COUNCIL MEETING

CITY OF ST. PETERSBURG

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

February 29, 2024
9:00 AM

Welcome to the City of St. Petersburg City Council meeting. The public may address City Council in person.

The public must attend the meeting in person to speak during public hearings or quasi-judicial hearings. If you are a person with a disability who needs an accommodation in order to participate in this meeting or have any questions, please contact the City Clerk's Office at 893-7448. If you are deaf/hard of hearing and require the services of an interpreter, please call our TDD number, 892-5259, or the Florida Relay Service at 711, as soon as possible. The City requests at least 72 hours advance notice, prior to the scheduled meeting, for accommodations.

To assist the City Council in conducting the City's business, we ask that you observe the following:

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

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

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

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

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

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

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

The public can also attend the meeting in the following ways:

- Watch live on Channel 15 WOW!/Channel 641 Spectrum/Channel 20 Frontier FiOS
- Watch live online at www.stpete.org/TV
- Listen and participate by dialing one of the following phone numbers
  - +1 312 626 6799 or
  - +1 646 876 9923 or
  - +1 253 215 8782 or
  - +1 301 715 8592 or
  - +1 346 248 7799 or

- +1 669 900 6833 and entering webinar ID: 950 3240 0632#
- Watch, listen, and participate on your computer, mobile phone, or other device by visiting the following link: https://zoom.us/j/95032400632

The public can participate in the meeting by providing public comment for agenda items other than public hearings and quasi-judicial hearings in the following ways:

- If attending the Zoom meeting by computer or other device, use the "raise hand" button in the Zoom app.
- If attending the Zoom meeting by phone only, enter *9 on the phone to use the "raise hand" feature.

The "raise hand" feature in the Zoom meeting indicates your desire to speak but does not allow you to speak immediately. You must use the "raise hand" feature at the time the agenda item is addressed. All "raised hands" will be lowered after each agenda item. When it is your turn to speak, your microphone will be unmuted. At the conclusion of your comments or when you reach the three-minute limit, you will be muted. Please be advised that at all times the chair has the authority and discretion to re-order agenda items, and in the event the meeting is disrupted by violations of the rules of decorum, to accept public comment by alternate means, including by email only.

Regardless of the method of participation used, normal rules for participation apply, including the three-minute limit on comments, the requirement that any presentation materials must be submitted to the City Clerk in advance of the meeting, and the rules of decorum. Public comments must be submitted before the public comment period has closed.

A. Meeting Called to Order and Roll Call.

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

A moment of silence will be observed to remember fallen Firefighters and Police Officers of the City of St. Petersburg that lost their lives in the line of duty during this month:

Firefighter Abner L. Daughtry - March 4, 1954

B. Approval of Agenda with Additions and Deletions.

C. Consent Agenda (see attached)

Open Forum

The City Council receives public comment during Open Forum and on agenda items with limited exceptions consistent with Florida law. All issues discussed under Open Forum must be limited to issues related to the City of St. Petersburg government. If you wish to address City Council on subjects other than public hearing or quasi-judicial items listed on the agenda, please sign up with the Clerk. Only City residents, owners of property in the City, owners of businesses in the City or their employees may speak during Open Forum. If you wish to address City Council through the Zoom meeting, you must use the "raise hand" feature button in the Zoom app or enter *9 on your phone at the time the agenda item is addressed. When it is your turn to speak, you will be unmuted and asked to state your name and address. At the conclusion of your comments or when you reach the three-minute time limit, you will be muted. All "raised hands" will be lowered after each agenda item. Regardless of the method of participation used, normal rules apply, including the three-minute time limit on comments, the requirement that any presentation materials must be submitted in advance of the meeting and the rules of decorum. If live public comment is disrupted by violations of the rules of decorum, the chair is authorized to accept public comment by alternate means, including by email only.

D. Awards and Presentations

1. Flood Awareness Week Proclamation

E. Public Hearings and Quasi-Judicial Proceedings - 9:30 A.M.

Public Hearings

1. Ordinance 1163-V approving the vacation of 20 feet of street right-of-way on the north side of 23rd Avenue North abutting Lots 15 through 28, between 32nd and 31st Streets North in Block B of the Waverly Place Subdivision, generally located at 2300 31st Street North; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No. DRC 22-33000009)

2. Ordinance 1164-V approving the vacation of the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoos Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South; setting forth

conditions for the vacation to become effective; and providing for an effective date. (City File No. DRC 23-33000015)

Quasi-Judicial Proceedings

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

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

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

3. Appeal of the Development Review Commission (DRC) approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus; 332, 340 and 344 4th Street South. (City File No. 23-31000015) (Quasi-Judicial)

F. Reports

1. Municipal Services Center (MSC) Maintenance Study

2. Approving a Resolution finding that $43,500 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the North Shore Elementary Various Locations Safe Routes to School (SRTS) Project (Project), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $43,500 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement (Agreement) between the State of Florida Department of Transportation (FDOT) and the City of St. Petersburg, Florida (City); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for sidewalk maintenance for the sections of the sidewalk associated with the project ; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute 166.241; approving the Agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction and construction engineering inspections services for the Project in an amount not to exceed $1,324,565; authorizing a supplemental appropriation in the amount of $1,199,057 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Improvements Fund (3004), resulting from these additional revenues, to the North Shore Elementary Sidewalks Project (18627); and providing an effective date. (ECID Project No. 22051-112; Oracle No. 18627) (FDOT Financial Project No. 443581-1-58-01)

3. Accepting a guaranteed maximum price proposal in the amount of $3,746,568 from PCL Construction, Inc. (CMAR) for construction phase services for Citywide Backflow Preventers Replacement; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager At Risk (CMAR) Agreement with a GMP between the City of St. Petersburg, Florida and CMAR, dated February 12, 2024 to incorporate the Guaranteed Maximum Price (GMP) Proposal into the agreement and

modify other necessary provisions; approving a transfer in the amount of $3,747,000 from the unappropriated balance of the Stormwater Utility Operating Fund (4011) to the Stormwater Drainage Capital Projects Fund (4013); approving a supplemental appropriation in the amount of $3,747,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), resulting from the above transfer, to the Stormwater Vault/Backflow FY22 Project (18597) (ECID Project No. 22065-110; Oracle Project No. 18597); and providing an effective date.

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

Setting March 21, 2024 as the public hearing date for the following proposed Ordinance(s):

1. Ordinances amending Chapter 16, Land Development Regulations (LDRs) and amending Chapter 8, Building Code, adopting a local technical amendment, pertaining to Floodplain Management and the Floodplain Management Ordinance (FPM) to remain in compliance with the National Flood Insurance Program (NFIP) and to comply with the NFIPs Community Rating System (CRS). (City File: LDR-2024-01)

   (a) Ordinance 574-H of the City of St. Petersburg, Florida amending the Land Development Regulations; amending Section 16.40.050.3.1. to update the person officially designated to perform the duties set forth in the Floodplain Management Ordinance; amending Section 16.40.050.94 to update the definition of market value; amending Section 16.40.050.13.4. to update general elevation requirements for manufactured homes in the Coastal high Hazard Area; providing for applicability; providing for severability; and providing an effective date.

   (b) Ordinance 573-H of the City of St. Petersburg, Florida amending Chapter Eight of the city code; amending Section 8-36(c)(3) to make a local technical amendment to the Florida Building Code (FBC) to rescind previous amendments to the FBC related to floodproofing; providing for applicability; providing for severability; and providing an effective date.

2. Ordinance 1165-V approving a vacation of two (2) street corner easements, generally located at 10000 1st Avenue North; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No.: DRC 23-33000016)

H. New Business

1. Respectfully requesting a referral to HLUT to provide an update on Namaste Townhomes and an upcoming amendment to their CRA agreement. (Councilmember Gabbard - Staff Request)

2. Respectfully requesting a referral to HLUT to provide an update on ERA2 funding and any program outcomes. (Councilmember Gabbard - Staff Request)

3. Respectfully requesting a referral to HLUT to provide an update on Down Payment Assistance in the CRA and proposed amendments to the program. (Councilmember Gabbard - Staff Request)

4. Respectfully requesting a referral to HLUT to provide an annual update on Housing for All and Employee Rental Assistance. (Councilmember Gabbard - Staff Request)

5. Respectfully requesting a referral to the Budget, Finance and Taxation Committee to discuss a request to reallocate Weeki Wachee funding for the Science Center back to the Weeki Wachee Fund. (Councilmember Driscoll)

6. Respectfully requesting a referral to the Public Services and Infrastructure Committee for a presentation on the known capital improvement needs and associated costs over the next 30 years broken down into the following categories: 1. Water 2. Wastewater/Reclaimed Water 3. Stormwater 4. Streets 5. Sidewalks 6. Seawalls 7. Sanitation 8. Alleys 9. Bridges 10. City Facilities (Buildings) 11. Port 12. Airport 13. Marina 14. Libraries 15. Parks 16. Pools 17. Recreation Centers 18. Other anticipated capital improvement needs that may not fall within the above categories. (Councilmember Hanewicz)

I. Council Committee Reports

1. February 8, 2024 Housing, Land Use and Transportation Committee - Action Item

   (a) A resolution approving the Mayor's reappointment of Mr. Derek Keys to the Office of Commissioner of the Housing Authority of the City of St. Petersburg, Florida, for a four-year term and providing an effective date.

2. February 22, 2024 Budget, Finance and Taxation Committee - Action Item

   (a) A resolution authorizing the issuance of a not to exceed $53,000,000 City of St. Petersburg, Florida Public Utility Subordinate Lien Bond Anticipation Note, Series 2024, to finance and/or reimburse the acquisition, construction and erection of additions, improvements, and extensions to the City's public utility system; providing for the payment of such note from a first lien on proceeds of a series of senior lien bonds expected to be issued on or prior to the maturity date of such note and net revenues of the City's public utility system on a junior and subordinate lien basis, in all respects, with respect to certain bonds heretofore issued by the City, and on a parity lien basis with respect to Loan Agreement WW520630 entered into with the Florida Department of Environmental Protection; providing for the sale and approval of the form of such note; appointing a Paying Agent and Registrar for such note; making other covenants and agreements in connection therewith; providing certain other matters in connection therewith; and providing an effective date.

J. Legal

1. A resolution approving the settlement of the worker's compensation claim and lawsuit of Christopher McClure v. City of St. Petersburg and Commercial Risk Management, Inc., Carrier/Servicing Agent, Claim Nos. C3690020 and C3730466; OJCC Case No. 23-001058RLY, and providing an effective date.

K. Open Forum

L. Adjournment

Consent Agenda A
February 29, 2024

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

(Procurement)

1. Approving a three-year blanket purchase agreement with Sunbelt Sod & Grading Company for sod delivery and installation at an estimated annual cost of $250,000.

2. Approving the renewal of a blanket purchase agreement with Humana Insurance Company for voluntary Dental Health Management Organization (DHMO) and Preferred Provider Organization (PPO) insurance plans in the amount of $1,850,000.

(City Development)

3. A resolution approving an agreement ("artist agreement") between the city of st. petersburg, florida and ya la'ford ("artist") for artist to design, fabricate, and install an exterior artistic sculpture entitled "courageous 12 monument" at the orange station site located at 1301 1st avenue north, st. petersburg florida for a total firm fixed price of $513,000; authorizing the city attorney to make non-substantive changes to the artist agreement; authorizing the mayor or his designee to execute the artist agreement and all other documents necessary to effectuate this transaction; recognizing a commitment from lorna taylor to donate $150,000 to supplement the budget for the courageous 12 monument; approving a transfer in the amount of $400,000 from the unappropriated balance of the general fund (0001) to the art in public places fund (1901); approving a transfer in the amount of $113,000 from the balance of the general fund contingency (0001) to the art in public places fund (1901); approving a supplemental appropriation in the amount of $513,000 from the unappropriated balance of the art in public places fund (1901), resulting from the above transfers, to the courageous 12 monument project (tbd); and providing an effective date.

(Community Enrichment)

(Public Works)

4. Approving a Resolution finding that $43,500 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the North Shore Elementary Various Locations Safe Routes to School (SRTS) Project (Project), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $43,500 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement (Agreement) between the State of Florida Department of Transportation (FDOT) and the City of St. Petersburg, Florida (City); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for sidewalk maintenance for the sections of the sidewalk associated with the project ; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute 166.241; approving the Agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction and construction engineering inspections services for the Project in an amount not to exceed $1,324,565; authorizing a supplemental appropriation in the amount of $1,199,057 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Improvements Fund (3004), resulting from these additional revenues, to the North Shore Elementary Sidewalks Project (18627); and providing an effective date. (ECID Project No. 22051-112; Oracle No. 18627) (FDOT Financial Project No. 443581-1-58-01) (MOVED TO REPORTS AS AGENDA ITEM F-2)

5. Approving a Resolution finding that $25,000 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project ("Project"), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $25,000 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the scoped improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the Agreement and authorizing the Mayor or his designee to execute a Local Agency Program Agreement between the City of St. Petersburg, Florida and the State of Florida Department of Transportation ("FDOT") for participation by FDOT in the construction activities related to the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project in an amount not to exceed $674,846; and providing an effective date. (ECID Project No. 22045-112; Oracle No. 18921) (FDOT Financial Project No. 441215 1 58 01)

(Appointments)

(Miscellaneous)

CONSENT AGENDA

COUNCIL MEETING CITY OF ST. PETERSBURG

Consent Agenda B
February 29, 2024

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

(Procurement)

1. Accepting a quote for equipment and support of a Quantum DXI9000 backup system from Insight Public Sector, Inc. an authorized reseller, for the Department of Technology Services at a total cost of $326,447.01.

(City Development)

2. A resolution authorizing the Mayor, or his designee, to execute a License Agreement with the Police Athletic League of St. Petersburg, Inc., a Florida not-for-profit corporation, for the use of a concession/restroom building and a storage building within a portion of City-owned Wildwood Park located at 1000 – 28th Street South, St. Petersburg, for a period of thirty-six (36) months for a fee of $36.00; and waiving the reserve for replacement requirement of City Council Resolution No. 79-740A. Requires affirmative vote of at least six (6) members of City Council.

3. A resolution authorizing the Mayor, or his designee, to execute a License Agreement with St. Petersburg Saturday Morning Market, Inc., a Florida not-for-profit corporation, for a period of one (1) day to utilize City Hall Parking Lot No. 4 for its officer and vendor vehicular parking, for a nominal fee of $10.00 for the term.

4. A resolution approving the recission of an unencumbered appropriation in the general capital improvement fund (3001) in the amount of $10,000 from the infrastructure tbd fy24 project (19776); approving a supplemental appropriation in the amount of $10,000 from the unappropriated balance of the general capital improvement fund (3001), resulting from the above recission, to the dwight jones storage area project (18631); and providing an effective date.

(Community Enrichment)

(Public Works)

5. A Resolution authorizing the Mayor or his designee to execute Task Order No. 21-08-HDR/W(A) to the architect/engineering agreement dated August 5, 2021 between HDR Engineering, Inc. ("A/E"), and the City of St. Petersburg, Florida ("City") for A/E to provide Project Management and Coordination, Resilient Florida Award Execution and Administration and Citywide Grant Coordination related to the Resilient Florida Southwest Water Reclamation Facility Grant Support Services Project within the Water Resources Utility Capital Improvement Program in an amount not to exceed $200,997.78;

(ECID Project No. 21047-111; Oracle Project Nos. 16928, 16939 and 16944); and providing an effective date.

6. A Resolution authorizing the Mayor or his designee to execute Task Order No. 20-01-PA/M(A) to the architect/engineering agreement dated October 30, 2020 between the City of St. Petersburg, Florida and Pennoni Associates, Inc. ("A/E") for A/E to provide (i) project management, (ii) system operations review and traffic signal equipment inventory, (iii) traffic data collection, (iv) analysis, implementation and documentation and (v) preliminary and final reports related to the Traffic Signal / Bus Rapid Transit (BRT) System Upgrades Project in an amount not to exceed $369,090.65 (ECID Project No. 23111-100; Oracle No. 17977); and providing an effective date.

7. A Resolution authorizing the Mayor or his designee to execute Task Order No. 21-06-AECOM/W(A) to the architect/engineering agreement dated August 5, 2021 between the City of St. Petersburg, Florida and AECOM Technical Services, Inc. ("A/E") for A/E to provide (i) Project Management , (ii) a Preliminary Engineering Report, (iii) an evaluation of support structures and crossing replacement, (iv) a construction cost estimate, (v) an evaluation of permitting requirements evaluation, and (vi) a summary and recommendation related to the Lealman's Creek Crossing Replacement of 48" Transmission Main Project in an amount not to exceed $148,016.97 (ECID Project No. 23156-100; Oracle No. 19721); and providing an effective date.

(Appointments)

8. A resolution of the City Council of St. Petersburg, Florida confirming the appointment of Isabella Sobel as Assistant City Attorney; and providing for an effective date.

(Miscellaneous)

9. Housing, Land Use & Transportation Committee Meeting Minutes (11/9/2023)

10. Housing, Land Use & Transportation Committee Meeting Minutes (1/11/2024)

11. Health, Energy, Resilience & Sustainability Committee Meeting Minutes (9/21/2023)

12. Legislative Affairs & Intergovernmental Relations Committee Minutes (12/14/2023)

13. Budget, Finance & Taxation Committee Minutes (2/8/2024)

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An Meeting Agendalisting of upcoming City Council meetings.

Budget, Finance & Taxation Committee
Thursday, March 7, 2024, 1:30 p.m., Conference Room 100

Housing, Land Use & Transportation Committee
Thursday, March 7, 2024, 8:30 a.m., Conference Room 100

Youth & Family Services Committee
Thursday, March 7, 2024, 3:00 p.m., Conference Room 100 (Canceled)

Committee of the Whole
Thursday, March 7, 2024, 3:00 p.m., Conference Room 100 (Canceled)

City Council Meeting
Thursday, March 21, 2024, 1:30 p.m., City Council Chambers

CITY OF ST. PETERSBURG
Board and Commission Vacancies

Nuisance Abatement Board
2 Regular Members
((Term expires 12/31/24 and 12/31/25))

Nuisance Abatement Board
2 Alternate Members
((Term expires 8/31/24 and 12/31/24))

PROCEDURES TO BE FOLLOWED FOR QUASI-JUDICIAL PROCEEDINGS:

1. **Anyone wishing to speak must fill out a yellow card and present the card to the Clerk. All speakers must be sworn prior to presenting testimony. No cards may be submitted after the close of Public Comment. Each party and speaker is limited to the time limits set forth herein and may not give their time to another speaker or party.** Each party and speaker wishing to present handouts, photographs, presentation slides or any other materials (collectively, "Materials") during a quasi-judicial proceeding must submit such Materials to the City Clerk no later than 24 hours in advance of the applicable public hearing. **Materials submitted after the deadline will not be accepted and may not be used.**

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

3. Reading of the Title of the Ordinance(s), if applicable.

4. Initial Presentation. Each party shall be allowed ten (10) minutes for their initial presentation. The order of initial presentations shall be:

a. Presentation by City Administration.
b. Presentation by the Appellant followed by the Applicant, if different. If Appellant and Applicant are different entities, then each is allowed the allotted time for each part of these procedures.
c. Presentation by Opponent. If anyone wishes to utilize the initial presentation time provided for an Opponent, said person shall register as an Opponent with the City Clerk at least one week prior to the scheduled public hearing or within 48 hours after the City staff report for the public hearing has been published (whichever is later). If more than one person registers to utilize the initial presentation time provided for an Opponent, the registered persons shall attempt to agree on a single representative to participate as the Opponent in the proceeding. If the persons cannot agree on a single representative, then each person (or person's representative) shall share equally the time allotted to the Opponent for each part of these procedures. If there is an Appellant who is not the Applicant or Property Owner, then no Opponent is allowed. If a Property Owner who is not the Appellant or the Applicant opposes the Application and utilizes any part of the time available to the Property Owner to make an initial presentation, the Opponent shall not be permitted to make an initial presentation (but shall be provided an opportunity for cross-examination and rebuttal/closing).

d. If the Property Owner is neither the Appellant nor the Applicant, they shall be allowed the allotted time for each part of these procedures and shall have the opportunity to speak last in each part of these procedures so that they have the opportunity to address what all the interested parties have presented.

5. Public Comment. Upon conclusion of the initial presentations, members of the public may speak for not more than three (3) minutes each. Speakers shall limit their testimony to information relevant to the ordinance or application and criteria for review.

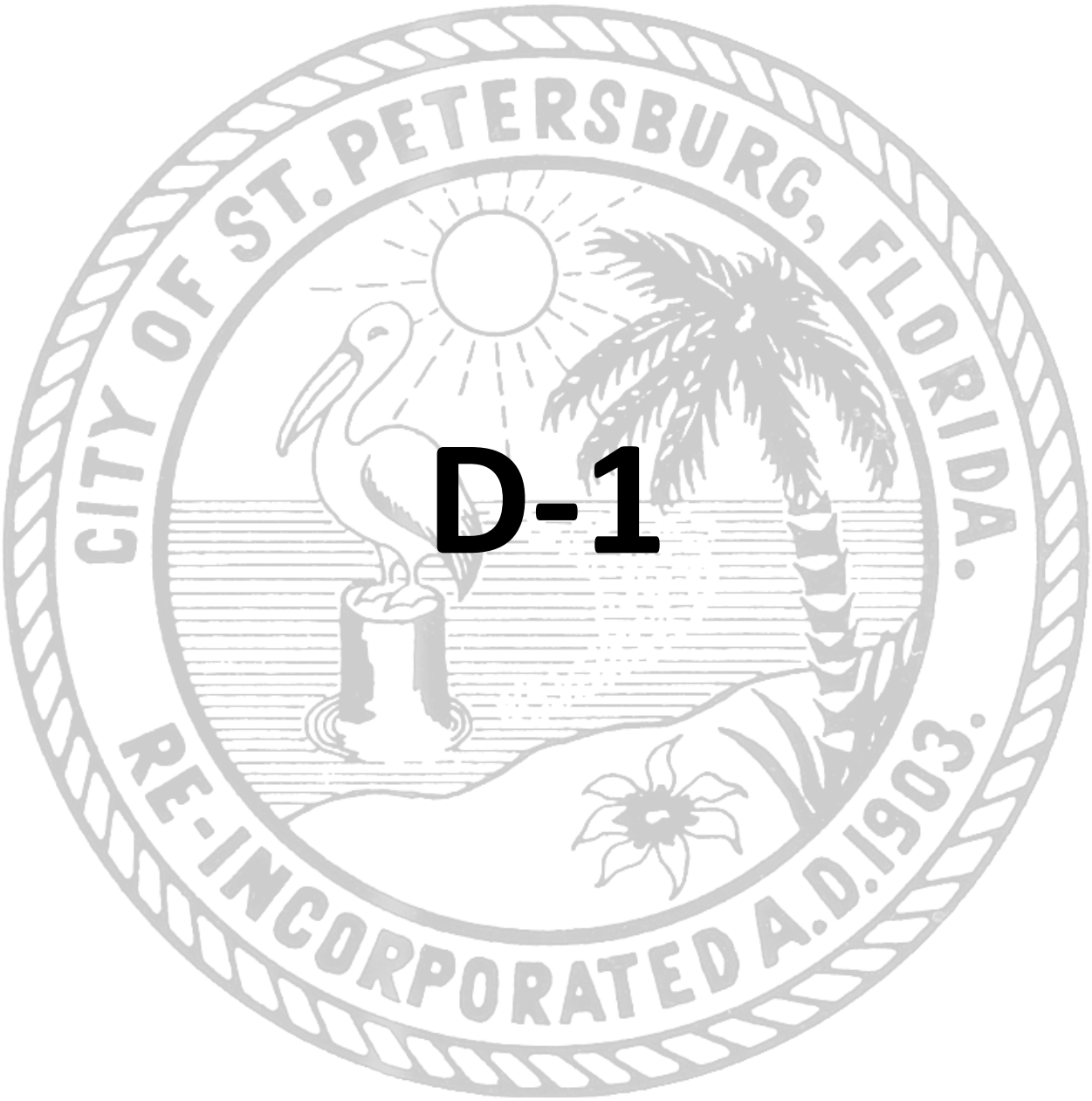
6. Cross Examination. Each party shall be allowed a total of five (5) minutes for cross examination, which includes the time consumed by both questions and answers. Each party who opposes the application may only cross examine any witness who previously testified in support of the application. Each party who supports the application may only cross examine any witness who previously testified in opposition to the application. The questioning party is not permitted to make any statements, only to ask questions that are directly related to the testimony or evidence presented. All questions shall be addressed to the Chair and then (at the discretion of the Chair) asked either by the Chair or by the party conducting the cross examination of the appropriate witness. One (1) representative of each party shall conduct the cross examination. If anyone wishes to utilize the time provided for cross examination and rebuttal as an Opponent, and no one has previously registered with the City Clerk as an Opponent, said individual shall notify the City Clerk prior to the beginning of initial presentations for the applicable public hearing. If no one gives such notice, there shall be no cross examination or rebuttal by Opponent(s). The order of cross examination shall be:

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

7. Rebuttal/Closing. Each party shall have five (5) minutes to provide a closing argument and/or rebuttal. The order of rebuttal/closing shall be:

a. Rebuttal/Closing by City Administration.
b. Rebuttal/Closing by Opponent, if applicable.
c. Rebuttal/Closing by Applicant followed by the Appellant, if different, followed by Property Owner, if different.

