surfaced road of the best kind" (Schnur 2004:309).



Sanborn Map from 1913. Note two wings are now reflected on either side of the Detroit Hotel.

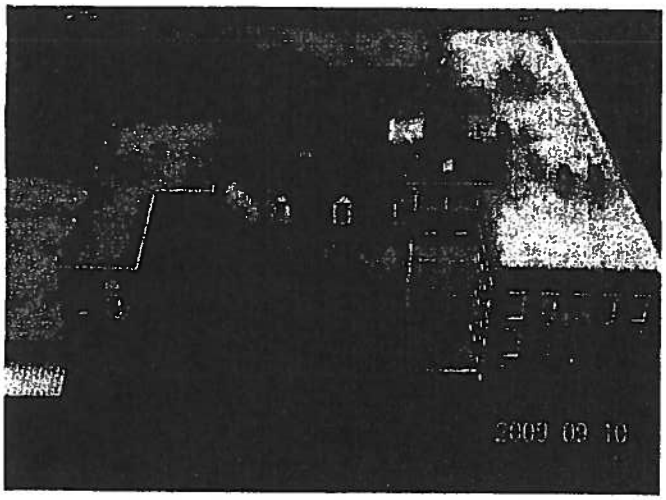
Physical Description

The earliest part of the present building (1888) is a three and a half story building constructed of wood frame with a steeply pitched, cross-gabled roof, an asymmetrical facade with a full-width porch, overhanging eaves, trusses, wooden wall cladding, dormer windows, and a seventy foot square tower at the corner of the front facade.

The four-story Masonry Vernacular style expansions of the Detroit Hotel (1910, 1914) were constructed using brick, a scarce commodity at the turn of the century. The Detroit Hotel is a combination of building techniques and materials which include a wood and brick frame with masonry, stucco, and vinyl siding exterior, wood and concrete flooring over the spread footing foundation, and a composition shingle roof (City of St.

Petersburg, Florida Master Site File 1977, 1984, 2001). The original windows have been replaced with aluminum replicas in the east and west wings. A concrete wall separates the inset garden area from the street where a restaurant and bar are located. The hotel was built in a rectangular plan facing south on the corner of Central Avenue and Second Street North. The hotel spans three street addresses, 201, 215, 217 Central Avenue.

The asymmetrical front facade is visually divided into three sections. The division could be seen as two looming red brick wings on either side of a courtyard (Jacobs 1917). The inset dormers, although they remain, were compromised by new construction. The extensive remodeling of the center portion of the building and inset garden area in 1982 blended it with the existing wings (City of St. Petersburg, Property Card, 25).



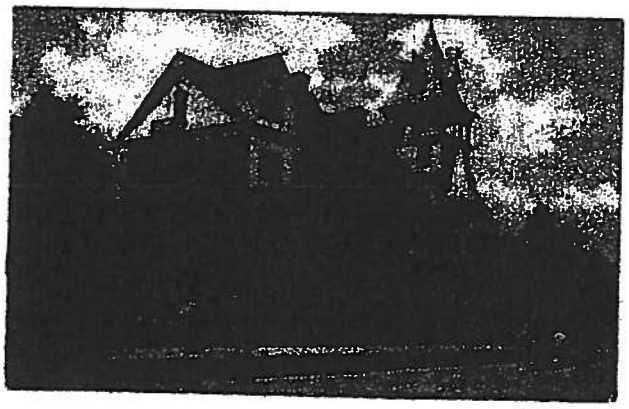
The Detroit as it looks today from the air. It is composed of three sections, the 1910 wing on the left, the original 1888 structure in the center, and the 1914 wing on the right.

From 1977 through 2001 the city surveys recorded the hotel having a combination gable and flat roof with three dormers, 2/2 and 2/1 double hung sash windows and 2/2 aluminum windows, and one offset front slope brick chimney. In 1981, a two and one half story, frame wing of the hotel with a 30 room/20 living unit section was demolished. New development which changed the hotel into condominiums included extensive interior alterations, restorations, and remodeling (City of St. Petersburg, Property Card, 33).

Integrity

Prior to 1915 the major modifications made to the hotel were the addition of two brick wings. The original hotel structure remained between these wings. The exterior as seen from Central Avenue has not significantly changed since that time even though a wing to the rear of the hotel, not in view of Central Avenue, was demolished (City of St.

Petersburg, Property Card, 31). While the hotel's integrity over the years has been somewhat compromised, significant portions of the first section remain intact, and most of the second and third sections remain intact. Its value as a significant reminder of the city's cultural heritage, including those responsible for the original development of St. Petersburg, is its great legacy. Additionally, its architectural structure is valuable for the study of building methods at the time of the city's founding.



Early postcard revealing the original Late Victorian/ Queen Anne features of the Detroit. Note chimney.

Section 9. Narrative Statement of Significance

Significance

The Detroit Hotel is significant at the local level in the areas of Community Planning and Development and Commerce. As such, it meets the following criteria for designation of a property found in Section 16.30.070.2.5 D of the City of St. Petersburg Code:

(1) Its value is a significant reminder of the cultural or archaeological heritage of the City, state, or nation.

(3) It is identified with a person or persons who significantly contributed to the development of the City, state or nation.

(6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

The Detroit Hotel represents the foremost structural reminder of the cultural heritage of St. Petersburg remaining in the city. Aside from a nearby support building for construction persons who worked on the hotel, the Detroit was the second building constructed in the city and its major edifice for many years to come. Its construction is

intimately associated with two of the city's three founders, John C. Williams, Sr., and Peter Demens.

As the "Queen Mother" of St. Petersburg's hotels the Detroit paved the way for the city's tourist economy and development. While the Detroit and many subsequent hotels provided employment to thousands of local residents, more importantly they indirectly provided employment for others in a wide range of local businesses. It was the Detroit that led the way in development of the city and the tourist economy for which it is so famous and for many years it served as an important city social and cultural center (Michaels 2008).

Historical Context

Initially surveyed in 1845 and 1848, the first tracts of land in present-day downtown St. Petersburg were purchased from the State of Florida in 1860 (State of Florida, Plat Map 1845, 1848 and Tract Book Entries, 59-60). This land was later purchased by Detroit native John C. Williams, Sr. in 1876. Later Williams acquired additional nearby property bringing his total acreage to 2048.99 acres (Fuller 1972:70). Williams, with assistance from his wife Sarah Craven Judge Williams Armistead, later formed an agreement with Peter Demens to bring Demens' Orange Belt Railroad to establish a new town on Tampa Bay. John C. Williams, his wife Sarah, and Peter Demens are considered to be the founders of St. Petersburg (Arsenault 1988: 54; 60; Michaels 2009:1).

John C. Williams, Sr. The Detroit Hotel was named after his home city. Courtesy St. Petersburg Museum of History.

John C. Williams, Sr.

John C. Williams, Sr. was born January 25, 1817 in Detroit, Michigan. According to Karl Grismer, the story of the founder of St. Petersburg must begin with a story of his father, Major General John R. Williams. The elder Williams lived to be approximately

60 years of age and was an accomplished Captain in the army, owner of a general store, first mayor of Detroit (elected three times), president of a bank, co-founder of a newspaper, Major General of the state militia, and he sold real estate. John R. Williams died in 1854 leaving $105,000 to each of his eight children (Grismer 1924:271).

Little is known of John C. Williams in his youth. He was a member of a uniformed company in Detroit and his title of General was a complimentary one only, given to him after he settled in St. Petersburg. He was married in 1846, and he and his first wife had 10 children. Williams suffered from asthma and his physician ordered him to seek a milder climate. Upon arrival to this area, he bought extensive property and in 1879 he settled in and attempted to farm. Northern farming techniques likely led to crop failure and he returned north. Divorced from his wife in 1881, he remarried Sarah Craven Judge and returned to Florida in 1886, building a home in Hyde Park, Tampa (Grismer 1924: 271).

Williams signed an agreement with the Orange Belt Railway to build a railroad to his property on the Pinellas Peninsula. In the fall of 1887, Williams and his wife moved from Tampa to Big Bayou. In 1891, Williams began construction of his home at 444 Fifth Avenue South (Grismer 1924:271-272). The Williams' home was moved to the University of South Florida, Bayboro Campus in 1996. In 1975, the home was listed on the National Register of Historic Places and in 1986 it was designated as a City of St. Petersburg Landmark. John C. Williams died in 1892.

Sarah Williams. She played a key role in bringing the Orange Belt Railway to the Southern Pinellas Peninsula. Courtesy St. Petersburg Museum of History.

Sarah Craven Judge Williams Armistead

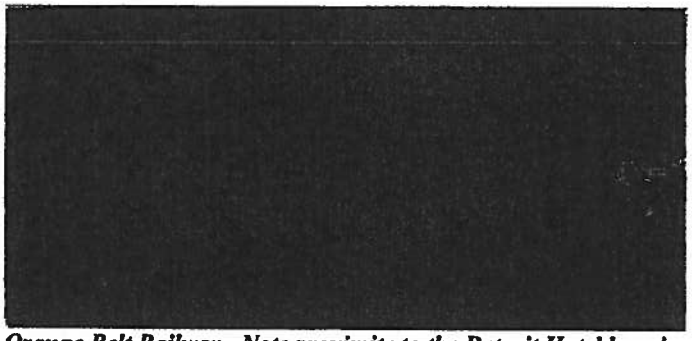
Sarah Craven Judge Williams Armistead was married to John C. Williams in 1883. She took the lead on behalf of her husband in negotiating the agreement with Peter Demens' assistant Henry Sweetapple that brought the Orange Belt Railway to Williams' property on the Pinellas Peninsula. She and Sweetapple were both Canadians and this no doubt

facilitated the discussions. Without her involvement the agreement might never have been consummated (Arsenault 1988:54). Sarah Williams later became a leading figure in the Woman's Town Improvement Association which was formed at the Detroit Hotel. After John C. Williams died in 1892, Sarah Williams married James A. Armistead who operated an opera house in St. Petersburg and later became the town's mayor. Sarah Williams died in 1917 (Arsenault 1988:64-65).

Peter Demens. He built the Detroit Hotel. Courtesy St. Petersburg Museum of History.

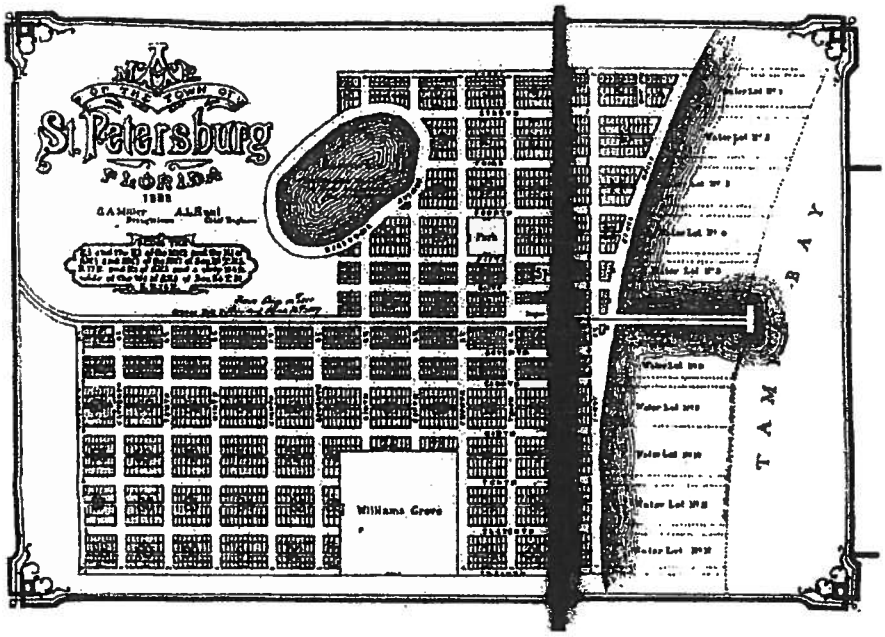
Peter Demens

Peter Demens was a Russian aristocrat who had served as a Captain in the Czar's Jaeger regiment. Despite this service he became an outspoken advocate for social reform. After the assassination of Czar Alexander II and the repression that followed, he fled Russian for the United States. He Anglicized his name from Pyotr Alexeyevich Dememtyev to Peter Demens. He soon became owner of a sawmill in Longwood, Florida, where he was elected the town's mayor. In 1885 he signed a contract to supply railroad ties to the Orange Belt Railway. The Orange Belt was being built from the lower St. John's River to Lake Apopka. When the owners of the railroad became unable to pay him for the ties he took over the railway. He completed the link to Apopka in 1886. He then looked for further profitable locations to extend the railroad and settled upon the Pinellas Peninsula some 120 miles distant. He soon made an agreement with Hamilton Disston to extend the railroad to Disston's new city, Disston City (now Gulfport).



Orange Belt Railway. Note proximity to the Detroit Hotel looming in the background. Courtesy St. Petersburg Museum of History.

Demens however, did not want to terminate the railroad at Disston City, but wanted to extend it further to Mullet Key, near the mouth of Tampa Bay. He asked for additional remuneration to do this and Disston refused. Demens then looked about for an alternative site for the terminus. It was at this point that he received an offer from John C. Williams to bring the railroad to Williams' holdings on the western shore of Tampa Bay (Michaels 2005:10). Among those employed in building the railroad were many Italian immigrants and later African Americans. These persons together with Demens and two able assistants by the names of Henry Sweetapple and Joseph Henschen were the team that made the railroad happen (Peck and Wilson 2008:13). The railroad line was completed April 30, 1888, and the first train rolled into town on June 8, 1888. In an effort to boost profits, Demens added a bathing pavilion at his railroad pier that was built out to 12 feet of water in Tampa Bay and the Railway started offering seaside excursions to St. Petersburg in 1889 ("Railroad History for St. Petersburg," 1923).



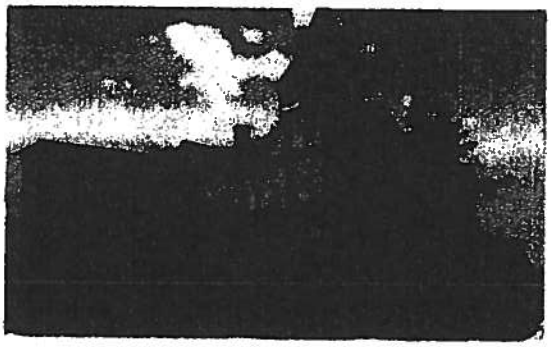
Original town plat as completed in August, 1888. Today's Central Avenue was originally designated Sixth Street. Both The Detroit Hotel and the Railroad Depot are marked on this plat. The depot was the first building constructed (long since demolished), and the Detroit Hotel was the second (along with a separate building to house the construction crew). Courtesy St. Petersburg Museum of History.

Town Planning

Demens' assistant, Henry Sweetapple and Williams' wife, Sarah, collaborated in their plans to build a new community around the terminus of the railroad. Williams deeded interest in one half of 500 acres with a mile of water-frontage to Demens on February 28, 1889. Plans were made to lay out the new town, which was surveyed early in 1888 by Williams and A. L. Hunt, chief engineer of the Orange Belt Railroad. Very wide streets and a park the size of a city block were allowed for in the plat. The downtown block Williams reserved for parkland, then called City Park, was renamed after him in the early 1900s (Straub 1929:120; Michaels 2009:1). The railroad was routed south from Tarpon Springs generally following the present-day Pinellas Trail.

There is the famous story about John Williams and Peter Demens flipping a silver half-dollar to see who would get to name the new town. Supposedly Demens won and named the town after his hometown, St. Petersburg, Russia, and Williams got to name the hotel after his hometown, Detroit. What actually happened was that a nearby local postmistress went to one of Demens' other assistants and asked what the new town should be named. Demens' assistant informed her that Mr. Demens always wanted to name a town after his hometown of St. Petersburg. The necessary papers were filed and the new name was approved (Arsenault 1988:57).

The building of the railroad to St. Petersburg enabled the city to play a large role in shipping crops and materials between central Florida and other ports along the Gulf of Mexico (Schnur 2004, 303).



The Detroit Hotel as it appeared about 1910. Note the 1910 West wing is shown, but not the 1914 east wing.

The Detroit Hotel

While the original agreement between Williams and Demens did not include the building of a hotel, this was added by Demens, and at his cost ($10,000). The hotel was intended to help jump-start development of the city and use of Demens' Orange Belt Railway. By the end of 1888 the forty-room, three and a half story high hotel was complete, including a seventy-foot tower. The hotel was named the Detroit in honor of John C. Williams' home city.

The first tenants were African American railroad laborers who worked for Demens. The hotel served as a rooming house for the workers who moved to it from their nearby tents and makeshift buildings. It originally also served as an on-site branch office of the Orange Belt Railroad. Its first manager was E. G. Peyton from Virginia. Historian Karl Grismer, who knew of the hotel first-hand from the 1920s, declared the hotel "as fine a hotel as could be found…in any resort city on the Florida West Coast." The hotel later boasted the oldest elevator on the West Coast of Florida (Michaels 2007:6). The 1916 *Polk Directory* advertisement for the hotel highlights the elevator service.

With the city plat filed in 1889, the lots surrounding the nearby depot and the Detroit Hotel quickly filled with new construction (PCCCC, Plat Book H1, Pages 27 and 49). With two hotels, two ice plants, two churches, a school, a pier, and a sawmill, the economy remained largely dependent on commercial fishing. Incorporated in 1892, the community received telephone, public water, and electric service by 1900 (Arsenault 1988:52-64, 81-82; Grismer 1948:68, 74, 271-72).

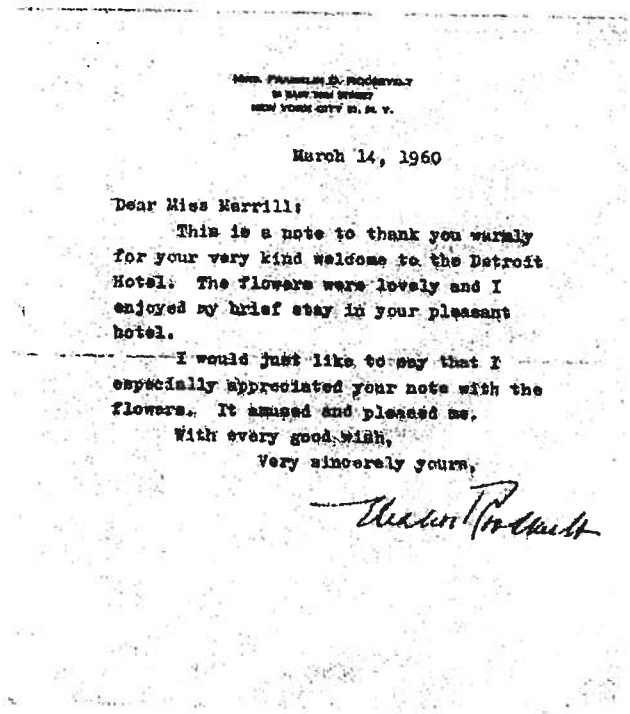
The Detroit Hotel was the birthplace of one of the town's most productive associations, the Women's Town Improvement Association (WTIA). On May 7, 1901, the women

called a meeting at the Detroit and the Association was formed. The Association's charter called for city beautification, advancing the welfare of St. Petersburg's citizens, and providing for the entertainment and comfort of visitors and tourists. The WTIA initiated the city's Washington Birthday parades that eventually evolved into today's Festival of States Parade. It advocated for parks, sidewalks, band shells, paved streets, animal control, prison reform including the city's first probation program, abolition of the convict lease system, and wildlife preservation. The Association lobbied to preserve the Indian shell mound at Mound Park, near today's Bayfront Hospital. Prior to establishment of a hospital, it helped establish a "Poor-Sick" fund that provided the poor with medication. The Association even pushed for immigration reform. Most importantly, the WTIA was allied with William Straub and the *St. Petersburg Times* in their crusade to preserve the waterfront as parkland, which was accomplished in 1909 (Michaels 2008).

C. Perry Snell, circa 1895

C. Perry Snell, known as the Father of St. Petersburg's Parks, was an early owner of the Detroit Hotel. Courtesy of Perry G. Snell, Jr.

The hotel's owners have included such city legends as C. Perry Snell, Frank Fortune Pulver, and Hubert Rutland. Snell is known as the Father of St. Petersburg's Parks. He also gave the city its Mediterranean "look" beginning in 1924. Pulver was the City's "millionaire bachelor mayor." He made his fortune developing a chewing gum dispenser and a popular brand of spearmint gum. He later sold the company to William Wrigley, Jr. of Wrigley Chewing Gum. Pulver teamed up with City publicity director John Lodwick to give the city its zany side. Dressed in white from head to toe, Mayor Pulver walked down Broadway in New York City with a bevy of St. Petersburg beauty queens promoting the city. Hubert Rutland was a long-time banker and merchant. (Michaels 2007).



March 14, 1960

Dear Miss Merrill:

This is a note to thank you warmly for your very kind welcome to the Detroit Hotel. The flowers were lovely and I enjoyed my brief stay in your pleasant hotel.

I would just like to say that I especially appreciated your note with the flowers. It amused and pleased me.

With every good wish,

Very sincerely yours,

Eleanor Roosevelt

Among the Detroit Hotels many notable guests was Eleanor Roosevelt. Letter written by Mrs. Roosevelt to hotel owner Ida Merrill. Courtesy of Mary Brazier.

The Detroit's guests included many notable persons who not only enjoyed visiting our city, but also often contributed to the cultural and intellectual enrichment of the city. These included such persons as Secretary of State William Jennings Bryan, Babe Ruth, Will Rogers, Clarence Darrow, Eleanor Roosevelt, John F. Kennedy, the St. Louis Cardinals, Jim Morrison, and Ringo Starr (Michaels 2007).

The Detroit survived the Great Hurricane of 1921. After the hurricane the city's leading citizens gathered there after the storm to plan recovery, including pledging $20,000 to rebuild the Municipal Pier. Mary Brazier, who was associated with the hotel from 1940 to 1969, remembers when later hurricanes would threaten neighbors gathered in the hotel lobby for safety (Michaels 2008).

Before the Vinoy there was the Detroit. As the "Queen Mother" of St. Petersburg's hotels she paved the way for the city's tourist economy and development. At the beginning of the 1920s' St. Petersburg only had five hotels, led by the Detroit. But in the 20s the hotel business exploded with such additions as the Ponce de Leon, the Soreno, the Suwannee, the Pheil, the Princess Martha, the Pennsylvania, the Dennis, the Vinoy Park, the Jungle Country Club, the Rolyat, and finally the Don Ce-Sar. Hotels and St. Petersburg's growth have gone hand in hand since the very beginning. Without the hotels, St. Petersburg's tourist and development economy would not have happened. While the hotels themselves provided employment to thousands of local residents, more

importantly they provided employment for a great many others working in a wide range of other local business enterprises also patronized by tourists. It was the Detroit Hotel that led the way in development of the city and the tourist economy for which it is so famous. And for many years it served as an important city social and cultural center (Michaels 2007:10).

Although tourism had rebounded to some extent by 1940, the activation of the military, rationing, and travel restrictions of World War II severely curtailed St. Petersburg's tourism based economy. Most of the city's hotels and boarding houses remained empty during the winter of 1941-42. Realizing that the empty rooms could be an asset as military housing, city leaders successfully lobbied the War Department for a military base. The opening of a technical services training center for the Army Air Corps brought over ten thousand soldiers to the city during the summer of 1942. The military leased almost every major hotel, including the Detroit, and many of the smaller hotels in the city. By the time the training center closed in July 1943, over 100,000 soldiers had visited St. Petersburg. Although the training center closed, the United States Maritime Service Bayboro Harbor Base, which trained merchant seamen, continued to grow, and eventually leased four of the downtown hotels abandoned by the Army Air Corps. Other bases and support facilities throughout the area brought thousands of soldiers to central Florida and the St. Petersburg area (Arsenault 1996, 298-301).

The city rapidly demilitarized following the war, and many veterans returned to St. Petersburg. The Great Depression and governmental restrictions during the war led to a housing shortage following World War II. Many hotels and boarding houses were again filled with tourists and new residents awaiting the construction of new homes. New houses filled the subdivisions platted during the 1920s, but left vacant by the real estate decline and depression (Arsenault 1996, 307-313).

John F. Kennedy visits the Detroit Hotel in 1959. Courtesy St. Petersburg Museum of History.

Significance

The Detroit Hotel is significant at the local level in the areas of Community Planning and Development, Commerce, Social History, and Architecture. As such, it meets the following criteria for designation of a property found in Section 16.30.070.2.5 D of the City of St. Petersburg Code:

(1) Its value is a significant reminder of the cultural or archaeological heritage of the City, state, or nation.

(3) It is identified with a person or persons who significantly contributed to the development of the City, state or nation.

(6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

The Detroit is presently a contributing structure to the Downtown National Historic District and is listed in the *Mayor's Historic Preservation Summit* document as an important historic resource worthy of landmarking.

Community Planning and Development

Built in 1888, the Detroit Hotel represents the foremost structural reminder of the cultural heritage of St. Petersburg remaining in the city. Aside from a nearby support building for construction persons who worked on the hotel, the Detroit was the second building constructed in the city and its major edifice for many years to come. Its construction is intimately associated with two of the city's three founders, John C. Williams, Sr., originally from Detroit, and Peter Demens, a Russian immigrant. But it is also associated with the early pioneers of our city, many of whom were African American, who helped build the railroad and brought it to the city, and who constructed its first most significant building.

The Detroit was built at the onset of the city's development and growth. Only a few widely scattered homes, shacks, and a general store, all since disappeared, existed in the area at the time. The Detroit jump-started and anchored development of the downtown. It provided a quality hostelry for those interested in town investment and for tourists.

Commerce

As the "Queen Mother" of St. Petersburg's hotels the Detroit paved the way for the city's tourist economy and development. While the hotels themselves provided employment to thousands of local residents, more importantly they indirectly provided employment for others in a wide range of local businesses. It was the Detroit that led the way in development of the city and the tourist economy for which we are so well known.

In addition to its function as a hotel, the Detroit also directly housed many businesses. Between 1926 and 1985 some 53 businesses were located in the Detroit Hotel (City of St. Petersburg property card).

Social History

The Detroit Hotel greatly facilitated the early social and cultural life of the city, and for a long time served as the city's social center. It was a gathering place for community leaders after critical city events such as the occurrence of a hurricane. The influential Woman's Town Improvement Association originated at the Detroit. Many clubs had their meetings at the Detroit. Among these were the Rotary Club, the Zonta Business Women's Club, and the Young Republican Club. The hotel's owners have included a multitude of St. Petersburg leaders. The Detroit's guests included many notable persons who not only enjoyed visiting our city, but also often contributed to the cultural and intellectual enrichment of the city.

Architecture

The Detroit Hotel is composed of three major components, the original 1888 Victorian/Queen Anne style building, the 1910 west Masonry Vernacular wing, and the 1914 Masonry Vernacular east wing. All of these components have their historic importance. While the original Victorian/Queen Anne building has been compromised by major renovations over the years, it is the only major building remaining from the city's birth, and also remains on its original site. Much of the original building core remains, as does the decorated dominant brick chimney. It is valuable for study of the city's earliest architecture, construction techniques, and use of building materials.

Vernacular buildings follow local traditions rather than adhering to the latest building fashions. Commercial Vernacular structures share many tenets with their high-style relation, the Commercial Style. The first use of the term Commercial Style appeared in Chicago in 1891 with a description of the birth of the style being due to the requirements of commerce and the business principles of real estate owners.

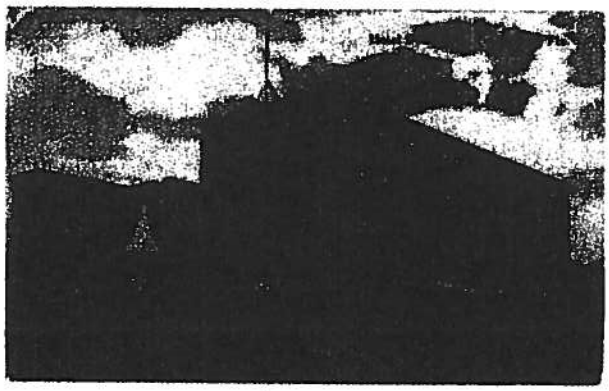
Commercial Style buildings are often of five to sixteen stories and feature storefronts along the street level. The facades derive their character from the fenestration, which is often regular, and ornamentation is either moderate or non-existent. Windows, which are primary features of the style, are usually rectangular, quite large, and variously divided (Whiffen 1992:183-185).

Commercial Vernacular structures also tend to be simple and largely unornamented, with any decoration limited usually to string courses, window and door lintels and cornices. Windows along the storefronts tend to be very large, rectangular with fixed plate glass, regularly placed and dominate the facades. Where there is more than one floor, openings are aligned from floor to floor for structural purposes.

The Commercial Vernacular style building is a typical feature along Main Street, a generic term long used to identify the principal corridor of small cities and towns throughout the United States. "The concept of Main Street stems from the emergence of distinct functional zones in the development of communities during the 19th and first half of the 20th centuries" (Longstreth 1985:116-119). Many of these communities were planned and built according to a predetermined street layout which usually took the form of an orthogonal grid and resulted in equal-sized blocks. At first, Main Street structures were rarely deeper than they were wide. But by the close of the nineteenth century, the commercial block was to achieve its fullest expression with the combination of multiple lots to form a single architectural statement (Rifkind 1978:72-73).

Main Street provided the focus for retailing and the Commercial Vernacular building and was the predominate style even for communities that became large towns or small cities by the early 20th century. "The form and scale of most commercial districts are relatively homogeneous, with buildings of one to three and seldom more than four stories abutting one another, with their street elevations defining the property's edge. More often than not, building facades adhere to one of a few basic compositional patterns than were used nationwide" (Longstreth 1985:116-119).

The Detroit's brick wings are good examples of the Commercial or Masonry Vernacular style. They are largely unornamented, except for their key stone lintels and cornice (1910 wing). They are exactly the kind of building that fits an early 20th Century Main Street. They are also valuable for study of the city's earliest architecture, construction techniques, and use of building materials.



Detroit Hotel as it appeared ca 1914. Both wings are now in place. The original 1888 section may be glimpsed behind the gazebo.

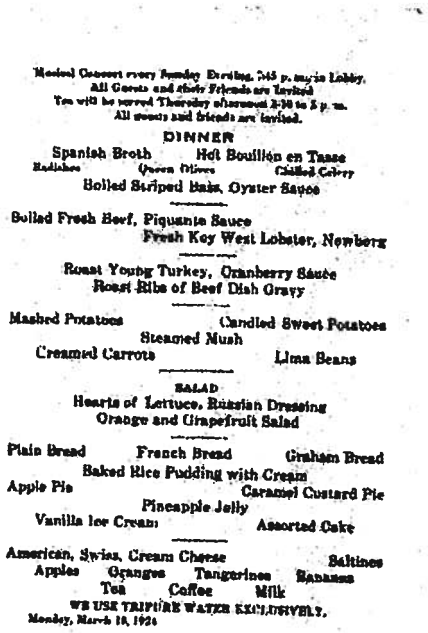
Elevator Service

$3.00 Up

120 Rooms 50 with Bath

Telephone 47

Advertisement from Polk Directory for 1916 highlighting Elevator Service at the Detroit Hotel. This was perhaps the first elevator to be installed on the West Coast.



All Guests and their Friends are Invited

All guests and friends are invited.

DINNER

Spanish Broth Hot Bouillon en Tasse

Radishes Queen Olives Chilled Celery

Boiled Striped Bass, Oyster Sauce

Boiled Fresh Beef, Piquante Sauce

Fresh Key West Lobster, Newberg

Roast Young Turkey, Cranberry Sauce

Roast Ribs of Beef Dish Gravy

Mashed Potatoes Candied Sweet Potatoes

Steamed Mush

Creamed Carrots Lima Beans

SALAD

Hearts of Lettuce, Russian Dressing

Orange and Grapefruit Salad

Plain Bread French Bread Graham Bread

Baked Rice Pudding with Cream

Apple Pie Caramel Custard Pie

Pineapple Jelly

Vanilla Ice Cream Assorted Cake

American, Swiss, Cream Cheese Saltines

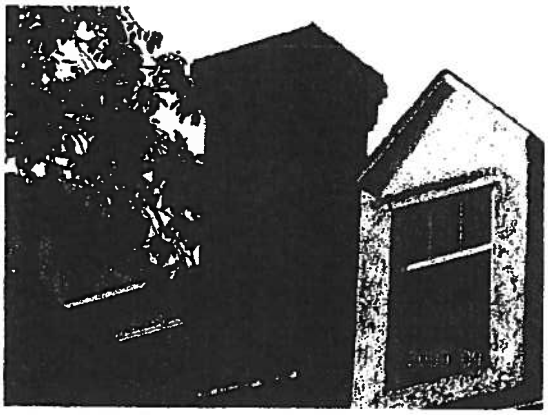
Apples Oranges Tangerines Bananas

Tea Coffee Milk

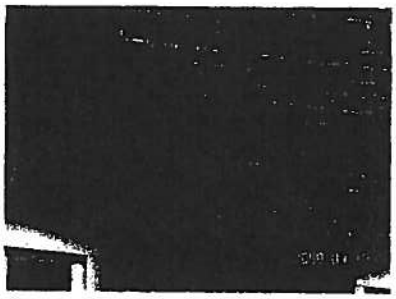
WE USE TRIPLE WATER EXCLUSIVELY.

Monday, March 18, 1924

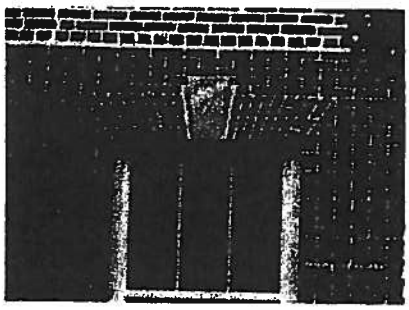
Menu from the Detroit at the time the Hotel was owned by Frank Fortune Pulver, Mayor of St. Petersburg from 1922-1924. Pulver made his fortune developing spearmint gum which he later sold to the Wrigley Chewing Gum Corporation.



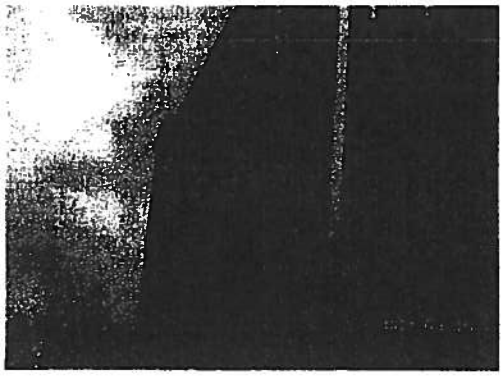
Decorative dominant chimney characteristic of Late Victorian/Queen Anne style buildings.



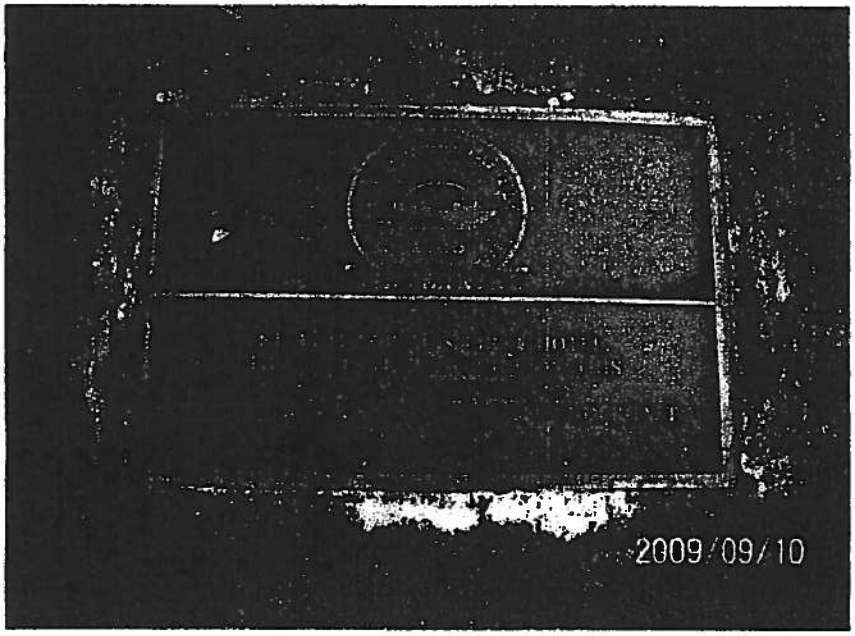
Tie- rod mount used to strengthen 1914 Vernacular Masonry brick wing.



Distinctive keystone lintel on 1910 Vernacular Masonry brick wing.



North end of 1914 Masonry Vernacular east wing.



Bronze plaque in front of the Detroit Hotel commemorating the 1988 Centennial.

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ATTACHMENT

NORTHEAST JOURNAL

Good People — Good Places — Good Things Happening

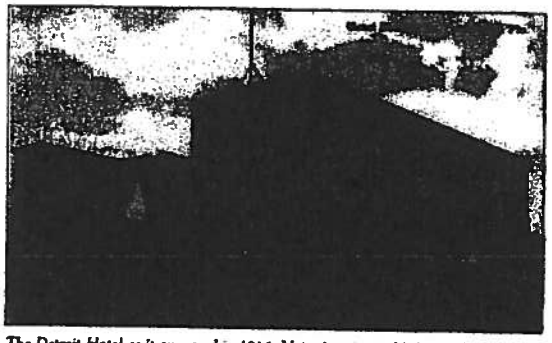
VOL. IV NO. 1
JAN/FEB 2007
St. Petersburg, FL

The Detroit Hotel as it appeared in the late 1890s.

The Detroit:
Queen Mother of St. Pete's Hotels

Will Michaels

There is no more historic building in St. Petersburg than the Detroit Hotel. Located on the historic 200 block of Central Avenue, the hotel was built in 1888 by Peter Demens, one of St. Petersburg's three founders. It was Peter Demens who brought the railroad sparking the City's creation. Without the railroad St. Petersburg would never have happened as we know it.



The Detroit Hotel as it appeared in 1914. Note the wings added to each side of the hotel. Writer's Collection.

The other two founders were General John Constantine Williams, and Williams' wife, Sarah. Sarah Williams negotiated with Peter Demens' assistant, Henry Sweetapple, to bring the railroad in exchange for land provided by her husband John. There is the famous story about John Williams and Peter Demens flipping a silver half-dollar to see who would get to name the new town. Supposedly Demens won and named the town after his hometown, St. Petersburg, Russia. Williams got to name the hotel after his

Continued on page 6

The Detroit *continued from page 1*

hometown, Detroit. Of course the real story was far less dramatic. The local postmistress went to one of Demens' other assistants, Joseph Henschen, and asked what the new town should be named. Henschen said Mr. Demens always wanted to name a town after his hometown of St. Petersburg, and so it was done.

While the original deal between Williams and Demens did not include the building of a hotel, this was added by Demens, and at his cost ($10,000). The hotel was intended to help jump start development of the city and use of Demens' Orange Belt Railroad. By the end of 1888 the forty-room, three and a half story high hotel was complete, including a seventy foot tower. The hotel also later boasted the oldest elevator on the West Coast of Florida.

There the hotel stood, virtually in the middle of nowhere, but luring the tourist and developers to come, by railroad of course. Starting in July 1889, the Orange Belt Railroad sponsored seaside tours to exotic and healthful St. Petersburg. Advertisements in northern newspapers featured the Detroit Hotel along with Dr. W. C. Van Bibber's famous 1885 report declaring St. Petersburg's climate as the healthiest in the world. Demens also added a bathing pavilion at his railroad pier to further entice visitors.

The hotel's first tenants were African American railroad laborers who worked for Peter Demens. The hotel served as a rooming house for the railway workers who moved to it from their tents and shacks. It originally also served as an on-site branch office of the Orange Belt Railroad. Its first manager was F. G. Peyton from Virginia.

Historian Karl Grismer, who knew of the hotel firsthand from the 1920s, declared the hotel "as fine a hotel as could be found... in any resort city on the Florida West Coast." The Hotel, like the nearby railroad depot, was built in a Russian style, as was the Orange Belt Railroad Depot nearby. It was constructed of the best woods. A gazebo with a distinct minaret was added in the late 1890s. A west wing was added about 1910. In 1914 a

Frank Fortune Pulver, known as the "millionaire bachelor mayor." He was a later owner of the Detroit Hotel. Pulver teamed up with City publicity director John Ledwith to give the city its zany style. Here he is shown in his role as "Swimming Suit Inspector." 1925. Courtesy of St. Petersburg Museum of History.

sixty-room brick addition was added to the east. In 1901 an $80 bronze fountain was installed on the corner of the Detroit Hotel grounds by the Loyal Christian Temperance Union to promote temperance. The water was cooled by ice stored in a box in the foundation of the fountain.