The following page(s) contain the backup material for Agenda Item: Flood Awareness Week Proclamation
Please scroll down to view the backup material.



D-1

CITY COUNCIL AGENDA
Presentation Item

DATE: **February 16, 2024**

TO: The Honorable Members of City Council

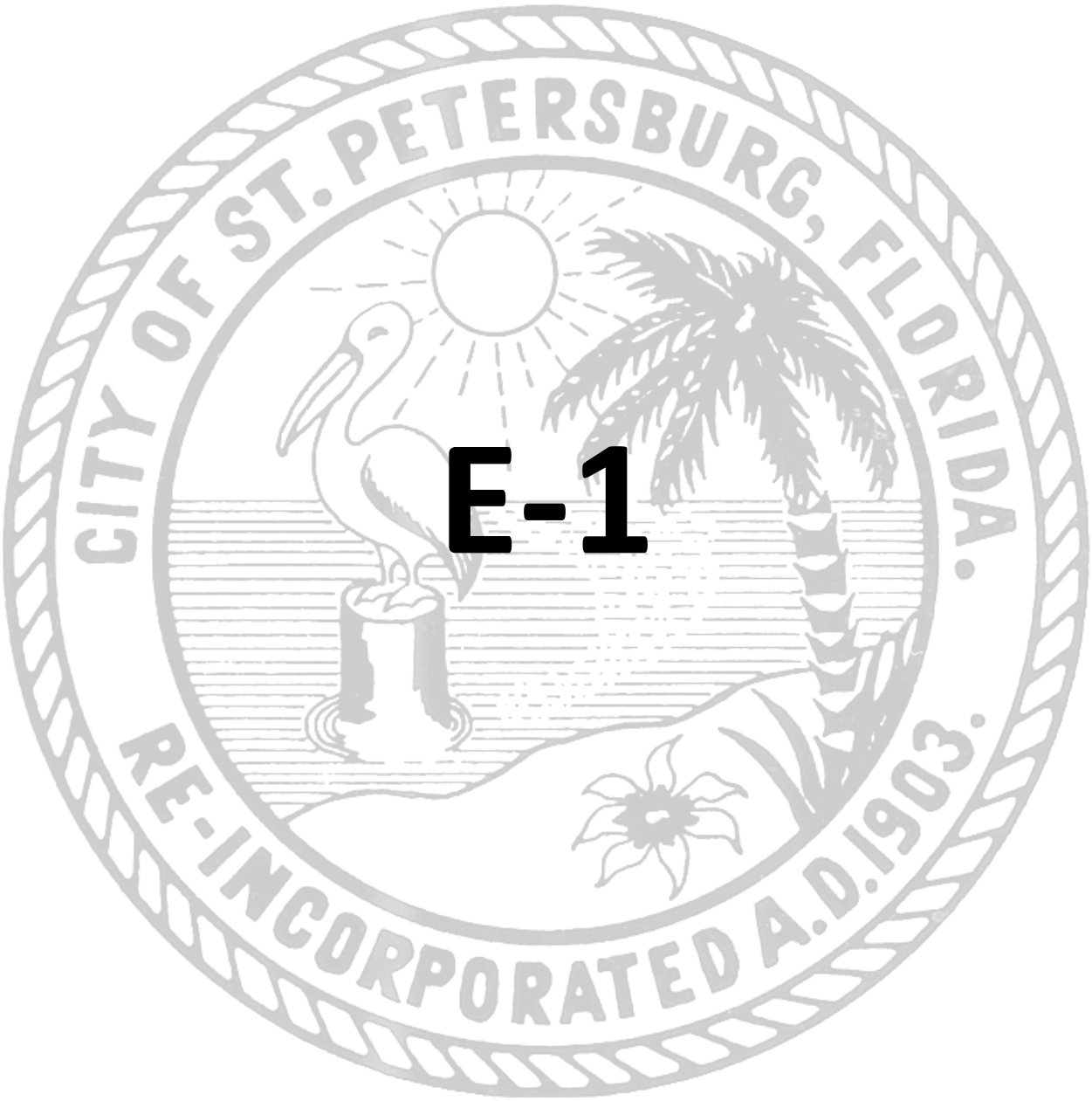
SUBJECT: Flood Awareness Week Proclamation

PRESENTER: Council Member Brandi Gabbard

SCHEDULE FOR COUNCIL ON: February 29, 2024

Council Member Brandi Gabbard
District 2

The following page(s) contain the backup material for Agenda Item: Ordinance 1163-V approving the vacation of 20 feet of street right-of-way on the north side of 23rd Avenue North abutting Lots 15 through 28, between 32nd and 31st Streets North in Block B of the Waverly Place Subdivision, generally located at 2300 31st Street North; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No. DRC 22-33000009)
Please scroll down to view the backup material.



E-1

st.petersburg
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ST. PETERSBURG CITY COUNCIL

Meeting of February 29, 2024

TO: The Honorable Council Chair Figgs-Sanders, and Members of City Council

SUBJECT: Ordinance 1163-V approving the vacation of 20 feet of street right-of-way on the north side of 23rd Avenue North abutting Lots 15 through 28, between 32nd and 31st Streets North in Block B of the Waverly Place Subdivision, generally located at 2300 31st Street North; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No. DRC 22-33000009)

RECOMMENDATION: The Administration and the Development Review Commission recommend **APPROVAL**.

RECOMMENDED CITY COUNCIL ACTION:

1) Conduct the second reading and public hearing; and
2) Approve the attached proposed ordinance.

The Request: The request is to vacate 20 feet of street right-of-way width on the north side of 23rd Avenue North along Lots 15 through 28, generally located at 2300 31st Street North (see attached Location Map).

First reading on this matter was February 15, 2024.

Discussion: The vacation is proposed to facilitate development of the Brewfab property located at 2300 31st Street North. The purpose of the partial right-of-way vacation, according to the Application Narrative, is to increase the size of the existing 1.85-acre property to at least 2 acres so that the maximum building height limitation for the CCS-1 Zoning District increases from 36 feet to 48 feet. The applicant plans to construct a 20,000+ square-foot building taller than 36 feet without the need for variances so that work which is currently performed outdoors can be performed in an indoor setting. This work includes the manufacture of large-scale food production and brewing tanks. A site plan application has not yet been submitted, however, a concept plan was submitted with the vacation application. It does not appear that any work is proposed in the right-of-way to be vacated. Once the right-of-way is vacated, the other property owners to the west could potentially increase their off-street parking lots in the vacated area.

Rights-of-way to the west, south and east were similarly vacated in 2001, 2002 and 2003.

As set forth in the attached DRC Staff Report, Staff finds that vacating the subject right-of-way would be consistent with the criteria in the City Code and the Comprehensive Plan.

Agency Review: The application was routed to the standard list of City Departments and private utility providers. No objections were received from City Departments. Engineering and Water Resources requested a 12-foot-wide easement over the existing 8-inch water main in the right-of-way. Engineering and Transportation requested a sidewalk easement. The easements are a recommended Condition of Approval. The review letters are part of the Staff Report (see Attachments E, F and G.)

Private utilities were not identified in this portion of right-of-way.

DRC Action/Public Comments: The proposal received no comments from the public, the Ponce DeLeon Neighborhood Association or the Council of Neighborhood Associations (CONA). On December 6, 2023, the DRC held a public hearing on the case. No objectors appeared. The applicant requested modification of Condition #1 in the Staff Report, which required site plan and building permit approval prior to the recordation of the vacation ordinance. Submission and approval of building permit plans was cited as burdensome to the applicant. Staff and DRC concurred that the requirement for an approved building permit could be removed and replaced as follows: "Prior to recordation of the vacation ordinance, the Applicant shall receive approval of a site plan, or submit a building permit application, for a building."

After the public hearing, the DRC voted unanimously, 6-0, to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to staff.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the right-of-way vacation, subject to the following conditions:

1. Prior to recordation of the vacation ordinance, the Applicant shall receive approval of a site plan, or submit a building permit application, for a building.

2. The Applicant shall comply with the Engineering Review Memo dated November 7, 2023, the Water Resources Memo dated October 17, 2023 and the Transportation and Parking Management Memo dated October 30, 2023. Specifically, prior to the recordation of the vacation ordinance, a 12-foot-wide Public Utility Easement shall be provided over the 8-inch water main in the right-of-way, and a Public Ingress/Egress and Sidewalk Easement shall be provided to accommodate a sidewalk.

3. The applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.

4. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

Attachments: Ordinance including Exhibit "A," Location Map, DRC Staff Report including the Water Resources, Engineering and Transportation and Parking Management Department Review Memos

ORDINANCE NO. 1163-V

AN ORDINANCE APPROVING THE VACATION OF 20 FEET OF STREET RIGHT-OF-WAY ON THE NORTH SIDE OF 23RD AVENUE NORTH ABUTTING LOTS 15 THROUGH 28, BETWEEN 32ND AND 31ST STREETS NORTH IN BLOCK B OF THE WAVERLY PLACE SUBDIVISION, GENERALLY LOCATED AT 2300 31ST STREET NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following right-of-way is hereby vacated as recommended by the Administration. The Development Review Commission recommended approval of the application on December 6, 2023. (City File No. DRC 22-33000009):

Attached Sketch and Legal Description - Exhibit "A" – 1 page.

Section 2. The above-mentioned right-of-way is not needed for public use or travel.

Section 3. The vacation is subject to and conditional upon the following:

1. Prior to recordation of the vacation ordinance, the Applicant shall receive approval of a site plan, or submit a building permit application, for a building.
2. The Applicant shall comply with the Engineering Review Memo dated November 7, 2023, the Water Resources Memo dated October 17, 2023 and the Transportation and Parking Management Memo dated October 30, 2023. Specifically, prior to the recordation of the vacation ordinance, a 12-foot-wide Public Utility Easement shall be provided over the 8-inch water main in the right-of-way, and a Public Ingress/Egress and Sidewalk Easement shall be provided to accommodate a sidewalk.
3. The applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
4. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is

granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

Section 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Michael J Dema
LEGAL

/s/Elizabeth Abernethy
PLANNING & DEVELOPMENT SERVICES DEPT.

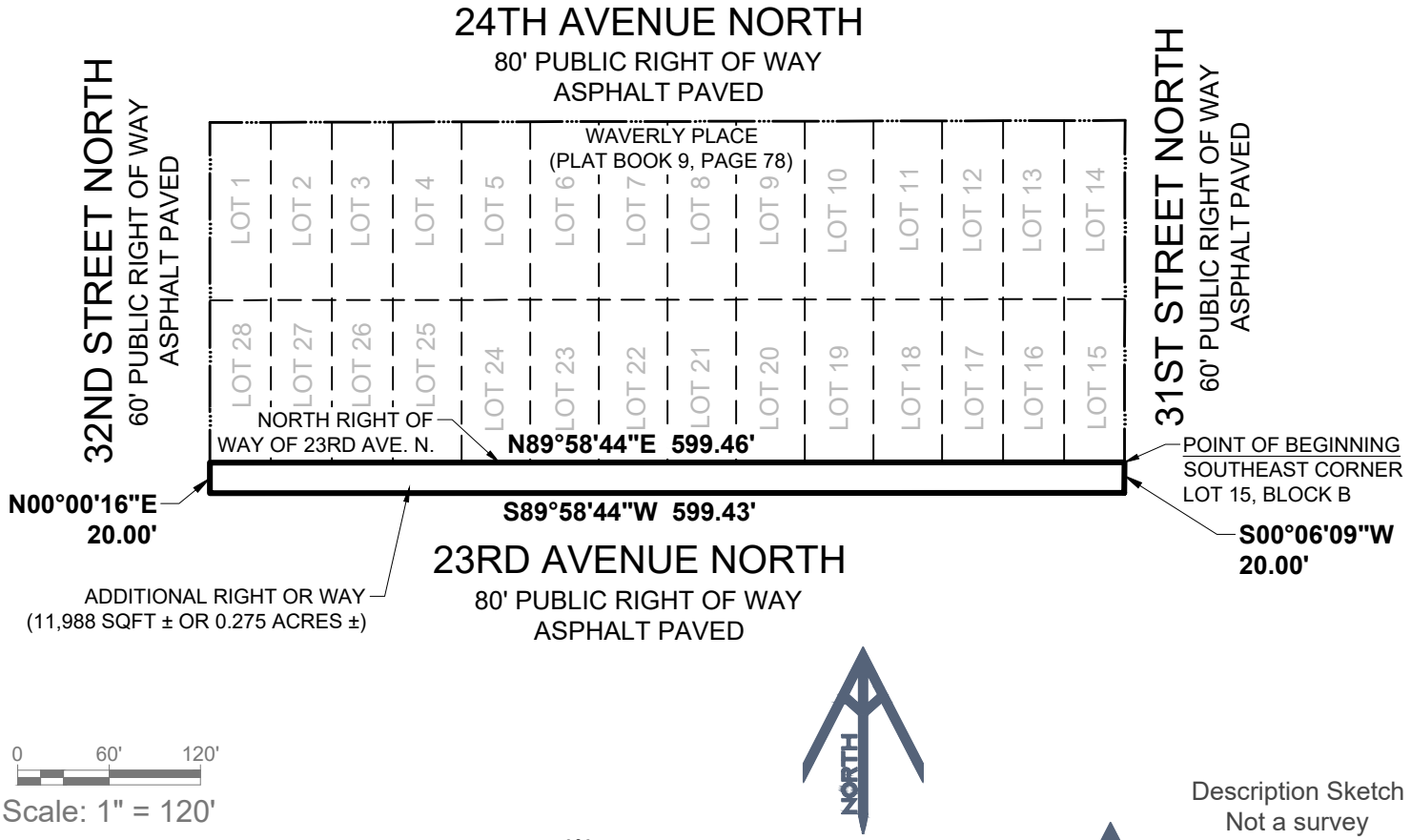
Exhibit "A"

DESCRIPTION:

A parcel of land lying in Section 11, Township 31 South, Range 16 East, Pinellas County, Florida, and being more particularly described as follows:

BEGIN at Southeast corner of Lot 15, Block B, Waverly Place, according to the Official Plat thereof, as recorded in Plat Book 9, Page 78, of the Public Records of Pinellas County, Florida; thence along the West right of way of 31st Street North, S.00°06'09" W., 20.00 feet; thence S.89°58'44" W., 599.43 feet to the East right of way of 32nd Street North, thence along said East right of way, N. 00°00'16" E., 20.00 feet to the North right of way of 23rd Avenue North; thence along said North right of way, N. 89°58'44" E., 599.46 feet to the POINT OF BEGINNING.

Containing 11,988 square feet or 0.275 acres.



Description Sketch
Not a survey

Survey History

Date	Description	By
4/20/22	Last field data acquisition	MCK
9/14/23	Client Comments	TSH

Surveyor's Certificate

This Sketch not valid without the original signature and seal of a Florida Professional Surveyor and Mapper or a digital signature complying with 5J-17 Florida Statutes

MATTHEW C. KNEELAND License Number 7092 STATE OF FLORIDA Professional Surveyor and Mapper

Matthew C. Kneeland, PSM 7092

St Pete ROW

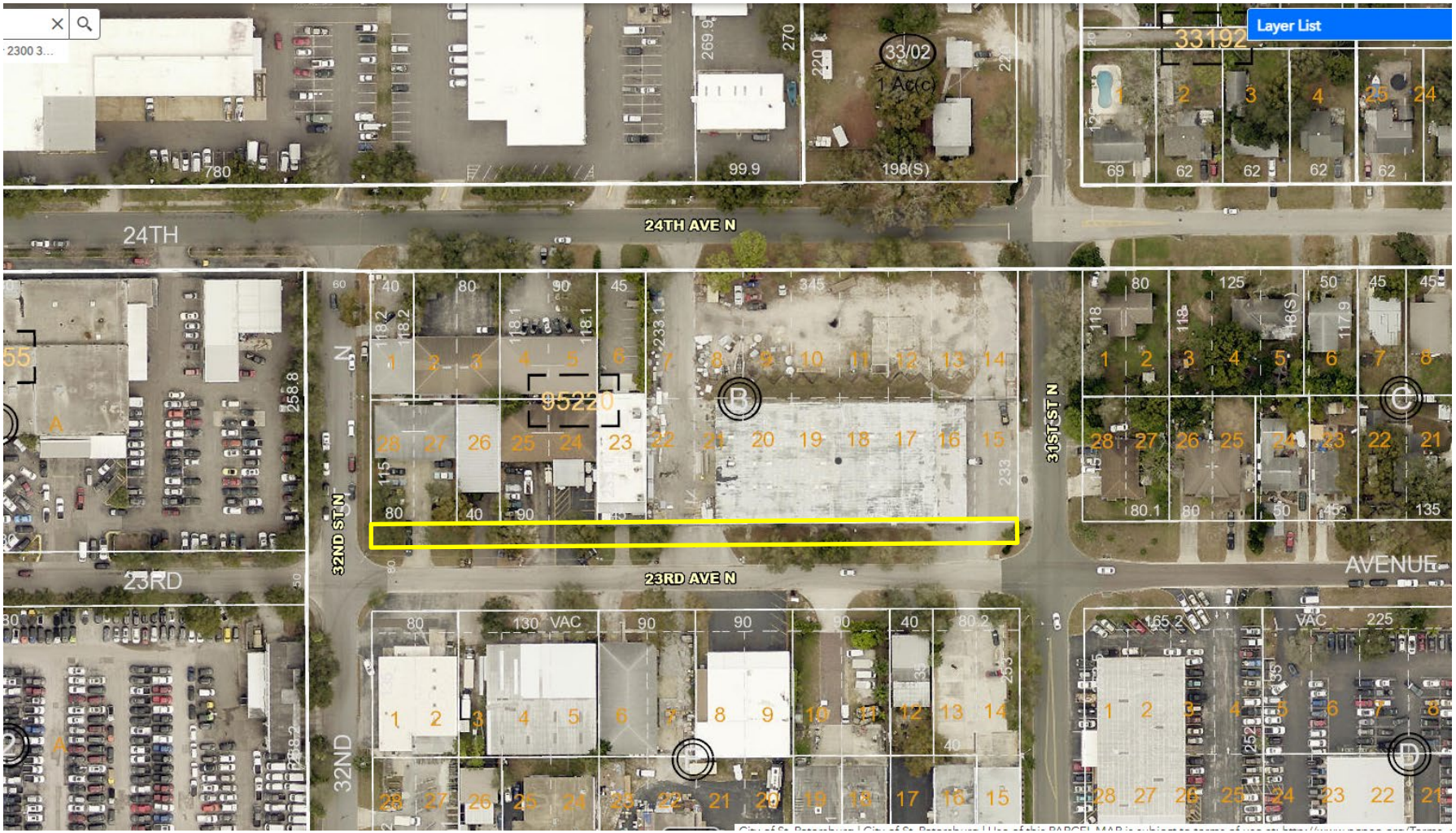
Description Sketch

Prepared for:
Landis Evans

Section 11
Township 31 South
Range 16 East
Pinellas County, FL

MRIC SPATIAL
701 S. Howard Avenue, Suite 106-320
Tampa, FL 33606
813-515-0821
MRICSpatial.com
Licensed Business #8325

Project Number: 220056 | Sheet 1 of 1



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Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 22-33000009
Address: 2300 31st Street N.

N↑
(nts)

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

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

According to Planning & Development Services Department records, **no Commission member** or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, December 6, 2023, at 1:00 PM** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO:	22-33000009
PLAT SHEET:	J-14
REQUEST:	Approval to vacate 20 feet of street right-of-way on the north side of 23rd Avenue N. abutting Lots 15 through 28, between 32nd and 31st Streets N. in Block B of the Waverly Place Subdivision, generally located at 2300 31st Street N.
OWNER:	Brewfab, LLC 2300 31st Street N. St. Petersburg, FL 33713
APPLICANT:	Dallas Evans 3810 Northdale Blvd., Suite 100 Tampa, FL 33624
ADDRESS:	2300 31st Street N.
PARCEL ID NUMBER:	11-31-16-95220-002-0150
ZONING:	Commercial Corridor Suburban – 1 (CCS-1)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate 20 feet of street right-of-way along 23rd Avenue North abutting Lots 15 through 28, between 32nd and 31st Streets North in Block B of the Waverly Place Subdivision in the Commercial Corridor Suburban – 1 (CCS-1) Zoning District (see Attachment A - Location Map and Attachment B - Photos). A 20-foot-wide vacation would reduce the existing 80-foot right-of-way to 60 feet wide. The southern 20 feet of the right-of-way was vacated in 2001 under Ordinance 858-V, discussed further below. The applicant owns more than 51 percent of the lineal frontage along the right-of-way in question, so the other property owners along the right-of-way are not required to consent to the vacation, although the owners of #3199 and #3165 23rd Avenue North did consent to an earlier proposed 10-foot-wide iteration of the proposal. The proposal was revised to request a 20-foot-wide vacation, and a revised consent from the property owners was not obtained by the applicant.

The purpose of the partial right-of-way vacation, according to the Application Narrative, is to increase the size of the existing 1.85-acre property to at least 2 acres so that the maximum building height limitation for the CCS-1 Zoning District increases from 36 feet to 48 feet. The applicant plans to construct a 20,000± square-foot building taller than 36 feet without the need for variances so that work which is currently performed outdoors can be performed in an indoor setting. This work includes the manufacture of large-scale food production and brewing tanks (See Attachment C – Application.) A site plan application has not yet been submitted, however, a concept plan has been submitted with the vacation application. It does not appear that any work is proposed in the right-of-way to be vacated. Once the right-of-way is vacated, the other property owners to the west could potentially increase their off-street parking lots in the vacated area.

There have been other approved right-of-way vacations in the neighborhood including the following (see Attachment D – Abutting Vacations & Right-of-Way Widths):

1. 52-V and 877-V vacated a total of 50 feet of right-of-way along the 23rd Avenue North frontage of Blocks A and F to the west, bringing that right-of-way to 50 feet wide.
2. 858-V vacated 20 feet along the 23rd Avenue North frontage of Block E to the south, bringing that section of right-of-way to 80 feet (the right-of-way will be 60-feet-wide if the subject vacation application is approved).
3. 887-V vacated 20 feet along the 23rd Avenue North frontage of Block D to the southeast, bringing that section to 80-feet-wide.
4. 900-V vacated 20 feet along the 23rd Avenue North frontage of Block A of the Verona Subdivision to the southeast, bringing that section to 80-feet-wide.