There is a story that soon after the hotel was built Peter Demens and his Russian associates went there for dinner. The first course was extremely hot soup. Upon taking a sip, Demens spit it out. His Russian associates thought it was an American custom, so they spit their soup out too. His associates of course were not Russian. One was a Swede (Henschen), one a Canadian (Sweetapple), and one an American (A.M. Taylor). But it's a good story.

Women's Town Improvement Association

The Detroit Hotel was the birthplace of one of the town's most productive associations, the Women's Town Improvement Association. On May 7, 1901, the women called a meeting at the Detroit and the Association was formed. The Association's charter called for city beautification, advancing the welfare of St. Petersburg's citizens, and providing for the entertainment and comfort of visitors and tourists. The WTIA initiated the city's Washington Birthday parades that eventually evolved into today's Festival of the States Parade. It advocated for parks, sidewalks, band shells, paved streets, animal control, prison reform including the city's first probation program, abolition of the convict lease system, and wildlife preservation. The Association lobbied to preserve the Indian shell mound at Mound Park, near today's Bayfront Hospital. Prior to establishment of a hospital, it helped establish a "Poor-Sick" fund that provided the poor with medications. The Association even pushed for immigration reform! Most importantly, the WTIA was allied with William Straub and the *St. Petersburg Times* in their crusade to preserve the waterfront as parkland, which was accomplished in 1909.

Hurricane of 1921

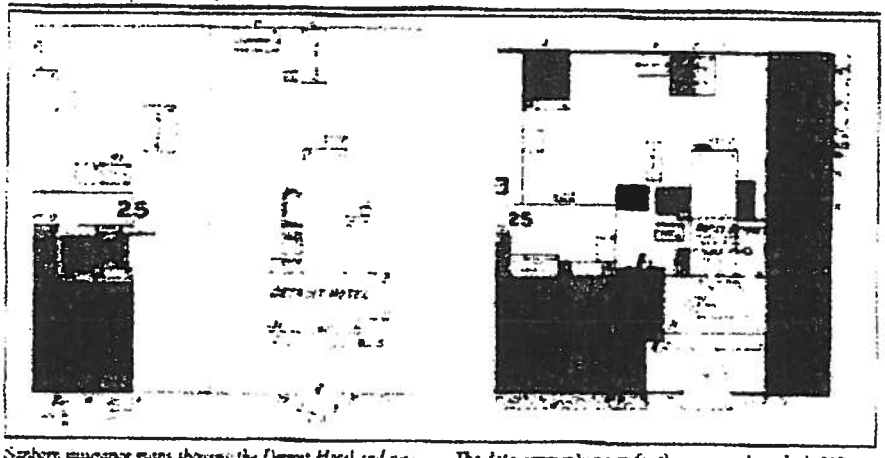
The Detroit survived the Big One in 1921, but not without paying a price. Historian Walter P. Fuller was staying at the Detroit on the day St. Petersburg's only hurricane hit. He awoke at 3AM in the morning to find wind and water coming into his room. He then left to serve as a Red Cross volunteer. Later he returned to his room to sleep. Upon awaking the roof above him was gone. But the hurricane was not big enough to put the Detroit out of business. In fact the city's leading citizens gathered there after the storm to plan recovery, including pledging $20,000 to rebuild the Municipal Pier. The Pier was rebuilt in two months! Mary Brazier, who was associated with the hotel from 1940-1969, remembers when later hurricanes would threaten, neighbors gathered in the hotel lobby for safety.

Hotel Owners

The hotel's owners have included such city legends as C. Perry Snell, Frank Fortune Pulver, and Hubert Rutland. Snell is known as the Father of St. Petersburg's Parks. He also gave the city its Mediterranean "look" beginning in 1924. Pulver was the City's "millionaire bachelor mayor." He made his fortune developing a

Continued on page 10

The Detroit - *cont'd from page 10*



Sanborn insurance maps showing the Detroit Hotel and surrounding properties. Map on the left is from 1938 and shows no wings on either side of the hotel. Map on the right is from 1913 and shows wings on both sides of the hotel. The wing on the left is believed to date from 1910.

The date commonly given for the wing on the right is 1924. Interestingly it shows up on this 1913 map, perhaps in anticipation of the wing's completion. The yellow color denotes a frame structure. The rose color indicates brick. The blue shows concrete block structures.

only had five hotels, led by the Detroit. But in the 20s the hotel business exploded with such additions as the Ponce de Leon, the Soreno, the Suwanee, the Pheil, the Princess Martha, the Pennsylvania, the Dennis, the Vinoy Park, the Jungle Country Club, the Royal, and finally the Don Ce-Sar. Hotels and St. Petersburg's growth have gone hand in hand since the very beginning. Without the hotels, St. Petersburg's tourist and development economy would not have happened. While the hotels themselves provided employment to thousands of local residents, more importantly they provided employment for a great many others working in a wide range of other local business enterprises also patronized by tourists. It was the Detroit Hotel that led the way in development of the city and the tourist economy for which it is so famous. And for many years it served as an important city social and cultural center.

Will Michaels is the former Executive Director of the St. Petersburg Museum of History and a current Trustee of the Museum. He also leads a seminar on local history at St. Petersburg College's Lifelong Learning Program, and speaks to community groups. The next seminar will run February 15-April 5th, each Thursday, 6:30-8:30 PM, at the St. Petersburg College Downtown Campus (near BayWalk). Guest speakers will include Phyllis Kolianos, archaeologist at the Weedon Cultural Center, Scott Hartzell, author of Remembering St. Petersburg; Gary Mormino, Co-Director of the Florida Studies Program at the University of South Florida and author, Jim Wilson and Rosalie Peck, co-authors of St. Petersburg's Historic 22nd Street South, James Anthony Schnur, Special Collections and Archives Librarian at the Nelson Poynter Memorial Library, University of South Florida, and local historian, and others. The seminar is open to the public. You may register by calling 341-3184. Cost is $45. Will may be reached at 727-420-9195.

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PINELLAS COUNTY TAX PARCEL NUMBERS

OF THE DETROIT CONDO

Apt. No.	Parcel Info	Owner	Address	OR Bk/Pg	Plat Bk/Pg
Common areas	19/31/17/41408/000/0001	Hotel Detroit Condo Assn. Inc.	3637 4th St. No., Ste. 230,St. Petersburg, FL 33704-1300		126/081
2C	19/31/17/41408/000/0023	Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	10859/2012	126/081
4 B	19/31/17/41408/000/0042	Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	10859/2012	126/081
1C	19/31/17/41408/000/0310	Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	10859/2012	126/081
2C	19/31/17/41408/000/0320	Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	10859/2012	126/081
3C	19/31/17/41408/000/0330	Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	10859/2012	126/081
4C	19/31/17/41408/000/0340	Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	10859/2012	126/081
5C	19/31/17/41408/000/0350	Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	10859/2012	126/081
4G	19/31/17/41408/000/0047	Quigley, Jon E.	215 Central Avenue, St. Petersburg, FL 33701	12341/1417	126/081
2G	19/31/17/41408/000/0027	Bodziak, John c.	215 Central Avenue, St. Petersburg,	12347/2477	126/081

			FL 33701		
4D	19/31/17/41408/000/0044	Stewart, Montieth H.	215 Central Avenue, St. Petersburg, FL 33701	12444/2650	126/081
C3	19/31/17/41408/000/0033	Hickerson, George H. and Mary P.	215 Central Avenue, St. Petersburg, FL 33701	12642/2368	126/081
2D	19/31/17/41408/000/0024	Lopez, Carlos Jr. and Colleen A.	1414 Sunset Dr. Clearwater, FL 33755-2453	13175/1876	126/081
4H	19/31/17/41408/000/0048	Hannon, James D.	215 Central Avenue, St. Petersburg, FL 33701	13434/0690	126/081
3G	19/31/17/41408/000/0037	Rose, David L.	4415 Clairson Ct., Palm Harbor, FL 34685-2647	13865/2135	126/081
2F	19/31/17/41408/000/0026	DNAA Irrevocable Trust c/o Amico, Anthony N., Tre.	14001 63rd Way No., Clearwater, FL 33760-3619	13899/1087	126/081
4C	19/31/17/41408/000/0043	Barroqueiro, Manuel M., Barroqueiro, Penfilia	26 Norman Lane, Old Bridge, NJ 08857-2613	13905/1186	126/081
2E	19/31/17/41408/000/0025	Amico, Anthony N. Jr. % Marciano, Steve	14001 63rd Way No., Clearwater, FL 33760-3619	14318/2346	126/081
3D	19/31/17/41408/000/0034	Fox, Thomas W. and Leeann, B.	215 Central Avenue, St. Petersburg, FL 33701	14329/2113	126/081
4A	19/31/17/41408/000/0041	Johnson, Mark A. II and Mark A. Revocable Trust Johnson, Laurenne E./ Revocable Trust	215 Central Avenue, St. Petersburg, FL 33701	14557/0737	126/081
2A	19/31/17/41408/000/0021	Coles, Peter and Letcher, Linda, Trust / Coles, Peter Tre., Letcher, Linda Tre.	215 Central Avenue, St. Petersburg, FL 33701	14660/2380	126/081

2H	19/31/17/41408/000/0028	Raimo, David V.	215 Central Avenue, St. Petersburg, FL 33701	14814/1083	126/081
3E	19/31/17/41408/000/0035	Greco, Family Ldt. Partnership	9200 Ridge Rd., Seminole, FL 33772-2736	15142/1427	126/081
3A	19/31/17/41408/000/0031	Nibert, Adam T., Nibert, Keitha L.	215 Central Avenue, St. Petersburg, FL 33701	15407/2070	126/081
4F	19/31/17/41408/000/0046	Schumacher and Assoc., Inc. Money/Purchase Pension Plan + Trust	2525 15th St., Ste. 34, Denver, CO 80211-3989	15637/0886	126/081
3F	19/31/17/41408/000/0036	Isreal, Connie Jo	215 Central Avenue, St. Petersburg, FL 33701	15707/0739	126/081
3H	19/31/17/41408/000/0038	Dunnington Holdings Corp.	215 Central Avenue, St. Petersburg, FL 33701	16145/1565	126/081
4E	19/31/17/41408/000/0045	Dunne, James G. Living Trust/ Dunne, Janet A. Living Trust	215 Central Avenue, St. Petersburg, FL 33701	16221/1669	126/081
3B	19/31/17/41408/000/0032	Jensen, Matthew C.	215 Central Avenue, St. Petersburg, FL 33701	16229/0094	126/081

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TO: Members of Council Public Safety & Infrastructure Committee

FROM: Dave Goodwin, Director of Planning and Economic Development

DATE: Meeting of January 28, 2010

SUBJECT: Follow up to discussion about program to disperse funds received by City from historic Transfer of Development Rights

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This memo follows up on discussion at the November 12, 2009 PSI Committee meeting regarding a program to disperse funds received by the City from historic transfer of development rights. This discussion occurred in concert with Council consideration of an amendment to the Land Development Regulations which would allow a developer to pay funds to the City for historic TDRs as an alternate to purchasing historic TDRs from the owner of a historic structure. The code amendment did not proceed for Council first reading and public hearing, pending resolution of this issue.

Proposed code amendment

The amendments proposed at this time to the Downtown Center zoning districts accomplish the following regarding use of historic TDRs:

- Allow a developer to pay funds to the City for historic TDRs as an alternate to purchasing historic TDRs form the owner of a historic structure. The FAR bonus would remain the same however the City would need to determine the amount the developer would pay
- Require a development proposal which both impacts a landmark historic structure and requires bonus FAR to use, at minimum, the historic TDR FAR bonus option

The existing program leaves the transaction of TDRs entirely private between a developer and the owner(s) of historic landmarks with established TDRs available. Altering the existing TDR program to allow a developer an option to pay the City for bonus FAR related to historic TDRs could result in less opportunity for owners of historic landmarks to sell their development rights by allowing a developer to make a payment to the City instead. Currently, a developer may make a payment to the City to use the workforce housing or downtown mass transit FAR bonus provision. Alternately, allowing the developer to pay directly to the City could increase the chance the historic bonus FAR would be used by giving the developer an arguably easier opportunity to make a payment to the City instead of identifying and negotiating with private property owners. The lack

of significant downtown development proposals precludes the ability at this time to gauge the effect of this proposed change on development and use of historic TDRs. Ultimately a market demand for the TDRs must exist for the proposed program to have any real impact.

At this time the FAR bonuses in the downtown districts offer only one priority among the four bonuses: for projects requiring public hearing, the first .5 FAR bonus is dedicated to workforce housing. The recommendation to require a developer using FAR bonus and affecting landmark historic structures to use the historic bonus directly relates an impact and mitigation. This issue arose and was discussed at length in a recent site plan appeal heard by City Council.

Options for dispersing funds received

Assuming the DC district is amended to allow a developer to pay City for historic FAR bonus, as an additional option to two options currently available, the City would place the funds received into the designated Historic Preservation Grant Program. Several ideas were discussed about how to expend those funds. Administration recommends that a public benefit be derived from the funds such as exterior renovations to designated structures, as noted in Option 1. Representatives of the St Petersburg Preservation have recommended that funds be provided to owners of historic structures as an incentive for designation and to reduce development rights, as noted in Option 2. It is possible to combine these ideas, as noted in Option 3.

Option 1: City provides grants

1. When sufficient monies exist in grant program, on schedule provided by City, City advises owners of historic landmark structures that applications can be submitted. Property owners apply to the City for specific project to exterior of landmark structure, including contractor estimate of work to be completed, work must comply with Secretary of Interior standards and regulatory processes apply – COA, building permits.
2. City staff review projects, create report, provide to Community Preservation Commission for review and rank of projects based on age of structure, imperative of project to the structure, project scope and cost (extra points for owners providing match), whether property has received city grant previously
3. City advises owners rank order of properties, projects and identified based on funding available how much funding will be provided to each
4. Recommended projects are presented to City Council for approval
5. City and property owner sign agreement for work to be completed, cost and deadlines
6. City works with owner and contractor to obtain required permit(s) and COA for specified work

7. City either pays directly to contractor or other vendor for work or to property owner with verification of the contractor cost
8. Property owner responsible for maintenance of improvements in a manner consistent with the requirements of the historic preservation section of the City Code

Option 2: City purchase TDRs

1. When monies are contributed to the grant program, City divides available monies by the number of landmark structures with TDRs available and provides the portion of money to each property owner in exchange for TDRs
2. Each landmark property receiving funds must record the covenant /restriction of development potential
3. Owner must use funds towards completing the list of improvements provided by City commensurate with the amount of TDRs sold and agree to maintain the improvements in a manner consistent with the historic preservation section of the City Code
4. If no improvements are identified for the property, property owner may use funds as they choose
5. Amount (square footage) of TDRs available from property is transferred to the City; amount of square footage derived by total money to property owner (noted in #1 above) divided by the $/sq ft determined when the funds were received from the developer – the amount to be received from the developer is ½ of 1% of the construction cost for each 1 bonus FAR which could be divided by the amount of square footage equaling 1 FAR for the project to get a $/sq ft
6. City receives TDRs as specified in #5 above from each property

Option 3: Blending Options 1 & 2

1. Funds received in grant program from developer - the amount to be received from the developer is ½ of 1% of the construction cost for each 1 bonus FAR which could be divided by the amount of square footage equaling 1 FAR for the project to get a $/sq ft unique to the project for which the funds were received
2. With sufficient monies in the grant program, on a schedule provided by City, City solicits applications from owners of landmark structures which have created TDRs for grant assistance to perform specific rehabilitation or preservation project(s) to exterior of landmark structure, owner must include with application:
    a. narrative of importance of project to the structure including relationship to other projects
    b. maintenance plan for property
    c. work must comply with Secretary of Interior standards
    d. contractor estimate of work to be completed,
    e. age of structure

f. regulatory processes apply – COA, building permits.

3. City staff review projects, create report, provide to Community Preservation Commission for review and rank of projects based on these criteria:
    a. Detailed explanation of the importance of the proposed project to the preservation of the structure,
    b. Completeness of project scope
    c. Cost (extra points for owners providing match),
    d. Ratio of amount of TDRs available from structure vs FAR allowed for site, with properties with highest development potential receiving higher consideration
    e. Age of structure
    f. Priority may be given to properties which have not received city grant previously
4. Ranked projects are presented to City Council for approval
5. City advises owners of the rank order of properties, projects and identified based on funding available how much funding will be provided to each
6. City and property owner sign grant agreement for work to be completed, cost and deadlines
7. City works with owner and contractor to obtain required permit(s) and COA for specified work
8. City pays directly to contractor or other vendor for work
9. Each landmark property receiving funds must record the covenant /restriction of development potential
10. Amount (square footage) of TDRs available from property transferred to City by specified square footage, to be calculated by the value of project divided by the $/sq ft as determined in #1 above
11. Property owner responsible for maintenance of improvements in a manner consistent with the historic preservation section of the City Code
12. City receives TDRs as specified in #10 above from each property

Summary

At the November 12th PSI Committee meeting, committee members indicated an interest in developing a program to expend the potential funds the City may receive if Council amends the Land Development Regulations to allow a developer to pay funds directly to the City as an option using the historic TDR for bonus FAR. This memo offers for consideration by Council several options to do so. The program details would not typically be included in a City Code amendment, however the approved program will be implemented by Administration if the proposed amendment to the DC district is approved. That amendment has been reviewed by the City's Development Review Commission and is ready to be scheduled on dates Council selects for first reading then second reading and public hearing.

St. Petersburg Historic Transfer of Development Rights

The St. Petersburg City Code Section 16.70.040.1.17 provides for a Transfer of Development Rights (TDR) for individually designated local historic landmarks and sites. The City recognizes that locally significant 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 the owners of historically designated properties to benefit from the development potential by allowing the sale of the development rights with the condition that the building or site be restored and retained. The process will be completed in two phases: approval of the establishment of TDR credits for the historic landmark and approval of the transfer or sale of the credits to a receiving site. The establishment and transfer of TDR credits may occur at separate times.

PROCESS

Inspection and Preservation Plan

Following completion of the Application to Establish Credits, the property owner shall provide access to the site for both an internal and external inspection by City staff to determine the condition of the property. Staff shall create a Historic Preservation Plan for each property which shall identify any work that must occur in order to adequately preserve, rehabilitate, and maintain the landmark. This Plan shall be based on the Secretary of the Interior's Standards for Rehabilitation. If the transfer or sale follows the establishment of credits by more than three years, then a new inspection must be performed and the Preservation Plan updated to reflect current conditions on the property. Each property will be required to complete any restoration or rehabilitation work required by the Plan upon the transfer or sale of the TDR credits.

Calculating the Amount of TDR Credits

For a locally designated historic building, the amount of transferable floor area will be determined by multiplying the gross floor area of the designated building by ten (10). For a landmark site (cemetery or archaeological site), the amount of transferable floor area will be determined by multiplying the gross square footage of the landmark site by five (5).

Community Preservation Commission (CPC) Public Hearing

Following review of the Application and the creation of the Preservation Plan, staff shall prepare a report to the CPC recommending approval, approval with conditions, or denial of the application. A copy shall be sent to the applicant and any person with an interest in the property. All proceedings are quasi-judicial. Therefore, it is required that the owner or authorized representative attend the hearing. Upon approval by the CPC and compliance with any requirements, conditions, and restrictions that may have been imposed, the City shall issue a TDR Credits Certificate indicating the number of units or amount of FAR available for transfer or sale.

Protective Covenant

Once the TDR credits are established, the owner shall be required to execute and record a declaration of covenants and restrictions (provided by the City). The covenant will restrict the development potential to the size of the historic landmark and any TDR credits not established or transferred. The covenant will run with the property, binding all future owners. If the landmark is removed, any new development may only be constructed up to the size of the historic landmark and any TDR credits not transferred. If the allowable density or intensity of the site increases due to a change in zoning or the City Code, any additional development rights may be used on site, or additional TDR credits may be created by utilizing the same application process. The owner must provide proof that the covenant has been filed with the Pinellas County Clerk of Circuit Court in order to receive the TDR Credits Certificate indicating the amount of square footage available for sale.

Transfer or Sale of TDR Credits

The establishment and transfer of TDR credits may occur at separate times. TDR credits may only be transferred to property located within the DC (Downtown Center) and CCS (Corridor Commercial Suburban) districts. The owner of the local landmark or landmark site with approved TDR credits will need to submit a Request to Transfer TDR Credits application for approval of the transfer or sale of credits to the Historic Preservation Division. The owner of the receiving site will need to obtain approval of the site plan for the parcel from the Development Review Commission (DRC) before credits may be transferred to the receiving parcel. Evidence of all sales or transfers must be recorded with the Clerk of the CPC.

Additional Requirements

Upon the transfer or sale of the credits, each property will be required to complete any restoration or rehabilitation work required by the Plan. If the transfer of TDR credits is conditioned on work to be performed on the landmark, then the owner shall obtain a Certificate of Appropriateness (COA), and all required permits for such work within ninety (90) days from the date that the TDR credits are transferred. No development on the receiving site shall receive a Certificate of Occupancy (either partial or final) until the local landmark has passed a final inspection and/or a Certificate of Occupancy is issued for the restoration or rehabilitation work required by the Preservation Plan. At the transfer or sale of the credits, financial support shall be made to the City's Historic Preservation Grant program in the amount of $.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.

MEMORANDUM
CITY OF ST. PETERSBURG

To: Members of the City Council Public Safety & Infrastructure Committee

From: Julie Weston, Development Services Director

Date: Meeting of August 16, 2009

Subject: Additional information concerning Historic Transfer of Development Rights (TDRs)

This report responds to recent discussions at the July 16, 2009 PSI Committee meeting regarding the Historic Transfer of Development Rights (TDR) program. During the LDR adoption process in the fall of 2007, Council directed that after two years, a review be conducted of all FAR bonus provisions in the new LDRs. Administration has begun to prepare this review. The following discussion provides the requested additional information regarding the FAR bonus for historic TDRs in advance of the findings and recommendations of that review.

Historic TDR Program Overview

The Land Development Regulations adopted in August 2007 included a new program, defining and regulating the creation and transfer of development rights from historic landmarks. The City recognized that locally significant 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.

In creating the new TDR program, staff researched other TDR programs throughout the United States. Traditionally, TDR programs for historic landmarks allowed owners to transfer the difference between the square footage of the existing local landmark and the potential square footage allowed by zoning. Generally limited to the downtown core, this type of program alleviated the development pressure on some local historic landmarks. It does not prevent demolition by neglect, promote rehabilitation, or provide an economic incentive to local landmarks which already exceed the allowed zoning or are outside of the downtown core. In St. Petersburg, staff created a program to address these additional concerns.

St. Petersburg's TDR program allows the owners of historically designated properties to benefit from the development potential of the site by allowing the sale or transfer of the development rights with the condition that the historic landmark be restored and retained. Because some of the historic landmarks already exceed the FAR allowed by zoning (e.g. the YMCA), the City's intent of the TDR program was to provide an economic benefit available to owners of all of the individually designated historic landmarks by basing the

amount of available TDRs on the size of the existing structure, instead of on the development potential under the new zoning district. Thus, all local landmarks are eligible for TDRs which can be sold at market rate and transferred off of the historic landmark site to alleviate development pressure and fund restoration of the historic landmark. The transfer of the development right credits from the local landmark does not prevent demolition of the local landmark, but does provide additional protection from demolition; it limits the size of any future structure to the size of the existing landmark and any credits not established or transferred. Money from the sale of the TDR credits must be used toward rehabilitation of the historic landmark. Staff inspects the property to identify areas of concern. In doing so, this program also seeks to address issues of demolition by neglect and promote rehabilitation through economic incentives. If all of the credits are sold, it removes the incentive to redevelop the landmark property. Approval to demolish a local landmark would still require a Certificate of Appropriateness (COA) approved by the Community Preservation Commission (CPC). Once sold or transferred, the development right credits can be used towards bonus FAR for a development project in the downtown zoning districts. A similar tool has been available in the past for protection of environmental preservation areas in St. Petersburg, and many of the principles of that program were applied in the drafting of regulations to create and employ historic TDRs.

Process for Establishment of TDR credits

The process is completed in two phases: approval of the establishment of TDR credits for the historic landmark and approval of the transfer or sale of the credits to a receiving site. The establishment and transfer of TDR credits may occur at separate times. The process to establish the TDR credits includes an inspection to create a Preservation Plan, calculating the amount of TDR credits available, and a Public Hearing before the CPC. At the point of sale or transfer, the owner of the historic landmark files a protective covenant, sells/transfers the TDRs, and initiates restoration work. Additional information on each step is provided below.

Inspection and Preservation Plan

Following completion of the Application to Establish Credits, the property owner shall provide access to the site for both an internal and external inspection by City staff to determine the condition of the property. Staff shall create a Historic Preservation Plan for each property which shall identify any work that must occur in order to adequately preserve, rehabilitate, and maintain the landmark. This Plan shall be based on the Secretary of the Interior's Standards for Rehabilitation. If the landmark has already undergone restoration, the Preservation Plan will focus on maintenance and provide a list of character defining architectural elements which must be preserved. If the transfer or sale follows the establishment of credits by more than three years, then a new inspection must be performed and the Preservation Plan updated to reflect current conditions on the property. Each property will be required to complete any

restoration or rehabilitation work detailed by the Plan upon the transfer or sale of all of the TDR credits. If a lesser amount of TDR credits are sold, a comparable amount of restoration work on the landmark must be completed.

Calculating the Amount of TDR Credits

For a locally designated historic building, the amount of transferable floor area is determined by multiplying the gross square footage of the designated building by ten (10x) (e.g. a 5,000 square foot structure would be able to receive 50,000 square feet of transferable development rights). For a landmark site (cemetery or archaeological site), the amount of transferable credits is determined by multiplying the gross square footage of the landmark site by five (5x). When the new LDRs were initially adopted in the fall of 2007, the amount of development rights available to be established was 20 times (20x) the existing square footage of the landmark. However, this was reduced in the first group of LDR amendments because of the very large amount of development rights which could be available and uncertainty about the demand for those rights. Both the 10x and 20x were based on estimates of properties which might participate in the TDR program and capacity of the downtown zoning districts (DC-1, DC-2, DC-3 and CCS) to receive bonus FAR. The total square footage of bonus which could be used in the DC and CCS districts is approximately 92 million square feet. The total square footage of all designated landmark buildings when the ordinance was originally approved was 1,398,429; so the potential development rights which could be created is 13,984,290 square feet at 10x and 27,968,580 square feet at 20x. Also with the first amendment, city and government owned properties were determined ineligible to establish or transfer historic TDRs.

Community Preservation Commission (CPC) Public Hearing

Following review of the Application and the creation of the Preservation Plan, staff prepares a report to the CPC recommending approval, approval with conditions, or denial of the application. A copy shall be sent to the applicant and any person with an interest in the property. All proceedings are quasi-judicial. Therefore, it is required that the owner or authorized representative attend the hearing. Upon approval by the CPC and compliance with any requirements, conditions, and restrictions that may have been imposed, the City shall issue a TDR Credits Certificate indicating the number of units or amount of FAR available for transfer or sale.

Process for Transfer or Sale of TDR Credits

Protective Covenant

Once the TDR credits are established, the owner shall be required to execute and record a declaration of covenants and restrictions (provided by the City) at the point of sale or transfer. The covenant will restrict the development potential of the parcel to the size of the historic landmark and any TDR credits not established or transferred. The covenant will run with the property, binding all future owners. If the landmark is removed, any new development may only be constructed up to the size of the historic landmark and any TDR credits not established or transferred. If the allowable density or intensity of the site increases due to a change in zoning or the City Code, any additional development rights may be used on site, or additional TDR credits may be created by utilizing the same application process. The owner must provide proof that the covenant has been filed with the Pinellas County Clerk of Circuit Court in order to receive the TDR Credits Certificate indicating the amount of square footage available for sale.

Transfer or Sale of TDR Credits

The establishment and transfer of TDR credits may occur at separate times. TDR credits may be transferred to another individual who wishes to retain the credits indefinitely or use the credits for development on a property located within the DC (Downtown Center) and CCS (Corridor Commercial Suburban) districts. Any transfer of credits requires that the owner of the local landmark or landmark site with approved TDR credits submit a Request to Transfer TDR Credits Application to the Historic Preservation Division. In order for the credits to be used on a property, the owner of the receiving site will need to obtain approval of the site plan for the parcel from the Development Review Commission (DRC) before the credits may be transferred to the receiving parcel. Evidence of all sales or transfers must be recorded with the Clerk of the CPC.

Additional Requirements

Upon the transfer or sale of the credits, the local landmark will be required to complete any restoration or rehabilitation work required by the Preservation/Maintenance Plan created at the time of the establishment of credits. The amount of restoration work required will be dependent on the percentage of TDR credits transferred or sold. If the transfer of TDR credits was conditioned on work to be performed on the landmark, then the landmark owner shall obtain a Certificate of Appropriateness (COA), and all required permits for such work within ninety (90) days from the date that the TDR credits are transferred. No development on the receiving site shall receive a Certificate of Occupancy (either partial or final) until the local landmark has passed a final inspection and/or a Certificate of Occupancy is issued for the restoration or rehabilitation

work required by the Preservation Plan. At the transfer or sale of the credits, financial support shall be made to the City's Historic Preservation Grant Program in the amount of $.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.

TDR Activity Since the Creation of the TDR Program

Since creation of the program, four properties have established historic TDRs which are now available for transfer. Those properties are: the YMCA at 116 5th Street South, the Snell Arcade at 401 Central Avenue, the Flori-de-Leon Apartments at 130 4th Avenue North, and the Sunset Hotel at 7401 Central Avenue. The total amount of development rights established to date is 2,501,400 square feet. Although one request to use TDRs was approved by the Development Review Commission for a proposed hotel in the 900 block of 5th Avenue South, the development has since been re-designed so as to not need the bonus development rights. Thus, the TDR sale did not occur. Therefore, to date, no TDRs have been purchased or transferred since the LDRs were adopted in 2007. Since no credits have been transferred or sold, the City's Historic Preservation Grant Program, which would be funded by the $.50 fee for each square foot of development credit transferred, does not have an established account or policies and priorities to administer the funds.

Several cases in recent months have identified a need for clarification on several issues regarding the Historic TDR program. The issues and items for the PSI Committee to consider are detailed below.

<u>Input from CONA's Land Development and Historic Resources Committee</u>

Questions
Recent correspondence received by the City from CONA's Land Development & Historic Resources Committee entitled "Proposal to Strengthen Land Development Regulations as they relate to Historic Preservation" offered three recommendations:

1. A developer seeking bonus FAR should have an option to either make a cash payment to the City or purchase TDRs from a private individual who owns a historic structure.
2. The City should purchase TDRs with funds derived from the above referenced payments.
3. Development which impacts historic resources should be required to utilize the historic TDR bonus option if the developer uses FAR bonuses.

Discussion
The existing program leaves the transaction of TDRs entirely private between a developer and the owner(s) of historic landmarks with established TDRs available. Altering the

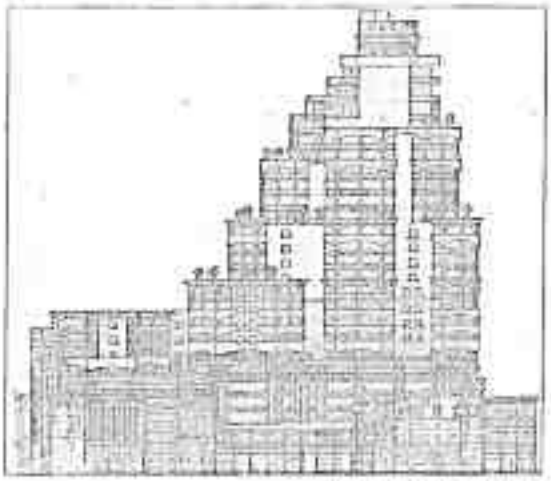
existing TDR program as recommended by CONA to allow a developer an option to pay the City for bonus FAR related to historic TDRs could result in less opportunity for owners of historic landmarks to sell their development rights by allowing a developer to make a payment to the City instead. Alternately, it could increase the chance the historic bonus FAR would be used by giving the developer an arguably easier opportunity to make a payment to the City instead of identifying and negotiating with private property owners. The effect of this proposed change on development and use of historic TDRs cannot be gauged at this time due to lack of development proposals considering the FAR bonus.

If the City received funds from a developer towards the historic TDR program, the City would need to set a value for the development rights, establish an account to track the funds and determine how the funds should be expended. To date, no market value for historic TDRs has been established. The CONA committee recommended funds received by the City for this bonus be used to purchase TDRs from owners of historic structures. To administer funds received for the historic FAR bonus, to purchase TDRs from private property owners or to fulfill other Council directed historic preservation goals, policies and priorities will need to be established at some future time if funds are received employing the historic FAR bonus.

The third recommendation is a development project which both seeks FAR bonus and which impacts historic resources should be required to utilize the historic TDR bonus option. This issue arose and was discussed at length in a recent site plan appeal heard by City Council. At this time the FAR bonuses in the downtown districts offer only one priority among the four bonuses: for projects requiring public hearing, the first .5 FAR bonus is dedicated to affordable housing. The recommendation to require a developer using FAR bonus and affecting historic structures to use the historic bonus is reasonable. A complete review of the FAR bonus opportunities by City Council may identify similar amendments to express other priorities among the bonuses for public art, workforce housing, downtown mass transit historic preservation.

Tower may overtake Jannus Live

St. Petersburg's mayor is ready to battle plans for another high-rise.



Courtesy of John A. Bodnick

The Jannus Live concert venue and Mastry's Bar are in the downtown St. Petersburg block that could give way to a 25-story residential tower.

BY CHARLIE FRAGO
Times Staff Writer

ST. PETERSBURG — The city's first commercial block, the longtime home of Jannus Live and an array of bars and restaurants, is widely credited with sparking the city's nightlife renaissance.

But the owners want to transform it into a 25-story residential tower. That could spell the end of the Jannus Live courtyard concert venue.

High-rises are being built all over downtown, but this one won't go up with a fight.

Mayor Rick Kriseman said a recent attempt to protect the block by making it a local landmark district was a battle the city lost. But he vowed to win the war to preserve what he calls St. Petersburg's most historic block.

The high-rise is being pitched by Tony Amico, the majority-owner of the popular

» See TOWER, 2B

» TOWER continued from 1B

downtown block bounded by Second and Third Streets and First Avenue N and Central Avenue.

Last month Amico submitted preliminary plans for the tower, which city planners say are incomplete. St. Petersburg officials said they won't consider the plan until other property owners within the block sign off on it. The Federal Aviation Administration must also determine that the project will not interfere with flight paths for Albert Whitted Airport.

Amico's proposal, the mayor said, just doesn't work.

"It's totally out of character with the surrounding neighborhood," Kriseman said.

The mayor said as long as he's in office, the city won't vacate the alley running down the middle of the block. That would make development difficult, the mayor said.

Amico disagreed.

"I don't need his alley," he said of the mayor. "He's going to stop me from cleaning up that stinking alley. Okay, I'm in."

Instead of throwing up roadblocks, Amico said, the city should remember his contributions to revitalizing downtown.

"When no one wanted to touch those buildings, I came," Amico said. "I waited for 17 years. I waited and waited and waited. Now they want to take my building rights away from me."

He is proposing a 300-foot tower. It may include rental units. A 40-60 room boutique hotel is also part of the mix, he said. Amico did not say what the project could cost, but did say that it could net $90 million.

The Jannus Live courtyard is still in the initial plans, and the tower would be built around it. But whether it would remain an outdoor concert venue is the issue. Amico said that remains to be determined.

Downtown residents have already complained about the noise generated by the busy nightlife. But Amico said the lowest residential units of his development would be seven or eight

LUIS SANTANA | Times (2010)

The developer says it's unclear what will happen to the Jannus Live concert venue if his plans are approved.

stories above the courtyard. So noise won't be a concern if the concert venue sticks around, he said.

Entertainment and retail will remain on the ground floor, Amico said, so mainstays like Mastry's Bar could live on in the new development.

"We have room for everybody," Amico said. "We're not trying to chase anybody out."

Meanwhile, preservationists are mobilizing residents to pressure the city to keep the block intact. Some of its structures date to the 1880s. If the city approves Amico's plans, preservationists said, the city will be boxed in from stopping any development. Kriseman's attempt to designate the entire block as historic failed in the City Council on Oct. 20 and city rules prohibit council members from reconsidering their vote.

Amico said he has offered to work with preservationists and offered a compromise: He'll keep the facade of the historic buildings intact. The mayor said that isn't enough.

The project requires approval at several levels, and Amico said he probably won't build anything for years. "I want to know the market is ready," he said. "I don't want to build a building and not have a market."

Contact Charlie Frago at cfrago@tampabay.com or (727)893-8459. Follow @CharlieFrago.

Subject: ST. PETERSBURG MEETING NOTICE: Third-Party Designation Applications
Date: Thursday, July 25, 2019 at 10:05:45 AM Eastern Daylight Time
From: Derek Kilborn
To: Derek Kilborn
CC: Laura Duvekot, Kelly K. Perkins
Attachments: image002.png

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RE: Third-Party Designation Applications

This is a letter of notice regarding an upcoming joint meeting between the City of St. Petersburg's City Council ("Council") and Community Planning and Preservation Commission ("CPPC"). City Code Section 16.30.070.2.5 relating to the designation of individual local landmarks and listing in the St. Petersburg Register of Historic Places, authorizes third-party applications to be initiated by any individual, organization, or association, who is not the property owner or City Council. On May 16, 2019, City Council passed a six-month moratorium on the filing of third-party designation applications and requested a joint meeting with the members of the CPPC to discuss the matter:

- Committee of the Whole
- Date: August 8, 2019
- Time: Start at 9:00 a.m.
- Location: Sunshine Senior Center
- Address: 330 5th Street North, St. Petersburg, 33701

You are receiving this courtesy notice because of your participation in an earlier information meeting(s) or public hearing(s) relating to the City's List of Potentially Eligible Properties ("PEL") or you sent a written correspondence relating to the PEL or one of the more recent third-party designation applications.

This meeting is intended to focus on the subject of third-party designation applications over property-owner objection. While not mentioned by City Council at the time of their request for this meeting, City Staff anticipates that their discussion will include the separate matter of procedures for listing in the PEL. *This is a public meeting, but typically does not include an opportunity for public comments.* You may submit written comments prior to the meeting; written comments should be received by Thursday, August 1, in order to be included in the distribution of meeting materials. Prior to the meeting and afterwards, City Staff will link related materials and future meeting notices at the following web address:

- http://www.stpete.org/planning_zoning/current_planning_projects.php
- Current Planning Projects > Designation Applications, Third Party

Finally, the meeting will not be televised live; however, it will be recorded and made available for online streaming shortly afterwards. A video link will be added at the above web address, when available. If you have any questions, require additional information, or would like to submit written comments, please contact our Historic Preservation staff:

- Laura Duvekot, Historic Preservationist, (727) 892-5451, Laura.Duvekot@stpete.org
- Kelly Perkins, Historic Preservationist, (727) 892-5470, Kelly.Perkins@stpete.org

Respectfully,
Derek S. Kilborn, Manager
Urban Planning and Historic Preservation Division
Planning and Development Services Department
City of St. Petersburg, Florida
(+1) 727.893.7872

Your Sunshine City

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY,
FLORIDA

BEACH GROUP INVESTMENTS, INC,
Plaintiff,

CASE NO.: 2011-CA-000702

vs.

STATE OF FLORIDA DEPARTMENT OF
ENVIROMENTAL PROTECTIONS
Defendant.
_____/

FINAL JUDGMENT

This case came before the court for non-jury trial on April 23-26, 2013 on the issue of liability under plaintiff BEACH GROUP INVESTMENTS, LLC's claim for inverse condemnation (Count II) and defenses related thereto. After applying the analysis outlined in Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978), this Court concluded that a taking by inverse condemnation of the property described in Exhibit "A" attached hereto and made part hereof had occurred. This Court entered an order of taking on November 14, 2013.

Thereafter, a jury trial on full compensation under Article X, Section 6 of the Florida Constitution occurred, and the jury rendered a verdict on June 6, 2014, awarding Plaintiff full compensation in the amount of $10,418,000.