Analysis. Staff's review of a vacation application is guided by:

A. The City's Land Development Regulations (LDR's);
B. The City's Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

A. Land Development Regulations

Section 16.40.140.2.1.E of the LDR sets forth the criteria for the review of proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. ***The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.***
   - The application was routed to City Departments and Private Utility Providers:
     - Water Resources has no objection to the proposed vacation with the condition that a 12-foot-wide Public Utility Easement be provided across all affected lots that

covers the 8-inch water main located in that right-of-way (see Water Resources Review Memo dated October 17, 2023 - Attachment E).

- Engineering has no objection, and notes that the required minimum right-of-way is 60 feet, which is proposed. Conditions of Approval are recommended including the provision of a 12-foot-wide Public Utility Easement over the water main. A Public Ingress/Egress and Sidewalk Easement is also recommended for future sidewalk, because there is a line of trees in the right-of-way that should be preserved, and a future sidewalk may need to be located in the right-of-way that is to be vacated in order to avoid the trees. Construction-related comments are also provided in the Engineering Memo dated November 7, 2023 (see Attachment F).
- Transportation and Parking Management does not object if an easement is provided to allow for sidewalks to be constructed (see Transportation and Parking Management Department Review Memo dated October 30, 2023 - Attachment G).
- No private utilities have objected.

2. ***Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.***
   - Access will not be substantially impaired or denied to any lot of record.

3. ***Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.***
   - The vacation will not impact the existing roadway network, create dead-end rights-of-way, or substantially alter utilized travel patterns. The block is not historic.

4. ***Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.***
   - There is a need for the subject area to remain a public utility and pedestrian corridor, therefore easements would be required to be established over a portion of the area to be vacated so the City retains access to underground utilities and required sidewalk can be constructed in the right-of-way.

5. ***The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.***
   - No other factors were considered.

B. Comprehensive Plan

Goals, Objectives and Policies from the Transportation Element applicable to the subject application include:

> *Obj. T2: The City shall protect existing and future transportation corridors from encroachment.*
>
> *Policy T2.4 The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.*

Response to TE Policy T2.4: Approval of the vacation would not impair the intent and purpose of this policy if easements are placed back over the vacated right-of-way. City Departments have no objection to the vacation.

C. Adopted Neighborhood or Special Area Plans

The subject right-of-way is not planned for use in the Ponce de Leon Neighborhood Plan of 2004.

D. Comments from Organizations and the Public

As of November 15, 2023, City Staff received no comments from the public, the Ponce De Leon Neighborhood Association or the Council of Neighborhood Associations (CONA).

RECOMMENDATION. Staff recommends **APPROVAL** of the vacation with the following conditions of approval:

1. Prior to recordation of the vacation ordinance, the Applicant shall receive approval of a site plan and building permits for a 20,000± square-foot manufacturing building.

2. The Applicant shall comply with the Engineering Review Memo dated November 7, 2023, the Water Resources Memo dated October 17, 2023 and the Transportation and Parking Management Memo dated October 30, 2023. Specifically, prior to the recordation of the vacation ordinance, a 12-foot-wide Public Utility Easement shall be provided over the 8-inch water main in the right-of-way and a Public Ingress/Egress and Sidewalk Easement shall be provided to accommodate a sidewalk.

3. The applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.

4. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

/s/Cheryl Bergailo *11/15/23*

Cheryl Bergailo, AICP, LEED Green Assoc., Planner II — Date
Development Review Services Division
Planning & Development Services Department

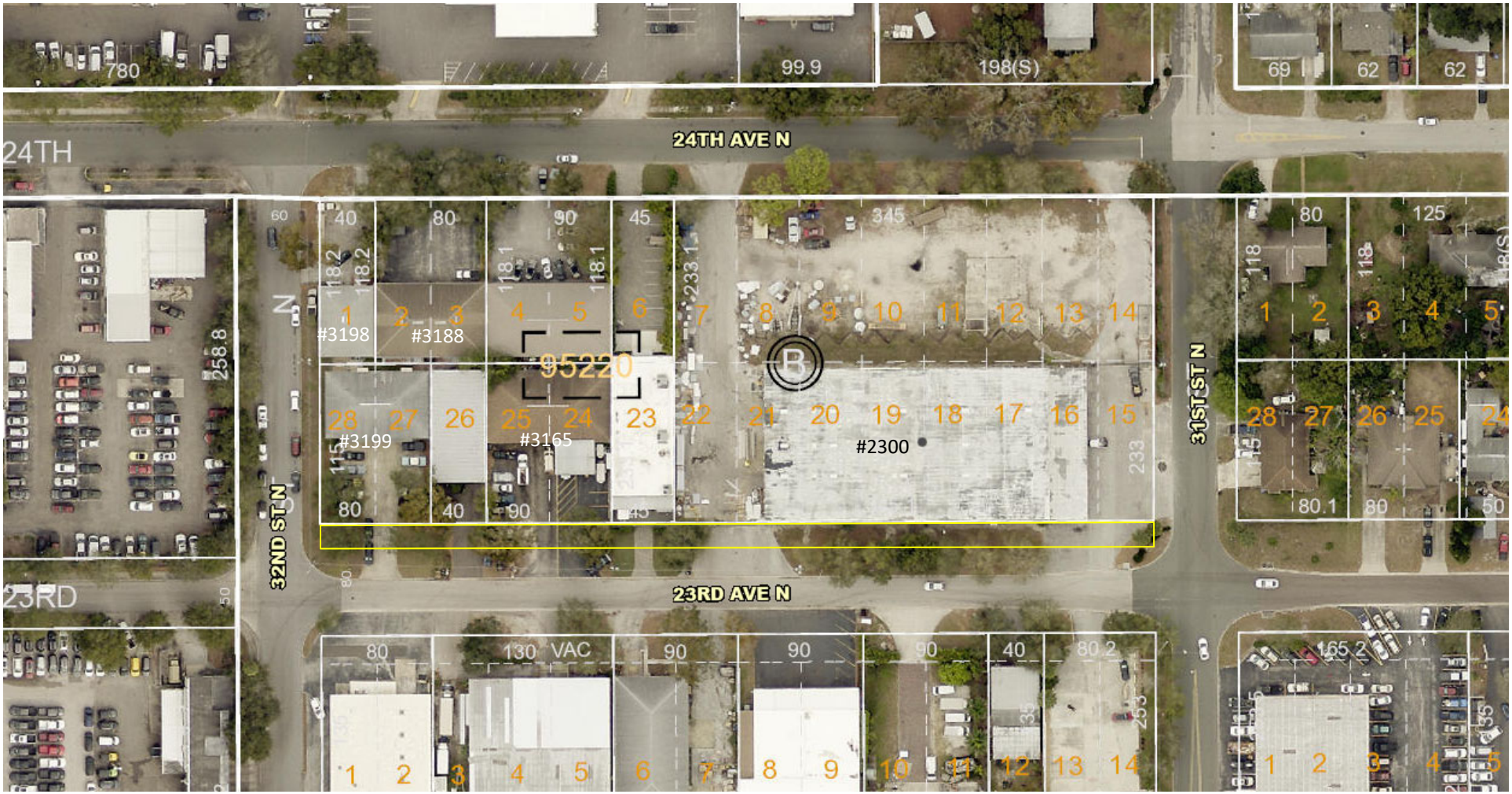
REPORT APPROVED BY:

/s/ Corey Malyszka *11/16/2023*

Corey Malyszka, AICP, Zoning Official (POD) — Date
Development Review Services Division
Planning and Development Services Department

Attachments: A – Location Map, B - Photos, C – Application, D – Abutting Vacations & Right-of-Way Widths, E- Water Resources Memo, F – Engineering Memo, G – Transportation and Parking Management Memo

ATTACHMENT A



ROW to be vacated

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Attachment A—Location Map

Planning and Development Services Department
City of St. Petersburg, Florida

ATTACHMENT B



View looking westward along the right-of-way at the eastern end.



View looking westward along the right-of-way near its mid-point.

Photo credit: Google.

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ATTACHMENT B—Photos
Planning and Development Services Department
City of St. Petersburg, Florida



View looking westward along the right-of-way near the western end.

Photo credit: Google.

ATTACHMENT C

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SUBDIVISION DECISION Application

Application No. _____

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

Application Type:
Per: 16.40.140 & 16.70.050

- ☐ **Lot Line Adjustment**
- ☐ **Lot Split**
- ☐ **Lot Refacing**
- ☐ **Street Name Change**
- ☐ **Street Closing**
- ☒ **Vacating – Street Right-of-Way**
- ☐ **Vacating – Alley Right-of-Way**
- ☐ **Vacating – Walkway Right-of-Way**
- ☐ **Vacating – Easement**
- ☐ **Vacating – Air Rights**

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): Brewfab LLC	
Street Address: 2300 31ST ST N	
City, State, Zip: ST PETERSBURG FL 33713-3703	
Telephone No:	Email Address: kyle@brewfabusa.com
NAME of AGENT or REPRESENTATIVE: Dallas Evans, P.E., AICP	
Street Address: 3810 Northdale Blvd., Suite 100	
City, State, Zip: Tampa, FL 33624	
Telephone No: (813) 949-7449	Email Address: devans@landisevans.com
PROPERTY INFORMATION:	
Street Address or General Location: 2300 31ST ST N ST PETERSBURG	
Parcel ID#(s): 11-31-16-95220-002-0150	
DESCRIPTION OF REQUEST: Vacating - Street Right-of-Way	
PRE-APPLICATION DATE: 03/15/2022	**PLANNER:** CDM, DG

FEE SCHEDULE

Lot Line & Lot Split Adjustment Administrative Review	$200.00	Vacating Streets & Alleys	$1,000.00
Lot Line & Lot Split Adjustment Commission Review	$300.00	Vacating Walkway	$400.00
Lot Refacing Administrative Review	$300.00	Vacating Easements	$500.00
Lot Refacing Commission Review	$500.00	Vacating Air Rights	$1,000.00
Variance with any of the above	$350.00	Street Name Change	$1,000.00
		Street Closing	$1,000.00

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

AUTHORIZATION

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

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

Signature of Owner/Agent: _____ Date: 4-18-23
*Affidavit to Authorize Agent required, if signed by Agent.

Typed name of Signatory: Dallas Evans, P.E., AICP

PUBLIC PARTICIPATION REPORT

Application No._____

In accordance with LDR Section 16.70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a decision requiring a streamline review or public hearing. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, (except when the application is for a local historic district) but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

NOTE: This Report may be updated and resubmitted up to 10 days prior to the scheduled Public Hearing.

APPLICANT REPORT
Street Address:
1. Details of techniques the applicant used to involve the public
(a)Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal
(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located
2. Summary of concerns, issues, and problems expressed during the process

NOTICE OF INTENT TO FILE
A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (c/o Judy Landon at variance@stpetecona.org), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at 3301 24th Ave. S., St. Pete 33712) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.
☒ Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: 04/13/2023
☒ Attach the evidence of the required notices to this sheet such as Sent emails.

Narrative of Request

City of St. Petersburg Vacating – Street Right-Of Way
BrewFab, L.L.C. (23rd Avenue North)

Request

The Applicant, Brewfab, L.L.C. (2300 31st Street North St. Petersburg, FL 33713), is requesting a vacation of twenty (20) feet of right-of-way on the northern frontage of 23rd Avenue North, between 32nd Street North and 31st Street North. With the City staff's affirmation, the Applicant is also proposing a twelve (12) foot-wide utility easement to the City within the twenty (20) feet of right-of-way on the northern frontage of 23rd Avenue North.

Intent of the Request

The Applicant, BrewFab, L.L.C., produces large scale food production and brewing tanks that are currently crafted and stored outdoors. The Applicant intends to improve production/storage of their product with an additional larger building. In doing so, the existing outdoor activities can be enclosed, enabling the Applicant's company to remain economically competitive in their specialty industry. The enclosure will also reduce noise and activity levels outdoors.

The Applicant's property is zoned CCS-1 and is approximately 1.85 acres in size. Per 16.20.090.6 of the City's Code of Ordinances, buildings on medium lots within the CCS-1 and CCS-2 zoning districts are restricted to 36 feet in height. This is not high enough for enclosing our outdoor operations. Large lots' (greater than 2.0 acres) buildings, however, are allowed a height of 48 feet. The existing right-of-way of 23rd Ave N is 80 feet. The required right-of-way on this street is only 60 feet; thus, there is a surplus of 20 feet. The Applicant proposes to vacate right-of-way as described above which would increase the size of the property such that it would have the benefit of the large lot height limit of 48 feet. This height is necessary for BrewFab's production activities.

Matters for Consideration

1. *The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.*

   The existing City water main in the right-of-way to the south of the proposed development along 23rd Avenue North requires a total twenty-foot utility easement to ensure access by City forces to perform maintenance and repairs. We met with Water Resources Department on October 12, 2022 to discuss this requirement. We are proposing, and the Water Resources Department is in agreement with, a twelve (12) foot-wide utility easement within the 23rd Avenue North right-of-way vacation to accommodate the City infrastructure. A legal description and a sketch of the easement is included with this submittal. Additionally, we have provided easement language for review and approval.

2. *Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.*

   Access to lots will not be impacted.

3. *Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.*

   The vacation will not adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, nor undermine the integrity of historic plats of designated historic landmarks or districts.

4. *Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

   Land Development Code, Sec. 16.40.140.4.1. Streets states that a commercial service street (urban or suburban facility) total required right-of-way width is sixty (60) feet, the existing right-of-way width is eighty (80) feet. After discussions with City Staff, it has been determined that there are no present or future needs for the excess ten (10) feet of right-of-way on either side of the street.

5. *The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.*

   Noted.

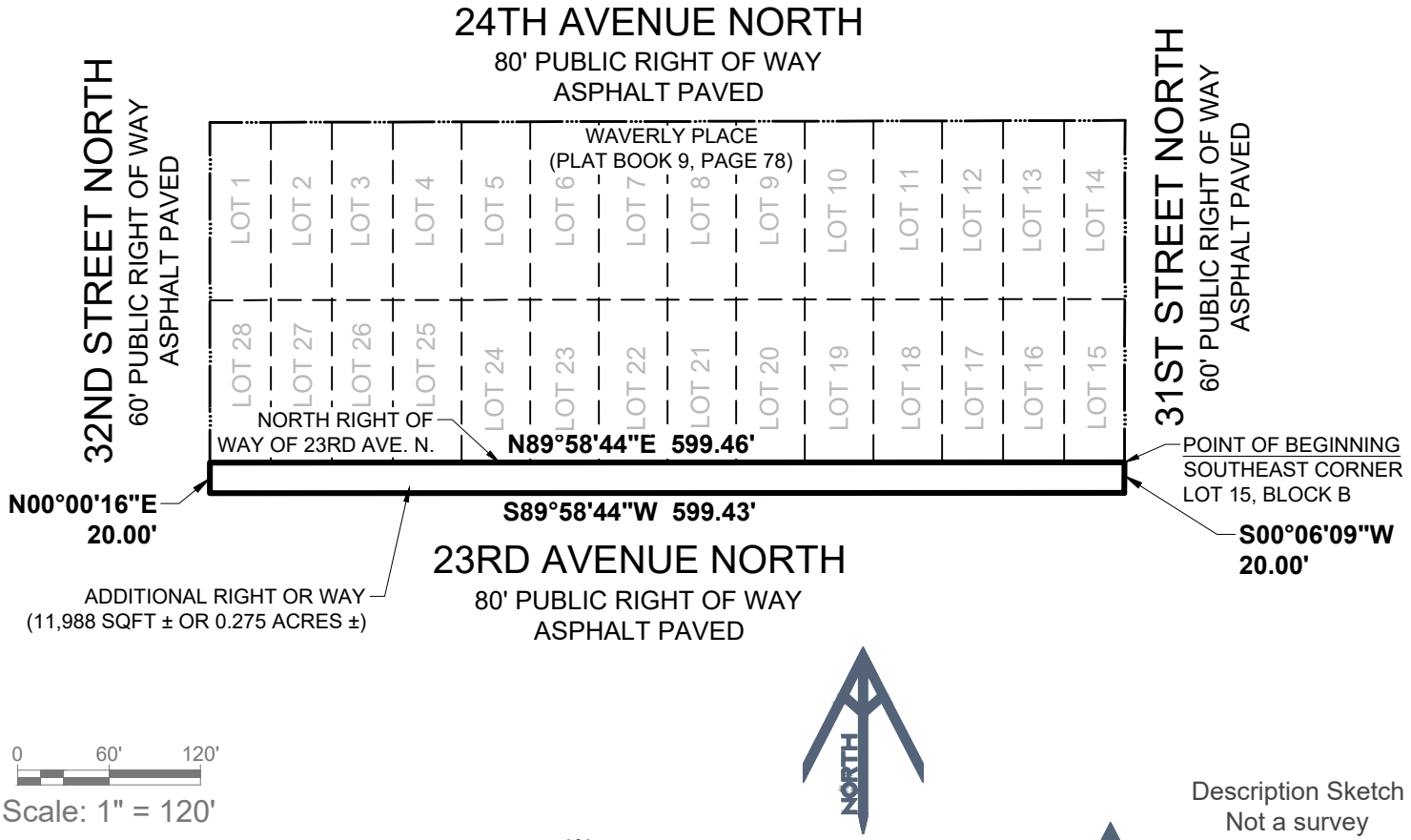
Exhibit "A"

DESCRIPTION:

A parcel of land lying in Section 11, Township 31 South, Range 16 East, Pinellas County, Florida, and being more particularly described as follows:

BEGIN at Southeast corner of Lot 15, Block B, Waverly Place, according to the Official Plat thereof, as recorded in Plat Book 9, Page 78, of the Public Records of Pinellas County, Florida; thence along the West right of way of 31st Street North, S.00°06'09" W., 20.00 feet; thence S.89°58'44" W., 599.43 feet to the East right of way of 32nd Street North, thence along said East right of way, N. 00°00'16" E., 20.00 feet to the North right of way of 23rd Avenue North; thence along said North right of way, N. 89°58'44" E., 599.46 feet to the POINT OF BEGINNING.

Containing 11,988 square feet or 0.275 acres.



Description Sketch
Not a survey

Survey History

Date	Description	By
4/20/22	Last field data acquisition	MCK
9/14/23	Client Comments	TSH

Surveyor's Certificate

This sketch not valid without the original signature and seal of a Florida Professional Surveyor and Mapper or a digital signature complying with 5J-17 Florida Statutes

MATTHEW C. KNEELAND LICENSE NUMBER 7092
STATE OF FLORIDA
Professional Surveyor and Mapper

Matthew C. Kneeland, PSM 7092

St Pete ROW

Description Sketch

Prepared for:
Landis Evans

Section 11
Township 31 South
Range 16 East
Pinellas County, FL

MRIC SPATIAL
701 S. Howard Avenue, Suite 106-320
Tampa, FL 33606
813-515-0821
MRICSpatial.com
Licensed Business #8325

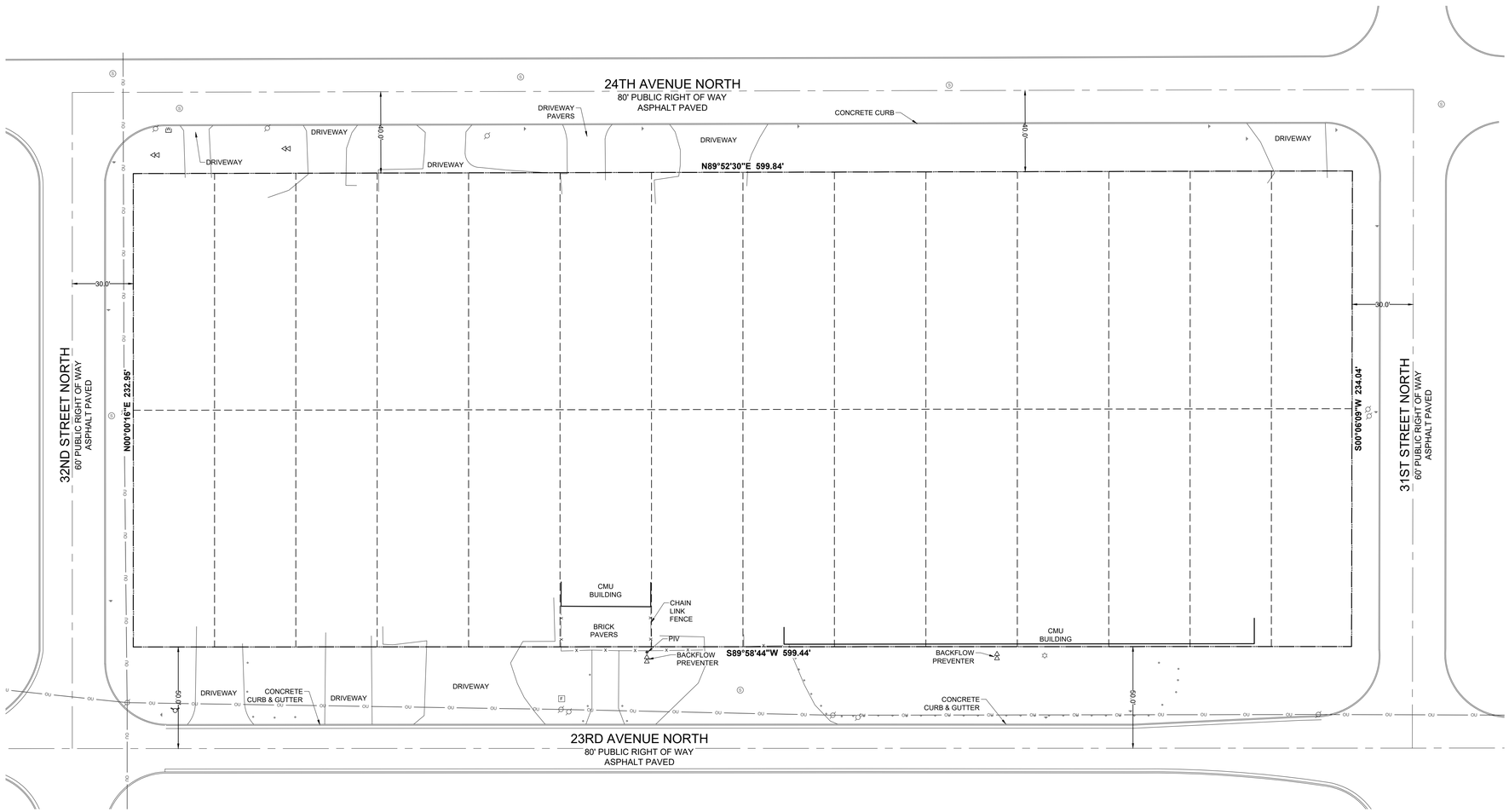
Project Number: 220056 | Sheet 1 of 1

SPECIFIC PURPOSE SURVEY - LIMITED RIGHT OF WAY
ST PETE RIGHT OF WAY PROJECT

NORTH

0 30' 60'

Scale: 1" = 30'



SURVEYOR'S NOTES:

1) This survey was prepared without the benefit of current title, ownership and encumbrances and is subject to title review and/or abstract. MRIC Spatial, LLC. makes no representations or guarantees pertaining to easements, encumbrances, rights-of-ways, reservations, agreements and other similar matters

2) This survey is limited to above ground visible improvements along and near the boundary lines, except as shown hereon, and that nothing below the ground was located including, but not limited to foundations (footings), utilities, etc.

3) This survey is intended to be displayed at 1" = 30' or smaller.

4) Additions or Deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.

6) Parcels shown hereon, are contiguous along their common boundaries without gap, gore, hiatus, or overlap.

7) Use of this survey for purposes other than intended, without written verification, will be at the user's sole risk and without liability to the surveyor. Nothing hereon shall be construed to give any rights or benefits to anyone other than those certified to.

8) On this drawing, certify means to state or declare a professional opinion of conditions regarding those findings or facts which are the subject of the certification and does not constitute a warranty or guarantee, either implied or expressed. This certification is only for the lands as described. This certification is not a certificate of title, easements, zoning or freedom of encumbrances.

9) Underground utilities shown hereon may be based solely or in part on the following: Markings provided by utility companies, plans requested from utility providers, observed above ground evidence and remote sensing measurements taken by the surveyor. All evidence of underground utilities made available to the surveyor are shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. Where additional or more detailed information is required, the user of this survey is advised that excavation and/or a private utility locate request may be necessary. Due to limitations outside the surveyor's control, underground infrastructure or utilities may exist within or near the subject property that are not depicted hereon.

10) It is hereby certified that a survey of the hereon described property was made under my supervision and meets the standards of practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.060 FAC, pursuant to Section 472.027, FS.

LEGEND

- PIV ····· Post Indicator Valve
- BFP ····· Back Flow Preventor
- ····· Backflow Preventer
- ····· Fire Hydrant
- ····· Light Pole
- ····· Utility Pole
- ····· Sign

Survey Datum
Horizontal Datum **NAD 83**

MATTHEW C. KNEELAND
License Number
7092
STATE OF
FLORIDA
Professional Surveyor and Mapper

Surveyor's Certificate

This survey not valid without the original signature and seal of a Florida Professional Surveyor and Mapper, or a digital signature complying with 5J-17 Florida Statutes

Matthew C. Kneeland, LS 7092

Survey History

Date	Description	By
04/13/22	Last field data acquisition	MCK
11/13/22	Client Comments	TSH
11/14/22	Client Comments	TSH

MRIC SPATIAL
701 S. Howard Avenue, Suite 106-320
Tampa, FL 33606
813-515-0821
MRICSpatial.com
Licensed Business #8325

St Pete Right of Way Survey
Specific Purpose Survey - Limited Right of Way
23rd Ave North
Prepared for:
Landis Evans
Section 11, Township 31 South, Range 16 East,
Pinellas County, FL

Project Number: 220056

Sheet 1 of 1

24TH AVENUE NORTH
80' PUBLIC RIGHT OF WAY
ASPHALT PAVED

DRIVEWAY PAVERS

DRIVEWAY

CONCRETE CURB

20' BUILDING SETBACK TYP. *(PER LDC SEC. 16.20.090.6)*

10' GREEN YARD TYP. *(PER LDC SEC. 16.40.060.2.1.3.)*

DRIVEWAY

REMOVE DRIVEWAY
ADD SOD

0' 20'

PROPOSED SHADE TREES MINIMUM OF 10' IN HEIGHT AT PLANTING

FUTURE MANUFACTURING BLDG. ENVELOPE
20,000± SF

20' MINIMUM BUILDING SEPARATION

31ST STREET NORTH
60' PUBLIC RIGHT OF WAY
ASPHALT PAVED

EXISTING MANUFACTURING BLDG.
22,300± SF

OMU BUILDING

BACKFLOW PREVENTER

EXISTING LANDSCAPING TO REMAIN

20'

EXISTING PROPERTY BOUNDARY

PROPOSED 12' UTILITY EASEMENT

8"wm

8" POTABLE WATER MAIN,
PER CITY WATER INTERSECTION DETAIL 13J-14

CONCRETE CURB & GUTTER

PROPOSED PROPERTY BOUNDARY

23RD AVENUE NORTH
80' PUBLIC RIGHT OF WAY
ASPHALT PAVED

24TH AVENUE NORTH

UNDERSTORY TREES MINIMUM OF 8' IN HEIGHT AT PLANTING

EXISTING PROPERTY BOUNDARY

MINIMUM 5' DECORATIVE FENCE

CONTINUOUS ROW OF SHRUBS

FOUNDATION LANDSCAPING REQUIREMENTS TO BE LOCATED IN THE GREEN YARD TO PROVIDE ADDITIONAL SCREENING
(REQUIRES AN ALTERNATIVE STANDARD)

Site Enhancement Concept

BrewFab, LLC

St. Petersburg, Florida
October 13, 2023

The sole purpose of this drawing is to illustrate the approximate dimensions and layout of the demised premises. No other warranty or representation, expressed or implied, is made with respect to the illustration. All quantities are estimated.

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data acquired from various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. Landis, Evans and Partners, Inc. does not warrant that the data used to prepare this map are error free, and that Landis, Evans and Partners, Inc. does not represent that the data can be used for: legal, navigational, tracking or any other purpose requiring exacting measurement of distance, direction, or precision, in the depiction of geographic features.

Prepared By:

LANDIS EVANS
+ PARTNERS
3810 Northdale Blvd. Suite 100 Tampa, FL. 33624
Ph. (813) 949-7449 Fax (813) 909-9840
www.landisevans.com
Board of Engineers Certificate of Authorization #4548

FILENAME: T:\1000 Projects\1757-22 Brewfab Expansion\DWG\10 Concept\1757 Site Enhancement Concept v04.dwg PLOT DATE: 2023-10-13

ATTACHMENT D



Previously-vacated ROW

ROW to be vacated

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Attachment D—Abutting Vacations & Right-of-Way Widths

Planning and Development Services Department
City of St. Petersburg, Florida

ATTACHMENT E

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Dave Goodwin, Zoning Official

FROM: Thomas Whitman, Designer I, Water Resources

DATE: November 21, 2023

SUBJECT: **REVISED** Approval to vacate 20 feet of street right-of-way on 23rd Avenue N. abutting Lots 15 through 28, between 32nd and 31st Streets N. in Block B of the Waverly Place Subdivision. **Vacation along 24th Avenue N. is no longer proposed.**

PLAT: J-14

CASE: 22-33000009

LOCATION: 2300 31st Street N.; 11-31-16-95220-002-0150

REMARKS: Water Resources has no objection to the proposed vacation of a 20 feet of street right-of-way on 23rd Avenue N. abutting Lots 15 through 28, between 32nd and 31st Streets N. Please note that this is conditional only if all the property owners of lots 15 through 28 are willing to give the City of St. Petersburg a 12-foot-wide easement that covers where the 8" water main as shown in the Proposed Condition map.

Project file

ATTACHMENT F

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)

TO: Cheryl Bergailo, Planner II, Development Review Services

FROM: Kyle Hurin, Engineering Plan Review Supervisor

DATE: November 7, 2023

SUBJECT: Right of Way Vacation

FILE: 22-33000009 R1

LOCATION AND PIN: 2300 31st Street North, 11-31-16-95220-002-0150

ATLAS: J-14 **Zoning:** CCS-1

REQUEST: Approval to vacate 20 feet of street right-of-away on 23rd Avenue N. abutting Lots 15 through 28, between 32nd and 31st Streets N. in Block B of the Waverly Place Subdivision.

The Engineering and Capital Improvements Department (ECID) has the following comments regarding the proposed right of way vacations.

Disclaimer, standards subject to change. The comments provided are based on current design standards and are subject to change based on statutory requirements and updates.

Disclaimer, Permit coordination. For consistency of permits and work associated with the project, coordinate with ECID Right-of-way (ROW) staff for any impacts in the City Right of Way prior to issuance of building construction permit. Email ECID ROW staff at: ROW_permitting@stpete.org.A ROW work permit issued by ECID must be obtained prior to the commencement of any work within City controlled right-of-way or public easement. All work within right-of-way or public easement shall be installed at the applicant's expense and in accordance with the standards, specifications, and policies adopted by the City.

1. **Prior to DRC approval, update inconsistent survey.** The request has changed; however, the provided survey was not updated. The survey continues to show a vacation of 10 feet on both 24th Avenue North and 10 feet on 23rd Avenue North, which does not accurately reflect the current request of a 20-foot vacation on 23rd Avenue only. The survey must be updated to detail the current proposal. The entire proposal should be consistent.

   Prior to recording of vacation, provide sketch and legal description of proposed Public Utility, Ingress Egress and Sidewalk Easements from subject property and all property owners (lots 15 through 28 between 32nd and 31st Streets North). The narrative states that a 12-foot public utility easement is proposed over the existing 8-inch cast iron potable water pipe in 23rd Avenue North; however, a sketch and legal description of this easement have not been provided. Additionally, an Public Ingress/Egress and sidewalk easement is requested to allow for future sidewalk options due to existing tree line near the curb. The Site concept sketch provides more detail; however, it should ensure the details call out a "public utility easement" and specify for the potable water line, as well as for the sanitary sewer manhole. Further, the easement must be provided by all property owners party to the vacation and easement.

2. **Prior to approval of site plan, detail future sidewalk on 23rd Avenue North.** Redevelopment may require the construction of sidewalk along the north side of 23rd Avenue North, as existing sidewalk is on the north of 23rd Avenue North directly to the west of the subject property. The proposed vacation may negatively impact the ability of future sidewalk. Prior to the approval of site plan for the redevelopment detail the compliance with sidewalk requirements consistent with City Code 16.40.140.4.2.

3. **Prior to approval of site plan, detail Compliance with Drainage and Surface Water Management regulations.** The scope of this redevelopment will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Upon development or redevelopment within the plat boundaries, submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

Notes:

1. **Alternative Options.** There may be alternative options to achieve the same end goal of the expansion of the business without vacating the public right of way. ECID staff strongly recommend discussing with relevant City departments on alternative options that do not impact public right of way and utilities. Specifically, the conceptual site plan indicates the building addition is to the north of the existing building, while the right of way to be vacated is to the south. The proposed building does not appear to be in proximity of the land to be vacated, but rather the vacation will provide for larger lot dimensions which provide more compliance with the land development code. In the event that all required easements on all lots are not able to be obtained, there may be alternative options through the land development code. Further, if the vacation continues to be pursued, relocation of utilities by and at the expense of the applicant/developer may be an option rather than an easement. The developer may opt to perform the potable water main relocation with a licensed contractor under a right of way permit if approved by the City Water Resources Department. Specifically, the utilities referenced are based on City water intersection detail 13/J-14 which shows an existing 8-inch potable water main 18 feet south of the current northern right of way boundary of 23rd Avenue N.

2. **Surrounding ROW Vacations in area.** It is noted that 23rd Avenue North is currently 80-feet wide right of ways exceeding the right of way width required by City Code 16.40.140.4.1. Streets states that a commercial service street (urban or suburban facility) total required right-of-way width is sixty (60) feet, the existing right-of-way width is eighty (80) feet. As such, generally a 10-foot vacation could be supported on either side of the street; however, please note that the original plat had 100 foot wide right of way and the southern side of the street has already processed a 20 foot right of way vacation. As such this vacation request is supported and does not reduce the right of way width below the minimum required.

3. **Non-conforming bollards.** There are existing bollards in the right of way of 23rd Avenue North which do not meet code requirements as they are an above ground obstruction within the

roadway clear zone and should be removed. Generally, all work and structures in the right of way of require a permit and through that permit structures are reviewing and shall not significantly impede vehicular or pedestrian access as more specifically detailed in City Code Chapter 25-273.6.

KJH/aw

ec: WRD
Kayla Eger – Development Review Services

ATTACHMENT G

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CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Cheryl Bergailo, Planner II, Planning and Development Services

FROM: Rebecca Moistner, Planner II, Transportation and Parking Management Department

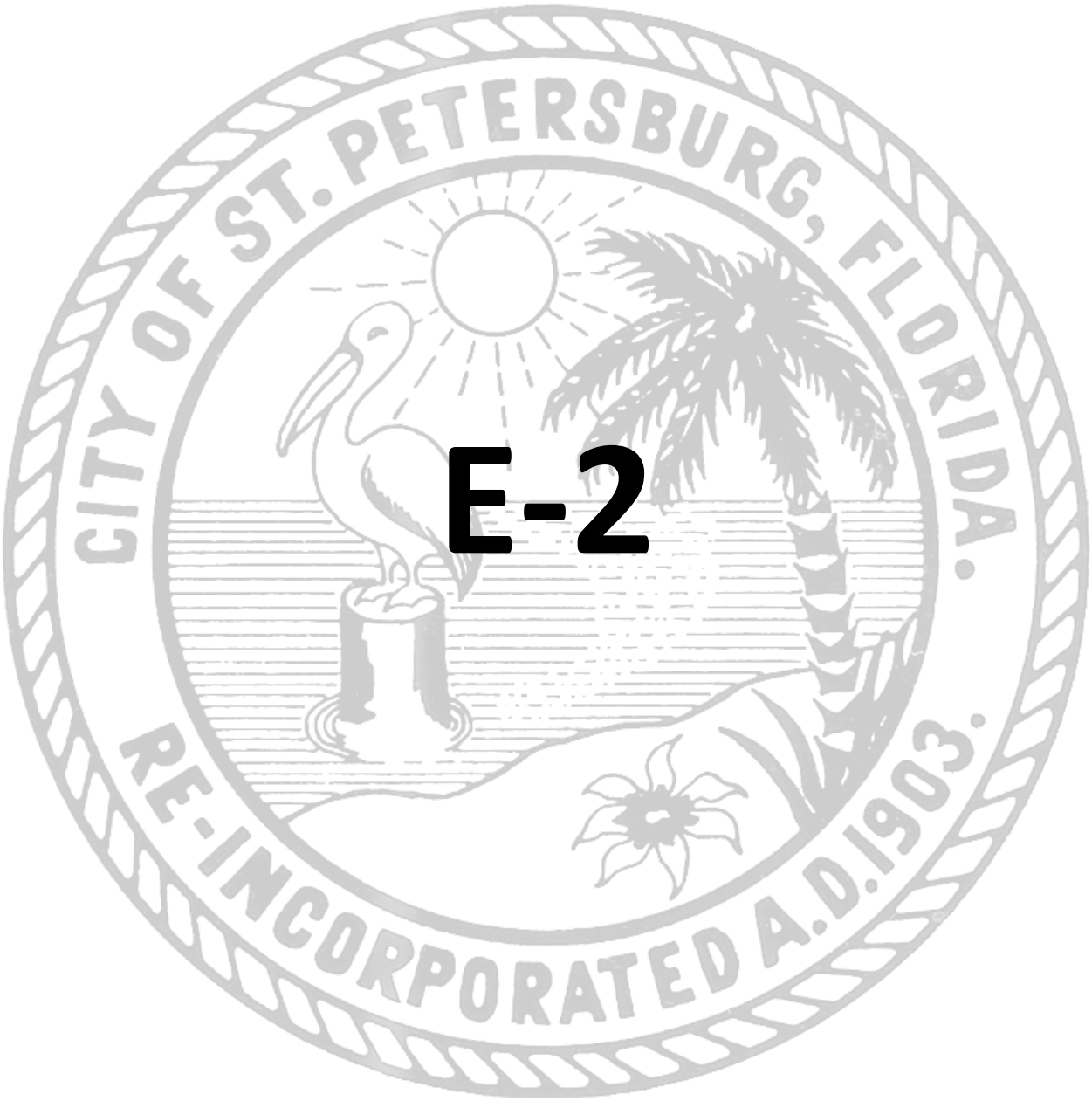
DATE: October 30, 2023

SUBJECT: Approval to vacate 20 feet of street right-of-way on 23rd Avenue N. abutting Lots 15 through 28, between 32nd and 31st Streets N. in Block B of the Waverly Place Subdivision.

CASE: 22-33000009

The Transportation and Parking Management Department has reviewed the proposed partial vacations of street right-of-way on 23rd Avenue North. The Transportation Department does not object to the partial street vacations if easements are provided that allow for sidewalks to be constructed. Future developments on the lot will have to comply with Section 16.40.140.4.2 of the City Code, which requires five-foot-wide sidewalks on the north and west side of streets in commercial zones. The northern side of 23rd Avenue North and the western side of 31st Street North shall have 5-foot sidewalks or 6-foot sidewalks if abutting the curb.

The following page(s) contain the backup material for Agenda Item: Ordinance 1164-V approving the vacation of the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoos Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No. DRC 23-33000015)
Please scroll down to view the backup material.



E-2

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ST. PETERSBURG CITY COUNCIL

REVISED MEMO

Meeting of February 29, 2024

TO: The Honorable Council Chair Figgs-Sanders, and Members of City Council

SUBJECT: Ordinance 1164-V approving the vacation of the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No. DRC 23-33000015)

RECOMMENDATION: The Administration and the Development Review Commission recommend **APPROVAL**.

RECOMMENDED CITY COUNCIL ACTION:

1) Conduct the second reading and public hearing; and
2) Approve the attached amended ordinance.

The Request: The request is to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South (see attached Location Map).

Discussion: The vacation is proposed to facilitate redevelopment of the property. The related site plan application was approved by the CRA on January 4, 2024, (CRA Case File: IWRP 23-6a), and the DRC on January 10, 2024 (DRC Case #23-31000014). The Applicant proposes to unify the development of the 1100 block by retaining the hotel that is under construction and three buildings with offices and commercial spaces, demolishing two buildings (1100-1106 Central Avenue and 1101 1st Avenue South) and constructing a mixed-use building with a parking garage which connects to the Moxy parking garage. An 8-foot-wide portion of the north-south alley and Commercial Avenue South is proposed to be dedicated as a pedestrian easement to provide for north-south connectivity through the block. All property owners on the block are co-applicants in the subject application.

An abutting, southern north-south alley in the block was previously approved for vacation under Case #19-33000023 and Ordinance 1123-V for the Moxy St. Petersburg Downtown hotel, which is under construction. Ordinance 1123-V will be recorded after the final plat for that project is approved (Case #22-20000005). A condition of that approval, in addition to the requirement to replat the vacated alley and abutting properties, was to create a north-south pedestrian access easement in the vicinity of the vacated alley.

As set forth in the attached DRC Staff Report, Staff finds that vacating the subject right-of-way would be consistent with the criteria in the City Code and the Comprehensive Plan, subject to the special conditions of approval

Agency Review: The application was routed to the standard list of City Departments and private utility providers. Water Resources objects to the application until new sewer connections are made. Engineering has provided special conditions of approval regarding sanitation service method, clarification of public easements/public pedestrian access through the site, sanitary sewer service requirements, and other items that will need to be addressed during building/site plan review and prior to release of permits. Construction-related comments were also provided.

Transportation and Parking Management has requested a north-south pedestrian easement through the block and had previously requested an east-west public easement over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade to ensure access for the public. The east-west pedestrian easement is not supported by the Applicant. The review letters are part of the Staff Report (see Attachments D, E, and F.)

The Applicant is working with Sanitation to address the sanitation-related comments issued by the foregoing Departments. A Letter of No Objection from Sanitation is a recommended condition of approval. Frontier Communications, Duke Energy and TECO have objected to the application. The Applicant will be required to work with the private utilities to obtain a Letter of No Objection from each.

DRC Action/Public Comments: The EDGE Business District Association supports the application. On January 10, 2024, the DRC held a public hearing on the case. No objectors appeared; two supporters from the EDGE District, Roger Curlin and Debbie Reeser, appeared. There were speakers that expressed concern about vehicular access on 11th Street South. The Applicant requested modification of Condition #2 in the Staff Report, which requires an east-west pedestrian easement over the portion of Commercial Avenue South which is a planned pedestrian arcade. The Applicant would like the option to gate off the pedestrian arcade and does not want to provide a pedestrian easement. The DRC voted to remove the condition for the east-west pedestrian easement and the motion was approved by a vote of 5 to 1. DRC then voted to recommend approval of the proposed vacation and the motion was approved unanimously. In advance of this report, no additional comments or concerns were expressed to staff.

Previous Council Action and Amended Ordinance:
At the First Reading of the proposed Ordinance on February 15, 2024, staff made a presentation. Two members of the public spoke in favor of the vacation, supporting the request to remove the requirement for the east/west pedestrian easement in condition #2. Multiple Council members expressed concerns about public access and loading/delivery. The City Attorney's Office was asked to review if a stipulation could be added to require that Commercial Avenue South remain open during specified hours. As a result of the legal review and after discussions with the applicant, the Ordinance has been amended, removing the second sentence of Condition #2 requiring a public pedestrian easement and adding a new condition #9 which requires that the pedestrian arcade/service delivery and loading area remain open to the public daily from 6 am to 9 pm, see below and attached amended Ordinance 1164-V.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the right-of-way vacation, subject to the following conditions:

1. Per 16.40.140.2.1.F, all vacated rights-of-way and abutting properties shall be replatted and receive final plat approval.
2. A north-south pedestrian easement through the block shall be provided in the vicinity of the alley to be vacated.
3. The Applicant shall receive DRC approval of the related Site Plan (DRC Case #23-31000014).
4. The adjacent southern north-south alley vacation ordinance shall be recorded (DRC Case 19-33000023; Ordinance 1123-V).
5. The Applicant shall comply with the Water Resources Memo dated December 6, 2023, the Engineering Review Memo dated December 12, 2023, and the Transportation and Parking Management Memo dated December 8, 2023.
6. The Applicant shall obtain a Letter of No Objection from the City's Sanitation Department, Frontier Communications, Duke Energy and TECO.
7. The Applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
8. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.
9. Prior to recording of the this Ordinance, the approved Site Plan (City File 23-31000014) shall be modified to add the following special condition of approval: Except from time to time as may be necessary for temporary maintenance, deliveries, sanitation removal, special events or emergency conditions, the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade/service delivery and loading access shall remain open to the public daily for the minimum hours of 6 am to 9 pm.

Attachments: Amended Ordinance 1164-V including Exhibit "A," Location Map; DRC Staff Report; Water Resources, Engineering, Transportation and Parking Management Department Memos

ORDINANCE NO. 1164-V

AN ORDINANCE APPROVING THE VACATION OF THE NORTH-SOUTH 11.2-FOOT ALLEY BETWEEN CENTRAL AVENUE AND COMMERCIAL AVENUE SOUTH, AND THE FULL LENGTH AND WIDTH OF COMMERCIAL AVENUE SOUTH, IN MCADOO'S REPLAT OF 1921, GENERALLY LOCATED AT 1100, 1120, 1122, 1126, 1128, 1180 CENTRAL AVENUE AND 1101 1ST AVENUE SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following right-of-way is hereby vacated as recommended by the Administration. The Development Review Commission recommended approval of the application on January 10, 2024. (City File No. DRC 23-33000015):

Attached Sketch and Legal Description - Exhibit "A" – 4 pages.

Section 2. The above-mentioned right-of-way is not needed for public use or travel.

Section 3. The vacation is subject to and conditional upon the following:

1. Per 16.40.140.2.1.F, all vacated rights-of-way and abutting properties shall be replatted and receive final plat approval.
2. A north-south pedestrian easement through the block shall be provided in the vicinity of the alley to be vacated.
3. The Applicant shall receive DRC approval of the related Site Plan (DRC Case #23-31000014).
4. The adjacent southern north-south alley vacation ordinance shall be recorded (DRC Case 19-33000023; Ordinance 1123-V).
5. The Applicant shall comply with the Water Resources Memo dated December 6, 2023, the Engineering Review Memo dated December 12, 2023, and the Transportation and Parking Management Memo dated December 8, 2023.
6. The Applicant shall obtain a Letter of No Objection from the City's Sanitation Department, Frontier Communications, Duke Energy and TECO.
7. The Applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required

easements and relocation of existing City utilities shall be at the expense of the Applicant.