LEGAL DESCRIPTION

Beginning at the Southwest corner of Block 2 of Fort Pierce Beach Subdivision, as recorded in Plat Book 8, at page 29 of the Public Records of St. Lucie County, Florida; thence run N19°02'03"W, along the Westerly line of said Block 2, a distance of 346.28 feet; thence run N82°01'13"E, a distance of 139.84 feet, thence run N07°58'47"W a distance of 18.50 feet; thence run N82°01'13"E, a distance of 121.85; thence run N07°58'47"W a distance of 55.50 feet; thence N82°01'13"E, a distance of 71.42 feet, to the South Beach High Tide Line as recorded in Plat Book 14, Page 48 of the Public Records of St. Lucie County, Florida; thence run S01°42'10"W, along said South Beach High Tide Line, a distance of 411.72 feet to the Southerly line of said Block 2, thence run S79°41'57"W along the said Southerly line of Block 2; a distance of 197.64 feet to the POINT OF BEGINNING; all lying and being in Section 36, Township 34 South, Range 40 East and Section 1, Township 35 South, Range 40 East, St. Lucie County, Florida.

EXHIBIT

A

Syvrud v. Today Real Estate, Inc.

Court of Appeal of Florida, Second District

October 31, 2003, Opinion Filed

Case No. 2D02-4526

Reporter

858 So. 2d 1125 *; 2003 Fla. App. LEXIS 16532 **; 28 Fla. L. Weekly D 2505

ERIK P. SYVRUD and CAROL C. SYVRUD, husband and wife, as individuals, Appellants, v. TODAY ***REAL ESTATE***, INC., a Florida corporation, d/b/a RE/MAX TODAY, Appellee.

Subsequent History: Released for Publication November 19, 2003.

Prior History: [**1] Appeal from the Circuit Court for Pinellas County; Crockett Farnell, Judge.

Disposition: Reversed and remanded.

Case Summary

Procedural Posture

Plaintiff purchasers sued defendants, sellers and ***real estate*** brokers, alleging that defendants failed to disclose hidden defects in a condominium and seeking rescission of the contract and damages. The Circuit Court for Pinellas County (Florida) granted a motion to dismiss by the listing broker, and entered final judgment for the listing broker. The purchasers appealed the judgment.

Overview

In Florida, a seller was obligated to disclose to a buyer all known facts that materially and adversely affected the value of the property being sold and that were not readily observable. The purchasers claimed that defendants failed to disclose known hidden defects including mildew damage, water leaks, structural cracks, and other structural defects. The listing broker argued that under the terms of the sales contract, the purchasers waived their claims for nondisclosure of hidden defects and for negligence. The appellate court held that at no point did any contract provision specifically state that the buyers waived the sellers' duty to disclose hidden defects materially affecting the value of the property. The appellate court held that the provision relied on by the listing broker was the functional equivalent of an "as is" clause. An "as is" clause in a contract for the sale of residential ***real property*** did not waive the duty to disclose hidden defects in the property. The appellate court further held that the effect of the "as is" clause on the negligence claim was a question of fact for a jury.

Outcome

The judgment was reversed and remanded for further proceedings.

Counsel: Patrick B. Calcutt and Kathleen M. Calcutt of Calcutt & Calcutt, P.A., St. Petersburg, for Appellants.

Charles Tyler Cone of Fowler White Boggs Banker, P.A., Tampa, for Appellee.

Judges: WALLACE, Judge. FULMER and COVINGTON, JJ., Concur.

Opinion by: WALLACE

Opinion

[*1126] WALLACE, Judge.

Paul G. Cummings and Mary P. Cummings (the Sellers) entered into a contract with Erik P. Syvrud and Carol C. Syvrud (the Buyers) for the sale and purchase of a townhouse condominium unit located in the Nature's Watch development in Pinellas County, Florida. After the Buyers closed and took possession of the property, they brought an action against Today ***Real Estate***, Inc., a Florida corporation, d/b/a Re/Max Today (the Listing Broker); New York Associates, Inc., a Florida corporation, d/b/a Re/Max Mutual Realty (the Selling Broker); and the Sellers. The Buyers demanded a jury trial, requested rescission of the contract with the Sellers, and asserted claims for damages against **[**2]** the Sellers and both brokers on various theories, including the nondisclosure of hidden defects materially affecting the value of the property pursuant to *Johnson v. Davis*, 480 So. 2d 625 (Fla. 1985). The Listing Broker moved to dismiss the claims against it and for judgment

on the pleadings on the ground that the provisions of an addendum to the parties' contract relieved the Sellers and the Listing Broker of any duty of ***disclosure*** to the Buyers. The trial court granted both motions and entered final judgment in favor of the Listing Broker and against the Buyers. Because we conclude that the provisions of the addendum to the contract did not relieve the Listing Broker of its duty to the Buyers, we reverse the trial court's order and final judgment, and we remand for further proceedings.

Facts and Procedural History

The pertinent facts are alleged in the Buyer's first amended complaint. For purposes of our review, we must assume the factual allegations of the first amended complaint to be true, and we construe them in the light most favorable to the Buyers as the nonmoving party. *See* ***[*1127]*** *Williams v. Howard*, 329 So. 2d 277, 280 (Fla. 1976); *Hosp. Constructors Ltd. v. Lefor*, 749 So. 2d 546, 547 (Fla. 2d DCA 2000). **[**3]**

On May 7, 2001, the Sellers and the Buyers entered into a contract for sale and purchase of the property on a preprinted form approved by the Florida Association of Realtors and The Florida Bar. The form is commonly known as "the FAR/BAR contract." [1] The Sellers and the Buyers also executed a typewritten addendum and made it a part of the contract. Because the interpretation of some of the provisions of the addendum is critical to the resolution of this appeal, we quote at length from the addendum:

> (A) This contract is contingent upon the Buyer's approval of a home inspection to be done by a licensed home inspection company [at] Buyer's expense within 7 days of acceptance. Buyer must, within 3 days from the end of the inspection period, deliver written notice of any items that are not in the condition warrented [sic] and a copy of the inspector's report to the seller. In the event buyer does not approve home inspection, Buyer **[**4]** has the right to declare contract null and void and all escrow monies shall be returned to purchaser. If the Buyer approves the contract and decides to go forward, paragraphs "N" & "D" of the contract will prevail. Buyer also retains right to a final walk-through inspection.
>
> Buyer(s) acknowledge that the inspection(s) shall focus on warrented [sic] items effecting the habitability and not for the purpose of establishing a list of cosmetic repairs for seller(s) to perform, as defined in paragraph "N" of the contract. Buyer(s) hereby acknowledge that the property being sold is not new and that the seller(s) and broker(s) make no verbal representations, warranties, or guarantees as to the condition of the property and it's [sic] appurtenances and/or fitness for specific purpose.
>
> (B) Buyer(s) and seller(s) agree that any workman, con tractors, inspectors or experts recommended by the listing or selling agents are for Buyer(s) or seller(s)[] convenience only and that such workman, contractors, inspectors or experts should be retained based on Buyer(s) and seller(s)[] research and discretion.
>
> Buyer(s) and seller(s) agree to hold harmless Re/Max Mutual Realty [the **[**5]** Selling Broker] and JIM WORCESTER, P.A., from and responsibility regarding the findings of inspections.
>
> (C) Buyer(s) and seller(s) agree to rely upon themselves and those licensed to give professional advise [sic] regarding compliance with or and [sic] aspect of the property including, but not limited to[:] zoning, use restrictions, lot size, availability of improvment [sic] services, school districts, presence of hazardous materials, square footage or dimensions, radon, flood plain designation, roofing, mechanical, electrical, plumbing, appliances and other appurtenances conveyed with the sale. The ***Real Estate*** Agents[] opinions, if any, have been only in marketing and sales negotiations.
>
> (D) This contract is contingent on [B]uyer's review and approval of a seller's property ***disclosure*** statement within 7 days of receipt of said statement.

The provisions of the addendum referred specifically to two of the paragraphs contained in the "Standards for ***Real Estate*** Transactions," which form part of the FAR/BAR contract: paragraph "D" relating to "TERMITES/WOOD DESTROYING ORGANISMS" and paragraph "N" relating to "INSPECTION, REPAIR AND MAINTENANCE." The addendum **[*1128]** did **[**6]** not, however, delete or otherwise reference paragraph "W" relating to "WARRANTY." Paragraph "W" of the "Standards for ***Real Estate*** Transactions" provides:

[1] The particular version of the form used was the August 1998 revision.

"Seller warrants that there are no facts known to Seller materially affecting the value of the Property which are not readily observable by Buyer or which have not been disclosed to Buyer." Paragraph "W" sets forth the Seller's duty of ***disclosure*** in connection with residential ***real estate*** transactions as declared by the Supreme Court of Florida in *Johnson*, 480 So. 2d at 629.

Paragraph (D) of the addendum made the contract "contingent on Buyer's review and approval of a seller's property ***disclosure*** statement within 7 days of receipt of said statement." In order to satisfy this contingency, prior to the closing the Sellers signed and delivered to the Buyers a "Sellers ***Real Property Disclosure***" concerning the property. The Sellers' ***disclosures*** were presented on a preprinted form apparently provided by the Listing Broker. In pertinent part, the Sellers' ***disclosure*** said:

> In Florida, a seller is obligated to disclose to a buyer all known facts that materially and adversely affect the value of the property being sold **[**7]** and that are not readily observable. This ***disclosure*** statement is designed to assist the seller in complying with the ***disclosure*** requirements under Florida law and to assist the purchaser in evaluating the property being considered. The listing ***real estate*** agent, the selling ***real estate*** agent and their respective agents will also rely upon this information when they evaluate, market and present the seller's property to prospective buyers.

The Sellers' ***disclosure*** statement did not disclose any of the hidden defects and other conditions affecting the property that the Buyers alleged they discovered after the closing.

The hidden defects that the Buyers claimed had not been disclosed to them by the Sellers and the Listing Broker were not merely cosmetic in nature. On the contrary, these defects included mildew damage, damage from water leaks, structural cracks, and other structural defects. Nor were the alleged defects confined to the unit purchased by the Buyers. A number of buildings in the project had substantial structural defects. The expenses of remedying these defects caused the condominium association to impose on the unit owners extraordinary assessments estimated to be **[**8]** in excess of $ 20,000 per unit.

The Buyers closed on the purchase of the property on May 31, 2001. In support of their claim that the Sellers and the Listing Broker knew of the alleged hidden defects in the property prior to closing, the Buyers attached as exhibits to their first amended complaint copies of a series of letters addressed to the unit owners from the homeowners' association and the condominium's property manager. This correspondence consisted of six letters dated from October 8, 1999, to July 26, 2000, all substantially before the closing date of May 31, 2001. This correspondence detailed serious structural deficiencies in the buildings in the project and announced the hiring of a structural engineer, a roof consultant, a repair contracting firm, an architectural firm, a law firm, and a licensed public adjusting firm to address the multiple problems faced by the project. The correspondence also reported some of the extraordinary assessments imposed on the unit owners. A letter dated June 27, 2000, concluded with this ominous warning: "Unless significant recoveries are received from legal action and/or insurance claims, the special assessments against each unit **[*1129]** will be **[**9]** much higher than most owners expect." The Buyers alleged that the Sellers and both brokers had knowledge of the alleged hidden defects in the property and failed to disclose them to the Buyers prior to closing.

The Buyers' first amended complaint alleged six counts against the Sellers, the Selling Broker, and the Listing Broker. In this appeal, we are only concerned with Counts Three and Five, the claims against the Listing Broker:

> *Count Three*: Action for damages for failure to disclose hidden defects materially affecting the value of the property.
>
> *Count Five*: Action for damages for negligence and "***real estate*** malpractice."

In the order and final judgment under review, the trial court entered judgment on the pleadings against the Buyers on both of their claims against the Listing Broker.

The Standard of Review

The applicable standard of review for a trial court's decision granting a motion to dismiss is de novo review. *Ruiz v. Brink's Home Sec., Inc.*, 777 So. 2d 1062, 1064 (Fla. 2d DCA 2001); *W.R. Townsend Contracting, Inc. v. Jensen Civil Constr., Inc.*, 728 So. 2d 297, 300 (Fla. 1st DCA 1999). The de novo standard of **[**10]** review also applies to a trial court's decision granting judgment

on the pleadings. *Williams*, 329 So. 2d at 280-81. Moreover, the trial court's decision in this case is based upon the interpretation of the contract between the Buyers and the Sellers. The decision interpreting this contract presents an issue of law subject to review by the de novo standard. *See RNK Family Ltd. P'ship v. Alexander-Mitchell Assocs.*, 786 So. 2d 1035, 1036 (Fla. 2d DCA 2001).

The Law

In its leading decision in *Johnson v. Davis*, the Supreme Court of Florida declared:

> Accordingly, we hold that where the seller of a home knows of facts materially affecting the value of the property which are not readily observable and are not known to the buyer, the seller is under a duty to disclose them to the buyer. This duty is equally applicable to all forms of ***real property***, new and used.

Johnson, 480 So. 2d at 629. The parties agree that the duty of ***disclosure*** announced in *Johnson v. Davis* extends to a seller's ***real estate*** broker. *See Rovitz v. Terrell*, 572 So. 2d 996 (Fla. 3d DCA 1990); *Rayner v. Wise Realty Co. of Tallahassee*, 504 So. 2d 1361 (Fla. 1st DCA 1987). **[**11]** A seller's broker may also be liable to a buyer on the theories of negligence and fraudulent misrepresentation. *See Young v. Johnson*, 538 So. 2d 1387 (Fla. 2d DCA 1989).

Analysis

The last sentence of paragraph (A) of the addendum to the contract states: "Buyer(s) hereby acknowledge that the property being sold is not new and that the seller(s) and broker(s) make no verbal representations, warranties, or guarantees as to the condition of the property and it's [sic] appurtenances and/or fitness for specific purpose." This sentence forms the basis for the Listing Broker's argument that the Buyers waived their claims for nondisclosure of hidden defects and negligence. After a thorough review of the entire contract, we conclude that the quoted provision in the addendum does not have the exculpatory effect claimed for it by the Listing Broker.

[*1130] The addendum provision in question is divided into two parts. The first part of the provision alerts the Buyers to the obvious fact that the condominium unit is not new construction. An informed purchaser might infer from this declaration that--depending upon the date of completion of construction of the building or improvements--the **[**12]** statutory implied warranties imposed on developers of condominiums and their contractors, subcontractors, and suppliers by section 718.203, Florida Statutes (2000), may be unavailable. The second part of the provision purports to disclaim, on behalf of the Sellers and both brokers, any representations, warranties, or guarantees concerning the condition of the property and its fitness for a specific purpose. Nevertheless, at no point does this provision or any other part of the addendum specifically state that the Buyers waive the Sellers' duty to disclose hidden defects materially affecting the value of the property as required by *Johnson v. Davis*. If the provision in question disclaims representations, warranties, and guarantees concerning the property, but does not specifically provide for a waiver of the duty to disclose, how is it to be interpreted?

We think the provision in the addendum is the functional equivalent of an "as is" clause. The description of the property as "not new" and the disclaimer of any representations, warranties, or guarantees concerning it are characteristic of an "as is" transaction. *See generally* Jeffrey A. Grebe, **[**13]** *What Is "As Is" in Florida?*, 30 Stetson L. Rev. 875 (2001). An "as is" clause in a contract for the sale of residential ***real property*** does not waive the duty imposed by *Johnson v. Davis* to disclose hidden defects in the property. *See Levy v. Creative Constr. Servs. of Broward, Inc.*, 586 So. 2d 347 (Fla. 3d DCA 1990); *Rayner*, 504 So. 2d at 1364. Therefore, the Buyers' claim against the Listing Broker for nondisclosure of hidden defects under *Johnson v. Davis* stated a cause of action. The trial court erred in entering a judgment on the pleadings in favor of the Listing Broker on Count Three of the Buyers' first amended complaint.

We also conclude that the provision in the addendum does not necessarily relieve the Listing Broker of liability on the negligence claim alleged in Count Five of the first amended complaint. The "as is" disclaimer in the addendum may affect the issue of the extent to which the Listing Broker owed a duty of care to the Buyers. *See Knipp v. Weinbaum*, 351 So. 2d 1081, 1085-86 (Fla. 3d DCA 1977) (discussing the effect of an "as is" term contained in a bill of sale for a motorcycle on an **[**14]** action for negligence). The effect of the disclaimer in the context of an action for negligence, however, is a question of fact subject to the jury's

determination of what was reasonable under the circumstances. *Id.* at 1066; *see generally* Grebe, 30 Stetson L. Rev. at 915-20. Therefore, the Buyers' claim against the Listing Broker for negligence also stated a cause of action. The trial court erred in entering a judgment on the pleadings in favor of the Listing Broker on Count Five of the Buyers' first amended complaint.

Three additional facts support our decision. First, the addendum does not provide that paragraph "W" of the "Standard for ***Real Estate*** Transactions" in the FAR/BAR contract would not apply. Paragraph "W" provides for an express warranty by the contract seller that "there are no facts known to Seller materially affecting the value of the Property which are not readily observable by Buyer which have not been disclosed to Buyer." Because the addendum does not provide that paragraph "W" would not apply, it is reasonable to construe the provision in the addendum **[*1131]** as an "as is" clause rather than as a disclaimer of the duty of ***disclosure*** under **[**15]** *Johnson v. Davis*. To interpret the addendum provision otherwise would not be in accord with the intent of the parties as expressed in their written contract.

Second, paragraph (D) of the addendum specifically provides: "This contract is contingent on [B]uyer's review and approval of a seller's property ***disclosure*** statement within 7 days of receipt of said statement." This paragraph indicates that the parties intended not to dispense with but, rather, to mandate compliance with the *Johnson v. Davis* requirements.

Third, in compliance with paragraph (D) of the addendum, the Sellers delivered their "Sellers ***Real Property Disclosures***" to the Buyers on a preprinted form apparently provided by the Listing Broker. The language on the form expressly recited the seller's duty to disclose hidden defects under *Johnson v. Davis*. In construing a contract, the actions of the parties may be considered as a means of determining the interpretation that they themselves had placed on the contract. *See Lalow v. Codomo*, 101 So. 2d 390, 393 (Fla. 1958); *Mosick v. Loeser*, 311 So. 2d 132, 136 (Fla. 2d DCA 1975). In this case, the Sellers' delivery to the Buyers **[**16]** of ***real property disclosures*** prior to closing in purported compliance with the rule of *Johnson v. Davis* on a form apparently provided by the Listing Broker is inconsistent with the Listing Broker's claim that the Sellers were the beneficiaries of a contractual disclaimer of the duty to disclose.

The Listing Broker has called to our attention several decisions that have determined waivers and exculpatory clauses to be valid and enforceable in a variety of contexts. The Listing Broker has cited these decisions in support of the proposition that a purchaser of residential property can make a valid waiver of the duty of ***disclosure*** under *Johnson v. Davis*. We find it unnecessary to address this issue. Our resolution of this appeal turns entirely on the allegations of the Buyers' first amended complaint and our interpretation of the terms of the parties' contract. Because we conclude that this contract does not provide for a waiver of the duty of ***disclosure***, we do not reach and expressly do not decide the issue of whether a buyer of residential ***real property*** can waive the duty of ***disclosure*** under *Johnson v. Davis*. [3]

[17]** For the foregoing reasons, the trial court's order and final judgment in favor of the Listing Broker must be reversed.

Reversed and remanded for further proceedings consistent with this opinion.

FULMER and COVINGTON, JJ., Concur.

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[3] *See Carrero v. Porterfield*, 752 So. 2d 699, 699-700 (Fla. 2d DCA 2000) (Altenbernd, A.C.J., dissenting from decision without published opinion) (doubting whether Florida law allows a buyer's waiver of contractual warranties to operate as a bar to a claim of fraud under *Johnson v. Davis*). The parties have not cited, and our independent research has not disclosed, a Florida case squarely deciding this issue.

Knick v. Twp. of Scott

Supreme Court of the United States

October 3, 2018 Reargued January 16, 2019, Argued; June 21, 2019, Decided

No. 17-647

Reporter
139 S. Ct. 2162 *; 204 L. Ed. 2d 558 **; 2019 U.S. LEXIS 4197 ***; 49 ELR 20109; 27 Fla. L. Weekly Fed. S 1020, 2019 WL 2552486

ROSE MARY KNICK, PETITIONER v. TOWNSHIP OF SCOTT, PENNSYLVANIA, ET AL.

Notice: The LEXIS pagination of this document is subject to change pending release of the final published version.

Prior History: [***1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Knick v. Twp. of Scott, 862 F.3d 310, 2017 U.S. App. LEXIS 12052 (3d Cir. Pa., July 6, 2017)

Disposition: 862 F. 3d 310, vacated and remanded.

Case Summary

Overview

HOLDINGS: [1]-A landowner was not required to pursue an inverse condemnation action against a township in state court before bringing a 42 U.S.C.S. § 1983 action alleging violation of the Fifth Amendment Takings Clause because a government violated the Takings Clause when it took property without compensation, and a Fifth Amendment claim could be brought under § 1983 at that time; [2]-The state-litigation requirement of Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City, 473 U.S. 172 (1985), was overruled. Its key conclusion that a property owner did not have a ripe federal takings claim until he had unsuccessfully pursued an initial state law claim for just compensation ignored decisions holding that a property owner acquired a Fifth Amendment right to compensation at the time of a taking.

Outcome

Judgment vacated; case remanded. 5-4 decision; 1 concurrence; 1 dissent.

Syllabus

[*2164] [**564] The Township of Scott, Pennsylvania, passed an ordinance requiring that "[a]ll cemeteries be kept open and accessible to the general public during daylight hours." Petitioner Rose Mary Knick, whose 90-acre rural property has a small family graveyard, was notified that she was violating the ordinance. Knick sought declaratory and injunctive relief in state court on the ground that the ordinance [*2165] effected a taking of her property, but she did not bring an inverse condemnation action under state law seeking compensation. The Township responded by withdrawing the violation notice and staying enforcement of the ordinance. Without an ongoing enforcement action, the court held, Knick could not demonstrate the irreparable harm necessary for equitable relief, so it declined to rule on her request. Knick then filed an action in Federal District Court under 42 U. S. C. §1983, alleging that the ordinance violated the Takings Clause of the Fifth Amendment. The District Court dismissed her claim under *Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 105 S. Ct. 3108, 87 L. Ed. 2d 126, which held that property owners must seek just compensation under state law in state court before [***2] bringing a federal takings claim under §1983. The Third Circuit affirmed.

[**565] *Held:*

1. A government violates the Takings Clause when it takes property without compensation, and a property owner may bring a Fifth Amendment claim under §1983 at that time. Pp. 5-20.

(a) In *Williamson County*, the Court held that, as relevant here, a property developer's federal takings claim was "premature" because he had not sought compensation through the State's inverse condemnation procedure. 473 U. S., at 197, 105 S. Ct. 3108, 87 L. Ed. 2d 126. The unanticipated consequence of this ruling was that a takings plaintiff who complied with *Williamson County* and brought a compensation claim in

state court would—on proceeding to federal court after the unsuccessful state claim—have the federal claim barred because the full faith and credit statute required the federal court to give preclusive effect to the state court's decision. *San Remo Hotel, L. P. v. City and County of San Francisco*, 545 U. S. 323, 347, 125 S. Ct. 2491, 162 L. Ed. 2d 315. Pp. 5-6.

(b) This Court has long recognized that property owners may bring Fifth Amendment claims for compensation as soon as their property has been taken, regardless of any other post-taking remedies that may be available to the property owner. See *Jacobs v. United States*, 290 U. S. 13, 54 S. Ct. 26, 78 L. Ed. 142. The Court departed from that understanding in *Williamson County* and held that a taking gives rise not to a constitutional right to just compensation, **[***3]** but instead gives a right to a state law procedure that will eventually result in just compensation. Just two years after *Williamson County*, however, the Court returned to its traditional understanding of the Fifth Amendment, holding that the compensation remedy is required by the Constitution in the event of a taking. *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U. S. 304, 107 S. Ct. 2378, 96 L. Ed. 2d 250. A property owner acquires a right to compensation immediately upon an uncompensated taking because the taking itself violates the Fifth Amendment. See *San Diego Gas & Elec. Co. v. San Diego*, 450 U. S. 621, 654, 101 S. Ct. 1287, 67 L. Ed. 2d 551 (Brennan, J., dissenting). The property owner may, therefore, bring a claim under §1983 for the deprivation of a constitutional right at that time. Pp. 6-12.

(c) *Williamson County*'s understanding of the Takings Clause was drawn from *Ruckelshaus v. Monsanto Co.*, 467 U. S. 986, 104 S. Ct. 2862, 81 L. Ed. 2d 815, where the plaintiff sought to enjoin a federal statute because it effected a taking, even though the statute set up a mandatory arbitration procedure for obtaining compensation. *Id.*, at 1018, 104 S. Ct. 2862, 81 L. Ed. 2d 815. That case does not support *Williamson County*, however, because Congress—unlike the States—is free to require **[*2166]** plaintiffs to exhaust administrative remedies before bringing constitutional claims. *Williamson County* also analogized its new state-litigation requirement to federal takings practice under the Tucker Act, but a claim for just compensation brought under **[***4]** the Tucker Act is not a prerequisite to a Fifth Amendment takings claim—it *is* a Fifth Amendment takings claim. **[**566]** *Williamson County* also looked to *Parratt v. Taylor*, 451 U. S. 527, 101 S. Ct. 1908, 68 L. Ed. 2d 420. But *Parratt* was not a takings case at all, and the analogy from the due process context to the takings context is strained. The poor reasoning of *Williamson County* may be partially explained by the circumstances in which the state-litigation issue reached the Court, which may not have permitted the Court to adequately test the logic of the state-litigation requirement or consider its implications. Pp. 12-16.

(d) Respondents read too broadly statements in prior opinions that the Takings Clause "does not provide or require that compensation shall be actually paid in advance of the occupancy of the land to be taken. But the owner is entitled to reasonable, certain and adequate provision for obtaining compensation" after a taking. *Cherokee Nation v. Southern Kansas R. Co.*, 135 U. S. 641, 659, 10 S. Ct. 965, 34 L. Ed. 295. Those statements concerned requests for injunctive relief, and the availability of subsequent compensation meant that such an equitable remedy was not available. Simply because the property owner was not entitled to injunctive relief at the time of the taking does not mean there was no violation of the Takings Clause at that time. The history of takings litigation provides **[***5]** valuable context. At the time of the founding, there usually was no compensation remedy available to property owners, who could obtain only retrospective damages, as well as an injunction ejecting the government from the property going forward. But in the 1870s, as state courts began to recognize implied rights of action for damages under the state equivalents of the Takings Clause, they declined to grant injunctions because property owners had an adequate remedy at law. Congress enabled property owners to obtain compensation for takings by the Federal Government when it passed the Tucker Act in 1887, and this Court subsequently joined the state courts in holding that the compensation remedy is required by the Takings Clause itself. Today, because the federal and nearly all state governments provide just compensation remedies to property owners who have suffered a taking, equitable relief is generally unavailable. As long as an adequate provision for obtaining just compensation exists, there is no basis to enjoin government action effecting a taking. Pp. 16-19.

2. The state-litigation requirement of *Williamson County* is overruled. Several factors counsel in favor of this decision. *Williamson County* was poorly **[***6]** reasoned and conflicts with much of the Court's takings jurisprudence. Because of its shaky foundations, the rationale for the state-litigation requirement has been repeatedly recast by this Court and the defenders of

Williamson County. The state-litigation requirement also proved to be unworkable in practice because the *San Remo* preclusion trap prevented takings plaintiffs from ever bringing their claims in federal court, contrary to the expectations of the *Williamson County* Court. Finally, there are no reliance interests on the state-litigation requirement. As long as post-taking compensation remedies are available, governments need not fear that federal courts will invalidate **[**567]** their regulations as unconstitutional. Pp. 20-23.

862 F. 3d 310, vacated and remanded.

Judges: Roberts, C. J., delivered the opinion of the Court, in which Thomas, Alito, Gorsuch, and Kavanaugh, JJ., joined. Thomas, J., filed a concurring opinion. Kagan, J., filed a dissenting opinion, in which Ginsburg, Breyer, and Sotomayor, JJ., joined.

Opinion by: ROBERTS

Opinion

[*2167] Chief Justice Roberts delivered the opinion of the Court.

The Takings Clause of the Fifth Amendment states that "private property [shall not] be taken for public use, without just compensation." In *Williamson County Regional Planning Comm'n* v. *Hamilton Bank of Johnson City*, 473 U. S. 172, 105 S. Ct. 3108, 87 L. Ed. 2d 126 (1985), **[***7]** we held that a property owner whose property has been taken by a local government has not suffered a violation of his Fifth Amendment rights—and thus cannot bring a federal takings claim in federal court—until a state court has denied his claim for just compensation under state law.

The *Williamson County* Court anticipated that if the property owner failed to secure just compensation under state law in state court, he would be able to bring a "ripe" federal takings claim in federal court. See *id.* at 194, 105 S. Ct. 3108, 87 L. Ed. 2d 126. But as we later held in *San Remo Hotel, L. P.* v. *City and County of San Francisco*, 545 U. S. 323, 125 S. Ct. 2491, 162 L. Ed. 2d 315 (2005), a state court's resolution of a claim for just compensation under state law generally has preclusive effect in any subsequent federal suit. The takings plaintiff thus finds himself in a Catch-22: He cannot go to federal court without going to state court first; but if he goes to state court and loses, his claim will be barred in federal court. The federal claim dies aborning.

The *San Remo* preclusion trap should tip us off that the state-litigation requirement rests on a mistaken view of the Fifth Amendment. The Civil Rights Act of 1871, after all, guarantees "a federal forum for claims of unconstitutional treatment at the hands of state officials," and the settled rule is that "exhaustion **[***8]** of state remedies 'is *not* a prerequisite to an action under [42 U. S. C.] §1983.'" *Heck* v. *Humphrey*, 512 U. S. 477, 480, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994) (quoting *Patsy* v. *Board of Regents of Fla.*, 457 U. S. 496, 501, 102 S. Ct. 2557, 73 L. Ed. 2d 172 (1982)). But the guarantee of a federal forum rings hollow for takings plaintiffs, who are forced to litigate their claims in state court.

We now conclude that the state-litigation requirement imposes an unjustifiable burden on takings plaintiffs, conflicts with the rest of our takings jurisprudence, and must be overruled. A property owner has an actionable Fifth Amendment takings claim when the government takes his property without paying for it. That does **[*2168]** not mean that the government must provide compensation in advance of a taking or risk having its action invalidated: So long as the property owner has some way to obtain compensation after the fact, governments need not fear that courts **[**568]** will enjoin their activities. But it does mean that the property owner has suffered a violation of his Fifth Amendment rights when the government takes his property without just compensation, and therefore may bring his claim in federal court under §1983 at that time.

I

Petitioner Rose Mary Knick owns 90 acres of land in Scott Township, Pennsylvania, a small community just north of Scranton. Knick lives in a single-family home on the property and uses the rest of the **[***9]** land as a grazing area for horses and other farm animals. The property includes a small graveyard where the ancestors of Knick's neighbors are allegedly buried. Such family cemeteries are fairly common in Pennsylvania, where "backyard burials" have long been permitted.

In December 2012, the Township passed an ordinance requiring that "[a]ll cemeteries . . . be kept open and accessible to the general public during daylight hours." The ordinance defined a "cemetery" as "[a] place or area of ground, whether contained on private or public property, which has been set apart for or otherwise utilized as a burial place for deceased human beings."

The ordinance also authorized Township "code enforcement" officers to "enter upon any property" to determine the existence and location of a cemetery. App. 21-23.

In 2013, a Township officer found several grave markers on Knick's property and notified her that she was violating the ordinance by failing to open the cemetery to the public during the day. Knick responded by seeking declaratory and injunctive relief in state court on the ground that the ordinance effected a taking of her property. Knick did not seek compensation for the taking by bringing [***10] an "inverse condemnation" action under state law. Inverse condemnation is "a cause of action against a governmental defendant to recover the value of property which has been taken in fact by the governmental defendant." *United States* v. *Clarke*, 445 U. S. 253, 257, 100 S. Ct. 1127, 63 L. Ed. 2d 373 (1980) (quoting D. Hagman, Urban Planning and Land Development Control Law 329 (1971)). Inverse condemnation stands in contrast to direct condemnation, in which the government initiates proceedings to acquire title under its eminent domain authority. Pennsylvania, like every other State besides Ohio, provides a state inverse condemnation action. 26 Pa. Cons. Stat. §502(c) (2009). [1]

In response to Knick's suit, the Township withdrew the violation notice and agreed to stay enforcement of the ordinance during the state court proceedings. The court, however, declined to rule on Knick's request for declaratory and injunctive relief because, without an ongoing enforcement action, she could not demonstrate the irreparable harm necessary for equitable relief.

Knick then filed an action in Federal District Court under 42 U. S. C. §1983, alleging that the ordinance violated the Takings Clause of the Fifth Amendment [**569] [2] [*2169] The District Court dismissed Knick's takings claim under *Williamson County* because she had not pursued an inverse condemnation action in state court. [***11] 2016 U.S. Dist. LEXIS 121220, 2016 WL 4701549, *5-*6 (MD Pa., Sept. 8, 2016). On appeal, the Third Circuit noted that the ordinance was "extraordinary and constitutionally suspect," but affirmed the District Court in light of *Williamson County*. 862 F. 3d 310, 314 (2017).

We granted certiorari to reconsider the holding of *Williamson County* that property owners must seek just compensation under state law in state court before bringing a federal takings claim under §1983. 583 U. S. ___, 138 S. Ct. 1262, 200 L. Ed. 2d 416 (2018).

II

In *Williamson County*, a property developer brought a takings claim under §1983 against a zoning board that had rejected the developer's proposal for a new subdivision. *Williamson County* held that the developer's Fifth Amendment claim was not "ripe" for two reasons. First, the developer still had an opportunity to seek a variance from the appeals board, so any taking was therefore not yet final. 473 U. S., at 186-194, 105 S. Ct. 3108, 87 L. Ed. 2d 126. Knick does not question the validity of this finality requirement, which is not at issue here.

The second holding of *Williamson County* is that the developer had no federal takings claim because he had not sought compensation "through the procedures the State ha[d] provided for doing so." *Id.*, at 194, 105 S. Ct. 3108, 87 L. Ed. 2d 126. That is the holding Knick asks us to overrule. According to the Court, "if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a [***12] violation of the [Takings] Clause until it has used the procedure and been denied just compensation." *Id.*, at 195, 105 S. Ct. 3108, 87 L. Ed. 2d 126. The Court concluded that the developer's federal takings claim was "premature" because he had not sought compensation through the State's inverse condemnation procedure. *Id.*, at 197, 105 S. Ct. 3108, 87 L. Ed. 2d 126.

The unanticipated consequences of this ruling were not clear until 20 years later, when this Court decided *San Remo*. In that case, the takings plaintiffs complied with *Williamson County* and brought a claim for compensation in state court. 545 U. S., at 331, 125 S. Ct. 2491, 162 L. Ed. 2d 315. The complaint made clear that the plaintiffs sought relief only under the takings clause of the State Constitution, intending to reserve

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[1] A property owner in Ohio who has suffered a taking without compensation must seek a writ of mandamus to compel the government to initiate condemnation proceedings. See, *e.g.*, *State ex rel. Doner* v. *Zody*, 130 Ohio St. 3d 448, 2011-Ohio-6117, 958 N. E. 2d 1235.

[2] Section 1983 provides: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law . . . ."

their Fifth Amendment claim for a later federal suit if the state suit proved unsuccessful. *Id.*, at 331-332, 125 S. Ct. 2491, 162 L. Ed. 2d 315. When that happened, however, and the plaintiffs proceeded to federal court, they found that their federal claim was barred. This Court held that the full faith and credit statute, 28 U. S. C. §1738, required the federal court to give preclusive effect to the state **[**570]** court's decision, blocking any subsequent consideration of whether the plaintiff had suffered a taking within the meaning of the Fifth Amendment. 545 U. S., at 347, 125 S. Ct. 2491, 162 L. Ed. 2d 315. The adverse state court decision that, according to *Williamson County*, gave rise to a ripe federal takings **[***13]** claim simultaneously barred that claim, preventing the federal court from ever considering it.

The state-litigation requirement relegates the Takings Clause "to the status of a poor relation" among the provisions of the Bill of Rights. *Dolan* v. *City of Tigard*, 512 U. S. 374, 392, 114 S. Ct. 2309, 129 L. Ed. 2d 304 (1994). Plaintiffs asserting any other constitutional claim are guaranteed **[*2170]** a federal forum under §1983, but the state-litigation requirement "hand[s] authority over federal takings claims to state courts." *San Remo*, 545 U. S., at 350, 125 S. Ct. 2491, 162 L. Ed. 2d 315 (Rehnquist, C. J., concurring in judgment). Fidelity to the Takings Clause and our cases construing it requires overruling *Williamson County* and restoring takings claims to the full-fledged constitutional status the Framers envisioned when they included the Clause among the other protections in the Bill of Rights.

III

A

Contrary to *Williamson County*, a property owner has a claim for a violation of the Takings Clause as soon as a government takes his property for public use without paying for it. The Clause provides: "[N]or shall private property be taken for public use, without just compensation." It does not say: "Nor shall private property be taken for public use, without an available procedure that will result in compensation." If a local government takes private property without paying for it, that government has violated the Fifth Amendment—just as the **[***14]** Takings Clause says—without regard to subsequent state court proceedings. And the property owner may sue the government at that time in federal court for the "deprivation" of a right "secured by the Constitution." 42 U. S. C. §1983.

We have long recognized that property owners may bring Fifth Amendment claims against the Federal Government as soon as their property has been taken. The Tucker Act, which provides the standard procedure for bringing such claims, gives the Court of Federal Claims jurisdiction to "render judgment upon any claim against the United States founded either upon the Constitution" or any federal law or contract for damages "in cases not sounding in tort." 28 U. S. C. §1491(a)(1). We have held that "[i]f there is a taking, the claim is 'founded upon the Constitution' and within the jurisdiction of the Court of Claims to hear and determine." *United States* v. *Causby*, 328 U. S. 256, 267, 66 S. Ct. 1062, 90 L. Ed. 1206, 106 Ct. Cl. 854 (1946). And we have explained that "the act of taking" is the "event which gives rise to the claim for compensation." *United States* v. *Dow*, 357 U. S. 17, 22, 78 S. Ct. 1039, 2 L. Ed. 2d 1109 (1958).

The Fifth Amendment right to full compensation arises at the time of the taking, regardless of post-taking remedies that may be available to the property owner. That principle was confirmed in *Jacobs* v. *United States*, 290 U. S. 13, 54 S. Ct. 26, 78 L. Ed. 142 (1933), where we held that a property owner found to have a valid takings **[**571]** claim is entitled to compensation as **[***15]** if it had been "paid contemporaneously with the taking"—that is, the compensation must generally consist of the total value of the property when taken, plus interest from that time. *Id.*, at 17, 54 S. Ct. 26, 78 L. Ed. 142 (quoting *Seaboard Air Line R. Co.* v. *United States*, 261 U.S. 299, 306, 43 S. Ct. 354, 67 L. Ed. 664 (1923)). We rejected the view of the lower court that a property owner is entitled to interest only when the government provides a particular remedy—direct condemnation proceedings—and not when the owner brings a takings suit under the Tucker Act. "The form of the remedy d[oes] not qualify the right. It rest[s] upon the Fifth Amendment." 290 U. S., at 16, 54 S. Ct. 26, 78 L. Ed. 142.

Jacobs made clear that, no matter what sort of procedures the government puts in place to remedy a taking, a property owner has a Fifth Amendment entitlement to compensation as soon as the government takes his property without paying for it. Whether the government does nothing, **[*2171]** forcing the owner to bring a takings suit under the Tucker Act, or whether it provides the owner with a statutory compensation remedy by initiating direct condemnation proceedings, the owner's claim for compensation "rest[s] upon the Fifth Amendment."

Although *Jacobs* concerned a taking by the Federal

Government, the same reasoning applies to takings by the States. The availability of any particular compensation remedy, such as an inverse **[***16]** condemnation claim under state law, cannot infringe or restrict the property owner's federal constitutional claim – just as the existence of a state action for battery does not bar a Fourth Amendment claim of excessive force. The fact that the State has provided a property owner with a procedure that may subsequently result in just compensation cannot deprive the owner of his Fifth Amendment right to compensation under the Constitution, leaving only the state law right. And that is key because it is the existence of the Fifth Amendment right that allows the owner to proceed directly to federal court under §1983.

Williamson County had a different view of how the Takings Clause works. According to *Williamson County*, a taking does not give rise to a federal constitutional right to just compensation at that time, but instead gives a right to a state law procedure that will eventually result in just compensation. As the Court put it, "If a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the [Takings] Clause until it has used the procedure and been denied just compensation." 473 U. S., at 195, 105 S. Ct. 3108, 87 L. Ed. 2d 126. In the absence of a state remedy, the Fifth Amendment right to compensation would attach immediately. But, under *Williamson County* ***[***17]***, the presence of a state remedy qualifies the right, preventing it from vesting until exhaustion of the state procedure. That is what *Jacobs* confirmed could not be done.

Just two years after *Williamson County*, in *First English Evangelical Lutheran Church of Glendale* v. *County of Los Angeles*, 482 U. S. 304, 107 S. Ct. 2378, 96 L. Ed. 2d 250 (1987), the Court returned to the understanding that the Fifth Amendment right to compensation automatically **[**572]** arises at the time the government takes property without paying for it. Relying heavily on *Jacobs* and other Fifth Amendment precedents neglected by *Williamson County*, *First English* held that a property owner is entitled to compensation for the temporary loss of his property. We explained that "government action that works a taking of property rights necessarily implicates the 'constitutional obligation to pay just compensation.'" 482 U. S., at 315, 107 S. Ct. 2378, 96 L. Ed. 2d 250. Because of "the self-executing character" of the Takings Clause "with respect to compensation," a property owner has a constitutional claim for just compensation at the time of the taking. *Ibid.* (quoting 6 P. Nichols, Eminent Domain §25.41 (3d rev. ed. 1972)). The government's post-taking actions (there, repeal of the challenged ordinance) cannot nullify the property owner's existing Fifth Amendment right: "[W]here the government's activities have already worked a taking of all use of property, no subsequent action by the government **[***18]** can relieve it of the duty to provide compensation." 482 U. S., at 321, 107 S. Ct. 2378, 96 L. Ed. 2d 250. [3]

[*2172] In holding that a property owner acquires an irrevocable right to just compensation immediately upon a taking, *First English* adopted a position Justice Brennan had taken in an earlier dissent. See *id.*, at 315, 318, 107 S. Ct. 2378, 96 L. Ed. 2d 250 (quoting and citing *San Diego Gas & Elec. Co.* v. *San Diego*, 450 U. S. 621, 654, 657, 101 S. Ct. 1287, 67 L. Ed. 2d 551 (1981) (Brennan, J., dissenting)). [4] In that opinion, Justice Brennan explained that "once there is a 'taking,' compensation *must* be awarded" because "[a]s soon as private property has been taken, whether through formal condemnation proceedings, occupancy, physical invasion, or regulation, the landowner has *already* suffered a constitutional violation." *Id.*, at 654, 101 S. Ct. 1287, 67 L. Ed. 2d 551.

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[3] *First English* distinguished *Williamson County* in a footnote, explaining that the case addressed only "whether the constitutional claim was ripe for review" before the State denied compensation. 482 U. S., at 320, n. 10, 107 S. Ct. 2378, 96 L. Ed. 2d 250. But *Williamson County* was based on the premise that there was no Fifth Amendment claim *at all* until the State denies compensation. Having rejected that premise, *First English* eliminated the rationale for the state-litigation requirement. The author of *First English* later recognized that it was "not clear ... that *Williamson County* was correct in demanding that ... the claimant must seek compensation in state court before bringing a federal takings claim in federal court." *San Remo Hotel, L. P.* v. *City and County of San Francisco*, 545 U. S. 323, 349, 125 S. Ct. 2491, 162 L. Ed. 2d 315 (2005) (Rehnquist, C. J., concurring in judgment).

[4] Justice Brennan was joined by Justices Stewart, Marshall, and Powell. The majority did not disagree with Justice Brennan's analysis of the merits, but concluded that the Court lacked jurisdiction to address the question presented. Justice Rehnquist, concurring on the jurisdictional issue, noted that if he were satisfied that jurisdiction was proper, he "would have little difficulty in agreeing with much of what is said in the dissenting opinion." 450 U. S., at 633-634, 101 S. Ct. 1287, 67 L. Ed. 2d 551. The Court reached the merits of the question presented in *San Diego* in *First English*, adopting Justice Brennan's view in an opinion by Chief Justice Rehnquist.

First English embraced that view, reaffirming that "in the event of a taking, the compensation remedy is required by the Constitution." 482 U. S., at 316, 107 S. Ct. 2378, 96 L. Ed. **[**573]** 2d 250; see *ibid.*, n. 9 (rejecting the view that "the Constitution does not, of its own force, furnish a basis for a court to award money damages against the government" (quoting Brief for United States as *Amicus Curiae* 14)). Compensation under the Takings Clause is a remedy for the "constitutional violation" that "the landowner has ***[***19]*** *already* suffered" at the time of the uncompensated taking. *San Diego Gas & Elec. Co.*, 450 U. S., at 654, 101 S. Ct. 1287, 67 L. Ed. 2d 551 (Brennan, J., dissenting); see *First English*, 482 U. S., at 315, 107 S. Ct. 2378, 96 L. Ed. 2d 250.

A later payment of compensation may remedy the constitutional violation that occurred at the time of the taking, but that does not mean the violation never took place. The violation is the only reason compensation was owed in the first place. A bank robber might give the loot back, but he still robbed the bank. The availability of a subsequent compensation remedy for a taking without compensation no more means there never was a constitutional violation in the first place than the availability of a damages action renders negligent conduct compliant with the duty of care.

In sum, because a taking without compensation violates the self-executing Fifth Amendment at the time of the taking, the property owner can bring a federal suit at that time. Just as someone whose property has been taken by the Federal Government has a claim "founded . . . upon the Constitution" that he may bring under the Tucker Act, someone whose property has been taken by a local government has a claim under §1983 for a "deprivation of [a] right[ ] . . . secured by the Constitution" that he may bring upon the taking in federal court. The "general **[***20]** rule" is that plaintiffs may bring constitutional claims under §1983 "without first bringing **[*2173]** any sort of state lawsuit, even when state court actions addressing the underlying behavior are available." D. Dana & T. Merrill, Property: Takings 262 (2002); see *McNeese* v. *Board of Ed. for Community Unit School Dist. 187*, 373 U. S. 668, 672, 83 S. Ct. 1433, 10 L. Ed. 2d 622 (1963) (observing that it would defeat the purpose of §1983 "if we held that assertion of a federal claim in a federal court must await an attempt to vindicate the same claim in a state court"); *Monroe* v. *Pape*, 365 U. S. 167, 183, 81 S. Ct. 473, 5 L. Ed. 2d 492 (1961) ("The federal remedy is supplementary to the state remedy, and the latter need not be first sought and refused before the federal one is invoked."). This is as true for takings claims as for any other claim grounded in the Bill of Rights.

B

Williamson County effectively established an exhaustion requirement for §1983 takings claims when it held that a property owner must pursue state procedures for obtaining compensation before bringing a federal suit. But the Court did not phrase its holding in those terms; if it had, its error would have been clear. Instead, *Williamson County* broke with the Court's longstanding position that a property owner has a constitutional claim to compensation at the time the government deprives him of his property, and held that there can be no uncompensated **[***21]** taking, and thus no Fifth Amendment claim actionable under §1983, until the property owner has tried and failed to obtain compensation through the available **[**574]** state procedure. "[U]ntil it has used the procedure and been denied just compensation," the property owner "'has no claim against the Government' for a taking." 473 U. S., at 194-195, 105 S. Ct. 3108, 87 L. Ed. 2d 126 (quoting *Ruckelshaus* v. *Monsanto Co.*, 467 U. S. 986, 1018, n. 21, 104 S. Ct. 2862, 81 L. Ed. 2d 815 (1984)).

Williamson County drew that understanding of the Clause from *Ruckelshaus* v. *Monsanto Co.*, a decision from the prior Term. *Monsanto* did not involve a takings claim for just compensation. The plaintiff there sought to enjoin a federal statute because it effected a taking, even though the statute set up a special arbitration procedure for obtaining compensation, and the plaintiff could bring a takings claim pursuant to the Tucker Act if arbitration did not yield sufficient compensation. 467 U. S., at 1018, 104 S. Ct. 2862, 81 L. Ed. 2d 815. The Court rejected the plaintiff's claim because "[e]quitable relief is not available to enjoin an alleged taking of private property for a public use, duly authorized by law, when a suit for compensation can be brought against the sovereign subsequent to the taking." *Id.*, at 1016, 104 S. Ct. 2862, 81 L. Ed. 2d 815 (footnote omitted). That much is consistent with our precedent: Equitable relief was not available because monetary relief was under **[***22]** the Tucker Act.

That was enough to decide the case. But *Monsanto* went on to say that if the plaintiff obtained compensation in arbitration, then "no taking has occurred and the [plaintiff] has no claim against the Government." *Id.*, at 1018, n. 21, 104 S. Ct. 2862, 81 L. Ed. 2d 815. Certainly it is correct that a fully compensated plaintiff has no further claim, but that is because the taking has been *remedied* by compensation, not because there was *no*

taking in the first place. See *First English*, 482 U. S., at 316, n. 9, 107 S. Ct. 2378, 96 L. Ed. 2d 250. The statute in *Monsanto* simply required the plaintiff to attempt to vindicate its claim to compensation through arbitration before proceeding under the Tucker Act. The case offers no support to *Williamson County* in this regard, because Congress—unlike the States—is free to require plaintiffs to exhaust administrative remedies before bringing constitutional claims. See *McCarthy* v. *Madigan*, 503 U. S. 140, 144, **[*2174]** 112 S. Ct. 1081, 117 L. Ed. 2d 291 (1992) ("Where Congress specifically mandates, exhaustion is required.").

Williamson County also ruled on *Monsanto* when it analogized its new state-litigation requirement to federal takings practice, stating that "taking[s] claims against the Federal Government are premature until the property owner has availed itself of the process provided by the Tucker Act." 473 U. S., at 195, 105 S. Ct. 3108, 87 L. Ed. 2d 126. But the Court was simply confused. A **[***23]** claim for just compensation brought under the Tucker Act is not a prerequisite to a Fifth Amendment takings claim—it *is* a Fifth Amendment takings claim. A party who loses a Tucker Act suit has nowhere else to go to seek compensation for an alleged taking.

Other than *Monsanto*, the principal case to which *Williamson County* looked was *Parratt* v. *Taylor*, 451 U. S. 527, 101 S. Ct. 1908, 68 L. Ed. 2d 420 (1981). Like *Monsanto*, *Parratt* did not involve a takings claim for just compensation. **[**575]** Indeed, it was not a takings case at all. *Parratt* held that a prisoner deprived of $23.50 worth of hobby materials by the rogue act of a state employee could not state a due process claim if the State provided adequate post-deprivation process. 451 U. S., at 543-544, 101 S. Ct. 1908, 68 L. Ed. 2d 420. But the analogy from the due process context to the takings context is strained, as *Williamson County* itself recognized. See 473 U. S., at 195, n. 14, 105 S. Ct. 3108, 87 L. Ed. 2d 126. It is not even possible for a State to provide pre-deprivation due process for the unauthorized act of a single employee. That is quite different from the taking of property *by the government* through physical invasion or a regulation that destroys a property's productive use.

The poor reasoning of *Williamson County* may be partially explained by the circumstances in which the state-litigation issue reached the Court. The Court granted certiorari **[***24]** to decide whether the Fifth Amendment entitles a property owner to just compensation when a regulation temporarily deprives him of the use of his property. (*First English* later held that the answer was yes.) As *amicus curiae* in support of the local government, the United States argued in this Court that the developer could not state a Fifth Amendment claim because it had not pursued an inverse condemnation suit in state court. Neither party had raised that argument before. [5] The Court then adopted the reasoning of the Solicitor General in an alternative holding, even though the case could have been resolved solely on the narrower and settled ground that no taking had occurred because the zoning board had not yet come to a final decision regarding the developer's proposal. In these circumstances, the Court may not have adequately tested the logic of the state-litigation requirement or considered its implications, most notably the preclusion trap later sprung by *San Remo*. That consequence was totally unanticipated in *Williamson County*.

The dissent, doing what respondents do not even dare to attempt, defends the original rationale of *Williamson County*—that there is no Fifth Amendment violation, and **[***25]** **[*2175]** thus no Fifth Amendment claim, until the government denies the property owner compensation in a subsequent proceeding. [6] But

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[5] The Solicitor General continues this tradition here, arguing for the first time as *amicus curiae* that state inverse condemnation claims "arise[s] under" federal law and can be brought in federal court under 28 U. S. C. §1331 through the *Grable* doctrine. Brief for United States as *Amicus Curiae* 22-24, see *Grable & Sons Metal Products, Inc.* v. *Darue Engineering & Mfg.*, 545 U. S. 308, 125 S. Ct. 2363, 162 L. Ed. 2d 257 (2005). Because we agree with the Solicitor General's principal contention that federal takings claims can be brought immediately under §1983, we have no occasion to consider his novel §1331 argument.

[6] The dissent thinks that respondents still press this theory. *Post*, at 6 n. 3. But respondents instead describe *Williamson County* as resting on an understanding not of the elements of a federal takings claim but of the scope of 42 U. S. C. §1983. They even go so far as to rewrite petitioner's question presented in such terms. Brief for Respondents i. For respondents, it does not matter whether a property owner has a Fifth Amendment claim at the time of a taking. What matters is that, in respondents' view, no constitutional violation occurs for purposes of §1983 until the government has subsequently denied compensation. That characterization has no basis in the *Williamson County* opinion, which did not even quote §1983 and stated that the Court's reasoning applied with equal force to takings by the Federal Government, not covered by §1983. 473 U. S., at 195, 105 S. Ct. 3108, 87 L. Ed. 2d 126. Respondents' attempt to recast the state-litigation requirement

although the dissent makes a more thoughtful and considered **[**576]** argument than *Williamson County*, it cannot reconcile its view with our repeated holdings that a property owner acquires a constitutional right to compensation at the time of the taking. See *supra*, at 7-11. The only reason that a taking would automatically entitle a property owner to the remedy of compensation is that, as Justice Brennan explained, with the uncompensated taking "the landowner has *already* suffered a constitutional violation." *San Diego Gas & Elec. Co.*, 450 U. S., at 654, 101 S. Ct. 1287, 67 L. Ed. 2d 551 (dissenting opinion). The dissent here provides no more reason to resist that conclusion than did *Williamson County*.

C

The Court in *Williamson County* relied on statements in our prior opinions that the Clause "does not provide or require that compensation shall be actually paid in advance of the occupancy of the land to be taken. But the owner is entitled to reasonable, certain and adequate provision for obtaining compensation" after a taking. *Cherokee Nation* v. *Southern Kansas R. Co.*, 135 U. S. 641, 659, 10 S. Ct. 965, 34 L. Ed. 295 (1890). Respondents rely on the same cases in contending that uncompensated takings for which compensation **[***26]** is subsequently available do not violate the Fifth Amendment at the time of the taking. But respondents read those statements too broadly. They concerned requests for injunctive relief, and the availability of subsequent compensation meant that such an equitable remedy was not available. See *Regional Rail Reorganization Act Cases*, 419 U. S. 102, 107, 149, 95 S. Ct. 335, 42 L. Ed. 2d 320 (1974) (reversing a decision "enjoin[ing]" the enforcement of a federal statute because "the availability of the Tucker Act guarantees an adequate remedy at law for any taking which might occur"); *Hurley* v. *Kincaid*, 285 U. S. 95, 99, 105, 52 S. Ct. 267, 76 L. Ed. 637 (1932) (rejecting a request to "enjoin the carrying out of any work" on a flood control project because the Tucker Act provided the plaintiff with "a plain, adequate, and complete remedy at law"). Simply because the property owner was not entitled to injunctive relief at the time of the taking does not mean there was no violation of the Takings Clause at that time.

The history of takings litigation provides valuable context. At the time of the founding there usually was no compensation remedy available to property owners. On occasion, when a legislature authorized a particular government action that took private property, it might also create a special owner-initiated procedure for obtaining **[*2176]** compensation. But there were no general causes of action **[***27]** through which plaintiffs could obtain compensation for property taken for public use. Brauneis, The First Constitutional Tort: The Remedial Revolution in Nineteenth-Century State Just Compensation Law, 52 Vand. L. Rev. 57, 69-70, and n. 33 (1999).

Until the 1870s, the typical recourse of a property owner who had suffered an uncompensated taking was to bring a common law trespass action against the responsible corporation **[**577]** or government official. The official would then raise the defense that his trespass was lawful because authorized by statute or ordinance, and the plaintiff would respond that the law was unconstitutional because it provided for a taking without just compensation. If the plaintiff prevailed, he nonetheless had no way at common law to obtain money damages for a permanent taking—that is, just compensation for the total value of his property. He could obtain only retrospective damages, as well as an injunction ejecting the government from his property going forward. See *id.*, at 67-69, 97-99.

As Chancellor Kent explained when granting a property owner equitable relief, the Takings Clause and its analogs in state constitutions required that "a fair compensation must, in all cases, be *previously* made to the individuals affected." *Gardner* v. *Newburgh*, 2 Johns. Ch. 162, 168 (N. Y. 1816) **[***28]** (emphasis added). If a government took property without payment, a court would set aside the taking because it violated the Constitution and order the property restored to its owner. The Framers meant to prohibit the Federal Government from *taking* property without paying for it. Allowing the government to *keep* the property pending subsequent compensation to the owner, in proceedings that hardly existed in 1787, was not what they envisioned.

Antebellum courts, which had no means of compensating a property owner for his loss, had no way to redress the violation of an owner's Fifth Amendment rights other than ordering the government to give him back his property. See *Callender* v. *Marsh*, 18 Mass. 418, 430-431, 1 Pick. 418 (1823) ("[I]f by virtue of any legislative act the land of any citizen should be occupied

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as a §1983-specific rule fails for the same reason as the logic of *Williamson County*—a property owner has a Fifth Amendment claim for a violation of the Takings Clause as soon as the government takes his property without paying for it.

by the public . . . . without any means provided to indemnify the owner of the property. . . . because such a statute would be directly contrary to the [Massachusetts takings clause], and as no action can be maintained against the public for damages, the only way to secure the party in his constitutional rights would be to declare void the public appropriation."). But in the 1870s, as state courts began to recognize implied rights of action for damages under the state equivalents of the Takings Clause, they declined to grant injunctions because **[***29]** property owners had an adequate remedy at law. See, *e.g.*, *Stetson* v. *Chicago & Evanston R. Co.*, 75 Ill. 74, 78 (1874) ("What injury, if any, [the property owner] has sustained, may be compensated by damages recoverable by an action at law."); see also Brauneis, *supra*, at 97-99, 110-112. On the federal level, Congress enabled property owners to obtain compensation for takings in federal court when it passed the Tucker Act in 1887, and we subsequently joined the state courts in holding that the compensation remedy is required by the Takings Clause itself. See *First English*, 482 U. S., at 316, 107 S. Ct. 2378, 96 L. Ed. 2d 250 (collecting cases).

Today, because the federal and nearly all state governments provide just compensation remedies to property owners who have suffered a taking, equitable relief is generally unavailable. As long as an adequate provision for obtaining just compensation exists, there is no basis to enjoin the government's action effecting a taking. **[*2177]** But that is because, as the Court explained in *First English*, such a procedure is a remedy for a **[**578]** taking that violated the Constitution, not because the availability of the procedure somehow prevented the violation from occurring in the first place. See *supra*, at 9-11. [7]

The dissent contends that our characterization of *Cherokee Nation* effectively overrules "a hundred-plus **[***30]** years of legal rulings." *Post*, at 6 (opinion of Kagan, J.). But under today's decision every one of the cases cited by the dissent would come out the same way – the plaintiffs would not be entitled to the relief they requested because they could instead pursue a suit for compensation. The premise of such a suit for compensation is that the property owner has already suffered a violation of the Fifth Amendment that may be remedied by money damages. [8]

...

We conclude that a government violates the Takings Clause when it takes property without compensation, and that a property owner may bring a Fifth Amendment claim under §1983 at that time. That does not as a practical matter mean that government action or regulation may not proceed in the absence of contemporaneous compensation. Given the availability of post-taking compensation, barring the government from acting will ordinarily not be appropriate. But because the violation is complete at the time of the taking, pursuit of a remedy in federal court need not await any subsequent state action. Takings claims against local governments should be handled the same as other claims under the Bill of Rights. *Williamson County* erred in holding otherwise.

IV

The next question is whether we should overrule *Williamson County* ***[***31]***, or whether *stare decisis* counsels in favor of adhering to the decision, despite its error. The doctrine of *stare decisis* reflects a judgment "that 'in most matters it is more important that the applicable rule of law be settled than that it be settled right.'" *Agostini* v. *Felton*, 521 U. S. 203, 235, 117 S. Ct. 1997, 138 L. Ed. 2d 391 (1997) (quoting *Burnet* v. *Coronado Oil & Gas Co.*, 285 U. S. 393, 406, 52 S. Ct. 443, 76 L. Ed. 815, 1932 C.B. 265, 1932-1 C.B. 265

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[7] Among the cases invoking the *Cherokee Nation* language that the parties have raised, only one, *Yearsley* v. *W. A. Ross Constr. Co.*, 309 U. S. 18, 60 S. Ct. 413, 84 L. Ed. 554 (1940), rejected a demand for compensation. *Yearsley* concerned a state tort suit alleging a taking by a contractor building dikes for the Federal Government. In ruling for the contractors, we suggested that the taking did not violate the Fifth Amendment because the property owner had the opportunity to pursue a claim for just compensation under the Tucker Act. As explained, however, a claim for compensation brought under the Tucker Act *is* a claim for a violation of the Fifth Amendment; it does not prevent a violation from occurring. Regardless, *Yearsley* was right to hold that the contractors were immune from suit. Because the Tucker Act provides a complete remedy for any taking by the Federal Government, it "excludes liability of the Government's representatives lawfully acting on its behalf in relation to the taking," barring the plaintiffs from seeking any relief from the contractors themselves. *Id.*, at 22, 60 S. Ct. 413, 84 L. Ed. 554.

[8] The dissent also asserts that today's ruling "betrays judicial federalism." *Post*, at 15. But since the Civil Rights Act of 1871, part of "judicial federalism" has been the availability of a federal cause of action when a local government violates the Constitution. 42 U. S. C. §1983. Invoking that federal protection in the face of state action violating the Fifth Amendment cannot properly be regarded as a betrayal of federalism.

(1932) (Brandeis, J., dissenting)). The doctrine "is **[**579]** at its weakest when we interpret the Constitution," as we did in *Williamson County*, because only this Court or a constitutional amendment can alter our holdings. **[*2178]** *Agostini*, 521 U. S., at 235, 117 S. Ct. 1997, 138 L. Ed. 2d 391.

We have identified several factors to consider in deciding whether to overrule a past decision, including "the quality of [its] reasoning, the workability of the rule it established, its consistency with other related decisions, . . . and reliance on the decision." *Janus* v. *State, County, and Municipal Employees*, 585 U. S. ___, ___-___, 138 S. Ct. 2448, 201 L. Ed. 2d 924, 955 (2018)). All of these factors counsel in favor of overruling *Williamson County*.

Williamson County was not just wrong. Its reasoning was exceptionally ill founded and conflicted with much of our takings jurisprudence. See *supra*, at 12-14. Its key conclusion, which it drew from unnecessary language in *Monsanto*—that a property owner does not have a ripe federal takings claim until he has unsuccessfully pursued an initial state law claim for just compensation—ignored *Jacobs* ***[***32]*** and many subsequent decisions holding that a property owner acquires a Fifth Amendment right to compensation at the time of a taking. This contradiction was on stark display just two years later in *First English*.

The decision has come in for repeated criticism over the years from Justices of this Court and many respected commentators. See *San Remo*, 545 U. S., at 348, 125 S. Ct. 2491, 162 L. Ed. 2d 315 (Rehnquist, C. J., joined by O'Connor, Kennedy, and Thomas, JJ., concurring in judgment); *Arrigoni Enterprises, LLC* v. *Durham*, 578 U. S. ___, 136 S. Ct. 1409, 194 L. Ed. 2d 821 (2016) (Thomas, J., joined by Kennedy, J., dissenting from denial of certiorari); Merrill, Anticipatory Remedies for Takings, 128 Harv. L. Rev. 1630, 1647-1649 (2015); McConnell, *Horne* and the Normalization of Takings Litigation: A Response to Professor Echeverria, 43 Env. L. Rep. 10749, 10751 (2013); Friedman, Under the Law of Federal Jurisdiction: Allocating Cases Between Federal and State Courts, 104 Colum. L. Rev. 1211, 1264 (2004); Monaghan, State Law Wrongs, State Law Remedies, and the Fourteenth Amendment, 86 Colum. L. Rev. 979, 989 (1986). Even the academic defenders of the state-litigation requirement base it on federalism concerns (although they do not reconcile those concerns with the settled construction of §1983) rather than the reasoning of the opinion itself. See Echeverria, *Horne* v. *Department of Agriculture*: An Invitation To Reexamine "Ripeness" Doctrine in Takings Litigation, 43 Env. L. Rep. 10735, **[***33]** 10744 (2013); Sterk, The Demise of Federal Takings Litigation, 48 Wm. & Mary L. Rev. 251, 288 (2006).

Because of its shaky foundations, the state-litigation requirement has been a rule in search of a justification for over 30 years. We eventually abandoned the view that the requirement is an element of a takings claim and recast it as a "prudential" ripeness rule. See *Horne* v. *Department of Agriculture*, 569 U. S. 513, 525-526, 133 S. Ct. 2053, 186 L. Ed. 2d 69 (2013); *Suitum* v. *Tahoe Regional Planning Agency*, 520 U. S. 725, 733-734, 117 S. Ct. 1659, 137 L. Ed. 2d 980 (1997). No party defends that approach here. See **[**580]** Brief for Respondents 37; Brief for United States as *Amicus Curiae* 19-20. Respondents have taken a new tack, adopting a §1983-specific theory at which *Williamson County* did not even hint. See n. 6, *supra*. The fact that the justification for the state-litigation requirement continues to evolve is another factor undermining the force of *stare decisis*. See *Janus*, 585 U. S., at ___, 138 S. Ct. 2448, 201 L. Ed. 2d 924 (slip op., at 23).

The state-litigation requirement has also proved to be unworkable in practice. *Williamson County* envisioned that takings plaintiffs would ripen their federal claims **[*2179]** in state court and then, if necessary, bring a federal suit under §1983. But, as we held in *San Remo*, the state court's resolution of the plaintiff's inverse condemnation claim has preclusive effect in any subsequent federal suit. The upshot is that many takings plaintiffs never have the opportunity to litigate in a **[***34]** federal forum that §1983 by its terms seems to provide. That significant consequence was not considered by the Court in *Williamson County*.

The dissent argues that our constitutional holding in *Williamson County* should enjoy the "enhanced" form of *stare decisis* we usually reserve for statutory decisions, because Congress could have eliminated the *San Remo* preclusion trap by amending the full faith and credit statute. *Post*, at 17 (quoting *Kimble* v. *Marvel Entertainment, LLC*, 576 U. S. ___, ___, 135 S. Ct. 2401, 192 L. Ed. 2d 463, 472)). But takings plaintiffs, unlike plaintiffs bringing any other constitutional claim, would still have been forced to pursue relief under state law before they could bring suit in federal court. Congress could not have lifted that unjustified exhaustion requirement because, under *Williamson County*, a property owner had no federal claim until a state court denied him compensation.

Finally, there are no reliance interests on the state-litigation requirement. We have recognized that the force of *stare decisis* is "reduced" when rules that do not "serve as a guide to lawful behavior" are at issue. *United States* v. *Gaudin*, 515 U. S. 506, 521, 115 S. Ct. 2310, 132 L. Ed. 2d 444 (1995); see *Alleyne* v. *United States*, 570 U. S. 99, 119, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (2013) (Sotomayor, J., concurring). Our holding that uncompensated takings violate the Fifth Amendment will not expose governments to new liability; it will simply allow into federal court takings **[***35]** claims that otherwise would have been brought as inverse condemnation suits in state court.

Governments need not fear that our holding will lead federal courts to invalidate their regulations as unconstitutional. As long as just compensation remedies are available—as they have been for nearly 150 years—injunctive relief will be foreclosed. For the same reason, the Federal Government need not worry that courts will set aside agency actions as unconstitutional under the Administrative Procedure Act. 5 U. S. C. §706(2)(B). Federal courts will not invalidate an otherwise lawful uncompensated taking when the property owner can receive complete relief through a Fifth Amendment claim brought under the Tucker Act.

In light of all the foregoing, the dissent cannot, with respect, fairly maintain its extreme assertions regarding **[**581]** our application of the principle of *stare decisis*.

...

The state-litigation requirement of *Williamson County* is overruled. A property owner may bring a takings claim under §1983 upon the taking of his property without just compensation by a local government. The judgment of the United States Court of Appeals for the Third Circuit is vacated, and the case is remanded for further proceedings consistent with this opinion. **[***36]**

It is so ordered.

Concur by: THOMAS

Concur

Justice Thomas, concurring.

The Fifth Amendment's Takings Clause prohibits the government from "tak[ing]" private property "without just compensation." The Court correctly interprets this text by holding that a violation of this Clause occurs as soon as the government takes property without paying for it.

The United States, by contrast, urges us not to enforce the Takings Clause as written. **[*2180]** It worries that requiring payment to accompany a taking would allow courts to enjoin or invalidate broad regulatory programs "merely" because the program takes property without paying for it. Brief for United States as *Amicus Curiae* 12. According to the United States, "there is a 'nearly infinite variety of ways in which government actions or regulations can affect property interests,'" and it ought to be good enough that the government "implicitly promises to pay compensation for any taking" if a property owner successfully sues the government in court. Supplemental Letter Brief for United States as *Amicus Curiae* 5 (Supp. Brief) (citing the Tucker Act, 28 U. S. C. §1491). Government officials, the United States contends, should be able to implement regulatory programs "without fear" of injunction or invalidation under the Takings Clause, "even when" **[***37]** the program is so far reaching that the officials "cannot determine whether a taking will occur." Supp. Brief 5.

This "sue me" approach to the Takings Clause is untenable. The Fifth Amendment does not merely provide a damages remedy to a property owner willing to "shoulder the burden of securing compensation" after the government takes property without paying for it. *Arrigoni Enterprises, LLC* v. *Durham*, 578 U. S. ___, ___, 136 S. Ct. 1409, 194 L. Ed. 2d 821, 822 (2016) (Thomas, J., dissenting from denial of certiorari). Instead, it makes just compensation a "prerequisite" to the government's authority to "tak[e] property for public use." *Ibid.* A "purported exercise of the eminent-domain power" is therefore "invalid" unless the government "pays just compensation before or at the time of its taking." *Id.*, at ___, 136 S. Ct. 1409, 194 L. Ed. 2d 821, 822. If this requirement makes some regulatory programs "unworkable in practice," Supp. Brief 5, so be it—our role is to enforce the Takings Clause as written.

Of course, as the Court correctly explains, the United States' concerns about injunctions may be misplaced. *Ante*, at 15-18. Injunctive relief is not available when an adequate remedy exists at law. *E.g.*, *Monsanto Co.* v. *Geertson* ***[**582]*** *Seed Farms*, 561 U. S. 139, 156, 130 S. Ct. 2743, 177 L. Ed. 2d 461 (2010). And even when relief is appropriate for a particular plaintiff, it does not follow that a court may enjoin or invalidate an entire regulatory "program," Supp. Brief 5, by **[***38]** granting relief "beyond the parties to the case," *Trump* v. *Hawaii*, 585 U. S. ___, ___, 138 S. Ct. 2392, 201 L. Ed. 2d 775,

811 (2018) (Thomas, J., concurring); see *id.*, at ___, 138 S. Ct. 2392, 201 L. Ed. 2d 775 (slip op., at 2) (expressing skepticism about "universal injunctions").

Still, "[w]hen the government repudiates [its] duty" to pay just compensation, its actions "are not only unconstitutional" but may be "tortious as well." *Monterey* v. *Del Monte Dunes at Monterey, Ltd.*, 526 U. S. 687, 717, 119 S. Ct. 1624, 143 L. Ed. 2d 882 (1999) (plurality opinion). I do not understand the Court's opinion to foreclose the application of ordinary remedial principles to takings claims and related common-law tort claims, such as trespass. I therefore join it in full.

Dissent by: KAGAN

Dissent

Justice Kagan, with whom Justice Ginsburg, Justice Breyer, and Justice Sotomayor join, dissenting.

Today, the Court formally overrules *Williamson County Regional Planning Comm'n* v. *Hamilton Bank of Johnson City*, 473 U. S. 172, 105 S. Ct. 3108, 87 L. Ed. 2d 126 (1985). But its decision rejects far more than that single case. *Williamson County* was rooted in an understanding of the Fifth Amendment's Takings Clause stretching back to the late 1800s. On that view, a government could take property so long as it provided a reliable mechanism to pay just compensation, even if the payment **[*2181]** came after the fact. No longer. The majority today holds, in conflict with precedent after precedent, that a government violates the Constitution whenever it takes property without advance compensation—no **[***39]** matter how good its commitment to pay. That conclusion has no basis in the Takings Clause. Its consequence is to channel a mass of quintessentially local cases involving complex state-law issues into federal courts. And it transgresses all usual principles of *stare decisis*. I respectfully dissent.

I

Begin with the basics—the meaning of the Takings Clause. The right that Clause confers is not to be free from government takings of property for public purposes. Instead, the right is to be free from those takings when the government fails to provide "just compensation." In other words, the government *can* take private property for public purposes, so long as it fairly pays the property owner. That precept, which the majority does not contest, comes straight out of the constitutional text: "[P]rivate property [shall not] be taken for public use, without just compensation." Amdt. 5. "As its language indicates, [the Takings Clause] does not prohibit the taking of private property, but instead places a condition on the exercise of that power." *First English Evangelical Lutheran Church of Glendale* v. *County of Los Angeles*, 482 U. S. 304, 314, 107 S. Ct. 2378, 96 L. Ed. 2d 250 (1987). And that constitutional choice accords with ancient principles about what governments do. The eminent domain power—the capacity to "take private property for public uses"—is an integral "attribute of **[***40]** sovereignty." *Boom Co.* v. *Patterson*, 98 U. S. 403, 406, 25 L. Ed. 206 (1879); see *Kohl* v. *United States*, 91 U. S. 367, 371, 23 L. **[**583]** Ed. 449 (1876) (The power is "essential to [the Government's] independent existence and perpetuity"). Small surprise, then, that the Constitution does not prohibit takings for public purposes, but only requires the government to pay fair value.

In that way, the Takings Clause is unique among the Bill of Rights' guarantees. It is, for example, unlike the Fourth Amendment's protection against excessive force—which the majority mistakenly proposes as an analogy. See *ante*, at 8. Suppose a law enforcement officer uses excessive force and the victim recovers damages for his injuries. Did a constitutional violation occur? Of course. The Constitution prohibits what the officer did; the payment of damages merely remedied the constitutional wrong. But the Takings Clause is different because it does not prohibit takings; to the contrary, it permits them provided the government gives just compensation. So when the government "takes and pays," it is not violating the Constitution at all. Put another way, a Takings Clause violation has two necessary elements. First, the government must take the property. Second, it must deny the property owner just compensation. See *Horne* v. *Department of Agriculture*, 569 U. S. 513, 525-526, 133 S. Ct. 2053, 186 L. Ed. 2d 69 (2013) ("[A] Fifth Amendment claim is premature until it is clear that the Government has both taken property *and* denied **[***41]** just compensation" (emphasis in original)). If the government has not done both, no constitutional violation has happened. All this is well-trod ground. See, *e.g.*, *United States* v. *Jones*, 109 U. S. 513, 518, 3 S. Ct. 346, 27 L. Ed. 1015 (1883); *Albert Hanson Lumber Co.* v. *United States*, 261 U. S. 581, 586, 43 S. Ct. 442, 67 L. Ed. 609 (1923). Even the majority (despite its faulty analogy) does not contest it.

Similarly well-settled—until the majority's opinion today—was the answer to a follow-on question: At what point has the government denied a property owner just

[*2182] compensation, so as to complete a Fifth Amendment violation? For over a hundred years, this Court held that advance or contemporaneous payment was not required, so long as the government had established reliable procedures for an owner to later obtain just compensation (including interest for any time elapsed). The rule got its start in *Cherokee Nation* v. *Southern Kansas R. Co.*, 135 U. S. 641, 10 S. Ct. 965, 34 L. Ed. 295 (1890), where the Tribe argued that a federal statute authorizing condemnation of its property violated the Fifth Amendment because the law did not require advance payment. The Court disagreed. It held that the Takings Clause "does not provide or require that compensation shall be actually paid in advance of the occupancy of the land to be taken" so long as the government made available to the owner "reasonable, certain and adequate provision for obtaining compensation" afterward. *Id.*, at 659, 10 S. Ct. 965, 34 L. Ed. 295. Decade after decade, the Court [***42] repeated that principle. [1] As another case put the point: The Takings Clause does not demand "that compensation [**584] should be made previous to the taking" so long as "adequate means [are] provided for a reasonably just and prompt ascertainment and payment of the compensation." *Crozier* v. *Krupp A. G.*, 224 U. S. 290, 306, 32 S. Ct. 488, 56 L. Ed. 771, 1912 Dec. Comm'r Pat. 633 (1912). And the Court also made clear that a statute creating a right of action against the responsible government entity generally qualified as a constitutionally adequate compensatory mechanism. See, *e.g.*, *Williams* v. *Parker*, 188 U. S. 491, 502, 23 S. Ct. 440, 47 L. Ed. 559 (1903); *Yearsley* v. *W. A. Ross Constr. Co.*, 309 U. S. 18, 20-21, 60 S. Ct. 413, 84 L. Ed. 554 (1940). [2]

Williamson County followed from those decisions as night the day. The case began when a local planning commission rejected a property owner's development proposal. The owner chose not to seek compensation through the procedure the State had created—an "inverse condemnation" action against the commission. Instead, the owner sued in federal court alleging a Takings Clause violation under 42 U. S. C. §1983. Consistent with the century's worth of precedent I have recounted above, the Court found that no Fifth Amendment violation had yet occurred. See 473 U. S., at 195, 105 S. Ct. 3108, 87 L. Ed. 2d 126. The Court first recognized that "[t]he Fifth Amendment does not proscribe the taking of property; it proscribes taking without just compensation." *Id.*, at 194, 105 S. Ct. 3108, 87 L. Ed. 2d 126. Next, the Court stated (citing no fewer than five precedents) that the Amendment [***43] does not demand that "compensation be paid in advance [*2183] of, or contemporaneously with, the taking." *Ibid.* "[A]ll that is required," the Court continued, is that the State have provided "a 'reasonable, certain and adequate provision for obtaining compensation.'" *Ibid.* (quoting *Cherokee Nation*, 135 U. S., at 659, 10 S. Ct. 965, 34 L. Ed. 295). Here, the State had done so. Nothing suggested that the inverse condemnation procedure was inadequate. 473 U. S., at 196-197, 105 S. Ct. 3108, 87 L. Ed. 2d 126. So the property owner's claim was "not yet ripe": The owner could not "claim a violation of the [Takings] Clause until it [had] used the procedure and been denied." *Id.*, at 194-195, 105 S. Ct. 3108, 87 L. Ed. 2d 126.

So contrary to the majority's portrayal, *Williamson County* did not result from some inexplicable confusion about "how the Takings Clause works." *Ante*, at 8. Far from it. *Williamson County* built on a long line of decisions addressing the elements of a Takings Clause violation. The Court there said only two things remotely new. First, the Court found that the State's inverse [**585] condemnation procedure qualified as a "reasonable, certain and adequate" procedure. But no one in this case disputes anything to do with that conclusion—including that the equivalent Pennsylvania procedure here is similarly adequate. Second, the Court held that a §1983 suit could not be brought until a

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[1] See also, *e.g.*, *Yearsley* v. *W. A. Ross Constr. Co.*, 309 U. S. 18, 21-22, 60 S. Ct. 413, 84 L. Ed. 554 (1940); *Hurley* v. *Kincaid*, 285 U. S. 95, 104, 52 S. Ct. 267, 76 L. Ed. 637 (1932); *Dohany* v. *Rogers*, 281 U. S. 362, 365, 50 S. Ct. 299, 74 L. Ed. 904 (1930); *Joslin Mfg. Co.* v. *Providence*, 262 U. S. 668, 677, 43 S. Ct. 684, 67 L. Ed. 1167 (1923); *Albert Hanson Lumber Co.* v. *United States*, 261 U. S. 581, 587, 43 S. Ct. 442, 67 L. Ed. 809 (1923); *Hays* v. *Port of Seattle*, 251 U.S. 233, 238, 40 S. Ct. 125, 64 L. Ed. 243 (1920); *Bragg* v. *Weaver*, 251 U. S. 57, 62, 40 S. Ct. 62, 64 L. Ed. 135 (1919); *Madisonville Traction Co.* v. *Saint Bernard Mining Co.*, 196 U. S. 239, 251-252, 25 S. Ct. 251, 49 L. Ed. 462 (1905); *Williams* v. *Parker*, 188 U. S. 491, 502, 23 S. Ct. 440, 47 L. Ed. 559 (1903); *Backus* v. *Fort Street Union Depot Co.*, 169 U. S. 557, 568, 18 S. Ct. 445, 42 L. Ed. 853 (1898); *Sweet* v. *Rechel*, 159 U. S. 380, 400-402, 16 S. Ct. 43, 40 L. Ed. 188 (1895).