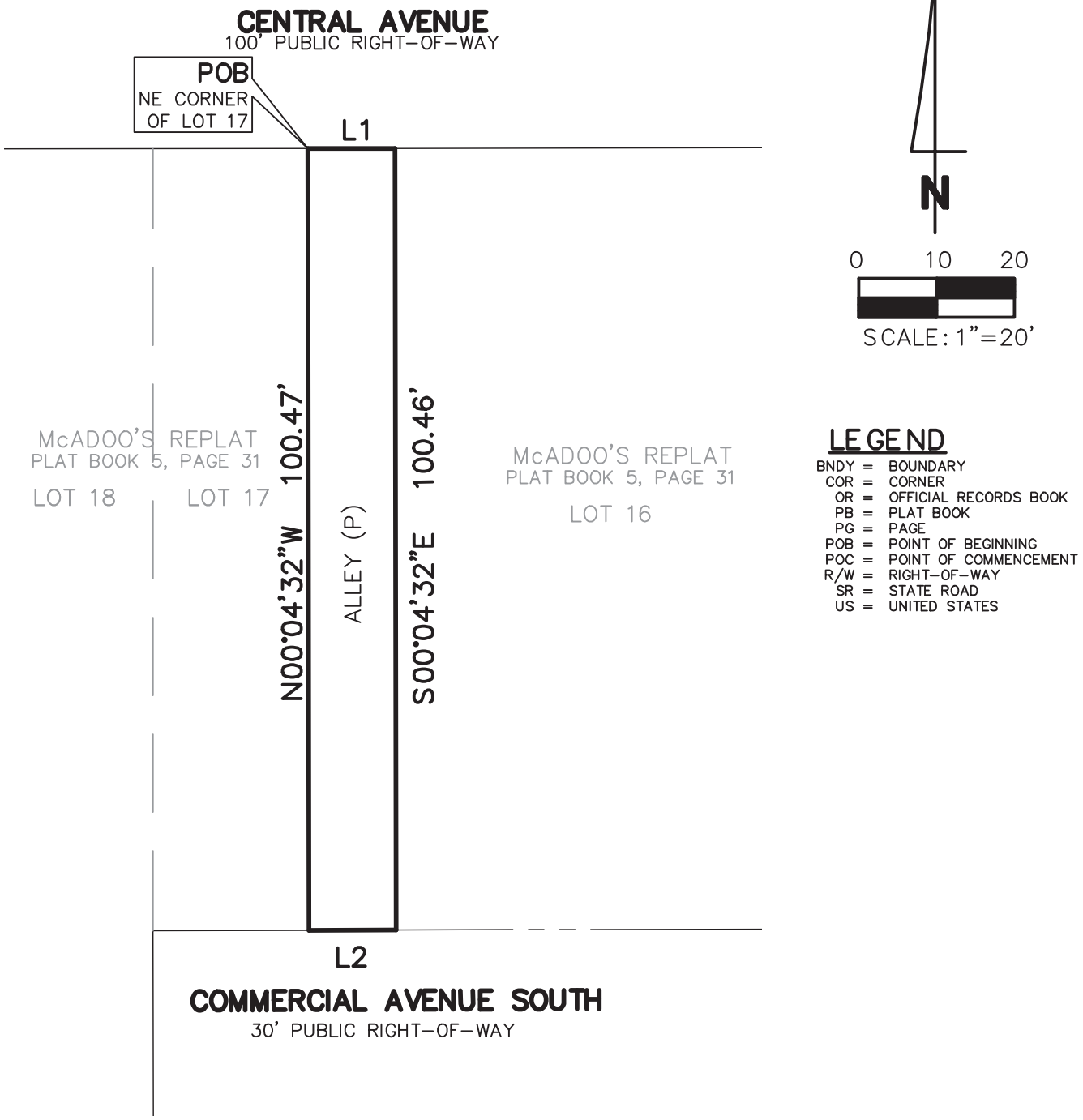
8. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.
9. Prior to recording of this Ordinance, the approved Site Plan (City File 23-31000014) shall be modified to add the following special condition of approval: Except from time to time as may be necessary for temporary maintenance, deliveries, sanitation removal, special events or emergency conditions, the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade/service delivery and loading access shall remain open to the public daily for the minimum hours of 6 am to 9 pm.

Section 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Michael J Dema
LEGAL

/s/Elizabeth Abernethy
PLANNING & DEVELOPMENT SERVICES DEPT.

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01



LEGEND

BNDY = BOUNDARY
COR = CORNER
OR = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SR = STATE ROAD
US = UNITED STATES

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°54'54"E	11.20
L2	S89°53'17"W	11.20

NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD ALLEY.DWG			

EXHIBIT "A"
ALLEY

POLARIS *ASSOCIATES INC.*
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01

DESCRIPTION

THAT PORTION OF THE ALLEY OF MCADOO'S REPLAT AS RECORDED IN PLAT BOOK 5, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 31 SOUTH, RANGE 16 EAST PINELLAS COUNTY FLORIDA BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 17 OF MCADOO'S REPLAT; THENCE N.89°54'54"E., 11.20 FEET; THENCE S.00°04'32"E., 100.46 FEET; THENCE S.89°53'17"W., 11.20 FEET; THENCE N.00°04'32"W., 100.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.025 ACRES, MORE OR LESS

NOTES

1. BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE SOUTH, SAID LINE BEING ASSUMED AS N89°50'08"E.
2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.
3. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:57:14 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD ALLEY.DWG			

EXHIBIT "A"
ALLEY

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01

LEGEND

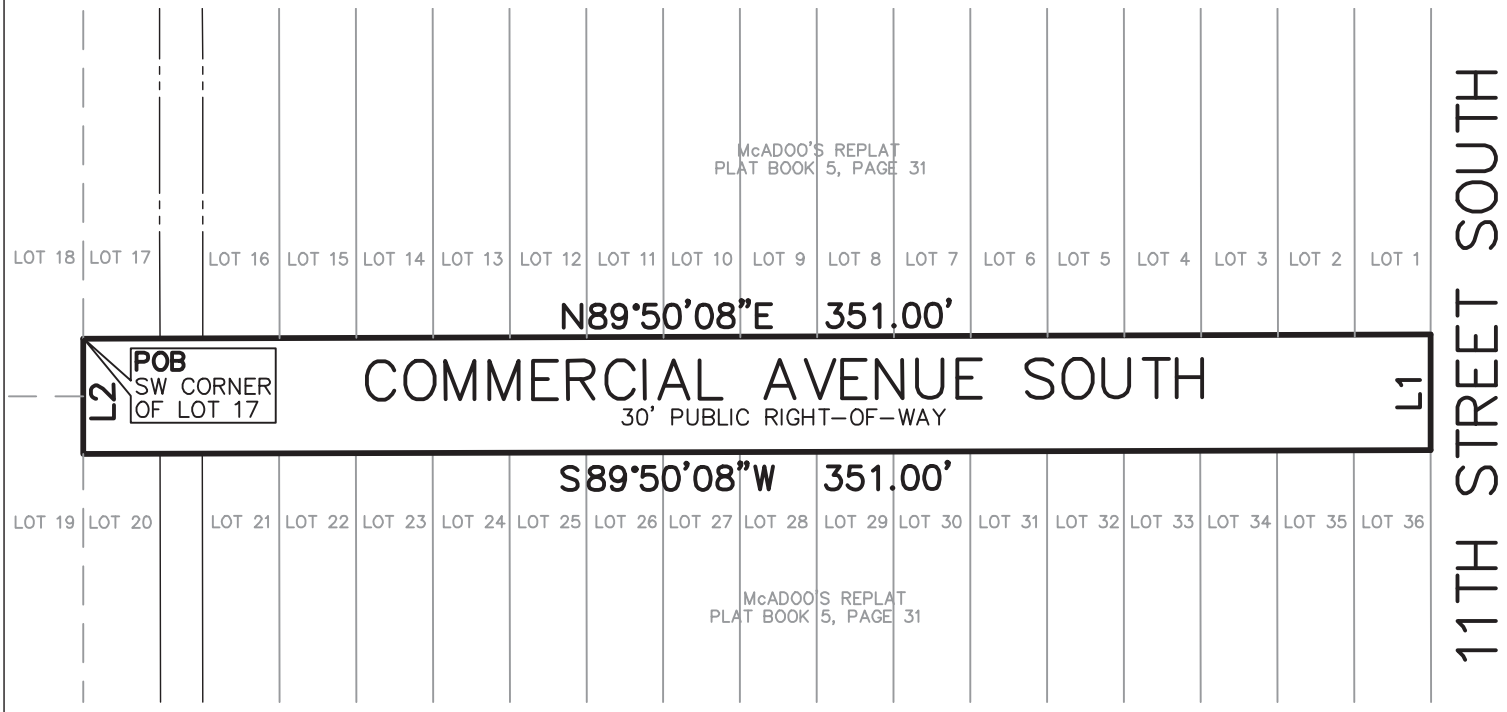
BNDY = BOUNDARY
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OR = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SR = STATE ROAD
US = UNITED STATES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°04'32"E	30.00'
L2	N00°04'32"W	30.00'

N

0 25 50

SCALE: 1"=50'



NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD COMM AVE.DWG			

EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098–01

DESCRIPTION

THAT PORTION OF COMMERCIAL AVENUE OF MCADOO'S REPLAT AS RECORDED IN PLAT BOOK 5, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY FLORIDA; BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 17 OF MCADOO'S REPLAT; THENCE N.89°50'08"E., 351.00 FEET ALONG THE NORTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE; THENCE S.00°04'32"E., 30.00 FEET ALONG THE WEST RIGHT–OF–WAY LINE OF 11TH STREET SOUTH; THENCE S.89°50'08"W., 351.00 FEET ALONG THE SOUTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE SOUTH; THENCE N.00°04'32"W., 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.241 ACRES, MORE OR LESS

NOTES

1. BEARINGS ARE BASED ON THE NORTH RIGHT–OF–WAY LINE OF COMMERICAL AVENUE SOUTH, SAID LINE BEING ASSUMED AS N89°50'08"E.
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Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:58:36 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

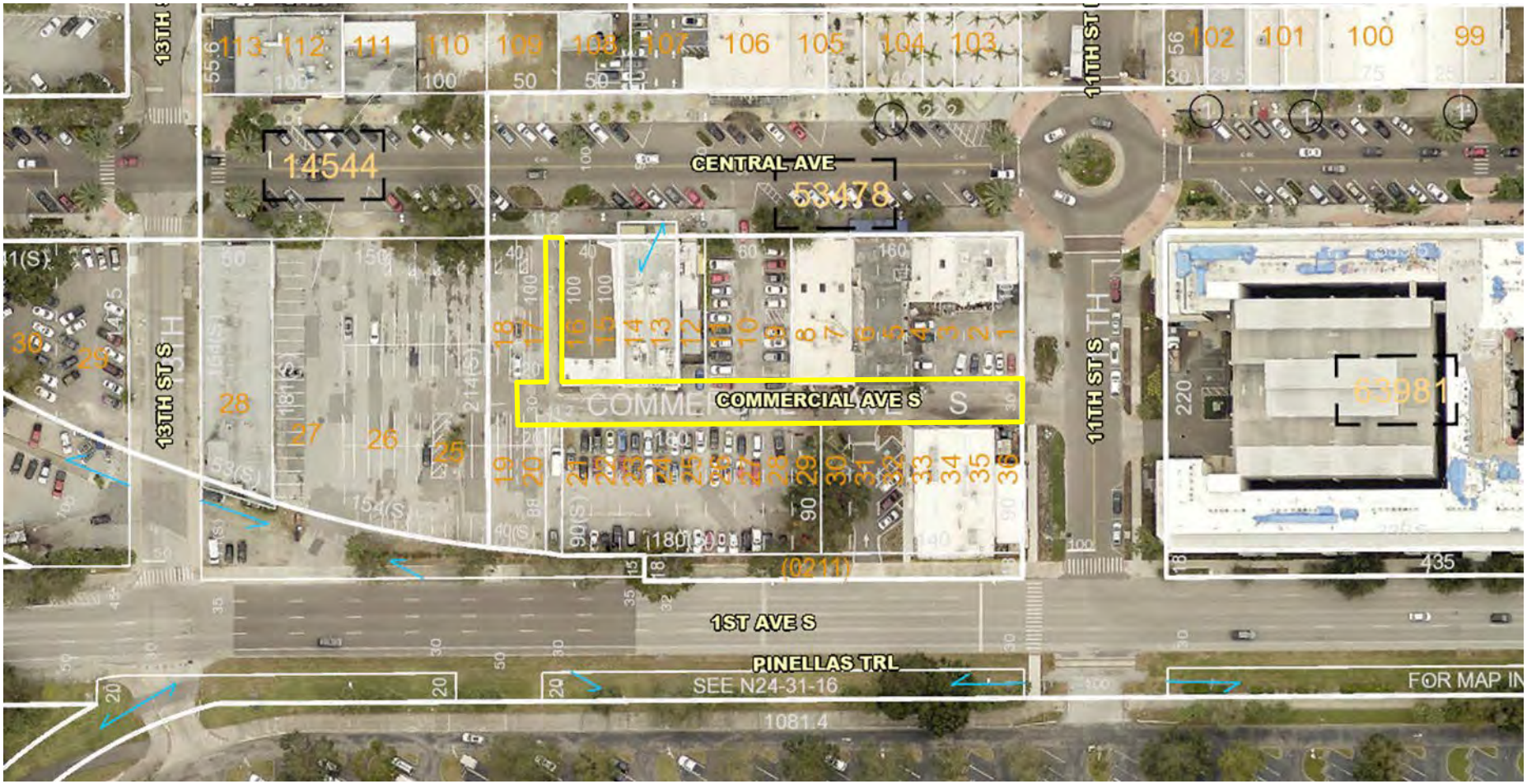
NOT A SURVEY

SHEET 2 OF 2

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03–21–23	SMW	DHR
H:\JN\5098\DWG\5098 SD COMM AVE.DWG			

EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
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PROJECT LOCATION MAP

Case No.: 23-33000015

Addresses: 1100, 1120, 1122, 1126, 1128, 1180 Central Ave. and 1101 1st Ave. S.

City of St. Petersburg, Florida

Planning & Development Services Department

N↑

(nts)

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

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

According to Planning & Development Services Department records, **no Commission member** or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, January 10, 2024, at 1:00 PM** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO:	23-33000015
PLAT SHEET:	G-2
REQUEST:	Approval to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.
OWNERS:	Collective Edge LLC, Pernicious LLC, Tricera 1100 Block LLC, EE 1246 Central Ave Holding LLC, Another Little Central Avenue Building LLC
APPLICANT:	R. Donald Mastry, Trenam Law, 200 Central Ave., Suite 1600, St. Petersburg, FL 33701
ADDRESS:	1100, 1120, 1122, 1126, 1128, 1180 Central Ave. and 1101 1st Ave. S.
PARCEL ID NUMBERS:	24-31-16-53478-000-0210, 24-31-16-53478-000-0300, 24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170
ZONING:	Downtown Center (DC-1)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921 in the Downtown Center – 1 (DC-1) Zoning District (see Attachment A - Location Map and Attachment B - Photos). A related Site Plan application was submitted under Case #23-31000014. An abutting, southern north-south alley in the block was previously approved for vacation under Case #19-33000023 and Ordinance 1123-V for the Moxy St. Petersburg Downtown hotel, which is under construction. Ordinance 1123-V will be recorded after the final plat for that project is approved (Case #22-20000005). A condition of that approval, in addition to the requirement to replat the vacated alley and abutting properties, was to create a north-south pedestrian access easement in the vicinity of the vacated alley.

All property owners on the block are co-applicants in the subject application. The application is scheduled to be heard by the Community Redevelopment Agency (CRA) on January 4, 2024 (CRA Case File: IWRP 23-6a) and is supported by the EDGE Business District Association (see Attachment C – Application).

According to the Application Narrative, the purpose of the right-of-way vacation is to allow for the redevelopment of the property. The related Site Plan application proposes to unify the development of the 1100 block by retaining the hotel that is under construction and three buildings with offices and commercial spaces, demolishing two buildings (1100-1106 Central Avenue and 1101 1st Avenue South) and constructing a mixed-use building with a parking garage which connects to the Moxy parking garage. An 8-foot-wide portion of the north-south alley and Commercial Avenue South would be dedicated as a pedestrian easement to provide for north-south connectivity through the block.

Commercial Avenue South is proposed to be converted to buildable area, a trash access path leading to shared trash rooms, and a loading area for the retail stores. Pedestrians would also be allowed to use the path, however it is not proposed for a pedestrian easement. The applicant provided the following narrative in their Site Plan application:

Commercial Avenue Vacation and Custom Streetscape:

- *The vacation of Commercial Avenue will create a unique streetscape and oasis from the main thoroughfare.*
- *Overhead utilities will be removed, and utilities will be located in vaults. Trash collection will be consolidated within two large trash compactors for the alley.*
- *Custom paving and hardscape will invoke curiosity and create an additional pedestrian opportunity.*
- *Public access will be maintained from Central Avenue for visitors and limited vehicular access for The Moxy hotel (1234 Central) and loading for the retail will also be in place*.

Analysis. Staff's review of a vacation application is guided by:

A. The City's Land Development Regulations (LDR's);
B. The City's Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

A. Land Development Regulations

Section 16.40.140.2.1.E of the LDR sets forth the criteria for the review of proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. ***The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.***

   - The application was routed to City Departments and Private Utility Providers:
     - Water Resources objects to the application until new sewer connections are made (see Water Resources Review Memo dated December 6, 2023 - Attachment D).
     - Engineering has provided special conditions of approval regarding sanitation service method, clarification of public easements/public pedestrian access through the site, sanitary sewer service requirements, and other items that will need to be addressed during building/site plan review and prior to release of permits. Construction-related comments are also provided in the Engineering Memo dated December 12, 2023 (see Attachment E).
     - Transportation and Parking Management has requested greater detail on how the proposed pedestrian arcade in the location of the Commercial Avenue South right-of-way will function, as well as assurance that a north-south pedestrian easement through the block will be created (see Transportation and Parking Management Department Review Memo dated December 8, 2023 - Attachment F). They have similar concerns as Engineering regarding solid waste pick-up and have a strong preference for an east-west public easement over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade to ensure access for the public.
     - The Applicant is working with Sanitation to address the sanitation-related comments issued by the foregoing Departments. A Letter of No Objection from Sanitation is a recommended condition of approval.
     - Frontier Communications, Duke Energy and TECO have objected to the application. The Applicant will be required to work with the private utilities to obtain a Letter of No Objection from each.

2. ***Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.***

   - Access will not be substantially impaired or denied to any lot of record. Rear access to the properties is proposed via a shared east-west access through the site. The fronts of the properties are accessible via the surrounding streets.

3. ***Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.***

   - The vacation will not adversely impact the existing roadway network because it will not create dead-end rights-of-way and will not substantially alter utilized travel patterns. The alley and street are used primarily to service the buildings on the block. Those service functions will be maintained via private cross-access agreements. Commercial Avenue South will be maintained as a service corridor. Staff is including a special condition of approval to provide public pedestrian easements.

   - The block includes a Local Landmark building located 1180 Central Avenue, the Smalley-Green Auto Building currently occupied by Bodega restaurant. The unified redevelopment of the block preserves this historic structure and allows associated development rights to

be shared within the entire block which is consistent with the incentives in the City's land development regulations.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

- There is a need for the subject area to remain accessible to pedestrians. As such, a north-south pedestrian easement between Central Avenue and 1st Avenue South is recommended as a condition of approval as well as an east-west pedestrian easement over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.

- Easements for public utilities will not be required because utilities on the block will be privately owned.

5. The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.

- The Applicant's plan is supported by the EDGE Business District Association.

B. Comprehensive Plan

The City's current Comprehensive Plan contains Goals, Objectives and Policies related to land use and transportation. Those applicable to the subject application have been identified below in italics. Commentary regarding whether the application advances the Goals, Objectives and Policies, or hinders achievement of same is provided after.

1. Goals, Objectives and Policies from the Land Use Element applicable to the subject application include:

   Land Use Element Goals:
   - *(2) Protect and enhance the fabric and character of neighborhoods;*
   - *(4) Assure that services and facilities are provided at the adopted level of service concurrent with existing and future demand; and*
   - *(5) Attain the highest level of economic well-being possible for the city and its citizens.*

   Response to LU Goals 1, 2 and 4: The vacation, in accordance with recommended conditions of approval, would not impair the foregoing goals of the Land Use Element. Because vacation of the right-of-way is associated with a redevelopment project, the application would advance economic development Goal #5.

2. Goals, Objectives and Policies from the Transportation Element applicable to the subject application include:
   Obj. T2: The City shall protect existing and future transportation corridors from encroachment.

   Policy T2.4 The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.

   Response to TE Policy T2.4: Approval of the application would not impair the intent and purpose of this policy because it has been determined that the rights-of-way way are not required for present or future public use on the condition that pedestrian easements are provided for access.

C. Adopted Neighborhood or Special Area Plans

This area is included in the Intown West Redevelopment Plan and the EDGE District Improvement Plan (2016). As previously noted, the proposed project's site plan is scheduled for review by the CRA on January 4, 2024; Staff recommends approval of the CRA application and has found the application consistent with the Intown West Redevelopment Plan. The EDGE District Improvement Plan shows the alley and Commercial Avenue South in several of its renderings, however the renderings appear to be simply acknowledging the existing nature of the rights-of-way. There is no specific reference to the rights-of-way on this block or their retention.

The adjacent Historic Gas Plant District Development Plan does not rely on the rights-of-way for connections between 1st Avenue South and Central Avenue. See Attachment G for images from the EDGE District Improvement Plan and the Historic Gas Plant District Development Plan.

D. Comments from Organizations and the Public

The EDGE Business District Association supports the application (see Attachment C). As of December 27, 2023, City Staff has received no other comments from the public on the application, including the Downtown Neighborhood Association and CONA.

RECOMMENDATION. Staff recommends **APPROVAL** of the vacation with the following conditions of approval, prior to the vacation becoming effective:

1. Per 16.40.140.2.1.F, all vacated rights-of-way and abutting properties shall be replatted and receive final plat approval.
2. A north-south pedestrian easement through the block shall be provided in the vicinity of the alley to be vacated. An east-west pedestrian easement shall be provided over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.
3. The Applicant shall receive DRC approval of the related Site Plan (DRC Case #23-31000014).
4. The adjacent southern north-south alley vacation ordinance shall be recorded (DRC Case 19-33000023; Ordinance 1123-V).
5. The Applicant shall comply with the Water Resources Memo dated December 6, 2023, the Engineering Review Memo dated December 12, 2023, and the Transportation and Parking Management Memo dated December 8, 2023.
6. The Applicant shall obtain a Letter of No Objection from the City's Sanitation Department, Frontier Communications, Duke Energy and TECO.
7. The Applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
8. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

/s/Cheryl Bergailo 12/27/23

Cheryl Bergailo, AICP, LEED Green Assoc., Planner II Date
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

/s/ Elizabeth Abernethy 01/02/24

Elizabeth Abernethy, AICP, Director Date
Planning & Development Services Department

Attachments: A - Location Map, B - Photos, C - Application, D - Water Resources Memo, E - Engineering Memo, F - Transportation and Parking Management Memo

ATTACHMENT A



ROW to be vacated

ROW previously approved to be vacated

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Attachment A—Location Map

Planning and Development Services Department
City of St. Petersburg, Florida

ATTACHMENT B

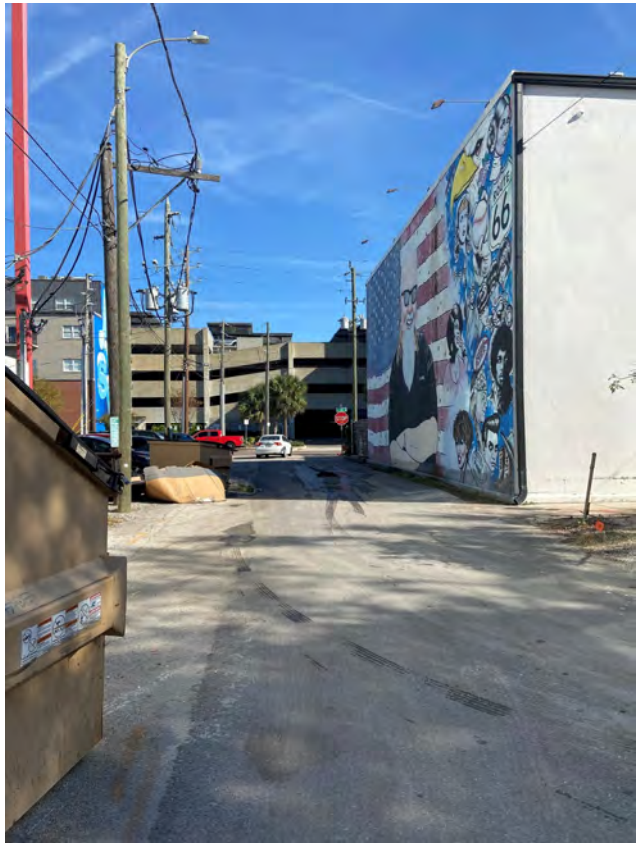


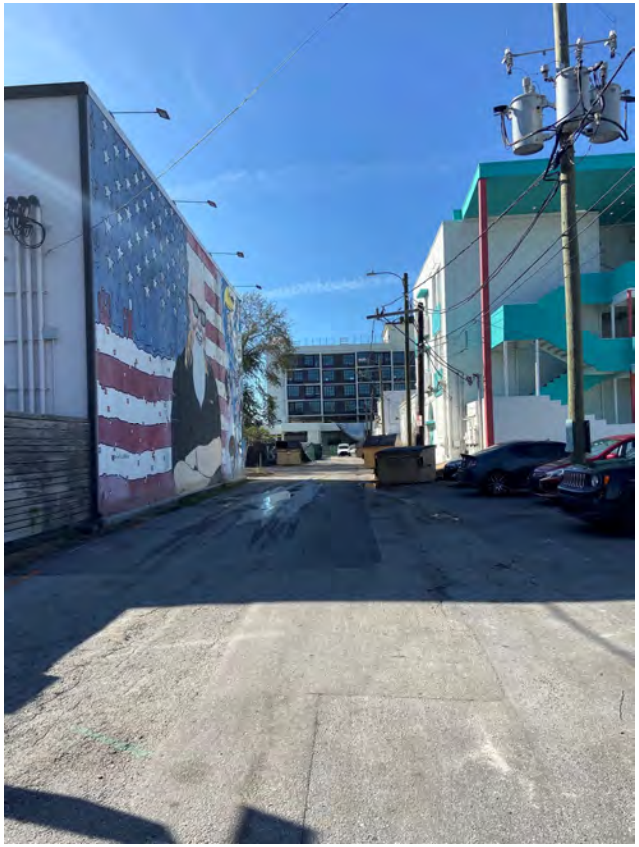


Southward view along the north-south alley to be vacated. Parking garage ramp to the Moxy project in the background.