[2] In many of these cases, the Court held as well that if payment occurs later, it must include interest. See, *e.g.*, *Id.*, at 407, 16 S. Ct. 43, 40 L. Ed. 188; *Albert Hanson Lumber Co.*, 261 U. S., at 588. That requirement flows from the constitutional demand for "just" compensation: As one of the early cases explained, the property owner must be placed "in as good position pecuniarily as he would have been if his property had not been taken." *Ibid.*

property [***44] owner had unsuccessfully invoked the State's procedure for obtaining payment. But that was a direct function of the Court's prior holdings. Everyone agrees that a §1983 suit cannot be brought before a constitutional violation has occurred. And according to the Court's repeated decisions, a Takings Clause violation does not occur until an owner has used the government's procedures and failed to obtain just compensation. All that *Williamson County* did was to put the period on an already-completed sentence about when a takings claim arises. [3]

Today's decision thus overthrows the Court's long-settled view of the Takings Clause. The majority declares, as against a mountain of precedent, that a government taking private property for public purposes must pay compensation at that moment or in advance. See *ante*, at 6-7. If the government fails to do so, a constitutional violation has occurred, regardless of whether "reasonable, certain and adequate" compensatory mechanisms exist. *Cherokee Nation*, 135 U. S., at 659, 10 S. Ct. 965, 34 L. Ed. 295. And regardless of how many times this Court has said the opposite before. Under cover of overruling "only" a single decision, today's opinion smashes a hundred-plus years of legal rulings [***45] to smithereens.

II

So how does the majority defend taking down *Williamson County* and its many [*2184] precursors? Its decision rests on four ideas: a comparison between takings claims and other constitutional claims, a resort to the Takings Clause's text, and theories about two lines of this Court's precedent. All are misguided. The majority uses the term "shaky foundations." *Ante*, at 21. It knows whereof it speaks.

The first crack comes from the repeated assertion (already encountered in the majority's Fourth Amendment analogy, see *supra*, at 2) that *Williamson County* treats takings claims worse than other claims founded in the Bill of Rights. See *ante*, at 6, 8, 11-12, 20. [**586] That is not so. The distinctive aspects of litigating a takings claim merely reflect the distinctive aspects of the constitutional right. Once again, a Fourth Amendment claim arises at the moment a police officer uses excessive force, because the Constitution prohibits that thing and that thing only. (Similarly, for the majority's other analogies, a bank robber commits his offense when he robs a bank and a tortfeasor when he acts negligently—because that conduct, and it alone, is what the law forbids.) Or to make the same point a bit differently, even if a government could compensate the victim [***46] in advance—as the majority requires here—the victim would still suffer constitutional injury when the force is used. But none of that is true of Takings Clause violations. That kind of infringement, as explained, is complete only after *two* things occur: (1) the government takes property, and (2) it fails to pay just compensation. See *supra*, at 2-3. All *Williamson County* and its precursors do is recognize that fact, by saying that a constitutional claim (and thus a §1983 suit) arises only after the second condition is met—when the property owner comes away from the government's compensatory procedure empty-handed. That is to treat the Takings Clause exactly as its dual elements require—and because that is so, neither worse nor better than any other right.

Second, the majority contends that its rule follows from the constitutional text, because the Takings Clause does not say "[n]or shall private property be taken for public use, without an available procedure that will result in compensation." *Ante*, at 6. There is a reason the majority devotes only a few sentences to that argument. Because here's another thing the text does not say: "Nor shall private property be taken for public use, without advance or contemporaneous payment of just compensation [***47] notwithstanding ordinary procedures." In other words, the text no more states the majority's rule than it does *Williamson County*'s (and its precursors'). As constitutional text often is, the Takings Clause is spare. It says that a government taking property must pay just compensation—but does not say

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[3] Contrary to the majority's description, see *ante*, at 15, and n. 6, the respondents have exactly this view of *Williamson County* (and of the cases preceding it). The respondents discuss (as I do, see *supra*, at 3-4) the "long line of precedent" holding that "the availability of a reasonable, certain, and adequate inverse-condemnation procedure fulfills the duty" of a government to pay just compensation for a taking. Brief for Respondents 22-23. The respondents then conclude (again, as I do, see *supra*, at 4-6) that *Williamson County* "soundly" and "straightforwardly applied that precedent to hold that a property owner who forgoes an available and adequate inverse-condemnation remedy has not been deprived of any constitutional right and thus cannot proceed under Section 1983." Brief for Respondents 22. (Again contra the majority, the respondents' only theory of §1983 is the one everyone agrees with—that a §1983 suit cannot be brought before a constitutional violation has occurred.) So while I appreciate the compliment, I cannot claim to argue anything novel or "dor[ing]" here. *Ante*, at 15. My argument is the same as the respondents', which is the same as *Williamson County*'s, which is the same as all the prior precedents'.

through exactly what mechanism or at exactly what time. That was left to be worked out, consistent with the Clause's (minimal) text and purpose. And from 1890 until today, this Court worked it out *Williamson County*'s way, rather than the majority's. See *supra*, at 3-4. Under our caselaw, a government could use reliable post-taking compensatory mechanisms (with payment calculated from the taking) without violating the Takings Clause.

Third, the majority tries to explain away that mass of precedent, with a theory so, well, inventive that it appears in neither the petitioner's nor her 15-plus *amici*'s briefs. Don't read the decisions "too broadly," the majority says. *Ante*, at 16. Yes, the Court in each rejected a takings claim, instructing the property owner to avail herself instead of a government-created compensatory mechanism. But all the Court meant (the majority says) was that the plaintiffs had sought the wrong kind of relief: **[***48]** They could not get injunctions because **[*2185]** the available compensatory procedures gave an adequate remedy at law. The Court still believed (so **[**587]** says the majority) that the cases involved constitutional violations. Or said otherwise (again, according to the majority), the Court still understood the Takings Clause to prohibit delayed payment.

Points for creativity, but that is just not what the decisions say. Most of the cases involved requests for injunctions, but the equity/law distinction played little or no role in our analyses. Instead, the decisions addressed directly what the Takings Clause requires (or not). And as already shown, *supra*, at 3-4, they held that the Clause does not demand advance payment. Beginning again at the beginning, *Cherokee Nation* decided that the Takings Clause "does not provide or require that compensation shall be actually paid in advance." 135 U. S., at 659, 10 S. Ct. 965, 34 L. Ed. 295. In *Backus* v. *Fort Street Union Depot Co.*, 169 U. S. 557, 567-568, 18 S. Ct. 445, 42 L. Ed. 853 (1898), the Court declared that a property owner had no "constitutional right to have the amount of his compensation finally determined and paid before yielding possession." By the time of *Williams* v. *Parker*, 188 U. S., at 532, 23 S. Ct. 440, 47 L. Ed. 559, the Court could state that "it is settled by repeated decisions" that the Constitution allows the taking of property "prior to any payment." Similarly, in *Joslin Mfg. Co.* v. *Providence*, 262 U. S. 668, 677, 43 S. Ct. 684, 67 L. Ed. 1167 (1923), the Court noted that "[i]t has long **[***49]** been settled that the taking of property . . . need not be accompanied or preceded by payment, but that the requirement of just compensation is satisfied when" there is a pledge of "reasonably prompt ascertainment and payment." In *Hurley* v. *Kincaid*, 285 U. S. 95, 104, 52 S. Ct. 267, 76 L. Ed. 637 (1932), the Court repeated that the "Fifth Amendment does not entitle [a property owner] to be paid in advance of the taking." I could go on—there are eighty more years to cover, and more decisions in the early years too—but by now you probably get the idea.

Well, just one more especially good demonstration. In *Yearsley* v. *W. A. Ross Constr. Co.*, 309 U. S. 18, 60 S. Ct. 413, 84 L. Ed. 554 (1940), the plaintiffs sought money damages for an alleged Takings Clause violation. For that reason, the Court's theory about suits seeking injunctions has no possible application. Still, the Court rejected the claim. The different remedy requested made no difference in the result. And yet more important: In refusing to find a Takings Clause violation, the Court used the exact same reasoning as it had in all the cases requesting injunctions. Once again, the Court did not focus on the nature of the relief sought. It simply explained that the government had provided a procedure for obtaining post-taking compensation—and that was enough. "The Fifth Amendment does not entitle him [the owner] to be paid in advance of the **[***50]** taking," held the Court, quoting the last injunction case described above. *Id.*, at 21, 60 S. Ct. 413, 84 L. Ed. 554 (quoting *Hurley*, 285 U. S., at 104, 52 S. Ct. 267, 76 L. Ed. 637; brackets in original). Because the government had set up an adequate compensatory mechanism, the taking was "within [the government's] constitutional power." 309 U. S., at 22, 60 S. Ct. 413, 84 L. Ed. **[**588]** 554. Once again, the opposite of what the majority pronounces today. [4]

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[4] The majority's supposed best case to the contrary, *First English Evangelical Lutheran Church of Glendale* v. *County of Los Angeles*, 482 U. S. 304, 107 S. Ct. 2378, 96 L. Ed. 2d 250 (1987), is not so good, as is apparent from its express statement that it accords with *Williamson County*. See 482 U. S., at 320, n. 10, 107 S. Ct. 2378, 96 L. Ed. 2d 250. In *First English*, the Court held that a property owner was entitled to compensation for the temporary loss of his property, occurring while a (later-repealed) regulation was in effect. See *id.*, at 321, 107 S. Ct. 2378, 96 L. Ed. 2d 250. The Court made clear that a government's duty to compensate for a taking—including a temporary taking—arises from the Fifth Amendment, as of course it does. See *id.*, at 315, 107 S. Ct. 2378, 96 L. Ed. 2d 250. But the Court nowhere suggested that a Fifth Amendment violation happens even before a government denies the required compensation. (You will scan

[*2186] Fourth and finally, the majority lays claim to another line of decisions—involving the Tucker Act—but with no greater success. The Tucker Act waives the Federal Government's sovereign immunity and grants the Court of Federal Claims jurisdiction over suits seeking compensation for takings. See 28 U. S. C. §1491(a)(1). According to the majority, this Court's cases establish that such an action "*is* a claim for a violation of the Fifth Amendment"—that is, for a constitutional offense that has already happened because of the absence of advance payment. *Ante*, at 19, n. 7 (emphasis in original); see *ante*, at 13. But again, the precedents say the opposite. The Tucker Act is the Federal Government's equivalent of a State's inverse condemnation procedure, by which a property owner can obtain just compensation. The former, no less than the latter, *forestalls* **[***51]** any constitutional violation by ensuring that an owner gets full and fair payment for a taking. The Court, for example, stated in *United States* v. *Riverside Bayview Homes, Inc.*, 474 U. S. 121, 128, 106 S. Ct. 455, 88 L. Ed. 2d 419 (1985), that "so long as [post-taking Tucker Act] compensation is available for those whose property is in fact taken, the governmental action is not unconstitutional." Similarly, we held in *Preseault* v. *ICC*, 494 U. S. 1, 4-5, 110 S. Ct. 914, 108 L. Ed. 2d 1 (1990) that when "compensation is available to [property owners] under the Tucker Act[,] the requirements of the Fifth Amendment are satisfied." And again, in *Ruckelshaus* v. *Monsanto Co.*, 467 U. S. 986, 1016, 104 S. Ct. 2862, 81 L. Ed. 2d 815 (1984) we rejected a takings claim because the plaintiff could "seek just compensation under the Tucker Act" and "[t]he Fifth Amendment does not require that compensation precede the taking." All those decisions (and there are others) rested on the premise, merely reiterated in *Williamson County*, that the "availability of a suit for compensation against the sovereign will defeat a contention that the action is unconstitutional as a violation of the Fifth Amendment." *Larson* v. *Domestic and Foreign Commerce Corp.*, 337 U. S. 682, 697, n. 18, 69 S. Ct. 1457, 93 L. Ed. 1628 (1949). [5]

To the extent it deals with these **[**589]** cases (mostly, it just ignores them), the majority says only that they (like *Williamson County*) were "confused" or wrong. See *ante*, at 13, 19, n. 7. But maybe the majority should take the hint: When a theory requires declaring precedent after precedent after precedent wrong, that's a **[*2187]** sign the theory itself may be wrong. The majority's theory is just that.

III

And not only wrong on prior law. The majority's overruling of *Williamson County* will have two damaging consequences. It will inevitably turn even well-meaning government officials into lawbreakers. And it will subvert important principles of judicial federalism.

To begin with, today's decision means that government regulators will often have no way to avoid violating the Constitution. There are a "nearly infinite variety of ways" for regulations to "affect property interests." *Arkansas Game and Fish Comm'n* v. *United States*, 568 U. S. 23, 31, 133 S. Ct. 511, 184 L. Ed. 2d 417 (2012). And under modern takings law, there is "no magic formula" to determine "whether a given government interference with property is a taking." **[***52]** *Ibid.* For that reason, a government actor usually cannot know in advance whether implementing a regulatory program will effect a taking, much less of whose property. Until today, such an official could do his work without fear of wrongdoing, in any jurisdiction that had set up a reliable means for property owners to obtain compensation. Even if some regulatory action turned out to take someone's property, the official would not have violated the Constitution. But no longer. Now, when a government undertakes land-use regulation (and what government doesn't?), the responsible employees will almost inescapably become constitutional malefactors. That is not a fair position in which to place persons carrying out their governmental duties.

Still more important, the majority's ruling channels to federal courts a (potentially massive) set of cases that more properly belongs, at least in the first instance, in state courts—where *Williamson County* put them. The

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the majority's description of *First English* in vain for a quote to that effect—because no such quote exists. See *ante*, at 9-11.) To the contrary, the Court went out of its way to recognize the *Williamson County* principle that "no constitutional violation occurs until just compensation has been denied." 482 U. S., at 320, n. 10, 107 S. Ct. 2378, 96 L. Ed. 2d 250 (internal quotation marks omitted).

[5] *Jacobs* v. *United States*, 290 U. S. 13, 54 S. Ct. 26, 78 L. Ed. 142 (1933), the Tucker Act case the majority cites to support its argument, says nothing different. The majority twice notes *Jacobs*' statement that a Tucker Act claim "rest[s] upon the Fifth Amendment." *Ante*, at 7-8 (quoting 290 U. S., at 16, 54 S. Ct. 26, 78 L. Ed. 142). And so it does, because the compensatory obligation that the Tucker Act vindicates arises from—or "rests upon"—the Fifth Amendment. But that is a far cry from saying, as the majority does, that the Government has already violated the Fifth Amendment when the Tucker Act claim is brought—before the Government has denied fair compensation.

regulation of land use, this Court has stated, is "perhaps the quintessential state activity." *FERC* v. *Mississippi*, 456 U. S. 742, 768, n. 30, 102 S. Ct. 2126, 72 L. Ed. 2d 532 (1982). And a claim that a land-use regulation violates the Takings Clause usually turns on state-law issues. In that respect, takings claims have little in common **[***53]** with other constitutional challenges. The question in takings cases is not merely whether a given state action meets federal constitutional standards. Before those standards can come into play, a court must typically decide whether, under state law, the plaintiff has a property interest in the thing regulated. See *Phillips* v. *Washington Legal Foundation*, 524 U. S. 156, 164, 118 S. Ct. 1925, 141 L. Ed. 2d 174 (1998); see also Sterk, **[**590]** The Demise of Federal Takings Litigation, 46 Wm. & Mary L. Rev. 251, 298 (2006) ("[I]f background state law did not recognize or create property in the first instance, then a subsequent state action cannot take property"). Often those questions—how does pre-existing state law define the property right?; what interests does that law grant?; and conversely what interests does it deny?—are nuanced and complicated. And not a one of them is familiar to federal courts.

This case highlights the difficulty. The ultimate constitutional question here is: Did Scott Township's cemetery ordinance "go[ ] too far" (in Justice Holmes's phrase), so as to effect a taking of Rose Mary Knick's property? *Pennsylvania Coal Co.* v. *Mahon*, 260 U. S. 393, 415, 43 S. Ct. 158, 67 L. Ed. 322 (1922). But to answer that question, it is first necessary to address an issue about background state law. In the Township's view, the ordinance did little more than codify Pennsylvania common law, which (the Township **[***54]** says) has long required property owners to make land containing human remains open to the public. See Brief for Respondents 49; Brief **[*2188]** for Cemetery Law Scholars as *Amici Curiae* 6-26. If the Township is right on that state-law question, Knick's constitutional claim will fail: The ordinance, on that account, didn't go far at all. But Knick contends that no common law rule of that kind exists in Pennsylvania. See Reply Brief 22. And if she is right, her takings claim may yet have legs. But is she? Or is the Township? I confess: I don't know. Nor, I would venture, do my colleagues on the federal bench. But under today's decision, it will be the Federal District Court for the Middle District of Pennsylvania that will have to resolve this question of local cemetery law.

And if the majority thinks this case is an outlier, it's dead wrong; indeed, this case will be easier than many. Take *Lucas* v. *South Carolina Coastal Council*, 505 U. S. 1003, 112 S. Ct. 2886, 120 L. Ed. 2d 798 (1992). There, this Court held that a South Carolina ban on development of beachfront property worked a taking of the plaintiff's land—unless the State's nuisance law already prohibited such development. See *id.*, at 1027-1030, 112 S. Ct. 2886, 120 L. Ed. 2d 798. The Court then—quite sensibly—remanded the case to the South Carolina Supreme Court to resolve that question. **[***55]** See *id.*, at 1031-1032, 112 S. Ct. 2886, 120 L. Ed. 2d 798. (And while spotting the nuisance issue, the Court may have overlooked other state-law constraints on development. In some States, for example, the public trust doctrine or public prescriptive easements limit the development of beachfront land. See Sterk, The Federalist Dimension of Regulatory Takings Jurisprudence, 114 Yale L. J. 203, 227 (2004).) Or consider *Stop the Beach Renourishment, Inc.* v. *Florida Dept. of Environmental Protection*, 560 U. S. 702, 130 S. Ct. 2592, 177 L. Ed. 2d 184 (2010). The federal constitutional issue there was whether a decision of the Florida Supreme Court relating to beachfront property constituted a taking. To resolve that issue, though, the Court first had to address whether, under pre-existing Florida property law, "littoral-property owners had rights to future accretions and contact with the water superior to the State's right to fill in its submerged land." *Id.*, at 730, 130 S. Ct. 2592, 177 L. Ed. 2d 184. The Court bit **[**591]** the bullet and decided that issue itself, as it sometimes has to (though thankfully with the benefit of a state high court's reasoning). But there is no such necessity here—and no excuse for making complex state-law issues part of the daily diet of federal district courts.

State courts are—or at any rate, are supposed to be—the "ultimate expositors of state law." *Mullaney* v. *Wilbur*, 421 U. S. 684, 691, 95 S. Ct. 1881, 44 L. Ed. 2d 508 (1975). The corollary is that federal courts should refrain whenever possible from **[***56]** deciding novel or difficult state-law questions. That stance, as this Court has long understood, respects the "rightful independence of the state governments," "avoid[s] needless friction with state policies," and promotes "harmonious relation[s] between state and federal authority." *Railroad Comm'n of Tex.* v. *Pullman Co.*, 312 U. S. 496, 500-501, 61 S. Ct. 643, 85 L. Ed. 971 (1941). For that reason, this Court has promoted practices of certification and abstention to put difficult state-law issues in state judges' hands. See, *e.g.*, *Arizonans for Official English* v. *Arizona*, 520 U. S. 43, 77, 117 S. Ct. 1055, 137 L. Ed. 2d 170 (1997) (encouraging certification of "novel or unsettled questions of state law"

to "hel[p] build a cooperative judicial federalism"); *Louisiana Power & Light Co. v. City of Thibodaux*, 360 U. S. 25, 28, 79 S. Ct. 1070, 3 L. Ed. 2d 1058 (1959) (approving federal-court abstention in an eminent domain proceeding because such cases "turn on legislation with much local variation interpreted in local settings"). We may as well not have bothered. Today's [*2189] decision sends a flood of complex state-law issues to federal courts. It makes federal courts a principal player in local and state land-use disputes. It betrays judicial federalism.

IV

Everything said above aside, *Williamson County* should stay on the books because of *stare decisis*. Adherence to precedent is "a foundation stone of the rule of law." *Michigan v. Bay Mills Indian Community*, 572 U. S. 782, 798, 134 S. Ct. 2024, 188 L. Ed. 2d 1071 (2014). "[I]t promotes the evenhanded, predictable, and consistent [***57] development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process." *Payne v. Tennessee*, 501 U. S. 808, 827, 111 S. Ct. 2597, 115 L. Ed. 2d 720 (1991). *Stare decisis*, of course, is "not an inexorable command." *Id.*, at 828, 111 S. Ct. 2597, 115 L. Ed. 2d 720. But it is not enough that five Justices believe a precedent wrong. Reversing course demands a "special justification—over and above the belief that the precedent was wrongly decided." *Kimble v. Marvel Entertainment, LLC*, 576 U. S. ___, ___, 135 S. Ct. 2401, 192 L. Ed. 2d 463 (2015) (slip op., at 8) (internal quotation marks omitted). The majority offers no reason that qualifies.

In its only real stab at a special justification, the majority focuses on what it calls the "*San Remo* preclusion trap." *Ante*, at 2. As the majority notes, this Court held in a post-*Williamson County* decision interpreting the full faith and credit statute, 28 U. S. C. §1738, that a state court's resolution of an inverse condemnation proceeding has preclusive effect in a later federal suit. See *San Remo Hotel, L. P. v. City and County of San Francisco*, [**592] 545 U. S. 323, 125 S. Ct. 2491, 162 L. Ed. 2d 315 (2005); *ante*, at 1-2, 5-6, 22. The interaction between *San Remo* and *Williamson County* means that "many takings plaintiffs never have the opportunity to litigate in a federal forum." *Ante*, at 22. According to the majority, that unanticipated result makes *Williamson County* itself "unworkable." *Ibid.*

But in highlighting the preclusion concern, the [***58] majority only adds to the case for respecting *stare decisis*—because that issue can always be addressed by Congress. When "correction can be had by legislation," Justice Brandeis once stated, the Court should let stand even "error[s on] matter[s] of serious concern." *Square D Co. v. Niagara Frontier Tariff Bureau, Inc.*, 476 U. S. 409, 424, 106 S. Ct. 1922, 90 L. Ed. 2d 413 (1986) (quoting *Burnet v. Coronado Oil & Gas Co.*, 285 U. S. 393, 406, 52 S. Ct. 443, 76 L. Ed. 815, 1932 C.B. 265, 1932-1 C.B. 265 (1932) (dissenting)). Or otherwise said, *stare decisis* then "carries enhanced force." *Kimble*, 576 U. S., at ___, 135 S. Ct. 2401, 192 L. Ed. 2d 463, 472); see *South Dakota v. Wayfair, Inc.*, 585 U. S. ___, ___, 138 S. Ct. 2080, 201 L. Ed. 2d 403, 428 (2018) (Roberts, C. J., dissenting) (The *stare decisis* "bar is even higher" when Congress "can, if it wishes, override this Court's decisions with contrary legislation"). Here, Congress can reverse the *San Remo* preclusion rule any time it wants, and thus give property owners an opportunity—*after* a state-court proceeding—to litigate in federal court. The *San Remo* decision, as noted above, interpreted the federal full faith and credit statute; Congress need only add a provision to that law to flip the Court's result. In fact, Congress has already considered proposals responding to *San Remo*—though so far to no avail. See Brief for Congressman Steve King et al. as *Amici Curiae* 7. Following this Court's normal rules of practice means leaving the *San Remo* "ball[in] Congress's court," so that branch can decide whether [*2190] to pick it up. [***59] *Kimble*, 576 U. S., at ___, 135 S. Ct. 2401, 192 L. Ed. 2d 463 (slip op., at 8). [6]

And the majority has no other special justification. It says *Williamson County* did not create "reliance interests." *Ante*, at 23. But even if so, those interests are a *plus-factor* in the doctrine; when they exist, *stare decisis* becomes "superpowered." *Kimble*, 576 U. S., at ___, 135 S. Ct. 2401, 192 L. Ed. 2d 463, 481); *Payne*, 501 U. S., at 828, 111 S. Ct. 2597, 115 L. Ed. 2d 720 (*Stare decisis* concerns are "at their acme" when "reliance interests are involved"). The absence of reliance is not itself a reason for overruling a decision. Next, the majority says that the "justification for [*Williamson County*'s] state-litigation requirement" has "evolve[d]." *Ante*, at 22. But to start with, it has not. The

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[6] Confronted with that point, the majority shifts ground. It notes that even if Congress eliminated the *San Remo* rule, takings plaintiffs would still have to comply with *Williamson County*'s "unjustified" demand that they bring suit in state court first. See *ante*, at 22. But that argument does not even purport to state a special justification. It merely reiterates the majority's view on the merits.

original rationale—in the majority's words, that the requirement "is an element of a takings claim," *ante*, at 22—has held strong for 35 years (including in the cases the majority **[**593]** cites), and is the same one I rely on today. See, *e.g.*, *Home*, 569 U. S., at 525-526, 133 S. Ct. 2053, 186 L. Ed. 2d 69 (quoting *Williamson County's* rationale); *Suitum* v. *Tahoe Regional Planning Agency*, 520 U. S. 725, 734, 117 S. Ct. 1659, 137 L. Ed. 2d 980 (1997) (same); *supra*, at 2-3. And anyway, "evolution" in the way a decision is described has never been a ground for abandoning *stare decisis*. Here, the majority's only citation is to last Term's decision overruling a 40-year-old precedent. See *ante*, at 22 (citing *Janus* v. *State, County, and Municipal Employees*, 585 U. S. ___, ___, 138 S. Ct. 2448, 201 L. Ed. 2d 924, 953 (2018)). If that is the way the majority means to proceed—relying **[***60]** on one subversion of *stare decisis* to support another—we may as well not have principles about precedents at all.

What is left is simply the majority's view that *Williamson County* was wrong. The majority repurposes all its merits arguments—all its claims that *Williamson County* was "ill founded"—to justify its overruling. *Ante*, at 20-21. But the entire idea of *stare decisis* is that judges do not get to reverse a decision just because they never liked it in the first instance. Once again, they need a reason *other than* the idea "that the precedent was wrongly decided." *Halliburton Co.* v. *Erica P. John Fund, Inc.*, 573 U. S. 258, 266, 134 S. Ct. 2398, 189 L. Ed. 2d 339 (2014); see *supra*, at 16. For it is hard to overstate the value, in a country like ours, of stability in the law.

Just last month, when the Court overturned another longstanding precedent, Justice Breyer penned a dissent. See *Franchise Tax Bd. of Cal.* v. *Hyatt*, 587 U. S. ___, ___, 139 S. Ct. 1485, 203 L. Ed. 2d 768 (2019). He wrote of the dangers of reversing legal course "only because five Members of a later Court" decide that an earlier ruling was incorrect. *Id.*, at ___, 139 S. Ct. 1485, 203 L. Ed. 2d 768, 790). He concluded: "Today's decision can only cause one to wonder which cases the Court will overrule next." *Ibid.* Well, that didn't take long. Now one may wonder yet again.

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Temple B'Nai Zion, Inc. v. City of Sunny Isles Beach

United States Court of Appeals for the Eleventh Circuit

August 29, 2013, Decided

No. 12-12994

Reporter

727 F.3d 1349 *; 2013 U.S. App. LEXIS 18091 **; 24 Fla. L. Weekly Fed. C 616; 2013 WL 4574206

TEMPLE B'NAI ZION, INC., a Florida not-for-profit corporation, Plaintiff - Appellant, versus CITY OF SUNNY ISLES BEACH, FLORIDA, a Florida municipality, NORMAN EDELCUP, individually, Defendants - Appellees.

Subsequent History: Motion granted by, in part, Motion denied by, As moot Temple B'Nai Zion, Inc. v. City of Sunny Isles Beach, 2014 U.S. Dist. LEXIS 76758 (S.D. Fla., June 2, 2014)

Prior History: [**1] Appeal from the United States District Court for the Southern District of Florida. D.C. Docket No. 1:10-cv-24549-KMW.

City of Sunny Isles Beach v. Temple B'Nai Zion, Inc., 43 So. 3d 904, 2010 Fla. App. LEXIS 13398 (Fla. Dist. Ct. App. 3d Dist., 2010)

Disposition: VACATED AND REMANDED.

Case Summary

Overview

HOLDINGS: [1]-The appellate court applied traditional principles of ripeness to the religious organization's claim that the historic designation of a temple was motivated by discriminatory animus because the injury was complete upon the municipality's initial act, and thus, the Williamson County ripeness test was inappropriate; [2]-The district court erred in concluding that the religious organization's statutory and constitutional challenges to the historic designation were not ripe for adjudication where the organization challenged the mere fact of designation, the organization alleged a present injury from the designation, and to delay resolution where no further factual development was possible would have imposed only further hardship on the organization; [3]-The dismissal of the void-for-vagueness challenge to the municipality's ordinance was also vacated.

Outcome

Vacated and remanded.

Counsel: For TEMPLE B'NAI ZION, INC., a Florida not-for-profit corporation, Plaintiff - Appellant: Gary C. Rosen, Daniel Lawrence Wallach, Keith Michael Pollakoff, Becker & Pollakoff, PA, FORT LAUDERDALE, FL.

For CITY OF SUNNY ISLES BEACH, FLORIDA, a Florida municipality, NORMAN EDELCUP, individually, Defendants - Appellees: Daniel Frederick Blonsky, Benjamin Henry Brodsky, Kendall Brindley Coffey, Jeffrey B. Crockett, Coffey Burlington, PL, MIAMI, FL.

Judges: Before TJOFLAT and WILSON Circuit Judges, and COOGLER,* District Judge.

Opinion by: WILSON

Opinion

[*1350] WILSON, Circuit Judge:

Under the doctrine known as ripeness, we must determine that a given issue is sufficiently developed (i.e., ripe) for judicial intervention before we will exercise jurisdiction over it. This appeal presents the question whether an Orthodox Jewish synagogue's statutory and constitutional challenges to its designation as a historic landmark by a municipality are ripe for adjudication. We begin with [**2] the background facts necessary to our discussion.

[*1351] I.

Temple B'Nai Zion (Temple) is a Sephardic Jewish religious organization that operates an Orthodox Jewish synagogue in the City of Sunny Isles Beach, Florida ("Sunny Isles Beach" or "City"). The Temple purchased

* Honorable L. Scott Coogler, United States District Judge for the Northern District of Alabama, sitting by designation.

the land on which it is currently situated from the Sunny Isles Epiphany Lutheran Church in 1977. Because the building had previously housed a Christian church, the Temple made certain modifications to minimize Christian symbols on the property, including removing many of the stained-glass windows and attempting to conceal the cross-shaped design of the main sanctuary. The Temple then began operating as a Conservative Judaic house of worship, and by 1986 the congregation had grown to some 400 families.

Over the years that followed, however, the Temple's membership languished, and by the early 2000s only about 100 members remained in the congregation. According to the Temple's complaint, the present saga began in 2004, when the Temple sought out Rabbi Aaron Lankry for assistance in increasing the membership of the congregation and in raising funds for the Temple's operations. Soon thereafter Rabbi Lankry began to align the Temple's [**3] religious beliefs with the Orthodox form of Judaism. Orthodox Judaism is a formulation of the religion that adheres to a rather strict interpretation and application of Talmudic law. In Orthodox synagogues, for example, men and women must be seated in separate sections, and the alignment of the synagogue must be such that the congregation faces east—toward Jerusalem—during prayers. Prior to the switch, the Temple had practiced Conservative Judaism, a modern approach to the religion that seeks to conserve traditional elements of the faith but nonetheless permits for some degree of modernization and rabbinical development. According to the Temple, the move from Conservative Judaism to Orthodox Judaism—a more stringent brand of the faith—angered some congregants, including Norman Edelcup, the current mayor of Sunny Isles Beach.

Earlier in 2004, Mayor Edelcup, while still a member of the Temple's congregation, conceived the idea of the City hosting a reunion for Sunny Isles Beach's approximately 300 Holocaust survivors. The event, which was held in the Temple's social hall on March 28, 2004, was attended by roughly 200 of the survivors.

Later that same year, after the Temple became Orthodox [**4] and Mayor Edelcup left the congregation, the Temple resolved to bring certain elements of its physical plant into alignment with its Orthodox religious precepts. Specifically, the Temple sought to rectify four issues that did not conform with its Orthodox beliefs: (1) the seating area of the sanctuary was facing west; (2) the floor plan was in the shape of a crucifix (from the building's time as a Lutheran church); (3) the seating area for the main sanctuary lacked separate sections for men and women; and (4) the building was shaped like a triangle to symbolize the Holy Trinity of the Christian faith. Because reconfiguring the building to address those issues would be difficult, the Temple decided to demolish the building and to reconstruct it in accordance with Orthodox religious precepts. To that end, in 2006 the Temple hired an architect to develop plans for a larger, Orthodox house of worship.

The City was not supportive of the Temple's expansion plans, and in the period that followed Rabbi Lankry met with Mayor Edelcup on several occasions to work out the differences. The meetings went badly. At one point, Mayor Edelcup allegedly referred to the Sephardic Jewish [*1352] community as a "bunch [**5] of pigs."[1] When Rabbi Lankry inquired as to whether he could quote the mayor as to his pejorative comment, Mayor Edelcup responded, "I don't care what the [expletive] you do." The animosity between the parties now proceeded at full bore: when the Temple rebuffed the City's attempt to purchase the property on which the Temple was situated (the Temple is apparently located adjacent to city hall), Mayor Edelcup directed the City's code enforcement officers to inspect the Temple, and between September 2007 and February 2009, the Temple received 12 separate code violation notices from City officials.

In March 2008, the City's Historic Preservation Board (Preservation Board) met to consider certain properties for possible designation as historic sites. At that time, no site had ever been designated historic, despite the City's storied and socially significant past. Sunny Isles Beach was originally developed as a tourist resort in the 1920s, and expanded slowly until the 1940s, when it enjoyed rapid growth in tourism. [**6] The City's first four-story hotel, the Golden Strand, was built in 1946. Then, in 1949, the nation's first two-story "motor hotel," or motel, known as the Ocean Palm, was built in Sunny Isles Beach. A stretch of land known as "Motel Row" soon sprung up in the City, and before long there were countless motels in the bustling vacation community. Celebrities visited Sunny Isles Beach, too. The Golden Strand, which still exists today, hosted visitors including Grace Kelly, Burt Lancaster, Mike Todd, and Gary Cooper, as well as members of the Dupont, Vanderbilt,

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[1] According to the complaint, Rabbi Lankry is a Sephardic Jew, and Mayor Edelcup has a "personal vendetta against Rabbi Lankry and the Temple's Orthodox Jewish Sephardic membership."

and Guggenheim families. To this day, a plaque in the Sunny Isles Beach Government Center notes that the last Florida residence of the legendary slugger Babe Ruth was at the Golden Strand Hotel, and certain illustrious musical acts such as The Beatles, Ike and Tina Turner, Ray Charles, and Frankie Vallie and the Four Seasons basked in the sun along Motel Row during this period.

The Preservation Board considered five properties for potential historic designation at its March 2008 meeting: (1) the Ocean Palm Motel (built in 1949), (2) the Golden Strand Hotel (built in 1946), (3) the Sahara Motel (built in 1953), (4) St. Mary Magdalen [**7] Catholic Church (built in 1961), and (5) the Temple (built in 1964). After hearing comments from interested parties, the Preservation Board declined to designate any of the sites as historic. The Preservation Board again considered the Temple for possible designation in 2008, but again decided against taking any action.

In 2009, another Orthodox Jewish congregation in Miami Beach, Beit Rambam, inquired with the Temple whether it might use some of the Temple's space for religious services. The Temple agreed, and entered into a lease agreement that permits Beit Rambam to use the main sanctuary, with the two congregations jointly sharing the other areas of the property. Because the combined congregations enjoyed larger membership and their arrangement increased the overall usage of the property, the Temple revisited its 2006 plans to demolish the building and construct a larger one in its stead. The Temple therefore applied for two building permits so that it could begin its planned construction. Both were denied.

The Temple alleges that in response to its renewed interest in expansion, the City [*1353] redoubled its efforts to designate the Temple a historic site. The City retained Ellen Uguccioni, [**8] a historic preservation officer with the City of Miami, to serve as a consultant for purposes of investigating whether the Temple met the criteria for historic designation enumerated in Section 171-5 of the City's Code of Ordinances and, if so, to prepare a formal report in favor of designation.[2] Uguccioni's hiring was the first time the City had ever retained a professional consultant to evaluate the historical significance of a landmark candidate.

In January 2010, Uguccioni submitted a Historic Landmark Designation Report to the Preservation Board recommending that the Temple be designated a landmark. According to Uguccioni's report, the 2004 gathering of 200 Holocaust survivors at the Temple qualified the Temple as a historic site because it rendered the Temple "the site of an historic event with significant effect upon the community, City, state, or nation." Sunny Isles Beach, Fla., Code of Ordinances § 171-5(B). The Preservation Board met in March 2010, approved Uguccioni's report, and set a June hearing to consider the Temple's designation as a historic site. The Temple applied for yet another demolition permit in April 2010, which the City again refused. Further, the City Commission enacted a resolution in May that declared a temporary moratorium on the acceptance and processing of all applications for demolition of non-residential structures pending the City's study of potential additions to the City's register of historic sites. At that time, the City had [**10] yet to designate any site as historic, and according to the complaint the Temple was the only site then under consideration for such designation.

On June 22, 2010, the Preservation Board held a hearing to consider the designation of the Temple as a historic site. The Temple offered witnesses against the proposed designation, but based in part upon the gathering of Holocaust survivors, in addition to the Temple's purported "exemplifi[cation] [of] the historical, cultural, political, economic, or social trends of the community," *id.* § 171-5(C), the Preservation Board voted 4 to 1 to designate the main sanctuary, portico,

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[2] Section 171-5, titled "Standards for designation of archaeological and historic landmarks," provides:

> Properties may be designated as archaeological sites only if they have significance in the archaeological heritage of the area, state, or nation; and meet one or more of the following criteria:
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> A. Are associated in a significant way with the life of a person important in the past; or
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> B. Are the site of an historic event with significant effect upon the community, City, state, or nation; or
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> C. Exemplify the historical, cultural, political, economic, or social trends of the community; or
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> D. Have yielded, or are likely to yield, information important in prehistory or history; or
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> E. Contain any subsurface remains of historical or archaeological importance [**9] or any unusual ground formations of archaeological significance; or
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> F. Are designated in the City of Sunny Isles Beach Comprehensive Plan/or Florida Master Site File.

and memorial tower of the Temple a historic site and passed Resolution No. 2010-13 to that effect.[3] Resolution No. 2010-13, which took immediate effect, requires that the Temple "preserve the [landmarked] portions of the Temple B'Nai Zion from modification in its **[*1354]** exterior appearance, including alteration and/or demolition," and declares that "no building permits shall be issued to alter and/or demolish the aforementioned portions of Temple B'Nai Zion."

The Sunny Isles Beach Code of Ordinances provides that "[a]ny aggrieved party may appeal any decision of the [Preservation] Board to the City Commission" within 14 days of the designation of a given property as a historic site. *Id.* § 171-4(D)(1). "The decision of the City Commission [on appeal] shall constitute final administrative review, and no petition for rehearing or reconsideration shall be considered by the City." *Id.* § 171-4(D)(2). In conformance with that procedure, the Temple timely appealed the designation. At a public hearing held before the full City Commission on September 2, 2010, the same witnesses who had appeared before the Preservation Board appeared again and provided essentially the same testimony. Because the hearing was public, citizens were permitted to take the lectern and offer comments during the proceeding; many took the opportunity to complain about the operation of the Temple, accusing Rabbi Lankry and the Temple of removing memorial plaques from the walls, failing to light candles **[**12]** for deceased congregants, denying access to former congregants, and absconding with the Temple's Torahs. The City Commissioners—three out of five of whom were members of the Temple congregation before it became Orthodox—also offered public comments before voting on the designation. Commissioner Gerry Goodman, who had previously sat on the Temple's board of directors, for example, questioned Rabbi Lankry at length about why the Temple seemed to be closed to the public on certain days. Commissioner Goodman had purchased a memorial plaque for a loved one at the Temple some years earlier but had been unable to view the plaque when he attempted to do so. Goodman then began to ask Rabbi Lankry whether the Temple was being leased out, but Mayor Edelcup interjected, admonishing Goodman to "[f]ocus on the issues." Before closing his remarks, Goodman asked Rabbi Lankry whether Lankry had called him an anti-Semite in the local newspaper.

Following Commissioner Goodman's statement, Commissioner George "Bud" Scholl made the following statement for the record:

> Okay. All I can say is wow. There is going to be some irony in my comments, because first of all, I'm the only non-Jew on the Commission. I **[**13]** live in the only historic house in Sunny Isles Beach, and I was the chairman of the Historic [Preservation] Board for a number of years, as was my wife, before I became Commissioner . . . I think a lot of us are missing the point. The fact is from my perspective the point is [sic] property rights. . . . [W]hether we like the rabbi or don't like the rabbi, whether we like the owner of the property or don't like the owner of the property, it's really not the issue. Okay? The issue is if we are going to burden somebody's property rights . . . In this case I really believe that if we are going to burden somebody's property rights, and this Commission is going to make a ruling here, and it's going to set a precedent, and you have heard me say sometimes we are judge and jury up here, and I think we need to be very careful when we are doing that and really look at the core issue.
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> You know, emotions ran high here tonight. I think it's very interesting and very impressive, but it's not the core issue in my mind. The core issue is are we going to burden somebody's property rights and take something away from **[*1355]** them over some arguments that I think are a little flimsy personally.
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> I don't really **[**14]** buy into the veracity of these arguments. . . . We have to discount our perspective toward the actual property and look at the fact that we are going to take away somebody's property rights, whether it's a temple, a single-family home, a rich condominium developer. I don't care. Those things need to be protected, and I think we have to hold them, you know, at a very, very high standard if we are going to burden them.

Despite Commissioner Scholl's comments, the City Commission voted 4 to 1 a few minutes later to designate the Temple as a historic site and enacted Resolution No. 2010-1597, which affirmed the Preservation Board's June decision declaring the Temple to be the City's first historic landmark.

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[3] Uguccioni, the historical consultant, had found in her report that the sanctuary, portico, and tower had historical value, **[**11]** but that the social hall (where the Holocaust gathering actually took place) and connector building lacked sufficient historical value to be protected as part of the historic site.

Commissioner Scholl was the lone dissenting vote. The Resolution provides, in pertinent part:

> In affirming the decision of the Board to designate the Temple as a historic site, the City Commission invites the Temple to submit plans for expansion that are consistent with the City Code and consistent with the designation of the Temple as a historic site. The City Commission expresses its belief that if the structural integrity of the items designated as historic are kept intact, the City [**15] Commission will not object to expansion plans that maintain the structural integrity of the historic items.

Following its official designation as historic, the Temple did not seek review of the merits of the City's decision via the Florida state-court procedure of common law certiorari. Instead, the Temple filed this lawsuit against the City and Norman Edelcup, alleging that the City's designation of its property as a historic landmark violated the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §§ 2000cc to 2000cc-5; the Florida Religious Freedom Restoration Act of 1998 (FRFRA), Fla. Stat. §§ 761.01-.05; the Free Exercise Clause of the Florida Constitution; and the Equal Protection, Free Exercise, and Substantive Due Process Clauses of the United States Constitution by operation of 42 U.S.C. § 1983. In addition, the Temple sought a declaratory judgment that Code Section 171-5, the City Ordinance setting forth the standards for declaring historic landmarks in Sunny Isles Beach, is void for vagueness on its face.

The district court dismissed the Temple's complaint without prejudice after finding that the action was not yet ripe for review. In reaching that conclusion, [**16] the court relied upon the finality principles normally applied in takings cases, pursuant to which challenges to land use regulations "[are] not ripe until the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue." *Williamson Cnty. Reg'l Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 186, 105 S. Ct. 3108, 3116, 87 L. Ed. 2d 126 (1985). The district court reasoned that because the Temple's chief complaint was its inability to expand due to the historical designation, the Temple needed to submit building plans and request a waiver or variance from the City before its constitutional, RLUIPA, and FRFRA claims would become ripe for adjudication. Finally, the district court dismissed the Temple's facial challenge to Section 171-5 of the City Code based upon "prudential considerations of ripeness," which we take to mean that the district court dismissed the facial challenge so that it could be brought contemporaneously with the Temple's as-applied [*1356] claims when, and if, those claims ever became ripe. The Temple appealed.

II

Born from both Article III and prudential concerns, "[r]ipeness is [**17] a justiciability doctrine designed to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies." *Nat'l Park Hospitality Ass'n v. Dep't of Interior*, 538 U.S. 803, 807, 123 S. Ct. 2026, 2030, 155 L. Ed. 2d 1017 (2003) (quoting *Abbott Labs. v. Gardner*, 387 U.S. 136, 148, 87 S. Ct. 1507, 1515, 18 L. Ed. 2d 681 (1967), *abrogated on other grounds by Califano v. Sanders*, 430 U.S. 99, 97 S. Ct. 980, 51 L. Ed. 2d 192 (1977)). The doctrine serves the additional purpose of "shield[ing] agencies from judicial interaction 'until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.'" *Konikov v. Orange County*, 410 F.3d 1317, 1322 (11th Cir. 2005) (per curiam) (quoting *Abbott Labs.*, 387 U.S. at 148-49, 87 S. Ct. at 1515). Put another way, "[h]aste makes waste, and the premature adjudication of legal questions compels courts to resolve matters, even constitutional matters, that may with time be satisfactorily resolved at the local level, and that may turn out differently in different settings." *Miles Christi Religious Order v. Township of Northville*, 629 F.3d 533, 537 (6th Cir. 2010) (citations and internal [**18] quotation marks omitted).

The ripeness of a claim is a legal question that we review de novo. *Harris v. Mexican Specialty Foods, Inc.*, 564 F.3d 1301, 1308 (11th Cir. 2009). "In deciding whether a claim is ripe for adjudication or review, we look primarily at two considerations: 1) the fitness of the issues for judicial decision, and 2) the hardship to the parties of withholding court consideration." *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1224 (11th Cir. 2004). In addition, the unique demand for a concrete factual context in certain land use disputes has led "[m]any of our sister circuits" to apply *Williamson County*'s final decision requirement to certain RLUIPA claims challenging the application of land use regulations to a given property. *Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957, 977 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 423, 184 L. Ed.

2d 255 (2012); *see Miles Christi Religious Order*, 629 F.3d at 537-38; *Grace Cmty. Church v. Lenox Township*, 544 F.3d 609, 617-18 (6th Cir. 2008); *Murphy v. New Milford Zoning Comm'n*, 402 F.3d 342, 351 (2d Cir. 2005) (applying *Williamson County* after making a two-part preliminary inquiry); *see also Congregation Anshei Roosevelt v. Planning & Zoning Bd.*, 338 F. App'x 214, 219 (3d Cir. 2009) **[**19]** (affirming dismissal of RLUIPA claim as unripe based upon *Williamson County*). *Williamson County* provides that a landowner must "obtain[] a final decision regarding the application of the zoning ordinance . . . to its property" before his or her claim ripens into one justiciable in federal court. 473 U.S. at 186, 105 S. Ct. at 3116; *see Guatay*, 670 F.3d at 979 (explaining that a final decision can be obtained by filing "a variance application, a special use permit application, or . . . a single appeal of a denied permit"). In addition to RLUIPA claims, many courts have likewise applied *Williamson County*'s finality principles to related constitutional and statutory challenges to the application of local land use regulations, including substantive due process, equal protection, and First Amendment claims. *See, e.g.*, *Guatay*, 670 F.3d at 979; *Murphy*, 402 F.3d at 350 ("[W]e do not believe it necessary to distinguish the RLUIPA claim from the First Amendment Free Exercise claim when it comes to our ripeness inquiry.").

[*1357] Although we agree that "[t]he *Williamson County* ripeness test is a fact-sensitive inquiry that may, when circumstances warrant, be applicable to various types of land use challenges," **[**20]** *Murphy*, 402 F.3d at 350, we think it an inappropriate tool for the specific facts presented here. *See Roman Catholic Bishop of Springfield v. City of Springfield*, 724 F.3d 78, No. 11-1117, 2013 U.S. App. LEXIS 14781, 2013 WL 3782025, at *8 (1st Cir. July 22, 2013) ("While constitutional challenges to land use regulations may implicate *Williamson County's* ripeness doctrine in some cases, we find no such necessary implication here."); *Dougherty v. Town of N. Hempstead Bd. of Zoning Appeals*, 282 F.3d 83, 90 (2d Cir. 2002) (declining to apply *Williamson County* to First Amendment retaliation claim, in part because the plaintiff "suffered an injury at the moment the defendants revoked his permit, and [the plaintiff's] pursuit of a further administrative decision would do nothing to further define his injury"). In our view, where, as here, the plaintiff alleges that the mere act of designating his or her property historic was motivated by discriminatory animus, *Williamson County* is inappropriate because the injury is complete upon the municipality's initial act, and staying our hand would do nothing but perpetuate the plaintiff's alleged injury. In such cases, we think traditional notions of ripeness provide the appropriate **[**21]** mode of analysis, and so we apply them here.

III.

As explained earlier, under traditional principles of ripeness, "we inquire into 1) whether the issues are fit for judicial decision and 2) the hardship to the parties of withholding court consideration." *Konikov*, 410 F.3d at 1322. In the First Amendment context, our ripeness review is at its most charitable, and should any significant doubt prevail, we will resolve it in favor of justiciability. *See Harrell v. Fla. Bar*, 608 F.3d 1241, 1258 (11th Cir. 2010); *Beaulieu v. City of Alabaster*, 454 F.3d 1219, 1227 (11th Cir. 2006) ("Because this case involves an alleged violation of the First Amendment, our review of this suit's ripeness is at its most permissive."). Although the district court characterized the Temple's complaint as primarily concerning its inability to expand because of the historic designation, a close reading of the complaint reveals that the Temple's challenge is better characterized as alleging that the mere enactment of the resolution declaring it to be a historic landmark violates RLUIPA, FRFRA, and the Constitution.[4] In other words, the Temple alleges an injury stemming from the City's initial act of designating it **[**22]** to be a historic **[*1358]** site, not from the *application* of any land use regulation to its property.

It is readily apparent under traditional notions of ripeness that, on the issue of whether the City

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[4] The Temple brings claims implicating RLUIPA's three main provisions: (1) the substantial burden provision, (2) the equal terms provision, and (3) the nondiscrimination provision. *See* 42 U.S.C. § 2000cc. Under the substantial burden provision, "state action substantially burdening religious exercise must be justified as the least restrictive means of furthering a compelling governmental interest." *Midrash Sephardi*, 366 F.3d at 1225 (internal quotation marks omitted); *see* § 2000cc(a)(1) (setting forth RLUIPA's substantial burden provision). The equal terms provision, for its part, prohibits any government from "impos[ing] or implement[ing] a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." § 2000cc(b)(1). Finally, the nondiscrimination clause forbids the "impos[ition] or implement[ation] [of] a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination." *Id.* § 2000cc(b)(2). Because the language of FRFRA is largely identical to **[**23]** that of RLUIPA's substantial burden provision, the ripeness analysis under each statute is the same. *See* Fla. Stat. 761.03.

designated the Temple to be a historic site for discriminatory reasons, the record is sufficiently developed so as to render that issue fit for judicial resolution. The Temple challenges the mere fact that it has been designated historic—so framed, that issue became as ripe as it will ever be the moment the Temple was initially designated a landmark. No further factual development is necessary.

The First Circuit's recent decision in *Roman Catholic Bishop*, a case bearing facts similar to those of the present case, fortifies our view. In that case, the Roman Catholic Bishop of Springfield (Bishop) brought RLUIPA and constitutional claims against the City of Springfield (Springfield) challenging the "enforcement of a City ordinance that created a single-parcel historic district encompassing a church owned by [the Bishop]." 2013 U.S. App. LEXIS 14781, 2013 WL 3782025, at *1. The court first held that "those of [the Bishop's] claims which depend on the potential consequences of compliance with the **[**24]** ordinance are not ripe for adjudication, because [the Bishop] has not yet devised [his] plans for the church nor submitted any application to the [Springfield Historical Commission]." *Id.* However, insofar as the Bishop's complaint could be read to allege "that the mere existence of the Ordinance create[d] a ripe controversy, [the court] f[ound] that [the Bishop's] claims [we]re ripe." 2013 U.S. App. LEXIS 14781, [WL] at *9. The court reasoned that because the challenges to the mere enactment of the landmarking resolution "rest[ed] solely on the existence of the Ordinance, no further factual development [was] necessary, and the Ordinance's existence . . . confront[ed] [the Bishop] with a direct and immediate dilemma." *Id.* (internal quotation marks omitted).

We likewise conclude that the Temple's RLUIPA, FRFRA, and constitutional attacks on the mere fact of its designation as a historic landmark satisfy the fitness and hardship requirements of our traditional ripeness jurisprudence, and that the Temple's claims in this regard are therefore ripe for judicial review. *See id.; see also Elde v. Sarasota County*, 908 F.2d 716, 726 (11th Cir. 1990) ("[I]f a landowner's initial application for commercial zoning had been **[**25]** rejected . . . simply because the landowner was a redhead, the landowner's arbitrary and capricious due process claim challenging that action would be ripe."). The Temple alleges a present injury from the City's discriminatory designation of its property as historic, and to delay the resolution of these claims where no further factual development is possible would serve only to work further hardship upon the Temple. That we will not do. *See Roman Catholic Bishop*, 2013 U.S. App. LEXIS 14781, 2013 WL 3782025, at *9 (holding that the designation of a church as a historic landmark was ripe in part because the designation "presently imposes delay, uncertainty, and expense, which is sufficient to show present injury"); *see also Harrell*, 608 F.3d at 1258 (discerning no ripeness problems where plaintiff's void-for-vagueness challenge claimed an immediate injury); *Nat'l Adver. Co. v. City of Miami*, 402 F.3d 1335, 1339 (11th Cir. 2005) (per curiam) ("When a plaintiff is challenging a governmental act, the issues are ripe for judicial review if a plaintiff shows he has sustained, or is in immediate danger of sustaining, a direct injury as the result of that act." (alterations and internal quotation marks omitted)); *cf. **[**26]** Primera Iglesia Bautista Hispana of Boca Raton, Inc. v. Broward County*, 450 F.3d 1295, 1304 **[*1359]** (11th Cir. 2006) (citing *Midrash Sephardi* for the notion that a zoning restriction applied to a property "constitutes an injury in fact" for purposes of standing). Moreover, the record is sufficiently developed—thanks in part to two lengthy quasi-judicial hearings held before the Preservation Board and the City Commission—that the issues we today deem ripe are clearly primed and at the ready for judicial resolution. *See Konikov*, 410 F.3d at 1322 (articulating the general ripeness inquiry, and explaining that this inquiry "permits us to determine whether the claim is sufficiently mature, and the issues sufficiently defined and concrete, to permit effective decisionmaking by the court" (internal quotation marks omitted)). We therefore vacate the district court's opinion dismissing as unripe the Temple's challenges to the mere fact of its designation as a historic site.[5]

We hasten to note the limited nature of our decision in this case. We take no position whatever on the ultimate merits of the Temple's challenge to its designation as a historic site. We merely hold that in the limited manner outlined above, the Temple's complaint alleges a dispute sufficiently concrete to render the instant controversy ripe and justiciable without further delay. Whether the Temple can make a colorable showing that the City has violated the Constitution or the substantial burden and equal terms provisions of RLUIPA—and

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[5] The City urges us to affirm the district court on the alternative ground that the Temple lacks standing to bring these claims because the Temple apparently leases certain parts of the premises to the Beit Rambam congregation. We **[**27]** reject this argument. As the owner of a fee simple interest in the property, the Temple has allegedly suffered an injury—the designation of its property as a historic site—that imbues it with standing to bring the limited challenge we deem ripe here. *See Primera Iglesia*, 450 F.3d at 1304.

whether the Temple's claims are even cognizable under the statutory and constitutional provisions it invokes in its complaint—are questions we leave in the capable hands of the district court for resolution in the first instance.

IV.

The district court also dismissed the Temple's facial void-for-vagueness challenge to City Ordinance Section 171-5 because, after finding **[**28]** the Temple's as-applied challenges to the historical designation were unripe, the court concluded that prudential considerations counseled in favor of postponing judicial intervention on that sole remaining claim. Because we find that the Temple's as-applied challenges to its designation as a historic site are ripe for adjudication, the prudential concerns that animated the dismissal of this count are no longer present.[6] We therefore also vacate the district court's dismissal of the Temple's facial challenge to the City's historic site ordinance.

V.

We do not know who will ultimately prevail between the Temple and the City in this ongoing feud. That question—a merits one—is not ours to answer. We merely decide today that the claims enumerated in the Temple's complaint are ripe for judicial adjudication. And **[**29]** while we embrace some hope that the parties might bury their strife before the next stage of federal litigation comes to pass, **[*1360]** again on that score, only time will tell. At this juncture, it is enough to say that the order of the district court is vacated, and that the Temple's challenges to the enactment of the historic designation are ripe for review.

VACATED AND REMANDED.

End of Document

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[6] *Williamson County*'s finality principles do not apply to facial claims that a given regulation is constitutionally infirm. *See Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 287 (5th Cir. 2012) ("The Supreme Court has held *Williamson County* to be inapplicable to facial challenges." (citing *Yee v. City of Escondido*, 503 U.S. 519, 533-34, 112 S. Ct. 1522, 1532, 118 L. Ed. 2d 153 (1992))).

MEMORANDUM
CITY OF ST. PETERSBURG

To: Members of the City Council Public Safety and Infrastructure Committee

From: Julie Weston, Development Services Director

Date: Meeting of July 16, 2009

Subject: Issues raised by CONA, City Council, the Community Preservation Commission, and Cathedral Church of St. Peter (aka St. Peter's Episcopal Church) concerning the Historic Transfer of Development Rights (TDRs) and associated regulations

This report responds to recent concerns and issues which have arisen regarding the City's historic preservation regulations, particularly the Historic Transfer of Development Rights (TDR) program.

Historic TDR Program

The Land Development Regulations adopted in August 2007 included a new program, defining and regulating the creation and transfer of development rights from historic landmarks. The intention of the TDR program was to provide an economic benefit to owners of designated historic landmarks, which in some cases are developed at a significantly lower intensity than the current zoning of the property allows. The program offers an economic asset to the owner of the historic structure – development rights which can be sold at market rate and transferred off of the historic landmark site to alleviate development pressure. This tool was intended to balance the potential value of a landmark property under the new Land Development Regulations by basing the amount of available TDRs on the size of the existing structure, instead of on the development potential under the new zoning district.

An owner of a structure which has been designated a local historic landmark may apply to the City to establish development rights which would be available for sale or transfer. When the LDRs were adopted, the amount of development rights available to be established was 20 times (20x) the existing square footage of the landmark building. However, this was reduced in the first group of LDR amendments because of the very large amount of development rights which could be available and uncertainty about the demand for those rights. At this time, the ratio of development rights to the historic structure is 10 times (10x) the existing square footage of the landmark building (e.g. a 5,000 square foot structure would be able to receive 50,000 square feet of transferable development rights). Both the 10x and 20x were based on estimates of properties which might participate in the TDR program and capacity of the downtown zoning districts (DC-1, DC-2, DC-3 and CC) to receive bonus FAR. The total square footage of all designated landmark buildings when the ordinance was originally approved was

1,398,429; so the potential development rights which could be created is 13,984,290 square feet at 10x and 27,968,580 square feet at 20x. Also with the first amendment, city and government owned properties were determined ineligible to establish or transfer historic TDRs.

Since creation of the program, four properties have established historic TDRs which are now available for transfer. Those properties are: the YMCA at 116 5th Street South, the Snell Arcade at 401 Central Avenue, the Flori-de-Leon Apartments at 130 4th Avenue North, and the Sunset Hotel at 7401 Central Avenue. The total amount of development rights established to date is 2,501,400 square feet. Although one request to use TDRs was approved by the Development Review Commission for a proposed hotel in the 900 block of 5th Avenue South, the development has since been re-designed so as to not need the bonus development rights. Thus, the TDR sale did not occur. Therefore, to date, no TDRs have been purchased or transferred since the LDRs were adopted in 2007.

Several cases in recent months have created some concerns and a need for clarification on several issues regarding the Historic TDR program. The issues and items for the PSI Committee to consider are detailed below.

CONA's Land Development and Historic Resources Committee

Questions

Recent correspondence received by the City from CONA's Land Development & Historic Resources Committee entitled "Proposal to Strengthen Land Development Regulations as they relate to Historic Preservation" offered three recommendations:

1. A developer seeking bonus FAR should have an option to either make a cash payment to the City or purchase TDRs from a private individual who owns a historic structure.
2. The City should purchase TDRs with funds derived from the above referenced payments.
3. Development which impacts historic resources should be required to utilize the historic TDR bonus option if the developer uses FAR bonuses.

Discussion

The existing program leaves the transaction of TDRs entirely private between a developer and the owner(s) of historic landmarks with established TDRs available. Altering the existing TDR program as recommended by CONA to allow a developer an option to pay the City for bonus FAR related to historic TDRs could result in less opportunity for owners of historic landmarks to sell their development rights. It would also require the City to act as a bank and set a value for the development rights. The CONA committee recommended funds received by the City for this bonus be used to purchase TDRs from owners of historic structures, even though the potential amount of TDRs that could be created is high (nearly 14 million sq. ft.) and the demand to date has been low (none purchased thus far). If the existing TDR program is altered to allow payment to be made

to the City, policies to use the funds would need to be created and a formula to determine purchase price/value would need to be set.

Considerations

The PSI Committee should consider the following:

1. CONA recommends that a developer seeking bonus FAR should have the option to make a cash payment to the City or to purchase TDRs from a private individual who owns a historic landmark that has established TDRs.

- Allows developer to pay cash to City instead of transacting with owners of structures with established TDRs
- Requires City to establish price structure for TDRs
- Provides revenue source to City for historic preservation efforts

2. CONA recommends that the City should purchase TDRs with funds derived from the above referenced payments.

- Requires City to develop program to prioritize expenditures of funds received from historic TDRs
- Funding available to promote historic preservation goals

3. CONA recommends that development which impacts historic resources should be required to utilize the historic TDR bonus option.

- Requires developer to use one specific FAR bonus, removing option of the existing other three bonuses
- Under current regulations, developer would negotiate purchase of TDRs from owner of a landmark structure which has established TDRs.

<u>City Council's Concerns over an Appeal of a Development Review Commission case</u>

Questions

In addition to CONA's points, a number of related issues were raised in the discussion at the February 19th City Council meeting in which an appeal of a DRC approval for a development which impacted historic resources was reviewed. Those issues were:

4. Should there be a maximum distance for relocation of a historic structure?
5. Should impact to a historic structure have a requirement to purchase TDRs even when no bonus FAR is required?
6. How should the impact to surrounding historic structures be addressed when the historic landmark is preserved, but not on its original site?
7. Should there be a different threshold for maintenance of historic landmarks than for other structures?

Discussion

At the February 19th City Council meeting, an appeal was heard and denied related to a site plan approval for the development of a downtown site on which historic landmarks are located. The developer obtained the required Certificate of Appropriateness from the

Community Preservation Commission for the relocation of the two designated historic structures on site. Discussion during the appeal hearing included questions about the impact to historic resources, including those being relocated and the surrounding historic district, and the suggestion that mitigation of the removal of those resources is appropriate.

At this time, the City's Community Preservation Commission is authorized to review and approve applications for a Certificate of Appropriateness to alter, relocate or demolish structures which are locally designated landmarks. The applicable City Code section neither limits the distance that structures can be relocated away from their original site, nor requires any mitigation when a structure is being relocated. A review of the regulations of other local governments did not identify any regulation with a specific maximum distance; Jacksonville, Tarpon Springs and Sarasota County strongly encourage relocation within the historic district.

The City Code is silent on the issue of mitigation of the loss of a historic resource through relocation. The National Historic Preservation Act addresses mitigation if federal funds are used and resources are adversely impacted. Among local government historic preservation regulations, Sarasota County addresses mitigation, requiring resource mitigation to be approved by staff if there is an adverse impact upon resources. Examples of mitigation include data recovery at the site or documentation of the architectural fabric and pertinent historical research. Similar actions, such as the documentation of the existing structure and of the site/area, are standard conditions of approval for a Certificate of Appropriateness in which a landmark structure will be impacted.

Also during the appeal discussion at the February 19th City Council meeting, the suggestion was made that a higher standard of maintenance should be applied to local landmark structures in order to prevent the need to demolish a historic structure due to neglect of required maintenance. Chapter 8 of the St Petersburg City Code contains property maintenance standards for all structures in the City. They include maintenance of the roof, walls, window and door openings, stairs and railings, walkways and driveways. The Codes Compliance Department enforces these regulations, making inspections and issuing violation notices to property owners. A review of other local government regulations provides examples from the cities of Sarasota, Kissimmee and Orlando which specifically identify maintenance of historic structures which are very similar to existing St Petersburg City Code. One of the intentions of the TDR program was to offer owners of landmark structures a financial asset which could be used to fund the needed repairs of a historic structure.

Considerations

The PSI Committee should consider the following:

4. The appeal included discussion about whether there should be a maximum distance for relocation of a historic landmark?
   - Directing a maximum distance a landmark structure can be moved improves compatibility of the structure in new location

- A maximum distance reduces options available to developer, potentially removing from consideration property owners interested in rehabilitation of a historic structure
- Issue not addressed by St. Petersburg or other local government historic preservation regulations

5. The appeal included discussion about whether a project with an impact to the historic landmark should have a requirement to purchase TDRs even when no bonus FAR is required?

- If approved this requirement would direct developers to purchase existing TDRs from owners of landmark structures which have established TDRs
- Neither St. Petersburg nor other local government regulations offer a precedent or benchmark for amount of TDRs to be purchased
- Places additional financial burden on developer without consideration of financial commitment to relocate or mitigate landmark structures

6. The appeal included discussion about how the impact to surrounding structures should be addressed when the historic landmark is preserved, but not on its original site?

- Typical conditions of approval include survey of landmark structure, memorialization of the importance of the structure and/or site, reuse of architectural features and linking issuance of permit to remove historic landmarks to construction permit for new development
- Additional conditions of approval add cost to redevelop sites with landmarks
- Issue not addressed by St. Petersburg LDRs; no quantitative regulation available as precedent

7. The appeal included discussion about whether there should be a different threshold for maintenance of historic landmarks than for other structures?

- Existing City Code requires maintenance of all structures
- Historic landmarks may have increased maintenance needs and related costs due to unusual materials and specialized skills required to make appropriate repairs
- Applying a different maintenance standard for historic landmarks requires expert resources to make inspections and provide direction on appropriate repairs. The City has limited expert resources; additional staff would be required to support historic properties. Direction from staff to owners of historic properties could increase compliance with the Certificate of Appropriateness process for landmarks.

Community Preservation Commission and the Cathedral of St. Peter

Question

Finally, the Community Preservation Commission raised concerns in a recent deliberation over issuance of TDRs to a property where part of the building is to be demolished. In an issue associated with the same case, the City has received a request from the Cathedral Church of St. Peter to amend the Land Development Regulations to double the amount of TDRs to be established for landmarks surrounded by other designated local landmark structures, such as the former First Baptist Church sanctuary.

8. Should a structure receive TDRs when they do not preserve all of the structure?
9. Should a different amount of TDRs be assigned to some landmark structures based on the requesting property being surrounded by two or more designated historic properties on different lots of record?

Discussion

The City Code is silent on the issue of establishing TDRs for designated landmarks in which an alteration is proposed to remove a portion of the structure. This is the situation of the First Baptist Church sanctuary. A Certificate of Appropriateness was approved by the Community Preservation Commission for the owner to alter the structure by removing more than half of the structure, leaving the front façade. The property owner applied for TDRs for the remaining portion of the structure. After substantive discussion, the TDR application was approved by the CPC, with a request that this policy question be referred to the City Council.

Considerations

The PSI Committee should consider the following:

8. The Community Preservation Commission poses the question of whether a landmark owner should receive TDRs when they do not preserve all of the structure?

- TDRs are financial incentives to retain historic structures
- Developer may depend on TDR sale for restoration of structure or towards site redevelopment

9. An inquiry from the Cathedral Church of St. Peter asks for the amount of TDRs available to a landmark increase for landmarks where the surrounding whole block face or more are also landmarks?

- Current amount of TDRs available is 10x existing structure square footage, was reduced from original 20x
- Landmark structures could be considered more important to retain in concentration with other landmark structures
- At least one property owner identifies the need for additional value from the sale of TDRs and is seeking higher amount of TDRs

MEMORANDUM
CITY OF ST. PETERSBURG

To: Members of the City Council Public Safety & Infrastructure Committee

From: Julie Weston, Development Services Director

Date: Meeting of July 16, 2009

Subject: Issues raised by CONA, the Community Preservation Commission, and Cathedral Church of St. Peter (aka St. Peter's Episcopal Church) concerning Historic Transfer of Development Rights (TDRs)

This report responds to recent recommendations and requests received by the City regarding the historic preservation regulations, particularly the Historic Transfer of Development Rights (TDR) program. During the LDR adoption process in the fall of 2007, Council directed that after two years, a review be conducted of all FAR bonus provisions in the new LDRs. Administration has begun to prepare this review. The following discussion regarding the FAR bonus for historic TDRs is offered in advance of the findings and recommendations of that review.

Historic TDR Program

The Land Development Regulations adopted in August 2007 included a new program, defining and regulating the creation and transfer of development rights from historic landmarks. The intention of the TDR program was to provide an economic benefit to owners of designated historic landmarks, which in some cases are developed at a significantly lower intensity than the current zoning of the property allows. The program offers an economic asset to the owner of the historic structure – development rights which can be sold at market rate and transferred off of the historic landmark site to alleviate development pressure. The development rights can be used by the owner or a buyer towards bonus FAR for a development project in the downtown zoning districts. This tool was intended to balance the potential value of a landmark property under the new Land Development Regulations by basing the amount of available TDRs on the size of the existing structure, instead of on the development potential under the new zoning district. A similar tool has been available in the past for protection of environmental preservation areas, and many of the principles of that program were applied in the drafting of regulations to create and employ historic TDRs.

An owner of a structure which has been designated a local historic landmark may apply to the City to establish development rights which can be sold or transfered. When the LDRs were adopted, the amount of development rights available to be established was 20 times (20x) the existing square footage of the landmark building. However, this was reduced in the first group of LDR amendments because of the very large amount of

development rights which could be available and uncertainty about the demand for those rights. The amount of TDRs to be created was reduced from 20x to 10x and at this time, the ratio of development rights to the historic structure is 10 times (10x) the existing square footage of the landmark building (e.g. a 5,000 square foot structure would be able to receive 50,000 square feet of transferable development rights). Both the 10x and 20x were based on estimates of properties which might participate in the TDR program and capacity of the downtown zoning districts (DC-1, DC-2, DC-3 and CCS) to receive bonus FAR. The total square footage of bonus which could be used in the DC and CCS districts is approximately 92 million square feet. The total square footage of all designated landmark buildings when the ordinance was originally approved was 1,398,429; so the potential development rights which could be created is 13,984,290 square feet at 10x and 27,968,580 square feet at 20x. Also with the first amendment, city and government owned properties were determined ineligible to establish or transfer historic TDRs.

Since creation of the program, four properties have established historic TDRs which are now available for transfer. Those properties are: the YMCA at 116 5th Street South, the Snell Arcade at 401 Central Avenue, the Flori-de-Leon Apartments at 130 4th Avenue North, and the Sunset Hotel at 7401 Central Avenue. The total amount of development rights established to date is 2,501,400 square feet. Although one request to use TDRs was approved by the Development Review Commission for a proposed hotel in the 900 block of 5th Avenue South, the development has since been re-designed so as to not need the bonus development rights. Thus, the TDR sale did not occur. Therefore, to date, no TDRs have been purchased or transferred since the LDRs were adopted in 2007.

Several cases in recent months have identified need for clarification on several issues regarding the Historic TDR program. The issues and items for the PSI Committee to consider are detailed below.

Input from CONA's Land Development and Historic Resources Committee

Questions

Recent correspondence received by the City from CONA's Land Development & Historic Resources Committee entitled "Proposal to Strengthen Land Development Regulations as they relate to Historic Preservation" offers three recommendations:

1. A developer seeking bonus FAR should have an option to either make a cash payment to the City or purchase TDRs from a private individual who owns a historic structure.
2. The City should purchase TDRs with funds derived from the above referenced payments.
3. Development which impacts historic resources should be required to utilize the historic TDR bonus option if the developer uses FAR bonuses.

Discussion
The existing program leaves the transaction of TDRs entirely private between a developer and the owner(s) of historic landmarks with established TDRs available. Altering the existing TDR program as recommended by CONA to allow a developer an option to pay the City for bonus FAR related to historic TDRs could result in less opportunity for owners of historic landmarks to sell their development rights by allowing a developer to make a payment to the City instead. Alternately, it could increase the chance the historic bonus FAR would be used by giving the developer an arguably easier opportunity to make a payment to the City instead of identifying and negotiating with private property owners. The effect of this proposed change on development and use of historic TDRs cannot be gauged at this time due to lack of development proposals considering the FAR bonus.

If the City received funds from a developer towards the historic TDR program, the City would need to set a value for the development rights, establish an account to track the funds and determine how the funds should be expended. To date no market value for historic TDRs has been established. The CONA committee recommended funds received by the City for this bonus be used to purchase TDRs from owners of historic structures. To administer funds received for the historic FAR bonus, to purchase TDRs from private property owners or to fulfill other Council directed historic preservation goals, policies and priorities will need to be established at some future time if funds are received employing the historic FAR bonus.

The third recommendation is a development project which both seeks FAR bonus and which impacts historic resources should be required to utilize the historic TDR bonus option. This issue arose and was discussed at length in a recent site plan appeal heard by City Council. At this time the FAR bonuses in the downtown districts offer only one priority among the four bonuses: for projects requiring public hearing, the first .5 FAR bonus is dedicated to affordable housing. The recommendation to require a developer using FAR bonus and affecting historic structures to use the historic bonus is reasonable. A complete review of the FAR bonus opportunities by City Council may identify similar amendments to express other priorities among the bonuses for public art, workforce housing, downtown mass transit historic preservation.

<u>Input from Community Preservation Commission</u>

Question
The Community Preservation Commission raised concerns in a recent deliberation over issuance of TDRs to a property where part of the building is to be demolished. The Land Development Regulations are silent on the issue of whether TDRs should be issued if the entirety of a landmark structure is not preserved. This is the situation of the First Baptist Church sanctuary. A Certificate of Appropriateness was approved by the Community Preservation Commission for the owner to alter the structure by removing more than half

of the structure, leaving the front façade. The property owner applied for TDRs for the remaining portion of the structure. After substantive discussion, the TDR application was approved by the CPC, with a request that this policy question be referred to the City Council.

Discussion
This issue is unaddressed because it was never contemplated during development of the Land Development Regulations. The partial demolition of historic structures has occurred in some cities but this is the first such request in St Petersburg. From a strict historic preservation perspective, it could be asserted that a landmark structure's historic value is diminished by partial demolition and therefore TDRs, which were intended to encourage preservation of landmark structures by providing a financial incentive, should not be available. Alternately, an owner of a historic structure could argue that they should be granted TDRs for the portion of the building that remains since the portion would continue to be a landmark and significant expense would have gone into preserving a portion of the structure. As is the current case, the property owner identified the historic TDRs available from the remaining structure as a financial asset intended to be used towards restoration and preservation of the remaining structure. The City's current experience suggests that partial demolition is an expensive and unusual alternative. As such, allowing the TDRs to be available for a partial demolition is unlikely to significantly impact historic resources.

Input from the Cathedral of St. Peter

Question
The City has received a request from the Cathedral Church of St. Peter to amend the Land Development Regulations to double the amount of TDRs to be established for landmarks surrounded by other designated local landmark structures, such as the former First Baptist Church sanctuary. The existing TDR program has one multiplier for all landmark structures and does not distinguish among landmarks in different situations such as those in a concentration of other landmarks or those with a higher priority for preservation. Should a different amount of TDRs be assigned to some landmark structures based on the requesting property being surrounded by designated historic properties or based on priorities for preservation?

Discussion
An inquiry from the Cathedral Church of St. Peter asks for the amount of TDRs available to a landmark increase for certain historic landmarks, such as where the surrounding whole block face or more are also landmarks. A code amendment based on this request could incentivize designation of historic structures as landmarks by offering additional TDR opportunity. As noted earlier in this report, the current amount of TDRs available is 10x existing structure square footage; this amount was reduced from original 20x. To date approximately 2.5 million square feet of historic TDRs have been approved by the

CPC; the current historic landmarks are eligible for approximately 14 million square feet of TDRs and the maximum FAR bonus for the downtown districts could accept approximately 92 million square feet. Although the City has limited experience at this time with implementing the FAR bonus program and the historic TDR program, offering additional TDR opportunity in certain situations may promote preservation of landmark structures and encourage application for landmark status. Criteria for additional TDR creation could include the age of the structure, most endangered architectural styles and concentration of adjacent historic resources.

Public Input

Administration has sought input from property owners who would be affected by the proposed changes. Of the three responses received, none were in opposition to the proposed changes to the TDR program, and all commented on the connection between making the TDRs available and potential market to sell the TDRs. As noted earlier, a review of all FAR bonus provisions including the historic TDR program will be provided by Administration to City Council this fall.

Recommendations

Due to the lack of experience with the historic TDR program over the past two years since its adoption, it is difficult to reach a considered recommendation on amendments to the program. All of the recommendations discussed in this report have merit and may promote the intentions of the TDR program. If adopted their effect is not likely to be evident for some time, based on market conditions and when in the future significant downtown development proposals are again considered. Should the PSI Committee wish to pursue the proposed amendments, Administration will draft an ordinance. In addition to the required review of LDR amendments by the Development Review Commission, because the Community Preservation Commission handles all historic TDR applications, Administration suggests scheduling a public hearing with the CPC to solicit public input on the ordinance. With the recommendations of these commissions, the ordinance will be brought to City Council for review and public hearing.

MEMORANDUM
CITY OF ST. PETERSBURG

To: Members of the City Council Public Safety and Infrastructure Committee

From: Julie Weston, Development Services Director

Date: Meeting of July 16, 2009

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Historic TDR Program

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Considerations

The FSI Committee should consider the following:

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- Requires City to establish price structure for TDRs
- Provides revenue source to City for historic preservation efforts

2. CONA recommends that the City should purchase TDRs with funds derived from the above referenced payments.

- Requires City to develop program to prioritize expenditures of funds received from historic TDRs
- Funding available to promote historic preservation goals

3. CONA recommends that development which impacts historic resources should be required to utilize the historic TDR bonus option.

- Requires developer to use one specific FAR bonus, removing option of the existing other three bonuses
- Under current regulations, developer would negotiate purchase of TDRs from owner of a landmark structure which has established TDRs.

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Questions

In addition to CONA's points, a related issue was raised in the discussion at the February 19th City Council meeting in which an appeal of a DRC approval for a development which impacted historic resources was reviewed. The issue was:

4. Should impact to a historic structure have a requirement to purchase TDRs even when no bonus FAR is required?

Discussion

At the February 19th City Council meeting, an appeal was heard and denied related to a site plan approval for the development of a downtown site on which historic landmarks are located. The developer obtained the required Certificate of Appropriateness from the Community Preservation Commission for the relocation of the two designated historic structures on site. Discussion during the appeal hearing included questions about the impact to historic resources, including those being relocated and the surrounding historic district, and the suggestion that mitigation of the removal of those resources is appropriate. One avenue of mitigation discussed would be to require the developer who

is planning to impact a historic structure to purchase Historic TDRs, even if no bonus FAR is required for the project.

The City Code is silent on the issue of mitigation of the loss of a historic resource through relocation. The National Historic Preservation Act addresses mitigation if federal funds are used and resources are adversely impacted. Among local government historic preservation regulations, Sarasota County addresses mitigation, requiring resource mitigation to be approved by staff if there is an adverse impact upon resources. Typical examples of mitigation include data recovery at the site or documentation of the architectural fabric and pertinent historical research. Similar actions, such as the documentation of the existing structure and of the site/area, are standard conditions of approval for a Certificate of Appropriateness in which a landmark structure will be impacted.

Considerations

The PSI Committee should consider the following:

4. The appeal included discussion about whether a project with an impact to the historic landmark should have a requirement to purchase TDRs even when no bonus FAR is required?

- If approved, this requirement would direct developers to purchase existing TDRs from owners of landmark structures which have established TDRs
- Neither St. Petersburg nor other local government regulations offer a precedent or benchmark for amount of TDRs to be purchased
- Places additional financial burden on developer without consideration of financial commitment to relocate or mitigate landmark structures

<u>Community Preservation Commission and the Cathedral of St. Peter</u>

Question

Finally, the Community Preservation Commission raised concerns in a recent deliberation over issuance of TDRs to a property where part of the building is to be demolished. In an issue associated with the same case, the City has received a request from the Cathedral Church of St. Peter to amend the Land Development Regulations to double the amount of TDRs to be established for landmarks surrounded by other designated local landmark structures, such as the former First Baptist Church sanctuary.