Eastward view along Commercial Ave. S.





Westward view along Commercial Ave. S.

ATTACHMENT C

st.petersburg
www.stpete.org

SUBDIVISION DECISION Application

Application No. _____

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

Application Type:
Per: 16.40.140 & 16.70.050

- ☐ **Lot Line Adjustment**
- ☐ **Lot Split**
- ☐ **Lot Refacing**
- ☐ **Street Name Change**
- ☐ **Street Closing**
- ☒ **Vacating – Street Right-of-Way**
- ☒ **Vacating – Alley Right-of-Way**
- ☐ **Vacating – Walkway Right-of-Way**
- ☐ **Vacating – Easement**
- ☐ **Vacating – Air Rights**

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): COLLECTIVE EDGE LLC; PERNICIOUS LLC; TRICERA 1100 BLOCK LLC; EE 1246 CENTRAL AVE HOLDING LLC; ANOTHER LITTLE CENTRAL AVENUE BUILDING LLC	
Street Address: 200 Central Ave., Suite 1600	
City, State, Zip: St. Petersburg, FL 33602	
Telephone No:	Email Address:
NAME of AGENT or REPRESENTATIVE: R. Donald Mastry, Trenam Law	
Street Address: 200 Central Ave., Suite 1600	
City, State, Zip: St. Petersburg, FL 33701	
Telephone No: 727-824-6140	Email Address: dmastry@trenam.com
PROPERTY INFORMATION:	
Street Address or General Location: Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.	
Parcel ID#(s): 24-31-16-53478-000-0170, 24-31-16-53478-000-0210, 24-31-16-53478-000-0300, 24-31-16-53478-000-0010, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0090 and 24-31-16-53478-000-0150	
DESCRIPTION OF REQUEST: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.	
PRE-APPLICATION DATE: 7/18/23	**PLANNER:** CLB

FEE SCHEDULE

Lot Line & Lot Split Adjustment Administrative Review	$200.00	Vacating Streets & Alleys	$1,000.00
Lot Line & Lot Split Adjustment Commission Review	$300.00	Vacating Walkway	$400.00
Lot Refacing Administrative Review	$300.00	Vacating Easements	$500.00
Lot Refacing Commission Review	$500.00	Vacating Air Rights	$1,000.00
Variance with any of the above	$350.00	Street Name Change	$1,000.00
		Street Closing	$1,000.00

Checks made payable to the "City of St. Petersburg"

AUTHORIZATION

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

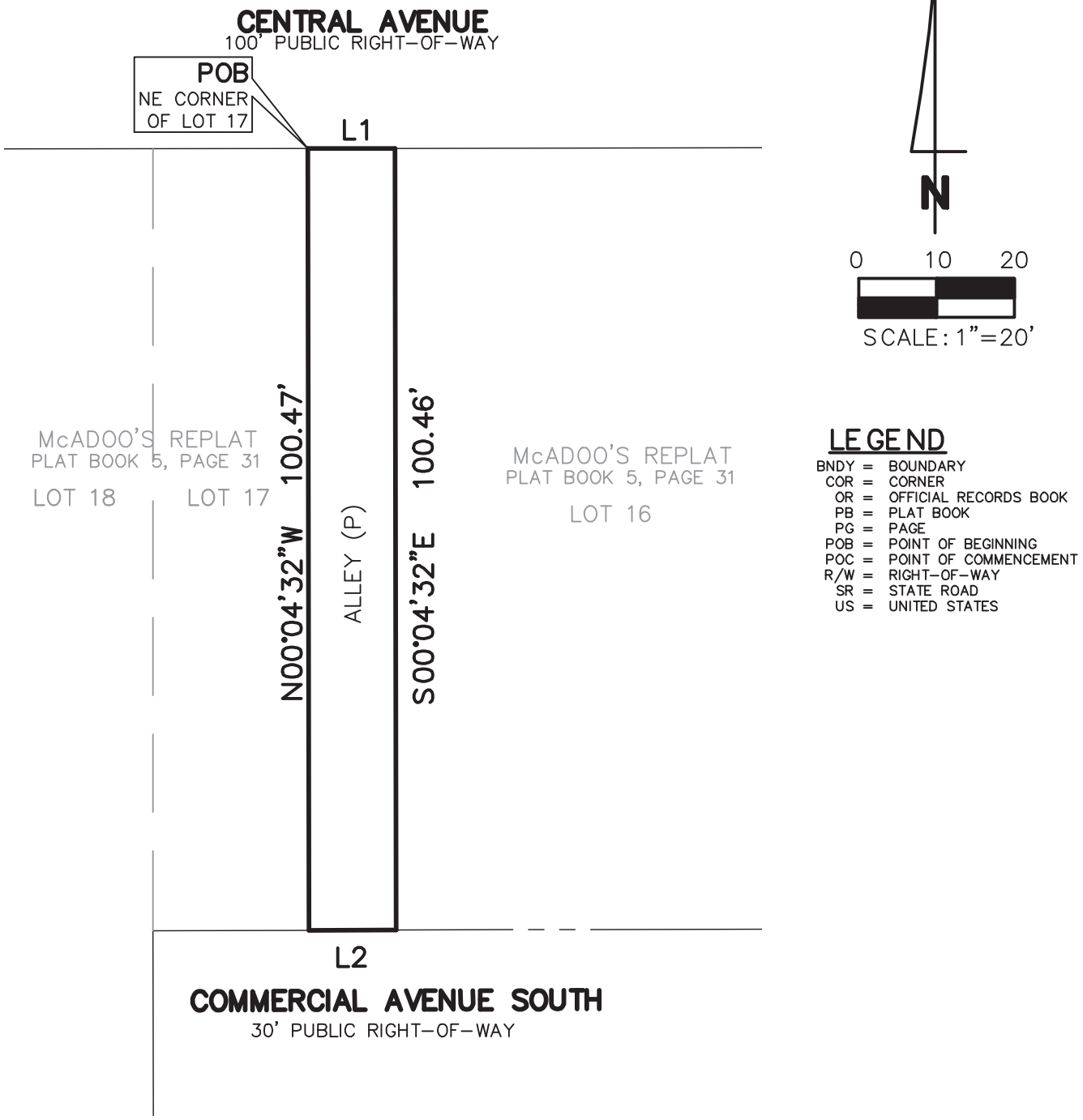
The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

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

Signature of Owner/Agent: R. Donald Mastry, Agent Date: 11/13/23
*Affidavit to Authorize Agent required, if signed by Agent.

Typed name of Signatory: R. Donald Mastry, as agent

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01



LEGEND

BNDY = BOUNDARY
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NOT A SURVEY

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EXHIBIT "A"
ALLEY

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SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
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2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.
3. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:57:14 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD ALLEY.DWG			

EXHIBIT "A"
ALLEY

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01

LEGEND

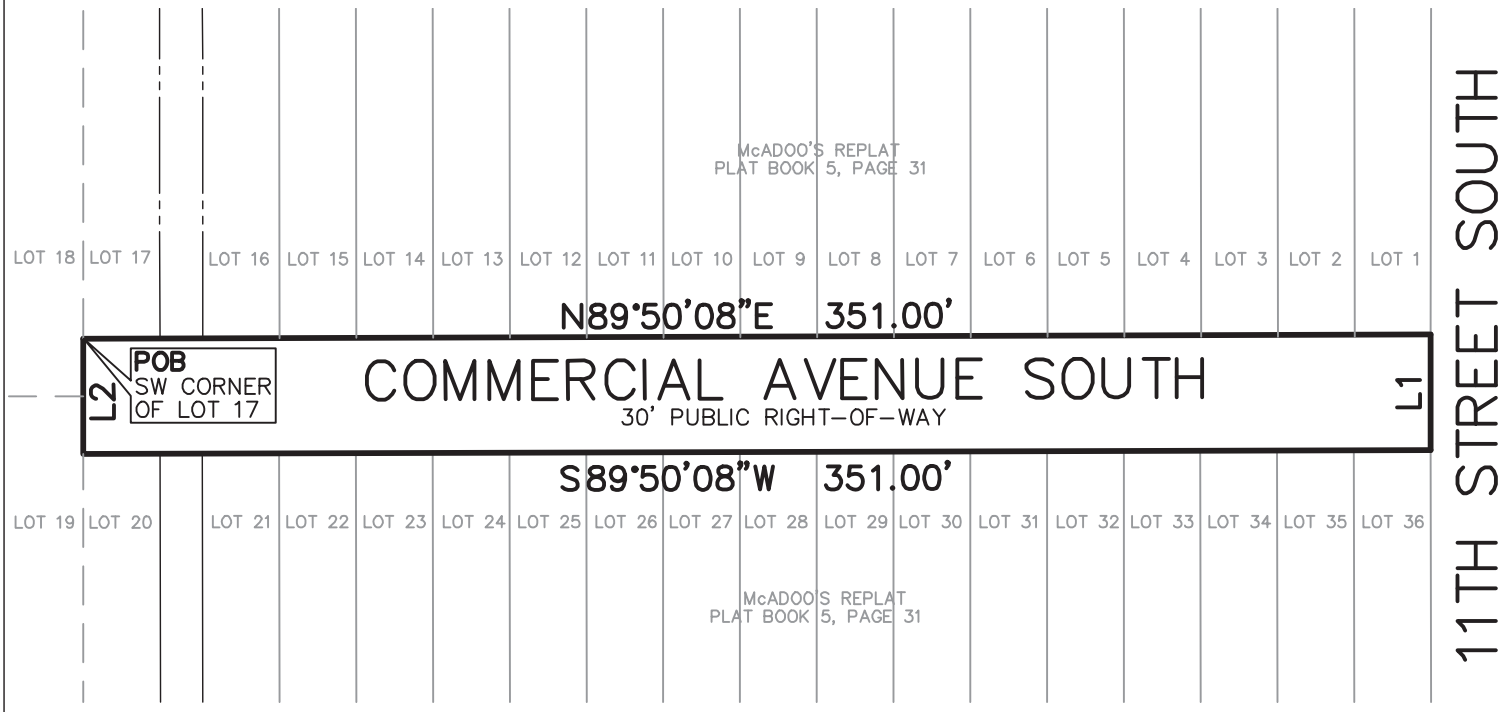
BNDY = BOUNDARY
COR = CORNER
OR = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SR = STATE ROAD
US = UNITED STATES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°04'32"E	30.00'
L2	N00°04'32"W	30.00'

N

0 25 50

SCALE: 1"=50'



NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD COMM AVE.DWG			

EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098–01

DESCRIPTION

THAT PORTION OF COMMERCIAL AVENUE OF MCADOO'S REPLAT AS RECORDED IN PLAT BOOK 5, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY FLORIDA; BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 17 OF MCADOO'S REPLAT; THENCE N.89°50'08"E., 351.00 FEET ALONG THE NORTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE; THENCE S.00°04'32"E., 30.00 FEET ALONG THE WEST RIGHT–OF–WAY LINE OF 11TH STREET SOUTH; THENCE S.89°50'08"W., 351.00 FEET ALONG THE SOUTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE SOUTH; THENCE N.00°04'32"W., 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.241 ACRES, MORE OR LESS

NOTES

1. BEARINGS ARE BASED ON THE NORTH RIGHT–OF–WAY LINE OF COMMERICAL AVENUE SOUTH, SAID LINE BEING ASSUMED AS N89°50'08"E.
2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.
3. RE–USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE–USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS–OF–WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:58:36 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

NOT A SURVEY

SHEET 2 OF 2

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03–21–23	SMW	DHR
H:\JN\5098\DWG\5098 SD COMM AVE.DWG			

EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461–6113

st.petersburg
www.stpete.org

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: EE 1246 CENTRAL AVE HOLDING LLC

This property constitutes the property for which the following request is made

Property Address: 1120 Central Ave.

Parcel ID Number: 24-31-16-53478-000-0090

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ JONATHAN DAOU
Printed Name

Sworn to and subscribed on this date

Identification or personally known: Jonathan Daou

Notary Signature: (Print): Carolyn J Kovacs Date: May 11, 2023
Commission Expiration (Stamp or date): CAROLYN J KOVACS

CAROLYN J KOVACS
Notary Public - State of Florida
Commission # HH 379431
My Comm. Expires Mar 27, 2027
Bonded through National Notary Assn.

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www.stpete.org

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: TRICERA 1100 BLOCK LLC

This property constitutes the property for which the following request is made

Property Address: 1100 Central Ave., 1122 Central Ave. and 1126 Central Ave.

Parcel ID Number: 24-31-16-53478-000-0010, 24-31-16-53478-000-0120 and 24-31-16-53478-000-0130

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Benjamin Mandell, Manager
Printed Name

Sworn to and subscribed on this date

Identification or personally known: Personally Known

Notary Signature: (Print): Maria Marquez Date: May 25, 2023
Commission Expiration (Stamp or date):

MARIA MARQUEZ
Notary Public
State of Florida
Comm# HH293438
Expires 7/26/2026

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: ANOTHER LITTLE CENTRAL AVENUE BUILDING LLC

This property constitutes the property for which the following request is made

Property Address: 1180 Central Ave.

Parcel ID Number: 24-31-16-53478-000-0150

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Blake Thompson, Manager.
Printed Name

Sworn to and subscribed on this date

Identification or personally known: Blake Thompson

Notary Signature: (Print): Bradley R Stodghill Date: June 28, 2023

Commission Expiration / Stamp or Seal: Bradley R Stodghill

BRADLEY R STODGHILL
NOTARY PUBLIC for the
State of Montana
Residing at Bigfork, MT
My Commission Expires
May 31, 2026.

BRADLEY R STODGHILL NOTARIAL SEAL STATE OF MONTANA

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: COLLECTIVE EDGE LLC

This property constitutes the property for which the following request is made

Property Address: 0 Central Ave. and 0 Commercial Ave. S.

Parcel ID Number: 24-31-16-53478-000-0170, 24-31-16-53478-000-0210

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Nicholas Pantuliano

Printed Name

Sworn to and subscribed on this date Notarized online using audio-video communication

Identification or personally known: DRIVER LICENSE

Notary Signature: (Print): _____ Jeremiah Spencer Date: 10/06/2023

Commission Expiration (Stamp or date): 12/09/2026

NOTARY PUBLIC STATE OF TEXAS

Jeremiah Spencer

ID NUMBER
13176602-5
COMMISSION EXPIRES
December 9, 2026

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

st.petersburg
www.stpete.org

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: PERNICIOUS LLC

This property constitutes the property for which the following request is made

Property Address: 1101 1st Ave. S.

Parcel ID Number: 24-31-16-53478-000-0300

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Nicholas Pantuliano
Printed Name

Sworn to and subscribed on this date

Identification or personally known: DRIVER LICENSE

Notary Signature: (Print): _____ Jeremiah Spencer Date: 10/06/2023

Commission Expiration (Stamp or date): 12/09/2026

NOTARY PUBLIC STATE OF TEXAS
Jeremiah Spencer
ID NUMBER
13176602-5
COMMISSION EXPIRES
December 9, 2026

Notarized online using audio-video communication

st.petersburg
www.stpete.org

NEIGHBORHOOD WORKSHEET

Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

NEIGHBORHOOD WORKSHEET	
Street Address:	**Case No.:**
Description of Request:	
The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):	
1. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
2. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
3. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
4. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
5. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
6. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
7. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
8. Affected Property Address:	
Owner Name (print):	
Owner Signature:	

PUBLIC PARTICIPATION REPORT

Application No. _____

In accordance with LDR Section 16.70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a decision requiring a streamline review or public hearing. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, (except when the application is for a local historic district) but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

NOTE: This Report may be updated and resubmitted up to 10 days prior to the scheduled Public Hearing.

APPLICANT REPORT
Street Address:
1. Details of techniques the applicant used to involve the public
(a)Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal
(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located
2. Summary of concerns, issues, and problems expressed during the process

NOTICE OF INTENT TO FILE
A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (variance@stpetecona.org) and to Federation of Inner-City Community Organizations (FICO) (kleggs11@outlook.com) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.
□ Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: _____
□ Attach the evidence of the required notices to this sheet such as Sent emails.

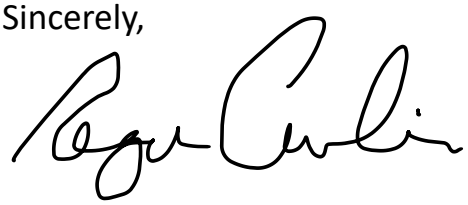
EDGE Business District Association / P.O. Box 15026 / St. Pete, FL 33733

Date: 11/7/23

To Whom it Concerns,

The EDGE Business District Association supports the approval of the Collective Phase II project, which is a 200-foot high mixed use building containing approximately 350 dwelling units, 23,000 square feet of commercial space and 340 parking spaces. It should be noted, the current parking design is over the minimum parking requirement for the overall project. Additionally, the Association supports the vacation of both Commercial Avenue, which runs west from 11th Street, and the north alley going through the block connecting Commercial Avenue to Central Avenue.

Sincerely,



Roger Curlin, Executive Director

director@edgedistrict.org

727-698-1784

NARRATIVE IN SUPPORT OF SUBDIVISION DECISION APPLICATION (VACATION OF STREET AND ALLEY)

Collective Edge LLC, Pernicious LLC, Tricera 1100 Block LLC, EE 1246 Central Ave Holding LLC, and Another Little Central Avenue Building LLC (collectively, the "Owners") are the owners of the property located at 0, 1100, 1104, 1106, 1110, 1114, 1120, 1122, 1126, 1128, 1180, 1234 and 1246 Central Ave., 0 Commercial Ave. S. and 1101 1st Ave. S. (collectively, the "Property").

The Owners are requesting the vacation of Commercial Ave. S., and the alley lying between Commercial Ave. S. and Central Ave. (the "Proposed Vacation") to allow for the redevelopment of the Property. Commercial Ave. S. and the alley function as service driveways for the Property and are not used as part of the roadway network.

To the Owners' knowledge, there are no public utilities in the Proposed Vacation. The Owners own 100% of the lineal frontage of the Proposed Vacation.

Discussion of Matters for Consideration for Vacations

Sec. 16.40.140.2.1.E of the Land Development Code

1. *The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.*

   The Owners agree that the alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block. There is no need for public utility easements as there are no public utilities within the Proposed Vacation. The Owners will work with utility companies to resolve any private utilities within the Proposed Vacation.

2. *Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.*

   The vacation would not have this effect, as the Proposed Vacation does not abut any lot of record other than Owners'.

3. *Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.*

   The vacation would not have this effect, as the Proposed Vacation consists of service driveways which are not used as part of the roadway network.

4. *Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

There is no present or future need for the Proposed Vacation for public vehicular access or for public utility corridors, as it only serves the Owners' Property. The alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block.

5. *The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.*

   N/A

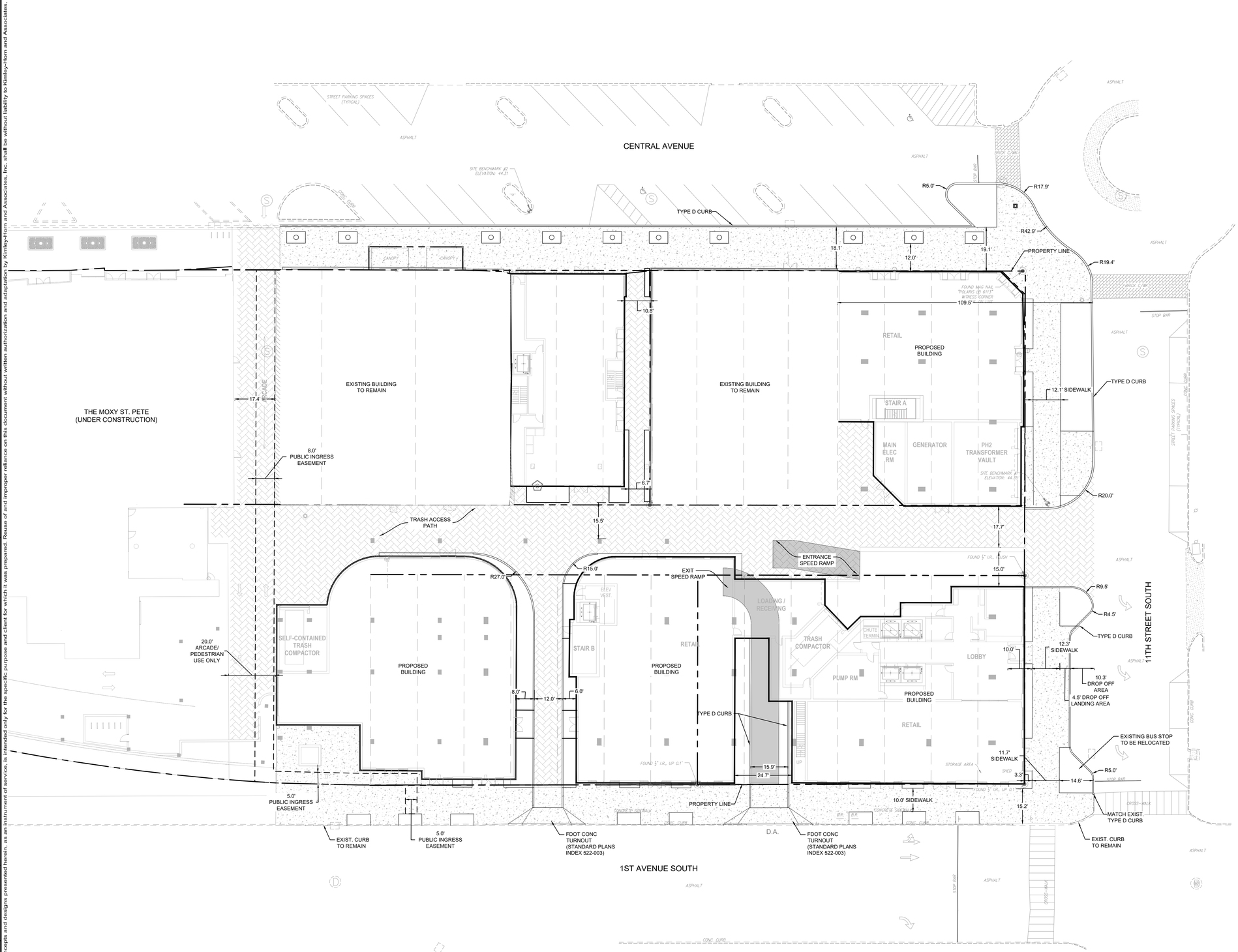
Discussion of Standards of Review for Subdivision Decisions, Generally

Sec. 16.70.050.1(D) of the Land Development Code

D. Standards for review. In reviewing the application for a subdivision decision, the POD, commission or the City Council shall consider whether the application is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the Comprehensive Plan.