5. Should a structure receive TDRs when they do not preserve all of the structure?
6. Should a different amount of TDRs be assigned to some landmark structures based on the requesting property being surrounded by two or more designated historic properties on different lots of record?

Discussion

The City Code is silent on the issue of establishing TDRs for designated landmarks in which an alteration is proposed to remove a portion of the structure. This is the situation of the First Baptist Church sanctuary. A Certificate of Appropriateness was approved by the Community Preservation Commission for the owner to alter the structure by

removing more than half of the structure, leaving the front façade. The property owner applied for TDRs for the remaining portion of the structure. After substantive discussion, the TDR application was approved by the CPC, with a request that this policy question be referred to the City Council.

Considerations

The PSI Committee should consider the following:

5. The Community Preservation Commission poses the question of whether a landmark owner should receive TDRs when they do not preserve the entire structure?

- TDRs are financial incentives to retain historic structures
- Developer may depend on TDR sale for restoration of structure or towards site redevelopment

6. An inquiry from the Cathedral Church of St. Peter asks for the amount of TDRs available to a landmark increase for landmarks where the surrounding whole block face or more are also landmarks?

- Current amount of TDRs available is 10x existing structure square footage, was reduced from original 20x
- Landmark structures could be considered more important to retain in concentration with other landmark structures
- At least one property owner identifies the need for additional value from the sale of TDRs and is seeking higher amount of TDRs

Recommendations

Staff has concerns about the City taking a cash payment from developers in lieu of the purchase of TDRs from the owners of historic landmarks. This would eliminate the open market value and the incentive for the historic landmark owner as the City would be setting a price for the value of the TDRs. The ordinance already provides for a Historic Preservation Grant Program which will be funded at the point the TDR credits are sold or transferred. Staff supports CONA's proposal to require a developer to utilize the historic TDR bonus option if the project will impact historic resources and the developer uses FAR bonuses. Staff also supports the creation of additional TDR credits for landmarks in which the surrounding block face are also local landmarks in order to encourage the retention of significant concentrations of landmark structures.

Johnson v. Davis

Supreme Court of Florida

October 31, 1985

No. 65,330

Reporter
480 So. 2d 625 *; 1985 Fla. LEXIS 4023 **; 10 Fla. L. Weekly 583

CLARENCE H. JOHNSON and DANA JOHNSON, his wife, Petitioners, v. MORTON DAVIS and EDNA DAVIS, his wife, Respondents

Subsequent History: [**1] Rehearing Denied January 20, 1986

Prior History: Application for Review of the Decision of the District Court of Appeal - Direct Conflict of Decision - Third District - Case No. 83-1574.

Case Summary

Procedural Posture
Petitioners appealed judgment of the Third District Court of Appeal (Florida) ordering the return of respondents' total deposit and awarding respondents costs and fees in a real estate contract action alleging fraud and misrepresentation by petitioners.

Overview
Respondents entered into a contract to buy petitioners' home. The contract provided for two deposits, $ 5,000 and a subsequent $ 26,000. Before the second deposit was paid, respondents noticed peeling plaster and ceiling stains. Petitioners stated minor problems in the past had been corrected. Respondents paid the second deposit. Days later, rain was found gushing through the ceiling. Respondents filed a complaint alleging fraud and misrepresentation and sought recission of the contract and return of the entire deposit. Petitioners counterclaimed seeking the deposit as liquidated damages. The trial court awarded respondents $ 26,000 and petitioners $ 5,000. On appeal, the court awarded respondents the total deposit monies and costs and fees. The appellate court found petitioners made fraudulent misrepresentations of facts materially affecting the value of the property. On appeal here, the court approved the appellate court's determination that respondents were entitled to return of all deposits plus costs and fees.

Outcome
The court affirmed the order that respondents' total deposit payments be returned and costs and fees awarded because petitioners had made fraudulent misrepresentations of facts about a damaged roof which materially affected the value of the home.

Counsel: Mitchell W. Mandler and Patricia M. Silver of Smith and Mandler, Miami Beach, Florida, for Petitioners.

Stanley M. Newmark, Miami, Florida, Joe N. Unger of the Law Offices of Joe N. Unger, Miami, Florida, and Joseph G. Abramovitz, Boston, Massachusetts, for Respondents.

Judges: Adkins, Overton, McDonald and Shaw, JJ., concur. Ehrlich, J., Concurs in result only. Boyd, C.J., dissents with an opinion.

Opinion by: ADKINS

Opinion

[*626] We have before us a petition to review the decision in ***Johnson v. Davis***, 449 So.2d 344 (Fla. 3d DCA 1984), which expressly and directly conflicts with *Banks v. Salina*, 413 So.2d 851 (Fla. 4th DCA 1982), and *Ramel v. Chasebrook Construction Co.*, 135 So.2d 876 (Fla. 2d DCA 1961). We have jurisdiction, article V, section 3(b) (3), Florida Constitution, and approve the decision of the district court.

In May of 1982, the Davises entered into a contract to buy for $310,000 the Johnsons' home, which at the time was three years old. The contract required a $5,000 [**2] deposit payment, an additional $26,000 deposit payment within five days and a closing by June 21, 1982. The crucial provision of the contract, for the purposes of the case at bar, is Paragraph F which provided:

F. *Roof Inspection*: Prior to closing at Buyer's expense, Buyer shall have the right to obtain a written report from a licensed roofer stating that the roof is in a watertight condition. In the event repairs are required either to correct leaks or to replace damage to facia or soffit, seller shall pay for said repairs which shall be performed by a licensed roofing contractor.

The contract further provided for payment to the "prevailing party" of all costs and reasonable fees in any contract litigation.

Before the Davises made the additional $26,000 deposit payment, Mrs. Davis noticed some buckling and peeling plaster around the corner of a window frame in the family room and stains on the ceilings in the family room and kitchen of the home. Upon inquiring, Mrs. Davis was told by Mr. Johnson that the window had had a minor problem that had long since been corrected and that the stains were wallpaper glue and the result of ceiling beams being moved. There [**3] is disagreement among the parties as to whether Mr. Johnson also told Mrs. Davis at this time that there had never been any problems with the roof or ceilings. The Davises thereafter paid the remainder of their deposit and the Johnsons vacated the home. Several days later, following a heavy rain, Mrs. Davis entered the home and discovered water "gushing" in from around the window frame, the ceiling of the family room, the light fixtures, the glass doors, and the stove in the kitchen.

Two roofers hired by the Johnsons' broker concluded that for under $1,000 they could "fix" certain leaks in the roof and by doing so make the roof "watertight." Three roofers hired by the Davises found that the roof was inherently defective, that any repairs would be temporary because the roof was "slipping," and that only a new $15,000 roof could be "watertight."

The Davises filed a complaint alleging breach of contract, fraud and misrepresentation, and sought recission of the contract and return of their deposit. The Johnsons counterclaimed seeking the deposit as liquidated damages.

The trial court entered its final judgment on May 27, 1983. The court made no findings of fact, but awarded the Davises [**4] $26,000 plus interest and awarded the Johnsons [*627] $5,000 plus interest. Each party was to bear their own attorneys' fees.

The Johnsons appealed and the Davises cross-appealed from the final judgment. The Third District found for the Davises affirming the trial court's return of the majority of the deposit to the Davises ($26,000), and reversing the award of $5,000 to the Johnsons as well as the court's failure to award the Davises costs and fees. Accordingly, the court remanded with directions to return to the Davises the balance of their deposit and to award them costs and fees.

The trial court included no findings of fact in its order. However, the district court inferred from the record that the trial court refused to accept the Davises' characterization of the roof inspection provision of the contract. The district court noted that if there was a breach, the trial court would have ordered the return of the Davises' entire deposit because there is no way to distinguish the two deposit payments under a breach of contract theory. We agree with this interpretation and further find no error by the trial court in this respect.

The contract contemplated the possibility [**5] that the roof may not be watertight at the time of inspection and provided a remedy if it was not in such a condition. The roof inspection provision of the contract did not impose any obligation beyond the seller correcting the leaks and replacing damage to the facia or soffit. The record is devoid of any evidence that the seller refused to make needed repairs to the roof. In fact, the record reflects that the Davises' never even demanded that the areas of leakage be repaired either by way of repair or replacement. Yet the Davises insist that the Johnsons breached the contract justifying recission. We find this contention to be without merit.

We also agree with the district court's conclusions under a theory of fraud and find that the Johnsons' statements to the Davises regarding the condition of the roof constituted a fraudulent misrepresentation entitling respondents to the return of their $26,000 deposit payment. In the state of Florida, relief for a fraudulent misrepresentation may be granted only when the following elements are present: (1) a false statement concerning a material fact; (2) the representor's knowledge that the representation is false; (3) an intention that the [**6] representation induce another to act on it; and, (4) consequent injury by the party acting in reliance on the representation. *See Huffstetler v. Our Home Life Ins. Co.*, 67 Fla. 324, 65 So. 1 (1914).

The evidence adduced at trial shows that after the buyer and the seller signed the purchase and sales agreement and after receiving the $5,000 initial deposit payment the Johnsons affirmatively repeated to the Davises that there were no problems with the roof. The Johnsons subsequently received the additional $26,000 deposit

payment from the Davises. The record reflects that the statement made by the Johnsons was a false representation of material fact, made with knowledge of its falsity, upon which the Davises relied to their detriment as evidenced by the $20,000 paid to the Johnsons.

The doctrine of caveat emptor does not exempt a seller from responsibility for the statements and representations which he makes to induce the buyer to act, when under the circumstances these amount to fraud in the legal sense. To be grounds for relief, the false representations need not have been made at the time of the signing of the purchase and sales agreement in order for the element of reliance [**7] to be present. The fact that the false statements as to the quality of the roof were made after the signing of the purchase and sales agreement does not exclude the seller from liability when the misrepresentations were made prior to the execution of the contract by conveyance of the property. It would be contrary to all notions of fairness and justice for this Court to place its stamp of approval on an affirmative misrepresentation by a wrongdoer just because it was made after the signing of the executory contract when all of the [*628] necessary elements for actionable fraud are present. Furthermore, the Davises' reliance on the truth of the Johnsons' representation was justified and is supported by this Court's decision in *Besett v. Basnett*, 389 So.2d 995 (1980), where we held "that a recipient may rely on the truth of a representation, even though its falsity could have been ascertained had he made an investigation, unless he knows the representation to be false or its falsity is obvious to him." *Id.* at 998.

In determining whether a seller of a home has a duty to disclose latent material defects to a buyer, the established tort law distinction between misfeasance [**8] and nonfeasance, action and inaction must carefully be analyzed. The highly individualistic philosophy of the earlier common law consistently imposed liability upon the commission of affirmative acts of harm, but shrank from converting the courts into an institution for forcing men to help one another. This distinction is deeply rooted in our case law. Liability for nonfeasance has therefore been slow to receive recognition in the evolution of tort law.

In theory, the difference between misfeasance and nonfeasance, action and inaction is quite simple and obvious; however, in practice it is not always easy to draw the line and determine whether conduct is active or passive. That is, where failure to disclose a material fact is calculated to induce a false belief, the distinction between concealment and affirmative representations is tenuous. Both proceed from the same motives and are attended with the same consequences; both are violative of the principles of fair dealing and good faith; both are calculated to produce the same result; and, in fact, both essentially have the same effect.

Still there exists in much of our case law the old tort notion that there can be no liability [**9] for nonfeasance. The courts in some jurisdictions, including Florida, hold that where the parties are dealing at arm's length and the facts lie equally open to both parties, with equal opportunity of examination, mere nondisclosure does not constitute a fraudulent concealment. *See Ramel v. Chasebrook Construction Co.*, 135 So.2d 876 (Fla. 2d DCA 1961). The Fourth District affirmed that rule of law in *Banks v. Salina*, 413 So.2d 851 (Fla. 4th DCA 1982), and found that although the sellers had sold a home without disclosing the presence of a defective roof and swimming pool of which the sellers had knowledge, "in Florida, there is no duty to disclose when parties are dealing at arms length." *Id.* at 852.

These unappetizing cases are not in tune with the times and do not conform with current notions of justice, equity and fair dealing. One should not be able to stand behind the impervious shield of caveat emptor and take advantage of another's ignorance. Our courts have taken great strides since the days when the judicial emphasis was on rigid rules and ancient precedents. Modern concepts of justice and fair dealing have given our courts the opportunity and latitude to change [**10] legal precepts in order to conform to society's needs. Thus, the tendency of the more recent cases has been to restrict rather than extend the doctrine of caveat emptor. The law appears to be working toward the ultimate conclusion that full disclosure of all material facts must be made whenever elementary fair conduct demands it.

The harness placed on the doctrine of caveat emptor in a number of other jurisdictions has resulted in the seller of a home being liable for failing to disclose material defects of which he is aware. This philosophy was succinctly expressed in *Lingsch v. Savage*, 213 Cal. App. 2d 729, 29 Cal. Rptr. 201 (1963):

> It is now settled in California that where the seller knows of facts materially affecting the value or desirability of the property which are known or accessible only to him and also knows that such facts are not known to or within the reach of the diligent attention and observation of the buyer, the

seller is under a duty to disclose them to the buyer.

In *Posner v. Davis*, 76 Ill. App. 3d 638, 395 N.E. 2d 133, 32 Ill. Dec. 186 (1979), buyers [*629] brought an action alleging that the sellers of a home fraudulently concealed [**11] the defects in the home which included a leaking roof and basement flooding. Relying on *Lingsch*, the court concluded that the sellers knew of and failed to disclose latent material defects and thus were liable for fraudulent concealment. *Id.* at 137. Numerous other jurisdictions have followed this view in formulating law involving the sale of homes. *See Flakus v. Schug*, 213 Neb. 491, 329 N.W.2d 850 (1983) (basement flooding); *Thacker v. Tyree*, 297 S.E.2d 885 (W.Va. 1982) (cracked walls and foundation problems); *Maguire v. Masino*, 325 So.2d 844 (La.Ct.App. 1975) (termite infestation); *Weintraub v. Krobatsch*, 64 N.J. 445, 317 A.2d 68 (1974) (roach infestation); *Cohen v. Vivian*, 141 Colo. 443, 349 P.2d 366 (1960) (soil defect).

We are of the opinion, in view of the reasoning and results in *Lingsch*, *Posner* and the aforementioned cases decided in other jurisdictions, that the same philosophy regarding the sale of homes should also be the law in the state of Florida. Accordingly, we hold that where the seller of a home knows of facts materially affecting the value of the property which are not readily observable and are not known to the buyer, the seller [**12] is under a duty to disclose them to the buyer. This duty is equally applicable to all forms of real property, new and used.

In the case at bar, the evidence shows that the Johnsons knew of and failed to disclose that there had been problems with the roof of the house. Mr. Johnson admitted during his testimony that the Johnsons were aware of roof problems prior to entering into the contract of sale and receiving the $5,000 deposit payment. Thus, we agree with the district court and find that the Johnsons' fraudulent concealment also entitles the Davises to the return of the $5,000 deposit payment plus interest. We further find that the Davises should be awarded costs and fees.

The decision of the Third District Court of Appeals is hereby approved.

It is so ordered.

OVERTON, McDONALD and SHAW, JJ., Concur.

EHRLICH, J., Concurs in result only.

BOYD, C.J., Dissents with an opinion.

Dissent by: BOYD

Dissent

BOYD, C.J., dissenting.

I respectfully but strongly dissent to the Court's expansion of the duties of sellers of real property. This ruling will give rise to a flood of litigation and will facilitate unjust outcomes in many cases. If, as a matter of public policy, the well settled [**13] law of this state on this question should be changed, the change should come from the legislature. Moreover, I do not find sufficient evidence in the record to justify rescission or a finding of fraud even under present law. I would quash the decision of the district court of appeal.

My review of the record reveals that there is not adequate evidence from which the trier of fact could have found any of the following crucial facts: (a) that at the time Johnson told Mrs. Davis about the previous leaks that had been repaired, he knew that there was a defect in the roof; (b) that at that time or the time of the execution of the contract, there were in fact any defects in the roof; (c) that it was not possible to repair the roof to "watertight" condition before closing.

As the district court and this Court's majority have implied but have not stated, we are hampered by the lack of specific written findings by the trial court on issues of fact and the application of the law to the facts. Some of the issues on which specific findings would be helpful are: (a) what was the condition of the roof at the time of the discussion between Mr. Johnson and Mrs. Davis after the Davises had paid [**14] the partial deposit of $5,000 and before they paid the additional $26,000, and had it in fact leaked more recently than 1979? (b) what was the extent of Mr. Johnson's knowledge of the condition of the roof at [*630] the time of the signing of the contract and at the time of the conversation? (c) during that conversation, did Mr. Johnson say that there were no problems with the roof or that he had not experienced any problems with it since the time of the previous repairs? (d) was it possible, and at what cost, to repair the roof to watertight condition and had the sellers complied with their contractual obligation by offering to do so? On these crucial questions, there is insufficient evidence to justify a finding of fraudulent misrepresentation or nondisclosure of material facts.

It should be noted that very soon after first seeing the house, the purchasers agreed to buy it for $310,000 and paid a deposit of $5,000. Of course they had full opportunity to inspect the house and to have it inspected by experts before they contracted to buy it. The contract of sale provided that prior to closing, the buyers would have the opportunity to have the roof inspected by a licensed roofer [**15] and that the seller would pay for repairs necessary to correct any leaks found and to restore the roof to watertight condition. Rather than demand that the necessary repairs be made, the purchasers announced that they would not complete the sale and demanded return of their deposit. The sellers indicated that they were willing to repair the leaks and make the roof watertight but were not prepared to go beyond their contractual obligation by undertaking to ensure "future watertight integrity" of the roof as demanded by the purchasers. The buyers had agreed that in the event of a breach by them, the sellers could retain the deposit paid as liquidated damages.

The district court of appeal referred to evidence showing that Mr. Johnson told Mrs. Davis about previous leaks that had been repaired. From this fact the district court found that Mr. Johnson had knowledge that the roof was in a defective condition at the time of the conversation. This evidence simply does not provide substantial, competent evidence to support the factual conclusion drawn by the third district.

Homeowners who attempt to sell their houses are typically in no better position to measure the quality, value, or [**16] desirability of their houses than are the prospective purchasers with whom such owners come into contact. Based on this and related considerations, the law of Florida has long been that a seller of real property with improvements is under no duty to disclose all material facts, in the absence of a fiduciary relationship, to a buyer who has an equal opportunity to learn all material information and is not prevented by the seller from doing so. *See, e.g., Ramel v. Chasebrook Construction Co.*, 135 So.2d 876 (Fla. 2d DCA 1961). This rule provides sufficient protection against overreaching by sellers, as the wise and progressive ruling in the *Ramel* case shows. The *Ramel* decision is not the least bit "unappetizing."

The majority opinion sets forth the elements of actionable fraud as they are stated in *Huffstetler v. Our Home Life Ins. Co.*, 67 Fla. 324, 65 So.1 (1914). Those elements were not established by sufficient evidence in this case. There was no competent, substantial evidence to show that Mr. Johnson made a false statement knowing it to be false. There was absolutely no evidence that the statement was made with the intention of causing Mrs. Davis to do anything; [**17] she had already contracted to purchase the house. There was no competent evidence that Mrs. Davis in fact relied on Mr. Johnson's statement or was influenced by it to do anything. And the only detriment or injury that can be found is that, when the Davises subsequently decided not to complete the transaction, they stood to forfeit the additional $26,000 deposit paid in addition to the original $5,000. The Davises had already agreed to pay the additional deposit at the time of the conversation. They had to pay the additional deposit if they wanted to preserve their rights under the contract. They chose to do so. Mr. Johnson's statements, even if we believe Mrs. Davis' version of them rather than Mr. Johnson's, did not constitute the kind of representation upon which a buyer's reliance is justified.

[*631] I do not agree with the Court's belief that the distinction between nondisclosure and affirmative statement is weak or nonexistent. It is a distinction that we should take special care to emphasize and preserve. Imposition of liability for seller's nondisclosure of the condition of improvements to real property is the first step toward making the seller a guarantor of the good [**18] condition of the property. Ultimately this trend will significantly burden the alienability of property because sellers will have to worry about the possibility of catastrophic post-sale judgments for damages sought to pay for repairs. The trend will proceed somewhat as follows. At first, the cause of action will require proof of actual knowledge of the undisclosed defect on the part of the seller. But in many cases the courts will allow it to be shown by circumstantial evidence. Then a rule of constructive knowledge will develop based on the reasoning that if the seller did not know of the defect, he should have known about it before attempting to sell the property. Thus the burden of inspection will shift from the buyer to the seller. Ultimately the courts will be in the position of imposing implied warranties and guaranties on all sellers of real property.

Although as described in the majority opinion this change in the law sounds progressive, high-minded, and idealistic, it is in reality completely unnecessary. Prudent purchasers inspect property, with expert advice if necessary, before they agree to buy. Prudent lenders require inspections before agreeing to provide purchase [**19] money. Initial deposits of earnest money can be made with the agreement to purchase being conditional upon the favorable results of expert inspections. It is significant that in the present case the

major portion of the purchase price was to be financed by the Johnsons who were to hold a mortgage on the property. If they had been knowingly trying to get rid of what they knew to be a defectively constructed house, it is unlikely that they would have been willing to lend $200,000 with the house in question as their only security.

I would quash the decision of the district court of appeal. This case should be remanded for findings by the trial court based on the evidence already heard. The action for rescission based on fraud should be dismissed. The only issue is whether the Johnsons were in compliance with the contract at the time of the breach by the Davises. Resolving this issue requires a finding of whether the roof could have been put in watertight condition by spot repairs or by re-roofing and in either case whether the sellers were willing to fulfill their obligation by paying for the necessary work. If so, the Johnsons should keep the entire $31,000 deposit.

End of Document

Subject: ST. PETERSBURG MEETING NOTICE: Third-Party Designation Applications
Date: Thursday, July 25, 2019 at 10:05:45 AM Eastern Daylight Time
From: Derek Kilborn
To: Derek Kilborn
CC: Laura Duvekot, Kelly K. Perkins
Attachments: image002.png

st.petersburg
www.stpete.org

RE: Third-Party Designation Applications

This is a letter of notice regarding an upcoming joint meeting between the City of St. Petersburg's City Council ("Council") and Community Planning and Preservation Commission ("CPPC"). City Code Section 16.30.070.2.5 relating to the designation of individual local landmarks and listing in the St. Petersburg Register of Historic Places, authorizes third-party applications to be initiated by any individual, organization, or association, who is not the property owner or City Council. On May 16, 2019, City Council passed a six-month moratorium on the filing of third-party designation applications and requested a joint meeting with the members of the CPPC to discuss the matter:

- Committee of the Whole
- Date: August 8, 2019
- Time: Start at 9:00 a.m.
- Location: Sunshine Senior Center
- Address: 330 5th Street North, St. Petersburg, 33701

You are receiving this courtesy notice because of your participation in an earlier information meeting(s) or public hearing(s) relating to the City's List of Potentially Eligible Properties ("PEL") or you sent a written correspondence relating to the PEL or one of the more recent third-party designation applications.

This meeting is intended to focus on the subject of third-party designation applications over property-owner objection. While not mentioned by City Council at the time of their request for this meeting, City Staff anticipates that their discussion will include the separate matter of procedures for listing in the PEL. *This is a public meeting, but typically does not include an opportunity for public comments.* You may submit written comments prior to the meeting; written comments should be received by Thursday, August 1, in order to be included in the distribution of meeting materials. Prior to the meeting and afterwards, City Staff will link related materials and future meeting notices at the following web address:

- http://www.stpete.org/planning_zoning/current_planning_projects.php
- Current Planning Projects > Designation Applications, Third Party

Finally, the meeting will not be televised live; however, it will be recorded and made available for online streaming shortly afterwards. A video link will be added at the above web address, when available. If you have any questions, require additional information, or would like to submit written comments, please contact our Historic Preservation staff:

- Laura Duvekot, Historic Preservationist, (727) 892-5451, Laura.Duvekot@stpete.org
- Kelly Perkins, Historic Preservationist, (727) 892-5470, Kelly.Perkins@stpete.org

Respectfully,
Derek S. Kilborn, Manager
Urban Planning and Historic Preservation Division
Planning and Development Services Department
City of St. Petersburg, Florida
(+1) 727.893.7872

Your Sunshine City

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Staff Report to the St. Petersburg Community Planning & Preservation Commission
Prepared by the Planning & Development Services Department,
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on December 11, 2018 at 2:00 p.m., in City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

UPDATE to the LIST of POTENTIAL ELIGIBILITY

INTRODUCTION

The identification and listing of historic properties potentially eligible for local landmark designation ("PEL") is authorized by Section 16.30.070.2.11 of the St. Petersburg City Code, Chapter 16, Land Development Regulations.

This request is to certify an updated list of historic properties potentially eligible for local landmark designation. Whereas the details of this request are outlined throughout the following report, it is important to note in summary that certification of the updated list does not constitute an official local landmark designation of the listed properties. Furthermore, certification of the updated list does not add any regulatory constraint on the property owner, *except in the case of demolition*. While the Urban Planning and Historic Preservation Division encourages improvements that maintain the historic integrity of the listed properties, property owners or tenants are allowed to make any interior or exterior modifications without historic preservation review. Demolitions are outlined in the following report section titled, "What is the immediate effect of listing?"

BACKGROUND

The original PEL, containing 55 properties, was first conceived in 2005 at the request of then-Mayor Rick Baker. The PEL was intended to identify properties that are considered *eligible* for local landmark designation but were not yet officially processed and designated as a local landmark by the City Council. The purpose was to help identify properties eligible for designation and provide preservation-related information to the property owners. Comprehensive Plan Policy HP1.4 states:

> "By December 2008, the City will identify and recommend to the Community [Planning and] Preservation Commission, a list of properties eligible for inclusion in the St. Petersburg Register of Historic Places and shall provide information to the owners regarding the benefits of designation. The list shall be updated annually."

Following a public meeting with the then-named Historic Preservation Commission on December 6, 2005, the PEL was approved by the Mayor and formally established on January 3, 2006. Since adoption of the original list, ten (10) properties have been designated individual local landmarks, one (1) was processed for designation but denied by the City Council, and three (3) were demolished.

To date, the list has not been updated annually as prescribed by the Comprehensive Plan policy. The current request is an attempt to correct this deferral by updating the list using information already on file and as described throughout this report.

Following adoption of the updated Historic and Archaeologic Preservation Overlay in mid-2015, the Urban Planning and Historic Preservation Division initiated this effort to update the City's listing of historic properties potentially eligible for local landmark designation. On February 25, 2016, the City's Urban Planning and Historic Preservation Division hosted a public information meeting at the St. Petersburg Main Library. During this meeting, City Staff presented an overview of the project initiative. On March 8, 2016, a public hearing by the City's Community Planning and Preservation Commission ("CPPC") was conducted, however, final action was deferred to allow more time for additional surveys to be completed. Since limited resources and staff commitments to other private-initiated applications have resulted in little progress toward executing addition surveys, the CPPC recently requested that this earlier update from 2016 be returned for a new public hearing.

CURRENT REQUEST

Starting in 1993, a series of architectural and cultural resource surveys were completed for the City's older (mostly residential) neighborhoods. These surveys were prepared by private consultants specializing in historic property assessment.

1993	Child's Park Neighborhood Profile
1993	Final Survey Report: Old Southeast Neighborhood Survey
1994	Survey of North Shore, Roser Park, and a portion of Round Lake: Phase II
1994	Historic Preservation certification Application: ICBS Store Building
1995	Kenwood Neighborhood Final Survey Report
1996	Architectural/Historic Survey of Crescent Heights/Crescent Lake/Uptown
1997	Final Survey Report (Phase V): Woodlawn, Allendale Terrace, Euclid/St. Paul Neighborhood
2000	Architectural/Historic Survey of the 22nd Street South Corridor
2000	Architectural/Historic Survey of the Jungle Avenue/Park Street Area
2000	Architectural/Historic Survey of the Brightwaters Section of Snell Isle
2006	Certified List of Potentially Eligible Properties
2008	Some Industrial Park Project II Redevelopment Area: Historic Structures Study
2009	Cultural Resource Reconnaissance Survey for the Downtown St. Petersburg Intermodal Center
2015	Draft Final Cultural Resource Assessment Survey: I-275/SR 93-2015

The surveys each include an inventory of properties and most importantly, a short-list of properties determined eligible for individual listing on the National Register and/or designation as a local landmark. Those properties identified within the surveys as eligible for individual listing and/or designation have been extracted and added to the proposed update. Except as noted otherwise, these properties make up nearly all of the proposed additions.

Several properties were identified in the original surveys, but excluded from the proposed update due to designation, demolition, or alterations that diminished or destroyed the historic integrity of the subject property.

Designated	3601 Foster Hills Dr. No., Residence
Designated	175 – 5th Street North, St. Petersburg City Hall
Designated	951 – 22nd Avenue South, Merriwether Building
Demolished	603 – 24th Avenue North, Residence
Demolished	205 – 5th Avenue Northeast, Residence

Demolished	850 - 22nd Street South, Commercial
Alterations	606 – 20th Avenue Northeast, Residence
Alterations	240 Brightwaters Boulevard Northeast, Residence
Alterations	1700 – North Shore Drive Northeast, Residence
Alterations	7610 – Dartmouth Avenue North, Residence
Alterations	2137 – 9th Avenue South, Church

In addition to the surveys, two (2) properties – 1450 16th St. No. and 2600 Dr. Martin Luther King Jr. St. No. - were independently identified by the State Historic Preservation Office ("SHPO"), Florida Division of Historic Resources, as individually eligible and noted as such on the Florida Master Site File.

Several properties included in the 2016 proposed update have been removed from the existing and proposed list due to demolition.

Demolished	1819 - 11th Avenue North, Residence
Demolished	2700 Driftwood Road, George Gandy House / Mullet Farm (2006 List)
Demolished	410 Central Avenue, Pheil Hotel and Theater (2006 List)
Demolished	400 Central National Bank (2006 List)

WHAT DOES IT MEAN TO BE IDENTIFIED AS INDIVIDUALLY ELIGIBLE?

The identification and listing of property as *individually eligible* simply means that, based on a preliminary assessment, the subject property *likely* qualifies for designation as a local landmark. It *does not mean* that a listed property is, or will shortly become, an officially designated local landmark. The process for becoming a designated local landmark is very specific, includes at least two (2) public hearings, the participation of the property owner, and approval of an ordinance by the City Council. While the City invites the owners of listed property to consider the merits of becoming a local landmark, designation is not the purpose or effect of this particular initiative.

WHAT IS THE IMMEDIATE EFFECT OF LISTING?

As noted in the introduction, inclusion on the PEL does not add any regulatory constraint on the property owner, *except in the case of demolition*. While the Urban Planning and Historic Preservation Division encourages improvements that maintain the historic integrity of the listed properties, property owners or tenants are allowed to make any interior or exterior modifications without historic preservation review.

Regarding demolition, properties included on the PEL are flagged in the city's planning and permitting database. When an application for demolition permit is submitted, a site plan application is also required for the new development that is proposed to replace the listed building(s). When an application for demolition permit and site plan is received and determined complete, a 30-day stay of demolition is activated. A letter of notification is then sent to the list of individuals and entities who register for such notification. If a third party application to designate the listed property is not received by the noticed deadline, then the demolition permit is released and demolition of the listed property may commence. If a third-party application to designate is received, then the demolition request is stayed pending the results of the designation process and final determination by City Council.

DESCRIPTION OF LIST CONTENT

The updated list has been modified to include relevant information pertaining to the type, alternative names, evaluation source, assessment code, and the year the property was added. The evaluation source and assessment code are particularly important in knowing the basis for inclusion.

The evaluation source is a cross reference to the various surveys described in this report, and it is complemented with a map showing the completed survey areas. The assessment code follows the National Register Criteria for Evaluation pertaining to historic properties, describes the historic significance of historic properties, and distinguishes between important past events, important persons, distinctive architecture, whether the property yields important information about history or pre-history, and historic significance having a religious use or association.

In addition to the 2016 update, this request includes several new additions resulting from different initiatives and community discussions that have occurred since 2016. To minimize confusion, City Staff is presenting these separate from the original 2016 update and requesting independent consideration of each list, described and included below:

Glenn Quincy Johnson, Architect (Attachment C)

Since 2017, City historic preservation staff has been working with several property owners interested in pursuing a Multiple Property Listing recognizing the contributions of Glenn Q. Johnson.

Glenn Quincy Johnson was born in Chicago, IL in 1908 and became a registered architect in that state in 1937. In 1951, a friend brought him to St. Petersburg to work on a development in Coquina Key. Though the Coquina Key project never came to fruition, Johnson teamed up with designer George Leonard Ely once in the Sunshine City to create the "Visionaire" home, now often called "Birdcages" for their open design. Constructed between 1953 and 1958, these homes were inspired by Philippine tree houses to create a building form suited to the local climate. Ely and Johnson, like forward-thinking homebuilders across the United States, sought to reconsider the domestic form by combining new materials with non-traditional shapes. The homes Ely and Johnson designed often featured living areas raised above utility rooms, carports, and bedrooms and facing prevailing breezes to maximize air flow; they were marketed as being "air conditioned by nature." Johnson and Ely constructed a small cluster of Birdcage homes in Pinellas Point which retain a high degree of integrity and are cherished by their owners for their innovative design. Johnson also constructed a handful of Birdcage style homes throughout the city, some of which remain. Many of his commercial and multi-family designs have been highly altered or destroyed since their construction in the mid-twentieth century, but the First Federal Savings and Loan Bank at 800 49th St N has been identified as a noteworthy example of Johnson's efforts to maximize light and air while avoiding the ill effects of Florida's heat.

William Harvard Sr., Architect (Attachment D)

In February 2016, a *National Register of Historic Places Multiple Property Documentation Form* was completed by Janus Research titled "The Architecture of William B. Harvard, Sr. in St. Petersburg, Florida 1946 – 1966." The form included evaluation of 12 properties, two of which were already included on the 2006 listing of potentially eligible properties.

2006	Williams Park Band Shell, 330 2nd Avenue North
2006	St. Petersburg Federal Savings and Loan / Marbleside, 33 6th Street South

William B. Harvard, Sr., who designed numerous buildings in St. Petersburg between the 1930s and the 1980s, was said to have broken "the crust of tradition... for all local designers." Harvard's buildings were among the first Mid-Century Modern designs to be constructed in a city that had previously been dominated by the Mediterranean Revival and vernacular styles. Exhibiting deep overhangs, acute angles, and eye-catching contrasts in massing, the form of Harvard's buildings was inspired by a desire to shelter inhabitants from the harsh Florida sun while maximizing views and interaction between interior and exterior spaces. As the designer of some of the most noteworthy buildings of the era, Harvard played an active role in

creating the post-World War II architectural identity of St. Petersburg, Florida. Ranging from the Williams Park Band Shell to his design for the massive Pasadena Community Church, Harvard's designs remain some of the most recognizable Mid-Century Modern resources in the city and have become iconic representations of St. Petersburg's postwar growth. A Multiple Property Listing nomination to the National Register of Historic Places was prepared for Harvard's designs in St. Petersburg has been prepared by an independent consultant and is in the process of being reviewed by the Community Planning and Preservation Commission before being forwarded to the Florida State Historic Preservation Office.

Cade Bush Allen, Builder and Developer (Attachment E)

Several local landmark designations have been approved for their association with Cade Allen Bush, demonstrating the important contribution of Allen to residential development in the Allendale neighborhood and City of St. Petersburg. In addition to these designation reports, two separate publications authored by Burton Allen, grandson, provide exceptional documentation about the history of Allen and his portfolio of work:

1. Allen, Burton, Eva Marie Allen Lewis, Rena Allen McClendon Leadbetter. *Cade B. Allen: A Life Remembered*. St. Petersburg: 2007.
2. Allen, Burton, Allen Family. Homes by Cade Allen Bush. St. Petersburg: 2013.

2018	3650 Foster Hill Dr. No., Foster Grove House
2017	956 39th Ave. No., Frank Broadfield House
2015	3900 Dr. Martin Luther King Jr. St. No., Acheson-Mackey House
2014	3601 Foster Hill Dr. No., Cade Allen Residence
2004	3624 Dr. Martin Luther King Jr. St. No., The Almon Jones-Jay Black House
2004	3800 Dr. Martin Luther King Jr. St. No., Ainsworth House

Cade Bush Allen, a mason originally from Lownanville, New York, came to St. Petersburg with his mother in 1911. He soon opened a real estate office downtown and established himself as "the man with the bargains." Allen bought and sold land near downtown St. Petersburg and in the area of Crescent lake, where he also operated a small truck farm, during the 1910s. In the early 1920s and at the dawn of the Florida Land Boom, Allen purchased a citrus grove at the outskirts of town and near the last stop on the streetcar line. On the former grove and additional land he purchased in the area of Dr. Martin Luther King St. N. and 38th Ave. N., Allen began to develop homes in his own distinct and eclectic style. Combining notions of sensibility and safety captured by the Colonial revival style with inspiration from the imaginative Mediterranean Revival styles that were the focus of many Florida developers of the era, Allen's designs are highly recognizable to most St. Petersburg locals.

2812 8th Street North (No Attachment)

On February 16, 2018, a local landmark designation application was submitted by the Crescent Heights Neighborhood Association for the Grace Evangelical Lutheran Church, located at the address alternatively referred to as 801 28th Avenue North and 2812 8th Street North. The application was subsequently withdrawn on an understanding that the building would be protected through addition to the potentially eligible list. At the time, City staff performed an initial evaluation and concluded that the building is eligible for local landmark designation.

Finally, the updated list includes properties that were previously listed, but have since been denied for designation by the City Council. While the properties are included here for information purposes only, the properties are no longer considered part of the official *List of Eligibility*.

PUBLIC INPUT

On February 25, 2016, a public information meeting was held at the St. Petersburg Main Library. Nineteen individuals registered on the sign-in sheet; approximately 25 individuals attended. On March 8, 2016, a public hearing by the CPPC was conducted and a final decision deferred. Given the amount of time that has passed, the City's Urban Planning and Historic Preservation Division hosted a recent public information meeting on November 27, 2018, at the St. Petersburg Main Library. Approximately 25 individuals attended. For each meeting, a direct mail notification was sent to the registered owner of record as maintained through the Pinellas County Property Appraiser's Office.

City staff received several general inquiries about this initiative and received the following written requests to be removed from the proposed list:

411 Cordova Blvd.	Alon and Susie Goren	Requesting to be removed	William Harvard Sr.
1140 14th Ave. No.	David Kramer	Requesting to be removed	2016 Update

RECOMMENDATION and NEXT STEPS

City Staff recommends the CPPC certify the updated list of eligible properties. Following certification, the subject properties will be flagged in the City's planning and permitting database, and the online map of eligible properties will be updated accordingly. An interactive map of existing eligible properties is currently available online, please visit: https://bit.ly/2C0HpAm.

The CPPC should conduct separate votes for each of the following requested updates:

1. Original 2016 update
2. Glenn Quincy Johnson, Architect
3. William Harvard Sr., Architect
4. Cade Bush Allen, Builder and Developer
5. 2812 8th Street North

As additional properties are listed on the National Register; identified within any future historic, architectural, archaeological, or cultural resource survey; or identified by SHPO as individually eligible, they will be included as part of any future request to update the list. Further, City staff will continue to monitor future changes to existing properties on the list. Where modification may make properties ineligible for consideration, City staff will recommend to the CPPC that they be removed.

Finally, City staff will continue to work with property owners, as well as, the preservation and business community to make additional improvements to the management of the list.