The application is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the Comprehensive Plan, specifically the promotion of redevelopment.

Plotted By: Clark, Kori Sheet Set: Edge Phase II 145501 Layout: C-400 SITE PLAN December 21, 2023 04:42:03pm K:\STP_Civil\145501 — PINA\000 — Edge Phase 2\CAD\PlanSheets\C400 — Site Plan.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

LEGEND

- SITE PLAN BOUNDARY
- PROPERTY LINE
- PROPOSED TYPE "D" CURB
- PROPOSED SPEED RAMP
- PROPOSED HARDSCAPE
- PROPOSED ARCADE

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
200 CENTRAL AVE., SUITE 600, ST PETERSBURG, FL 33701
PHONE: 727-547-3999 WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
DATE: 76221

SCALE: AS SHOWN	
DESIGNED BY	NEB
DRAWN BY	BDD
CHECKED BY	DMD

SITE PLAN

THE COLLECTIVE PHASE II

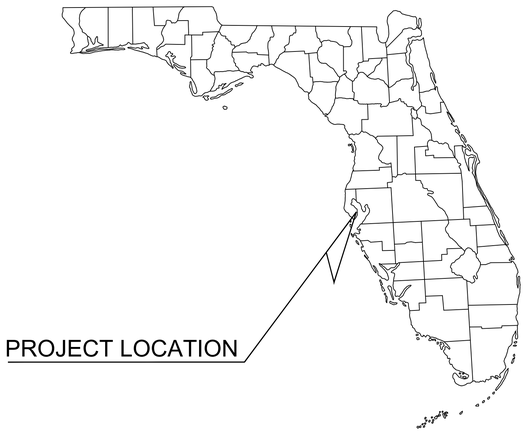
CITY OF ST. PETERSBURG FLORIDA

DATE
11/03/2023

PROJECT NO.
145501000

SHEET NUMBER
C-400

811 Know what's **below.** **Call** before you dig.



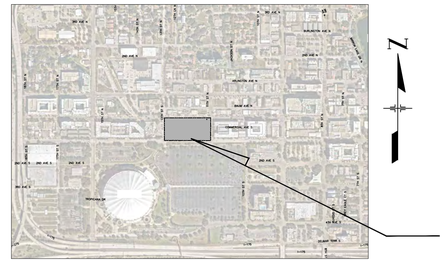
SITE PLAN APPLICATION
PREPARED FOR

THE COLLECTIVE PHASE II

1100 BLOCK, CENTRAL AVENUE
ST. PETERSBURG, FL 33705

PARCEL ID
24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120,
24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170,
24-31-16-14544-000-0250, 24-31-16-14544-000-0280, 24-31-16-53478-000-0210
AND 24-31-16-53478-000-0300
SECTION: 24 TOWNSHIP: 31 RANGE: 16

ST. PETERSBURG, FL



LIST OF CONTACTS

STORMWATER
CITY OF ST. PETERSBURG
DALE ALBERTS
1650 3RD AVE. N.
ST. PETERSBURG, FL 33713
TEL: 727.892.5653

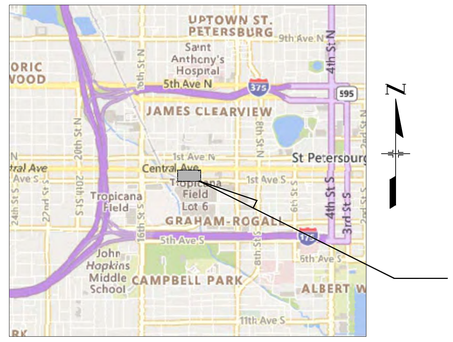
WATER
CITY OF ST. PETERSBURG
DALE ALBERTS
1650 3RD AVE. N.
ST. PETERSBURG, FL 33713
TEL: 727.892.5653

SEWER
CITY OF ST. PETERSBURG
DALE ALBERTS
1650 3RD AVE. N.
ST. PETERSBURG, FL 33713
TEL: 727.892.5653

ELECTRIC
DUKE ENERGY
SEPHANIE OLMO
425 E. CROWN POINT RD.
WINTER GARDEN, FL 34787
TEL: 407.905.3376

LOCATION SERVICES
FLORIDA ONE-CALL - 811

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
C-000	COVER SHEET
C-100	OVERALL SITE PLAN
C-400	SITE PLAN
L100	CODE REQUIRED LANDSCAPE PLAN



PROJECT DESIGN TEAM

CIVIL ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.
DAWN DODGE, P.E.
200 CENTRAL AVENUE, SUITE 600
ST.PETERSBURG, FL 33701
PHONE: (727) 547-3999

ARCHITECT
STORYN STUDIO FOR ARCHITECTURE, LLC
EVERALD COLAS, AIA, NOMA
1110 CENTRAL AVENUE, 3RD FLOOR
ST. PETERSBURG, FL 33705
PHONE: (352) 871-3715

APPROVAL STAMPS:

811 below. Call before you dig.

Kimley»Horn

LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
76221
DATE:

Plotted By:Berin, Nicole Sheet Set:Edge Phase II 145601 Layout:C-000 COVER SHEET November 03, 2023 02:38:14pm K:\STP_Civil\145601 — PTM\000 — Edge Phase 2\CAD\PlanSheets\C000 — Cover Sheet.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



GRAPHIC SCALE IN FEET
0 15 30 60

SITE DATA INFORMATION	
PIN	24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170, 24-31-16-14544-000-0250, 24-31-16-14544-000-0280, 24-31-16-53478-000-0210, 24-31-16-53478-000-0300
ZONING	DOWNTOWN CENTER - (DC-1)
FUTURE LAND USE	CENTRAL BUSINESS DISTRICT (CBD)
FLU OVERLAY	INTOWN ACTIVITY CENTER (AC)
FLOOD ZONE	ZONE "X" - PANEL 12103C0219H
TOTAL LOT AREA	120,484 SF (2.77 AC)
REQUIRED OPEN SPACE	6,024 SF (5% OF TOTAL LOT AREA)
PROVIDED OPEN SPACE	8,184 SF (6.8%)
EXISTING BUILDING COVERAGE	51,872 SF (43.1%)
PROPOSED BUILDING COVERAGE	76,642 SF (63.5%)
TOTAL BUILDING AREA	635,237 SF
~~NON-RESIDENTIAL (1ST FLOOR, NEW)~~	24,000 SF
~~NON-RESIDENTIAL (1ST FLOOR, TOTAL)~~	76,532 SF
~~RESIDENTIAL~~	360 UNITS
PROPOSED BUILDING HEIGHT	200'-0"

BUILDING SETBACKS				
	REQUIRED		PROVIDED	
STREETS	0' - 50'	ABOVE 50'	0' - 50'	ABOVE 50'
NORTH (CENTRAL AVE)	0'	10'	0'	10'-6"
EAST (11TH ST SOUTH)	0'	10'	0'	11'-0"
SOUTH (1ST AVE SOUTH)	0'	10'	0'	10'-9"
WEST (13TH ST SOUTH)	0'	10'	0'	N/A
BETWEEN BUILDINGS		REQUIRED	PROVIDED	
BLANK/WIND-WIND	UP TO 50'	15'	15'	
	50'-200'	60'	60'	
	ABOVE 200'	80'	N/A	
BLANK-BLANK	UP TO 50'	0'	0'	
	50'-200'	60'	60'	
	ABOVE 200'	80'	N/A	

PARKING REQUIREMENTS				
	REQUIRED			
RESIDENTIAL	1.0 SPACE PER UNIT OVER 750 SF (1.0 X 161 UNITS = 161 SPACES)			
RETAIL / RESTAURANT	1.0 SPACE PER 1,000 SF = 24 SPACES			
	PROVIDED (IN PARKING GARAGE)			
	STANDARD	COMPACT	ACCESSIBLE	TOTAL
PROPOSED	290	58	8	356
EXIST. MOXY	31	3	4	38
TOTAL	321	61	12	394
LOADING	REQUIRED		PROPOSED	
	1 LOAD AREA, 2 LOADING SPACES		2 LOADING SPACES	

BICYCLE PARKING REQUIREMENTS				
	RESIDENTIAL (352 UNITS)		RETAIL / RESTAURANT	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
SHORT TERM	1 PER 20 UNITS (18 SPACES)	18 SPACES	1 PER 5,000 SF (2 MINIMUM / 5 SPACES)	5 SPACES
LONG TERM	1 PER UNIT (360 SPACES)	360 SPACES	1 PER 12,000 SF (2 MINIMUM / 2 SPACES)	2 SPACES
TOTAL	378 SPACES	378 SPACES	7 SPACES	7 SPACES
LONG TERM BICYCLE PARKING PROVIDED IN THE LEVEL 2 BIKE PARKING AMENITY; SHORT TERM SPACES PROVIDED ALONG THE RETAIL AREAS.				

SITE NOTES

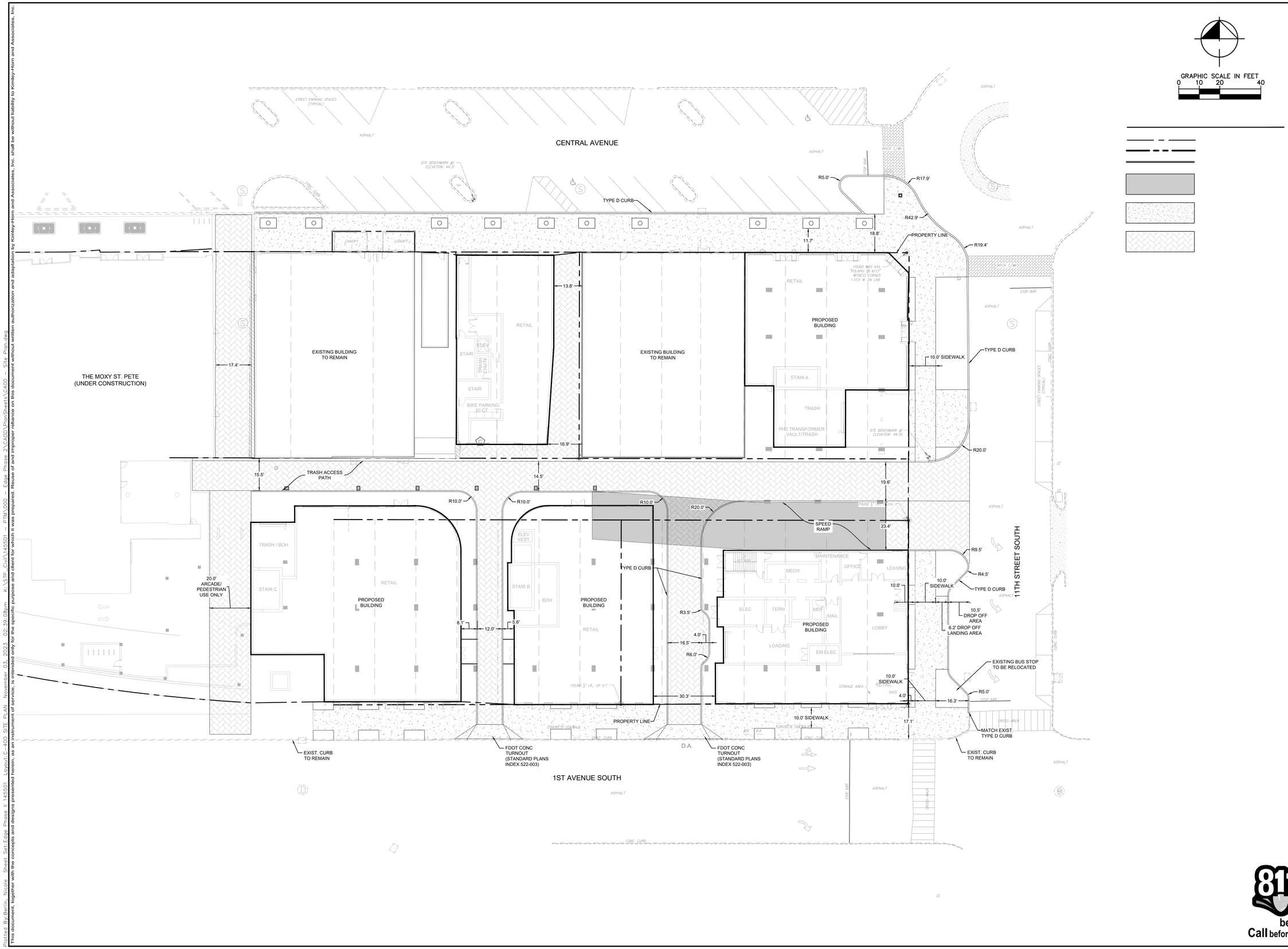
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY OF ST. PETERSBURG REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
2. EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS.
4. FOR ALL TREES TO REMAIN AND PROTECTED REFER TO LANDSCAPING MITIGATION PLAN.

811 below. Call before you dig.

Kimley»Horn

LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
76221
DATE:

Plotted By:Berlin, Nicole Sheet Set:Edge Phase II 145501 Layout:OVERALL SITE PLAN November 03, 2023 03:50:21pm K:\STP_Civil\145501 – PTM\000 – Edge Phase 2\CAD\PlanSheets\C100 – OVERALL SITE PLAN.dwg
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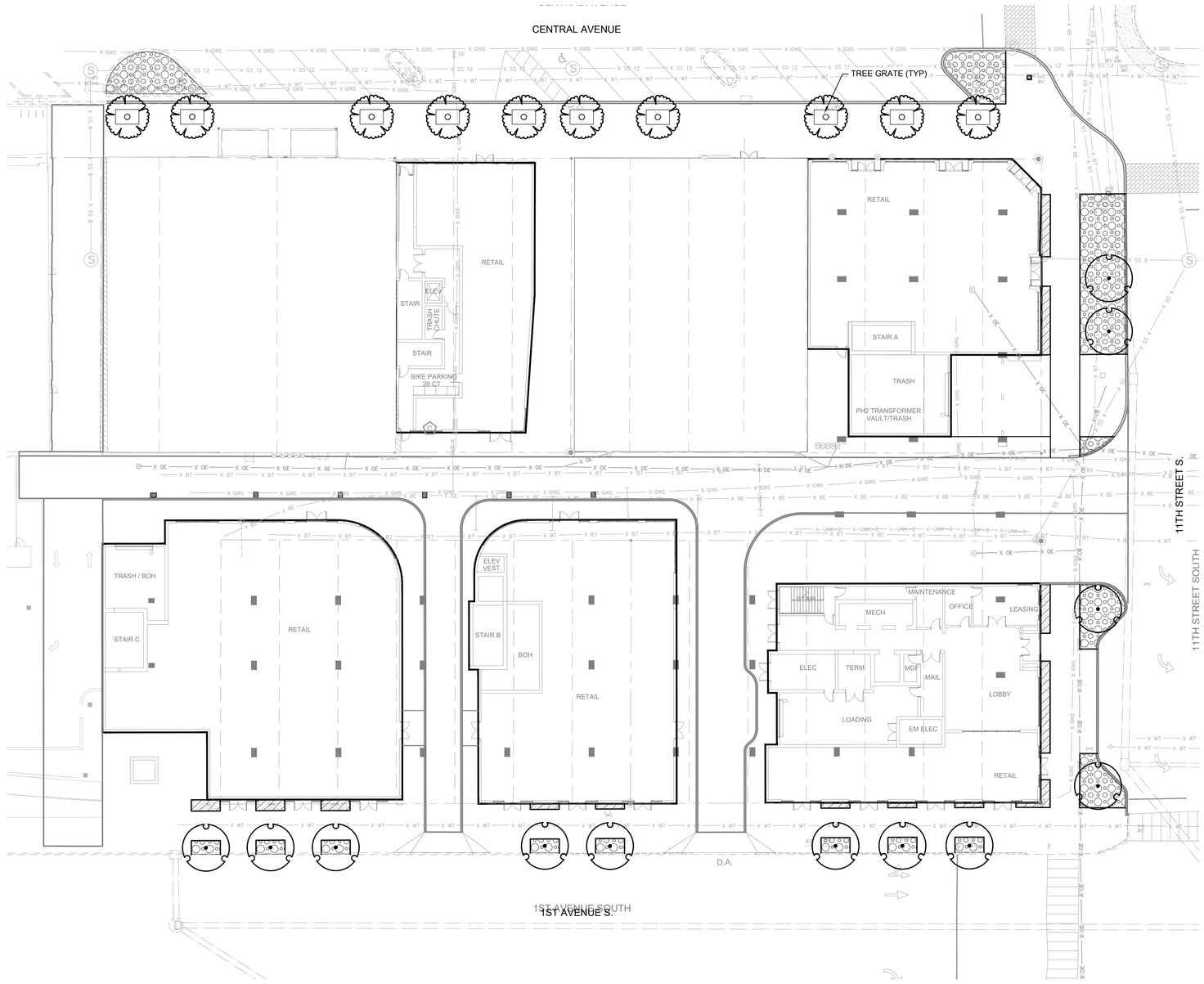
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Kimley»Horn

LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
76221
DATE:

811 Call before you dig.



GRAPHIC SCALE IN FEET
0 10 20 40

LANDSCAPE CALCULATIONS

PER CITY OF ST. PETERSBURG LDC

STREET TREES **1 SHADE TREE PER EVERY 35LF OF R.O.W.** *SECTION 16.40.060.2.1.3(D)(1)*	CENTRAL AVENUE: 330 LF / 35 LF = 10 SHADE TREES 11TH STREET S: 139 LF (EXCLUDES DRIVEWAY) / 35 LF = 4 SHADE TREES 1ST AVENUE S: 276 LF (EXCLUDES DRIVEWAYS) / 35 LF = 8 SHADE TREES	

CONCEPT PLANT SCHEDULE

STREET TREE
MINIMUM 12 FT HEIGHT, 3-4 IN CALIPER
QUERCUS VIRGINIANA 'SKY CLIMBER' / SKY CLIMBER LIVE OAK

SPECIMEN PALM
16 FT CT
PHOENIX DACTYLIFERA / DATE PALM
PHOENIX SYLVESTRIS / WILD DATE PALM
ROYSTONEA REGIA / ROYAL PALM
WODYETIA BIFURCATA / FOXTAIL PALM

FOUNDATION PLANTING
GROUNDCOVERS: 1 GALLON WITH 12-18" O.C. SPACING
SHRUBS: 3-7 GALLON WITH 24-48" O.C. SPACING
ILEX VOMITORIA 'SCHILLINGS' / SCHILLINGS YAUPON HOLLY
LIRIOPE MUSCARI 'VARIEGATA' / VARIEGATED LILYTURF
PODOCARPUS MACROPHYLLUS 'PRINGLES' / PRINGLES DWARF PODOCARPUS

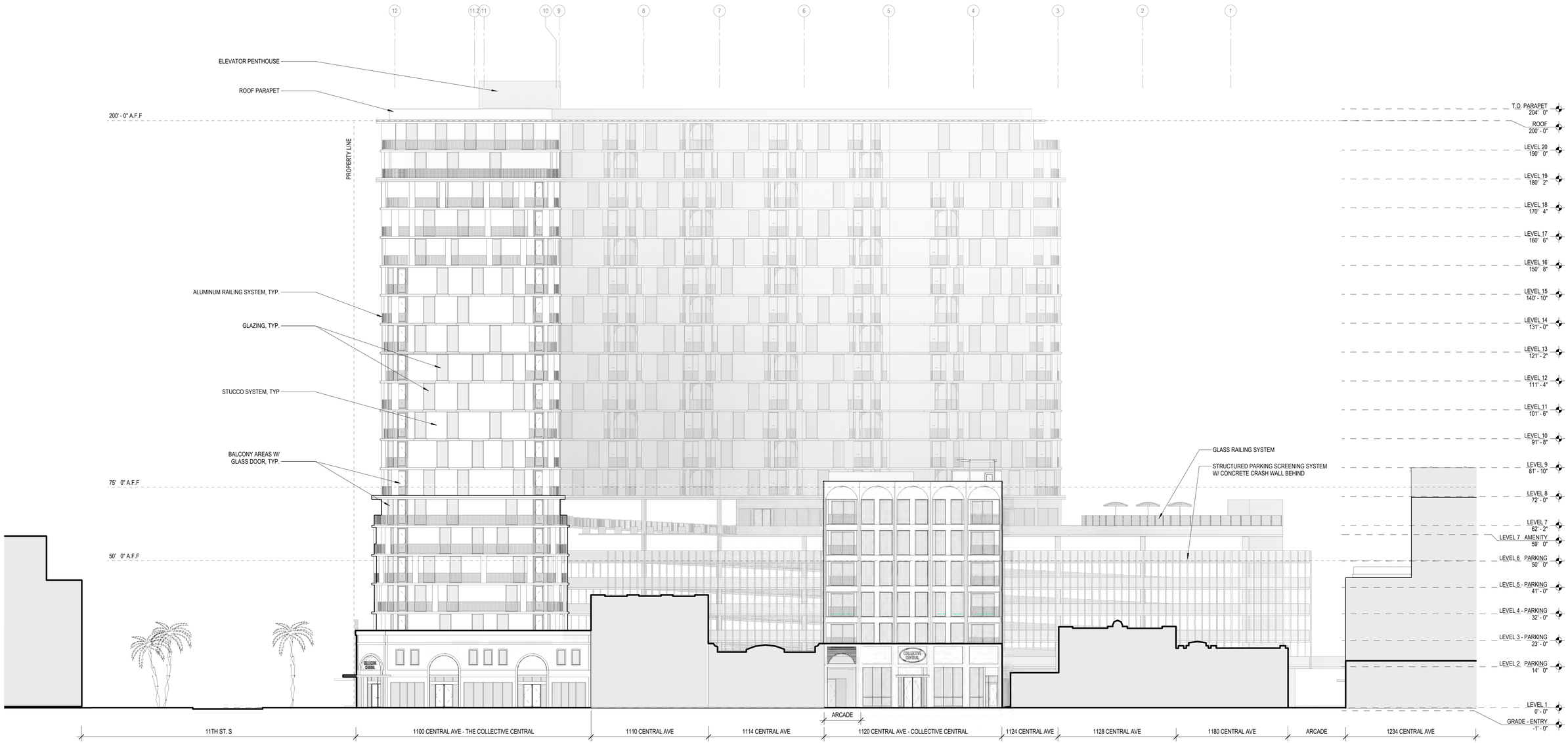
STREETSCAPE PLANTING
CARISSA MACROCARPA 'NANA' / DWARF NATAL PLUM
CRINUM AUGUSTUM 'QUEEN EMMA' / QUEEN EMMA CRINUM LILY
FICUS MICROCARPA 'GREEN ISLAND' / GREEN ISLAND INDIAN LAUREL FIG
ILEX VOMITORIA 'SCHILLINGS' / SCHILLINGS YAUPON HOLLY
LIRIOPE MUSCARI 'BIG BLUE / BIG BLUE LILY TURF
RHAPHIOLEPIS INDICA / INDIAN HAWTHORN
STRELITZIA REGINAE / BIRD OF PARADISE
TRACHELOSPERMUM ASIATICUM / ASIATIC JASMINE
ZAMIA FURFURACEA / CARDBOARD PALM
ZAMIA PUMILA / COONTIE CYCAD

Kimley»Horn

LICENSED PROFESSIONAL
DAVID J. FLANAGAN, P.LA.
FLORIDA LICENSE NUMBER
0001495
DATE:

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Plotted By:Berlin, Nicole Sheet Set:Edge Phase II 145501 Layout:Landscaping November 02, 2023 07:28:16pm K:\STP_Civil\145501 — PTNA\000 — Edge Phase 2\CADD\PlanSheets\N100 — Landscape.dwg
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EXISTING BUILDING