ATTACHMENTS

- A - Original "Potentially Eligible List"
- B – Proposed Update
- C - Glenn Quincy Johnson, Architect
- D - William Harvard Sr., Architect
- E - Cade Bush Allen, Builder and Developer
- F - Map of Completed Surveys (Evaluation Sources)

ATTACHMENT A

Original "Potentially Eligible List"

Properties Potentially Eligible for Local Landmark Designation
2006 Historic Preservation Summit

	Property Name	Alternative Name	Address
1	Detroit Hotel		201-215 Central Avenue
2	Central National Bank	Wachovia Bank	400 Central Avenue
3	Pheil 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 First Avenue North
8	Gray's Hotel	Lantern Lane Apartments	340 Beach Drive Northeast
9	St. Mary's Catholic Church		515 Fourth Street South
10	Unitarian Universalist Church		719 Arlington Avenue North
11	Trinity Lutheran Church		467 Fourth Avenue North
12	Christ United Methodist Church		451 First Avenue North
13	St. Peter's Episcopal Church		140 Fourth Street North
14	Palladium Theater	First Church of Christ Scientist	253 Fifth Avenue North
15	YWCA	Endicott Funeral Homes	655 Second Avenue South
16	Waterfront Park Apartments Cooperative		483 99 First Street South
17	Sarven Apartments		249 Fourth Avenue North
18	Heritage Hotel		234 Third Avenue North
19	Mansion by the Bay	Blocker Residence	145 Fourth Avenue Northeast
20	Tomlinson Adult Education Center	Tomlinson Vocational School	296 Mirror Lake Drive North
21	Lyceum	Mirror Lake Christian Church	302 Grove Street North
22	Randolph Hotel		200 Fourth Street North
23	Orange Blossom Catering		220 Fourth Street North
24	Coburn Apartments		232 Fourth Street North
25	Poulsen Apartments		215 Fifth Street North
26	St. Charles Hotel		243-45 Central Avenue
27	St. James Hotel		235 Central Avenue
28	Jannus Landing		200 First Avenue North
29	Tamiami Hotel		242 First Avenue North
30	Bishop Hotel		256 First Avenue North
31	Vinoy House		532 Beach Drive Northeast
32	Fire Station #1		128 Third Street South
33	Crislip House	Tessmer Apartments	205 Fourth Avenue North
34	Bussey House		211 Fourth Avenue North
35	Davenport House		259 Fourth Avenue North
36	Endicott House		233 Third Street North
37	Mitchell Apartments	Stanton Apartments	211 Third Street North
38	Victoria Apartments		341 Third Street North
39	William Park and Bandshell		330 Second Avenue North

40	Hangar 1, Albert Whitted Airport		107 Eighth Avenue Southeast
41	Jungle Prado		1700 Park Street North
42	William and Mary Hotel	YWCA Young Ladies' Residence	811 Jackson Street North
43	Jordan Elementary School		2390 Ninth Avenue South
44	Euclid Elementary School		1015 Tenth Avenue North
45	Woodlawn Elementary School		1600 16th Street North
46	Free Clinic Building	Post Office Distribution Center	863 Third Avenue North
47	George Gandy House	Mullet Farm	2700 Driftwood Road South
48	C. Perry Snell's 3rd Residence		375 Brightwaters Boulevard Northeast
49	C. Perry Snell's 4th Residence		360 Coffee Pot Riviera Northeast
50	Marbleside Building	St. Petersburg Federal Savings and Loan	33 Sixth Street South
51	Snell Isle Apartments		222 Snell Isle Boulevard Northeast
52	Hegrado Apartments		200-210 22nd Avenue Northeast
53	Holiday Motel		2402-36 Fourth Street North
54	Water Tower		Crescent Lake
55	Sunset Hotel		7401 Central Avenue

ATTACHMENT B

PROPOSED UPDATE

LIST OF ELIGIBLE PROPERTIES

City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to PEL
			Allendale Terrace and Vicinity			
745	35th Ave. N.	Building		5	C	2018
774	36th Ave. N.	Building	Doc Webb House	5	C	2018
944	39th Ave N.	Building		5	C	2018
3410	Dr. MLK Jr. St. N.	Building		5	C	2018
3725	Dr. MLK Jr. St. N.	Building		5	C	2018
			Bayou Highland Neighborhood and Vicinity			
4700	Sunrise Dr. S.	Building	Mayor Patterson House	15	B	2018
			Childs Park Neighborhood and Vicinity			
4668	15th Ave. S.	Building	St. Andrews Russian Orthodox Church	1	CC, A	2018
3940	18th Ave. S.	Building	Childs Park Elementary School	1	C	2018
1789	34th St. S.	Building	Diner	1	A, C	2018
			Clam Bayou Neighborhood and Vicinity			
3747	34th St. S.	Building	St. Batholomew Episcopal Church	16	A, C	2018
			Crescent Heights Neighborhood and Vicinity			
525	22nd Ave. N.	Building		4	C	2018
475	23rd Ave. N.	Building		4	C	2018
732	23rd Ave. N.	Building		4	C	2018
701	24th Ave. N.	Building		4	C	2018
780	25th Ave. N.	Building		4	C	2018
647	28th Ave. N.	Building	Four Square Model	4	C	2018
704	29th Ave. N.	Building		4	C	2018
2238	7th St. N.	Building		4	C	2018
			Crescent Lake Neighborhood and Vicinity			
865	17th Ave. N.	Building		4	C	2018
845	20th Ave. N.	Building		4	C	2018
855	20th Ave. N.	Building		4	C	2018
870	20th Ave. N.	Building		4	C	2018
2402-	4th St. N.	Building	Holiday Motel	4, 11	A, C	2006
1827	8th St. N.	Building		4	C	2018
1840	8th St. N.	Building		4	C	2018
2135	Dr. MLK Jr. St. N.	Building		4	C	2018
Crescent Lake Park		Site	Crescent Lake Park	4	C, D	2018
			Downtown Core and Fringe			
200	1st Ave. N.	Building	Jannus Landing	11	A, C	2006
242	1st Ave. N.	Building	Tamiami Hotel	11	A, C	2006

451	1st Ave. N.	Building	Christ U.M.C	11	CC:A	2006
501	1st Ave. N.	Building	Suwannee Hotel	11	C	2006
483	1st St. S.	Building	Waterfront Park Apts.	11	C	2006
230	1st St. S.E.	Building	Al Lang Field	10	A, B	2018
330	2nd Ave. N.	Site and Structure	Williams Pk and Bandshell	11	A, B, C	2006
655	2nd Ave. S.	Building	Endicott Funeral Home	11	A, C	2006
234	3rd Ave. N.	Building	Heritage Hotel	11	C	2006
863	3rd Ave. N.	Building	P.O. Distribution Bldg./Free Clinic	11	A, C	2006
211	3rd St. N.	Building	Mitchells/Stanton Apts.	11	C	2006
233	3rd St. N.	Building	Endicott House	11	C	2006
341	3rd St. N.	Building	Victoria Apartments	11	C	2006
128	3rd St. S.	Building	Fire Station #1	11	A, C	2006
357	3rd St. S.	Building	Sumner Residence	10	C	2018
205	4th Ave. N.	Building	Crislip House	11	C	2006
211	4th Ave. N.	Building	Bussey House	11	C	2006
249	4th Ave. N.	Building	Sarven Apartments	11	C	2006
259	4th Ave. N.	Building	Davenport House	11	C	2006
467	4th Ave. N.	Building	Trinity Lutheran Church	11	CC:A	2006
200	4th St. N.	Building	Randolph Hotel	11	C	2006
220	4th St. N.	Building	Orange Blossom Catering	11	C	2006
232	4th St. N.	Building	Coburn Apartments	11	C	2006
446	4th St. S.	Building	ICBS Store Building	12	C	2018
515	4th St. S.	Building	St. Mary's Catholic Church	11	CC:A	2006
215	5th St. N.	Building	Poulsen Apartments	11	C	2006
33	6th St. S.	Building	Marbleside Building	11	C	2006
719	Arlington Ave. N.	Building	Unitarian Univ. Church	11	CC:A	2006
235	Central Ave.	Building	St. James Hotel	11	A, C	2006
243	Central Ave.	Building	St. Charles Hotel	11	A, C	2006
425	Central Ave.	Building	Preston Hotel/Alden Hotel/McCrory's 5 & 10	11	C	2006
449	Central Ave.	Building	Florida Arcade	11	C	2006
465	Central Ave.	Building	Lerner Stores	11	C	2006
480	Central Ave.	Object	Street corner clock	10	A, C	2018
302	Grove St. N.	Building	Lyceum/First Christian Church	11	C	2006
296	Mirror Lk. Dr. N.	Building	Tomlinson Adult Edu. Ctr.	11	C	2006
Central Yacht Basin		Site	Site of Jannus/Benois first flight	1984/1985 D.O.E.	A, B	2018
			Euclid St. Paul and Vicinity			
1129	11th St. N.	Building		4	C	2018
900	14th Ave. N.	Building		4	C	2018
920	14th Ave. N.	Building		4	C	2018
1028	14th Ave. N.	Building		4	C	2018

1060	14th Ave. N.	Building		4	C	2018
1075	14th Ave. N.	Building		5	C	2018
1078	14th Ave. N.	Building		4	C	2018
1080	14th Ave. N.	Building		4	C	2018
1107	14th Ave. N.	Building		5	C	2018
1140	14th Ave. N.	Building		4	C	2018
1000	15th Ave. N.	Building		5	C	2018
1010	15th Ave. N.	Building		5	C	2018
1600	16th St N.	Building	Woodlawn Elementary	11	C	2006
1450	16th St. N.	Building	Armory			2018
1258	19th St. N.	Building		4	C	2018
			Fruitland Heights Neighborhood and Vicinity			
	22nd Ave. S	Site	St. Bartholomew Cemetery	15	A, D	2018
			Grand Central District and Vicinity			
1850	Central Ave.	Building		14	A, C	2018
			Greater Pinellas Point Neighborhood and Vicinity			
1535	Manor Way S.	Building		1985 D.O.E	C	2018
			Greater Woodlawn Neighborhood and Vicinity			
800	24th Ave. N.	Building		4	C	2018
2600	Dr. MLK Jr. St. N.	Building	Security Federal S&L	15	A, C	2018
			Highland Oaks Neighborhood and Vicinity			
2227	29th St. S.	Building		1994	C	2018
			Historic Kenwood Neighborhood and Vicinity			
2741	2nd Ave. N.	Building		3	C	2018
2900	7th Ave. N.	Building		3	C	2018
			Historic Old Northeast Neighborhood and Vicinity			
126	11th Ave. N.E	Building	Westminster Presbyterian Church	2	CC: A	2018
360	13th Ave. N.E.	Building	San Rafael Apartments	2	C	2018
201	14th Ave. N.	Building		2	C	2018
106	14th Ave. N.E.	Building		2	C	2018
116	14th Ave. N.E.	Building		2	C	2018
155	14th Ave. N.E.	Building		2	C	2018
406	14th Ave. N.E.	Building		2	C	2018
350	16th Ave. N.E.	Building		2	C	2018
446	16th Ave. N.E.	Building		2	C	2018
605	18th Ave. N.E	Building		2	C	2018
645	18th Ave. N.E	Building		2	C	2018
656	18th Ave. N.E	Building		2	C	2018
200	22nd Ave. N.E	Building	Hegrado Apartments	11	C	2006
2501	4th St. N.	Building	Fire Station No. 4	2	tbd	2018
166	6th Ave. N.E	Building	Lew Brown House	2	C	2018
237	6th Ave. N.E	Building	M&M Boarding House	2	C	2018
1650	Beach Dr. N.E	Building		2	C	2018
1730	Beach Dr. N.E	Building		2	C	2018

532	Beach Dr. N.E.	Building	Vinoy House	11	C	2006
2200	Coffee Pot Blvd. N.E.	Building		2	C	2018
360	Coffee Pot Riviera N.E.	Building	C. Perry Snell's 4th Residence	11	B, C	2006
1800	N. Shore Dr. N.E.	Building		2	C	2018
			Historic Park Street Neighborhood and Vicinity			
7430	Dartmouth Av. N	Building		8	C	2018
250	Park St. N.	Building		8	C	2018
			Historic Uptown Neighborhood and Vicinity			
811	Jackson St. N.	Building	William and Mary Hotel	11	C	2006
			Jordan Park Neighborhood and Vicinity			
2240	9th Ave. S.	Building		7	C	2018
			Jungle Prada Neighborhood and Vicinity			
7995	Bogey Ave. N.	Building		8	C	2018
	Elbow Ln.	Archaeo-logical Site	Potential DeNarvaez Landing Site/Jungle Prada	11, 15	D	2018
815	Jungle Ave. N.	Building		8	C	2018
1700	Park St N.	Archaeo-logical Site	Jungle Prada	11	A, C, D	2006
939	Park St. N.	Building		8	C	2018
1700	Park St. N.	Building	Jungle Prada	11	C	2018
			Melrose Mercy / Pine Acres Neighborhood and Vicinity			
531	16th St. S.	Building	Perkins House	AARC Property	B, C	2018
			Old Pasadena Neighborhood and Vicinity			
7227	2nd Ave. S.	Building		8	C	2018
100	Park St. S.	Building		8	C	2018
			Old Southeast Neighborhood and Vicinity			
236	17th Ave. S.E.	Building		6	C	2018
1745	Beach Dr. S.E.	Building		6	C	2018
1947	Beach Dr. S.E.	Building		6	C	2018
			Palmetto Park Neighborhood and Vicinity			
515	22nd St. S.	Building		7	C	2018
531	22nd St. S.	Building	Soft Water Laundry	AARC Property	tbd	2018
2361	7th Ave. S.	Building	Macedonia Freewill Baptist Church	16	CC, A	2018
			Ponce de Leon Neighborhood and Vicinity			
2154	27th Ave. N.	Building	Norwood School	14	A, C	2018
			Riviera Bay Neighborhood and Vicinity			
10000	Gandy Blvd.	Building		15	A, C	2018
			Salt Creek Neighborhood and Vicinity			
263	13th Ave. S.	Building	Florida Power Plant	1984-85 D.O.E.	tbd	2018

Snell Isle Neighborhood and Vicinity

375	Brightwaters Blvd. N.E.	Building	C. Perry Snell's 3rd Residence	9, 11	B, C	2006
222	Snell Blvd. N.E.	Building	Snell Isle Apartments	11	C	2006
240	Brightwaters Blvd. N.E.	Building		9	C	2018
375	Brightwaters Blvd. N.E.	Building		9,11	B, C	2018
125	Estado Way N.E.	Building		9	C	2018
120	Maron St. N.E.	Building		9	C	2018

The Deuces (Incl. portions of Melrose/Pine Acres Neighborhood and Wildwood Heights Neighborhood)

927	22nd St. S.	Building		7	C	2018
2137	9th Ave. S.	Building		7	CC: A	2018

Evaluation Source:

1	Child's Park Neighborhood Profile - 1993
2	Survey of North Shore, Roser Park, and a portion of Round Lake: Phase II - 1994
3	Kenwood Neighborhood - Final Survey Report - 1995
4	Architectural/Historic Survey of Crescent Heights/Crescent Lake/Uptown - 1996
5	Final Survey Report (Phase V): Woodlawn Subdivision, Allendale Terrace, Euclid/St Paul's Neighborhood - 1997
6	Final Survey Report: old Southeast Neighborhood Survey - 1993
7	Architectural/Historic Survey of the 22nd Street South Corridor - 2000
8	Architectural/Historic Survey of the Jungel Avenue/Park Street Area - 2000
9	Architectural/Historic Survey of the Brightwaters Section of Snell Isle
10	Cultural Resource Reconnaissance Survey for the Downtown St. Petersburg Intermodal Center Alternatives - 2009
11	Certified List of Potentially Eligible Properties - 2006
12	Historic Preservation Certification Application: ICBS Store Building - 1994
13	Dome Industrial Park Project II Redevelopment Area: Historic Structures Study - 2008
14	Draft Final Cultural Resource Assessment Survey: I-275/SR-93 - 2015
15	Staff evaluation

NR Criteria for Significance:

A	Related to an important past event
B	Related to an important person
C	Representative of distinctive architecture or technology
D	Able to yeld important information about history or prehistory
CC-A	Historic Significance having a religious use or association

ATTACHMENT C

GLENN QUINCY JOHNSON, ARCHITECT

LIST OF ELIGIBLE PROPERTIES

City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to PEL
			Bayou Bonita Neighborhood and Vicinity			
4610	Cypress Way. S	Building	Bayou Bonita Birdcage	Johnson, Gary	C	2018
4619	Sunrise Dr. S.	Building	Bayou Bonita Birdcage	Johnson, Gary	C	2018
			Disston Heights Neighborhood and Vicinity			
800	45th St. N.	Building	First Federal Savings and Loan	Johnson, Gary	C	2018
			Greater Pinellas Point			
856	68th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
712	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
724	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
725	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
736	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
746	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
749	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
760	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
800	69th Ave. S.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
711	Pinellas Pt. Dr.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
721	Pinellas Pt. Dr.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
731	Pinellas Pt. Dr.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
741	Pinellas Pt. Dr.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
751	Pinellas Pt. Dr.	Building	Pinellas Point Birdcage	Johnson, Gary	C	2018
			Lake Pasadena Neighborhood and Vicinity			
319	61st St. N.	Building	Henry Silverberg House	Johnson, Gary	C	2018

ATTACHMENT D

WILLIAM HARVARD, SR., ARCHITECT

Properties with identified significance due to their construction by William Harvard, Sr.

LIST OF ELIGIBLE PROPERTIES

City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to FEL
			Allendale Terrace and Vicinity			
750	34th Ave. N.	Building	N.U. Bond Residence	Harvard MPS	C	2018
801	37th Ave. N.	Building	William Harvard, Sr Residence	Harvard MPS	C	2018
			Central Oak Park Neighborhood			
3745	9th Ave. N.	Building	St. Petersburg Main Library	Harvard MPS	C	2018
			Downtown Core and Fringe			
256	3rd St. N.	Building	Schuh Office Building	Harvard MPS	C	2018
			Greater Pinellas Point Neighborhood and Vicinity			
4200 54th Ave. S. (Eckerd College)		Building	Lewis House	Harvard MPS	C	2018
4200 54th Ave. S. (Eckerd College)		Building	Bininger Center for the Performing Arts	Harvard MPS	C	2018
			Greater Woodlawn Neighborhood and Vicinity			
2714	Dr. MLK Jr. St. N.	Building	Harvard + Jolly Office	Harvard MPS	C	2018
			Old Pasadena Neighborhood and Vicinity			
210	70th St. S.	Building	Pasadena Community Church	Harvard MPS	C	2018
			Snell Isle Neighborhood and Vicinity			
1001	31st Terr. NE.	Building	Wood Residence	Harvard MPS	C	2018
411	Cordova Blvd. N.E.	Building	John Knowlton Residence	Harvard MPS	C	2018

ATTACHMENT E

CADE BUSH ALLEN, BUILDER and DEVELOPER

LIST OF ELIGIBLE PROPERTIES

City of St. Petersburg, Florida

Address No.	Street	Resource Type	Historic Name	Evaluation Source	NR Criteria	Year Added to PEL
			Allendale Terrace and Vicinity			
3801	11th St. N.	Building		Allen, Burton	C	2018
4041	11th St. N.	Building		Allen, Burton	C	2018
4046	11th St. N.	Building		Allen, Burton	C	2018
4181	14th St. N.	Building		Allen, Burton	C	2018
757	36th Ave. N.	Building		Allen, Burton	C	2018
842	36th Ave. N.	Building		Allen, Burton	C	2018
917	38th Ave. N.	Building		Allen, Burton	C	2018
945	38th Ave. N.	Building		Allen, Burton	C	2018
1020	38th Ave. N.	Building		Allen, Burton	C	2018
1027	38th Ave. N.	Building		Allen, Burton	C	2018
933	39th Ave. N.	Building		Allen, Burton	C	2018
944	39th Ave. N.	Building		Allen, Burton	C	2018
945	39th Ave. N.	Building		Allen, Burton	C	2018
955	39th Ave. N.	Building		Allen, Burton	C	2018
1007	39th Ave. N.	Building		Allen, Burton	C	2018
1016	39th Ave. N.	Building		Allen, Burton	C	2018
1017	39th Ave. N.	Building		Allen, Burton	C	2018
1035	39th Ave. N.	Building		Allen, Burton	C	2018
1038	39th Ave. N.	Building		Allen, Burton	C	2018
1045	39th Ave. N.	Building		Allen, Burton	C	2018
930	40th Ave. N.	Building		Allen, Burton	C	2018
945	40th Ave. N.	Building		Allen, Burton	C	2018
955	40th Ave. N.	Building		Allen, Burton	C	2018
915	41st Ave. N.	Building		Allen, Burton	C	2018
935	41st Ave. N.	Building		Allen, Burton	C	2018
1006	41st Ave. N.	Building		Allen, Burton	C	2018
1020	41st Ave. N.	Building		Allen, Burton	C	2018
1035	41st Ave. N.	Building		Allen, Burton	C	2018
1055	41st Ave. N.	Building		Allen, Burton	C	2018
1310	43rd Ave. N.	Building		Allen, Burton	C	2018
3405	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3410	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3520	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3700	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3725	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3822	Dr. MLK Jr. St. N.	Building		Allen, Burton	C	2018
3605	Foster Hill Dr. N.	Building		Allen, Burton	C	2018
3650	Foster Hill Dr. N.	Building		Allen, Burton	C	2018
3741	Foster Hill Dr. N.	Building		Allen, Burton	C	2018
3803	Haines Rd. N.	Building		Allen, Burton	C	2018

1247	Monticello Blvd. I	Building	Allen, Burton	C	2018
		Downtown Core and Fringe			
250	Mirror Lake Dr. N	Building	Allen, Burton	C	2018

ATTACHMENT F

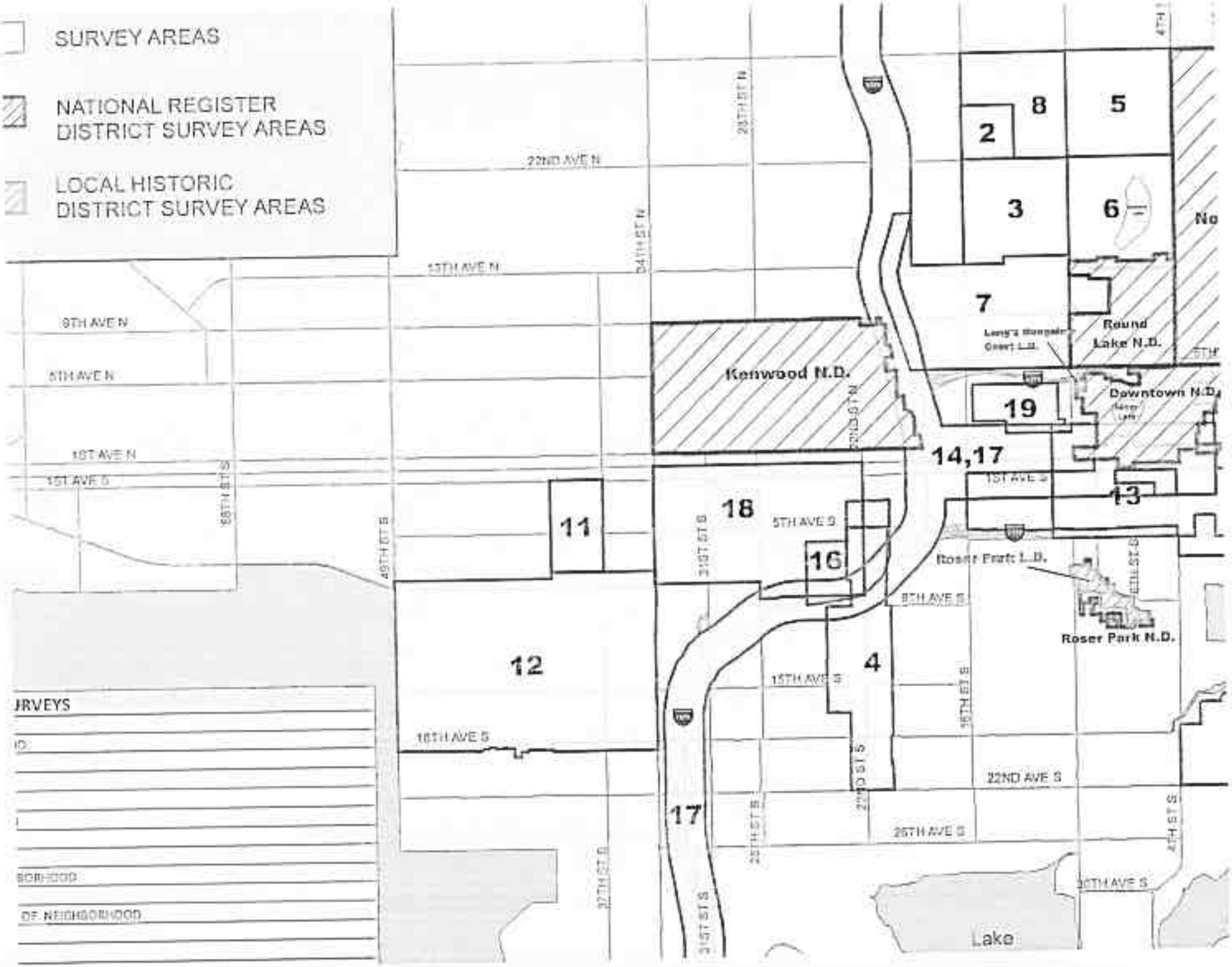
MAP OF COMPLETED SURVEYS

(EVALUATION SOURCES)

SURVEY AREAS

NATIONAL REGISTER DISTRICT SURVEY AREAS

LOCAL HISTORIC DISTRICT SURVEY AREAS



ST. PETERSBURG CITY COUNCIL

Meeting of May 16, 2019

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

FROM: Derek Kilborn, Manager, Urban Planning and Historic Preservation Division

SUBJECT: **New Business Item (G5 and) G6: Third Party Application Process for Local Historic Landmark Designation**

To assist your evaluation of third-party applications, Historic Preservation staff has prepared the following inventory:

110 Total no. of individual, local landmarks
37 Total no. of third-party applications
9 Total no. of third-party applications, owner opposed, approved
6 Total no. of third-party applications, owner support, approved
7 Total no. of third-party applications, owner opposed, denied
1 Total no. of third-party applications, owner opposed, deferred
13 Total no. of third-party applications, owner opposed, withdrawn
1 Total no. of third-party applications, owner opposed, incomplete app

Nine (9) Third-Party, Owner Opposed, Approved:

1992 - Glen Oaks Cemetery
1993 - Henry-Bryan House
1994 - Mercy Hospital
1998 - Sunken Gardens
2010 - Detroit Hotel
2010 - Jones-Laughner Residence
2013 - Binnie-Bishop Hotel
2015 - Acheson-Mackey Residence
2017 - Virginia Burnside House

Six (6) Third-Party, Owner Support, Approved:

1994 - Shuffleboard Club
1997 - Ninth Street Bank & Trust Co.
1998 - Hoxie-Day Gravesites
1998 - Women's Town Improvement Assoc.
2011 - Jennie Hall Pool
2018 - Huggins-Stengel Field

Seven (7) Third Party, Owner Opposed, Denied

1987 - The Sorena Hotel
1987 - Princess Martha Hotel [1]
2010 - Blocker Residence
2014 - North Ward School
2016 - Central National Bank / Pheil Hotel & Theatre
2018 - Doe Webb Estate
2018 - Holiday Motel

One (1) Third Party, Owner Opposed, Deferred:

1987 - Dennis/McCarthy Hotel [2]

Thirteen (13) Third-Party, Owner Opposed, Withdrawn:

2006 - Vinoy-Laughner Thematic Listing:
- 136-138 10th Avenue NE
- 145 14th Avenue N
- 532 Beach Drive NE
- 556 Beach Drive NE
- 209 13th Avenue NE
- 756 Bay Street NE
- 716 1st Street N

2008 - Crislip Arcade
2013 - Endicott Residence
2017 - Henry House
2017 - Pricer House
2017 - Aiken House
2018 - Grace Lutheran Church/American Baptist Church of Beatitudes

One (1) Third-Party, Owner Opposed, Application Determined Incomplete

2018 - Harold Smith House[3]

Special Note:

Five (5) applications could not be confirmed using the digital record. Additional research is required to determine whether the who initiated the following applications and whether they include owner support:

HPC 86-07
HPC 02-05
HPC 02-06
HPC 02-09
HPC 06-01

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[1] The Princess Martha Hotel was later designated with owner support after a City initiated application in 1995.
[2] The Dennis/McCarthy Hotel was later designated with owner support after a City initiated application 1993.
[3] Third party application filed but deemed incomplete by City staff. Demolition permit was released to the property owner and subject building subsequently demolished.

For your information and context, third party applications are not the only application type to have owner opposition. The following applications also included owner opposition:

Seven (7) City-Initiated, Owner Opposed, Application Approved:

1986 - St. Petersburg High School
1990 - YMCA Building
1991 - State Theater
1992 - Seaboard Coastline RR Station
1992 - Jungle Country Club/Admiral Farragut Academy
1994 - Manhattan Casino
1995 - Southside Junior High School

One (1) City-Initiated, Owner Opposed, Application Denied:

1997 - Crislip Arcade

Three (3) City-Initiated, Owner Opposed, Application Deferred:

2006 - Detroit Hotel [4]
2006 - First Church of Christ Scientist aka Palladium Theater [5]
2006 - Blocker Residence

[4] The Detroit Hotel was later designated after a third-party initiated application with owner opposition in 2009.
[5] The First Church of Christ Scientist aka Palladium Theater was later designated with owner consent after a City initiated application in 2012.

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HISTORIC PRESERVATION ELEMENT

Sections:

12.1 INTRODUCTION
12.2 GOALS, OBJECTIVES AND POLICIES
ISSUE: Survey and Data Management of Historic & Archaeological Resources
ISSUE: Administration of Historic Preservation
ISSUE: City Support of Historic Preservation
ISSUE: Public Awareness and Support
ISSUE: Protect Archaeological Resources in the City

12.1 INTRODUCTION

The preservation, protection, perpetuation and use of landmarks, landmark sites and historic districts have public value because they are visible and tangible reminders of the history and heritage of the City, state and nation. The City's adoption of the Historic Preservation Element of the Comprehensive Plan will enhance existing policies and programs that protect the architectural, historic and archaeological resources for the present and future citizens of St. Petersburg.

12.2 GOALS, OBJECTIVES AND POLICIES

GOAL - HISTORIC PRESERVATION (HP):

The historic preservation plan shall direct and manage the programs and policies related to the preservation of the city's historic and archaeological resources.

ISSUE: Survey and Data Management of Historic and Archaeological Resources

In order to properly protect the historic resources of the community, proper identification and documentation of historic and archaeological sites are necessary. The documentation of these sites will be of no benefit, however, if there are no established programs and policies to protect these sites once they are identified. The continual development of these policies and programs will provide the tools necessary to preserve the historical integrity and character of the City.

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.

Policies:

HP1.1 The City will continue to pursue grant funding to conduct historic and archaeological resource surveys which will include the preparation and updating of Florida Master Site File (FMSF) Forms. All survey and assessment work must be performed by professional architectural historians and archaeologists who meet the Professional Qualification Standards set forth as part of the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR Part 61).

HP1.2 The City will obtain digital and GIS downloads of the FMSF database and survey reports from the Florida Division of Historical Resources every six months. The City will provide updates to the Florida Division of Historical Resources regarding demolitions or address changes and will continually update the City's FMSF records accordingly.

HP1.3 *St. Petersburg's Design Guidelines for Historic Properties* will be used in the City's Certificate of Appropriateness (COA) process for individual landmarks and to provide information to property owners, architects and contractors. The City will update the design guidelines as needed.

HP1.4 The City will identify and recommend to the commission designated in the LDRs a list of properties eligible for inclusion in the St. Petersburg Register of Historic Places and shall provide information to the owners regarding the benefits of designation. This list shall be updated annually.

HP1.5 The City shall produce a map which identifies areas of concentration of historic resources which appear to qualify as historic districts. This will be updated according to available data.

HP1.6 The City shall request that the State Historic Preservation Officer provide a Determination of Eligibility (DOE) for listing in the National Register of Historic Places for all properties either listed in or considered eligible for listing in the St. Petersburg Register of Historic Places. This request for a DOE shall be made annually.

ISSUE: Administration of Historic Preservation

Since the first survey was conducted by the City in 1977, the City of St. Petersburg has been dedicated to documenting and preserving its historic resources. This has been achieved through a variety of policies and programs established to provide incentives for the community to preserve the historic structures and to develop a system of checks to ensure that historic properties are not adversely altered or demolished without sufficient review. The administration of the historic preservation program is an evolutionary process which must be amended and updated regularly.

OBJECTIVE HP2:

To continue to develop programs and policies to protect and preserve the City's historic resources.

Policies:

HP2.1 In order to meet the requirements of the Certified Local Government program, the membership of the commission(s) designated in the LDRs must include an archaeologist, historian, preservation specialist or member of the general public with special knowledge of historic preservation.

HP2.2 The City shall provide technical assistance and a staff liaison to the commission designated in the LDRs and City Council regarding efforts to provide public information, education and technical assistance relating to historic preservation programs.

HP2.3 The City shall provide technical assistance to applications for designation of historic structures and districts.

HP2.4 The City shall conduct a coordinated local review procedure for those persons desiring to concurrently apply for designation to the National Register of Historic Places and to the City for historic landmark designation.

HP2.5 The City will endeavor to initiate and process a minimum of three (3) applications each year for properties identified on the historic and archaeological resource inventories to determine their eligibility for designation as a local landmark, historic district or National Register landmark. The City will use the following selection criteria to determine which properties should be subject to City-initiated landmark designation applications:

- National Register or Determination of Eligibility (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 support
- City-owned property

HP2.6 Decisions regarding the designation of historic resources shall be based on National Register eligibility criteria, the Historic and Archaeological Preservation Overlay section of the Land Development Regulations and Comprehensive Plan policies.

HP2.7 An applicant may bring before the Commission designated in the Land Development Regulations and City Council for nomination as a City-initiated landmark district an area designated as a National Register of Historic Places district and not designated as a local landmark district, provided that the applicant secures approval from the owners of the properties in the proposed district as required by the Historic and Archaeological Preservation Overlay section of the Land Development Regulations.

HP2.8 The City will request that the Pinellas County School Board designate eligible school buildings to the St. Petersburg Register of Historic Places under the local ordinance and the National Register of Historic Places. The City shall assist the school board in identifying the buildings appearing to qualify as historic landmarks.

HP2.9 In order to protect and preserve the City's historic resources, the City shall incorporate policies into the Land Development Regulations which discourage the demolition of historic resources which are listed, or eligible for listing, in the National Register of Historic Places or the St. Petersburg Register of Historic Places. Not only does this reinforce the City's public policy that historic preservation is a public necessity, it preserves sense of place, encourages heritage tourism, and eliminates perpetually vacant blocks.

HP2.10 The City shall examine adding new land use and zoning incentives for historically or archaeologically significant properties for inclusion in the land development regulations.

HP2.11 The Development Review Commission site review criteria will continue to include criteria that ensure sensitivity and protection to adjacent historic resources related to scale and mass.

HP2.12 The City will track hexagon block sidewalk removal and, on an annual basis, the commission(s) designated in the LDRs will be provided a report setting forth the blocks in which hexagon block sidewalks have been removed during the previous year. Based on such information, the Commission will advise City Council if changes are needed in the City's hexagon block sidewalk policy.

HP2.13 The City shall create a Historic Property Disaster Preparedness Plan for historic and archaeological resources, pursuant to federal and state guidelines.

HP2.14 Code enforcement staff will be trained, as needed, to identify and cite historic properties that suffer from decline due to neglect, vacancy and deferred maintenance.

ISSUE: City Support of Historic Preservation

There are a variety of preservation programs funded by the local, state and national government entities and independent organizations. Due to budgetary constraints, it is important that local and state organizations support these programs through various means to ensure their survival.

OBJECTIVE HP3:

To support the programs and incentives provided by local, state and national preservation organizations.

Policies:

HP3.1 The City will continue to implement the ad valorem tax exemption for historic properties.

HP3.2 The City will investigate and, when appropriate, pursue grant and other funds that will assist in funding rehabilitation or restoration of historic properties on an on-going basis.

HP3.3 The City will continue to monitor and appropriate support from state and national incentive programs related to historic preservation.

HP3.4 All City departments that provide or can create programs or incentives to assist in the rehabilitation and preservation of historic properties will provide assistance on an on-going and case-by-case basis.

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.

HP3.6 The Building Official shall be encouraged to interpret and apply the existing building code to facilitate and encourage the preservation, rehabilitation and renovation of historic properties.

HP3.7 The City shall create a Historic Preservation Grant Program funded through proceeds from the Historic Transfer of Development Rights Program. The City and other interested parties shall investigate uses for this fund to benefit historic preservation in the City.

ISSUE: Public Awareness and Support

A successful preservation program relies on the commitment of both the preservation community and the City working together to protect the area's historic resources.

OBJECTIVE HP4:

To promote the benefit and awareness of preservation activities in the City of St. Petersburg.

Policies:

HP4.1 The preservation community and the City will work together to promote the City's heritage and commitment to preservation by making programs concerning the historic resources of the City and the preservation program available to the general public, including participation in Preservation Week activities.

HP4.2 The City will provide assistance to individuals and groups applying for grant funding for historic programs and related projects.

HP4.3 To heighten the community's awareness and increase the prestige of ownership, the preservation community and the City will continue to solicit sponsors to provide plaques which recognize locally designated buildings and historic sites as significant resources of the community.

HP4.4 The City, in conjunction with the community preservation groups, will make promotional brochures available to the public to promote the benefits of preservation in the community. Preservation publications, such as technical assistance materials, funding information, information on the City's preservation program and regulations, will be maintained and made available to the public on an on-going basis. The Historic Preservation Section shall establish and maintain a Preservation "Library" resource room with materials to assist homeowners and staff in preservation matters. This shall include digital information such as copies of National Register of Historic Places nominations and survey reports from the Florida Division of Historical Resources.

HP4.5 The City shall assist preservation interest groups in identifying existing and potential local historic preservation problems and in addressing solutions to those problems.

HP4.6 The commission(s) designated in the LDRs and City Council shall annually conduct a joint workshop which will include input from the commission(s) designated in the LDRs, the preservation community and the development community. At that time, staff will present a report concerning the activities of the Commission during the past year, including the identification of known historic and archaeological resources lost during the past year, and recommendations for improvements to the City's preservation program.

HP4.7 Recognizing that there are conflicts between downtown development goals and objectives and the goals and objectives of the City's preservation program, the City and preservation community, in conjunction with the downtown property owners and business community will conduct a workshop, as needed, to identify ways to minimize conflicts between historic preservation and downtown redevelopment.

HP4.8 City staff will continue to develop programming to inform the public about historic preservation issues within the City through the means of the City's TV channel and other sources. The City will create marketing materials, including heritage tourism materials such as walking tours and neighborhood tours, to promote the City's Historic Preservation resources. The City will continue to update the City's Historic Preservation webpage to increase awareness of historic preservation benefits, issues, and regulations.

HP4.9 City staff will continue to promote local and statewide preservation workshops and encourage participation by members of the appropriate City departments, the commission designated in the LDRs, local preservation interest groups, and the citizens of the City of St. Petersburg.

HP4.10 City staff will continue to conduct training workshops for the commission(s) designated in the LDRs and the public.

ISSUE: Protect Archaeological Resources in the City

There are many archaeological resources located within the City. Although previous archaeological surveys culminating in the creation of the Archaeological Resources Management Plan identified a number of sites, many more remain unidentified and unrecorded. The City recognizes the need to continue identification efforts and to protect these resources from both immediate and cumulative adverse impacts.

OBJECTIVE HP5:

Utilize the historic preservation ordinance and other available programs to preserve significant archaeological resources located in the City.

Policies:

HP5.1 All survey, identification, assessment, mitigation, and curation of archaeological sites and artifacts required by the City will be performed by a professional archaeologist who meets the Professional Qualification Standards set forth as part of the Secretary of the Interior's Standards for Archaeology and Historic Preservation (36 CFR Part 61).

HP5.2 The City will pursue grant funding to continue to investigate and survey the location of archaeological sites and to update the Archaeological Resources Management Plan. All identified sites will be assessed for eligibility for listing in the National Register of Historic Places and the local register.

HP5.3 The archaeological sites located on City owned land are monitored and maintained by the City's Parks & Recreation Department.

a. The Parks & Recreation Department shall be responsible for insuring that any proposed parkland development will not adversely impact a significant archaeological site.

b. The Archaeological Resources Management Plan will guide the City in determining which City parkland sites are significant and will be protected from encroachment, development, and theft.

c. The Parks & Recreation Department will be responsible for insuring that individuals and groups do nothing that might damage the integrity of significant archaeological sites located on City parkland and for monitoring their condition on a regular basis.

HP5.4 The City will obtain digital and GIS downloads of the FMSF database and copies of archaeological survey reports from the Florida Division of Historical Resources every six months. The City will integrate this information into the City's GIS system with a block to prohibit release of the information to the public as required by Florida Statutes unless required by Chapter 119, F.S. Training regarding the protection of archaeological resources will be required before access to the archaeological GIS layer is provided to City employees.

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.

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.

HP5.7 In an effort to increase awareness of St. Petersburg's archaeological resources, the City and the commission designated in the LDRs will conduct an archaeology workshop annually. This workshop will focus on the City's archaeological resources as well as other archaeological issues. City staff involved with managing and maintaining the archaeological sites from various City departments as well as utility and cable companies shall be invited to attend.