NEW BUILDING

1 NORTH ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

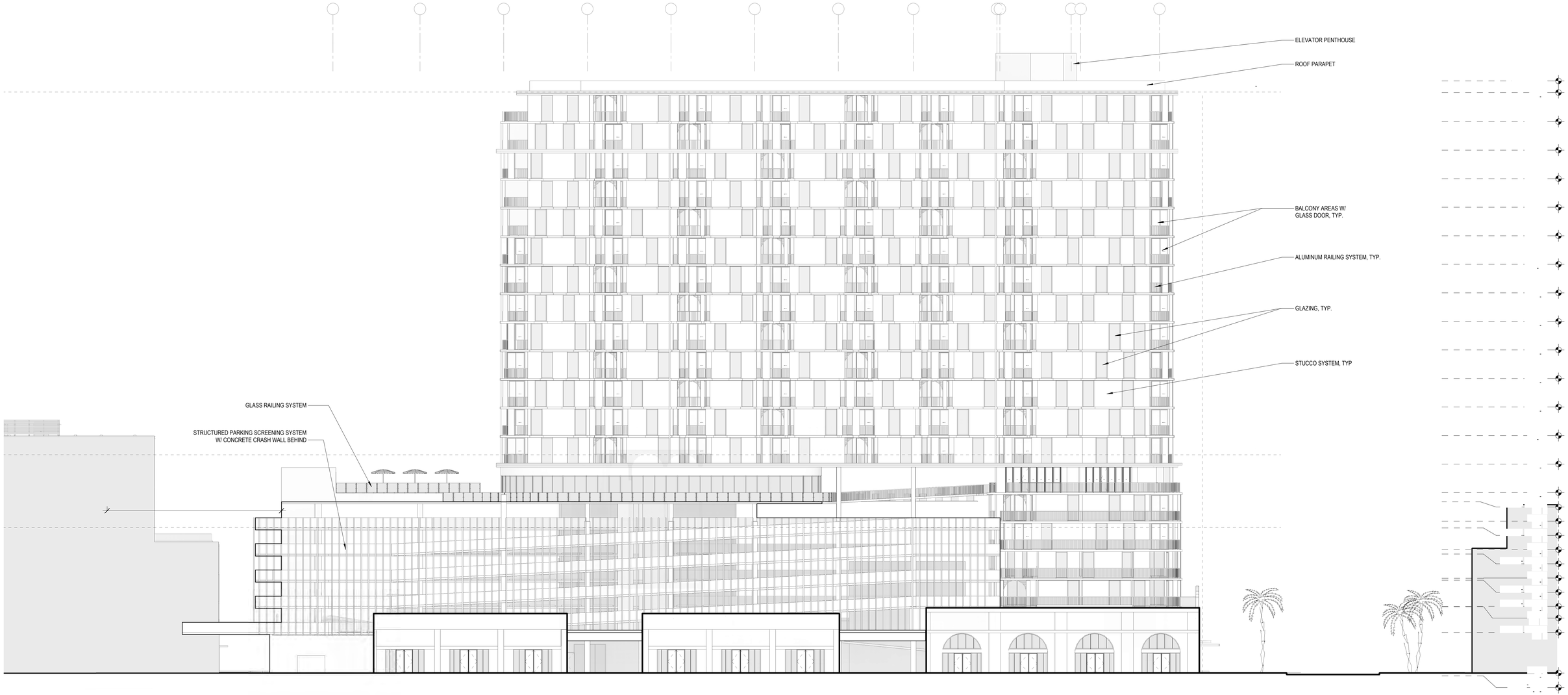
STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:02:42 PM

BUILDING ELEVATION - NORTH

A-201

11/01/23



EXISTING BUILDING

NEW BUILDING

1 SOUTH ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

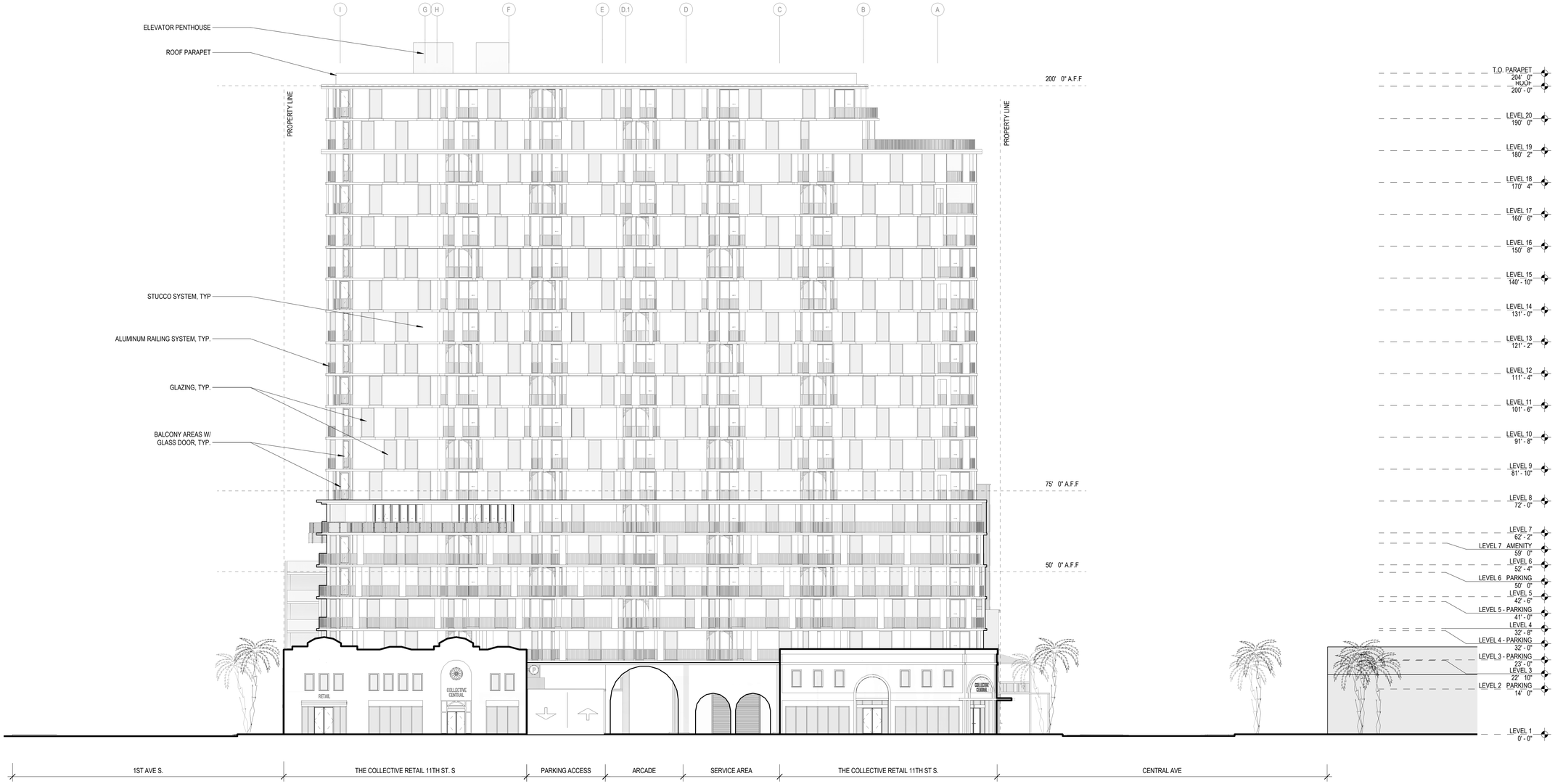
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:05:14 PM

BUILDING ELEVATION SOUTH

A-202

11/01/23



EXISTING BUILDING

NEW BUILDING

1 EAST ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

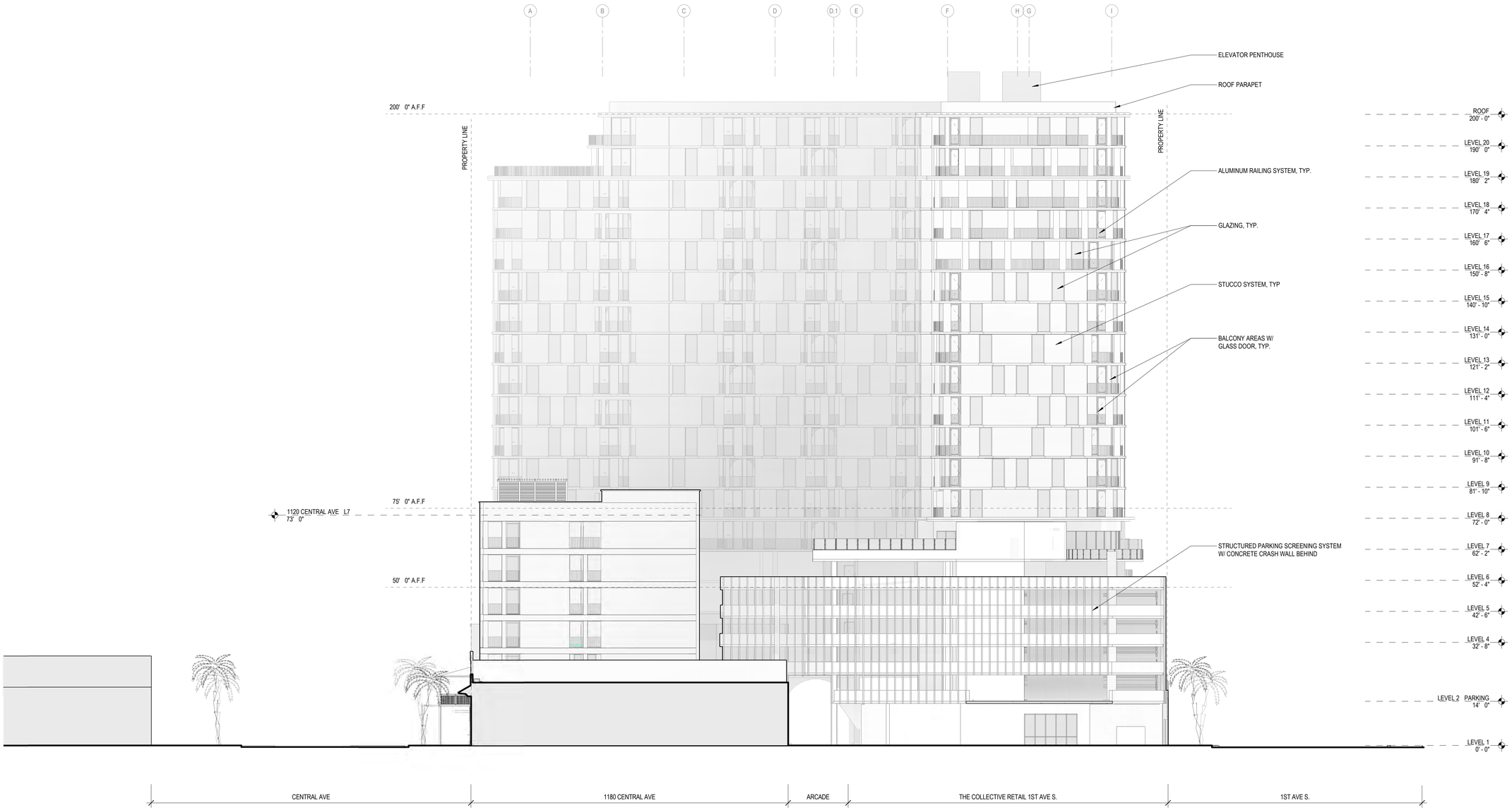
STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:07:13 PM

BUILDING ELEVATION EAST

A-203

11/01/23



EXISTING BUILDING

NEW BUILDING

1 WEST ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:09:12 PM

BUILDING ELEVATION WEST

A-204

11/01/23

ATTACHMENT D

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Corey Malyszka, Zoning Official

FROM: Thomas Whitman, Designer I, Water Resources

DATE: December 6, 2023

SUBJECT: Approval to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.

PLAT: G-2

CASE: 23-33000015

LOCATION: 1100 Central Ave.;23-31-16-53478-000-0010, 1120 Central Ave,;24-31-16-53478-000-0090, 1122 Central Ave.;24-31-16-53478-000-0120, 1126 Central Ave.;24-31-16-53478-000-0130, 1180 Central Ave.;24-31-16-53478-000-0150, 1101 1st Ave S.;24-31-16-53478-000-0300

REMARKS: Water Resources object to the above-referenced subject due to a six (6) inch wastewater main, manhole G002-M170 and sewer lateral that is within the ROW. The business at 1180 Central connects directly into the manhole G002-M170 to the west of the

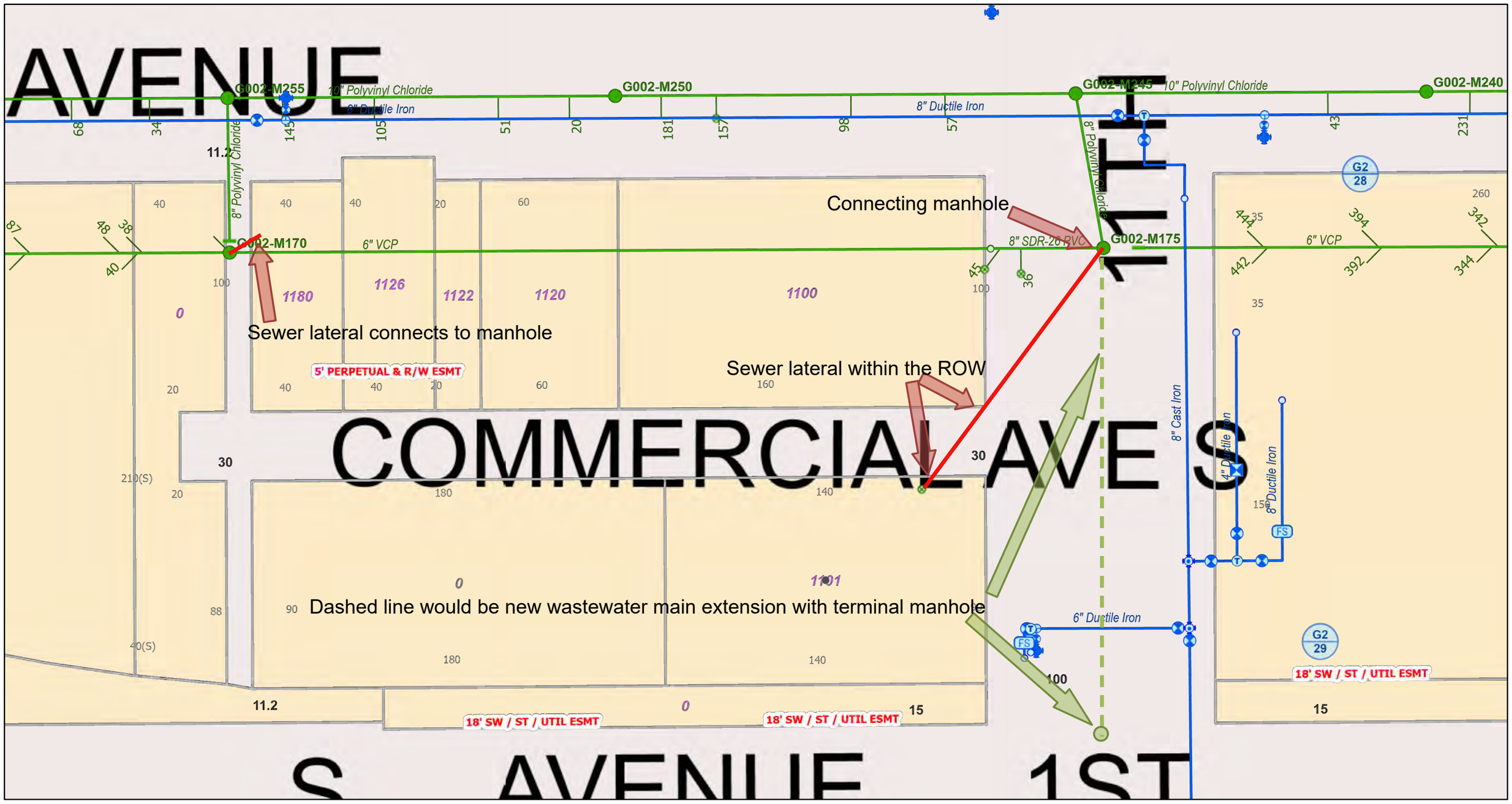
Project file

property (please see provided attachment for reference). The wastewater main is directly under all properties on Central Ave. The property at 1101 1st Ave S sewer lateral exits the property and runs diagonal through the ROW to the manhole on 11th St S. (please see provided attachment for reference).

1. A wastewater main extension is required from the manhole G002-M175 on 11th St S to 1st Ave S at the developer's expense.
2. The existing sewer lateral for 1101 1st Ave S must be tied over to the new wastewater main extension at the developer's expense.
3. The existing properties along Central Ave must be tied over to the new wastewater main on Central Ave if not done so already at the developer's expense.
4. Once all existing buildings are tied over properly to the new wastewater main on Central Ave the existing six (6) inch wastewater main that runs under the building must be properly abandoned by plugging the manhole G002-M170 and the upstream invert to manhole G002-M175.
5. Once all four (4) conditions are met, then WRD Utility Review would not object to the ROW vacation.

Project file

23-33000015



12/6/2023, 11:28:20 AM

1:564

Areas
- Override 1
- Override 2

Lines
- Override 1
- Override 2
- Potable Main
- Potable System Valve
- Gate
- Potable Meters
- Potable Hydrant
- St. Petersburg Assembly

Potable Fitting
- Tee
- Tap Valve and Sleeve
- Other Fittings
- Potable Fire Service

Potable Intersection Drawings

Sewer Lateral Line
- St. Petersburg

Sewer Gravity Main
- St. Petersburg

Sewer Cleanout
- St. Petersburg

Sewer Fitting
- End Cap
- Other Fitting

Sewer Manhole
- Manhole St. Petersburg

- Easement
- Lot Dimensions
- ROW Dimensions
- PAO Parcel
- PAO Info Points

0 0.01 0.01 0.02 mi
0 0.01 0.01 0.03 km

City of St Petersburg, COSP, City of St. Petersburg GIS

Web AppBuilder for ArcGIS
COSP | City of St. Petersburg, FL - GIS | City of St. Petersburg | City of St Petersburg, FL - GIS | City of St Petersburg | City of St. Petersburg GIS |

ATTACHMENT E

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)

TO: Cheryl Bergailo, Planner II

FROM: Kyle Hurin, Engineering Plans Review Supervisor

DATE: December 12th, 2023

SUBJECT: Vacate the alley

FILE: 23-33000015

LOCATION AND PIN: 1100, 1120, 1122, 1126, 1128, 1180 Central Ave. and 1101 1st Ave. South 24-31-16-53478-000-0210, 24-31-16-53478-000-0300, 24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170

ATLAS: G-2

Zoning: Downtown Center (DC-1)

REQUEST: Approval to vacate the north-south, 11.2-foot alley between Central Avenue & Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.

Disclaimer, standards subject to change. The comments provided are based on current design standards and are subject to change based on statutory requirements and updates.

Disclaimer, Permit coordination. For consistency of permits and work associated with the project, coordinate with ECID Right-of-way (ROW) staff for any impacts in the City Right of Way prior to issuance of building construction permit. Email ECID ROW staff at: ROW_permitting@stpete.org. A ROW work permit issued by ECID must be obtained prior to the commencement of any work within City controlled right-of-way or public easement. All work within right-of-way or public easement shall be installed at the applicant's expense and in accordance with the standards, specifications, and policies adopted by the City.

SPECIAL CONDITIONS OF APPROVAL:

It is acknowledged that this vacation is associated with the Moxy hotel currently under construction (building permit 19-07001928 and right of way permit 22-532-D-1056), the site plan submitted under DRC 23-31000014 and DRC 19-33000023 for the vacation of the southern portion of the north-south alley. It is also acknowledged that the vacation of Commercial Avenue will trigger a replat. Note that the plat currently in process for the Moxy (22-20000005) will be impacted by this proposed vacation. The following items will need to be addressed during building/site plan review and prior to release of permits. The comments listed below may require changes to your building design:

1. **Sanitation service method and concerns-** Commercial Avenue is currently used for sanitation pickup for the existing adjacent buildings, some of which are not part of the Moxy hotel development; however. The Moxy hotel plans include a trash compactor with access from Commercial Avenue; and the site plan provided shows that some of the proposed buildings will have trash rooms fronting Commercial Avenue. The proposed site plan shows that Commercial Avenue will be converted to a covered pedestrian walkway. The covered pedestrian walkway appears to be in direct conflict with the sanitation access. Verify with the city's Sanitation Department (Troy.Davis@stpete.org) how the development will be serviced and confirm with the city's Engineering reviewer during building permit review if the method of trash rollout is acceptable, if not directly from the alley. New development will not be permitted trash staging in the right of way. It is the responsibility of the developer's team to ensure consistently across requests and permits and ensure sanitation service is accommodated. The location of the trash room and dumpster may need to change to avoid impacts to the public right of way and provide adequate access for Sanitation. It is Engineering's recommendation that trash pickup be accommodated on private property.

2. **Sanitary sewer service requirements-** There is currently a 6" VCP (clay pipe) which runs east from public manhole G002-M170 underneath the buildings fronting Central Avenue. At a minimum, the line currently services 1180 Central Avenue. **The applicant must provide new connections to the main 10" PVC main along Central Avenue for 1180 Central Avenue and any other building on the 6" line prior to building permit approval.** The applicant will be required to show which buildings are on the 6" line and how they will be removed. The 6" line should be abandoned as part of this redevelopment. All properties shall have a minimum 8" lateral.
    a) The terminal manhole (G002-M170) within the north-south alley shall be removed once the 6" line has been properly abandoned. The city ring and cover on the manhole shall be returned to the city.
    b) As part of the redevelopment, a sanitary sewer main extension will be required to service the proposed buildings shown on the site plan. Any portion within public right of way will be owned by the city and any portion of main installed within the vacation right of way will be owned and maintained by the property owners.

3. **Private agreements-** At time of replat or prior to requesting a TCO or CO, the applicant will need to provide documentation of any private agreements and easements necessary to facilitate this redevelopment. This may include ingress/egress, utilities, drainage, etc. to document ownership and maintenance responsibility.

4. **Possible need for public easement-** At time of replat detail public easements. It is unclear from the preliminary site plan provided what will be accessible for vehicular and pedestrian, and what will be for public or private use. If a public ingress/egress easement is proposed on private property, this must be dedicated prior to requesting a TCO or CO and should be coordinating during the building permit review process.

5. **Public pedestrian access-** At time of replat detail public access and easement(s). As part of the Moxy development, the city's Transportation department requested to have a public pedestrian plat dedicated from Central Avenue to 1st Avenue South. The proposed site plan submitted with this vacation now shows a straight path between Central Avenue and 1st Ave S which traverses the property owned by Georgetown & High Line Railway Company LLC. The applicant must

obtain authorization for the public pedestrian path to cross the adjacent parcel prior to permit approval, or the pedestrian path approved at part of building permit 19-07001928 shall remain.

6. **Adjacent critical city infrastructure-** The city's fiber optic network runs underground within Central Avenue. The fiber optic network must be located and shown on the construction plans to ensure it is protected during construction. No foundation encroachments within Central Avenue will be approved due to the proximity of the fiber optic line.

7. **Alley streetlights**- There are currently utility poles and streetlights within Commercial Avenue which would need to be removed at the applicant's expense. The applicant will be responsible for any fees associated with the removal; this may include lease termination fees, pole removal/relocation, restoration, and utility adjustments. Contact newconstruction@Duke-energy.com and CC the city's streetlight coordinator Michael.Kirn@stpete.org to ensure the poles and streetlighting are removed from the city's billing cycle.

8. Any public drainage that flows through Commercial Avenue or the north-south alley from Central Avenue or 11th Street will require public drainage conveyance easement or it will need to be rerouted around the site at and by the developer's expense.

9. **Prior to issuance of building construction permit, construction planning for zero lot line development challenges required:** Zero lot line developments face significant construction challenges as they typically encompass the entire buildable site which limits options for cranes, foundations, staging, access, etc. **It is the responsibility of the developer and their team to plan for construction in a way which limits the impacts to surrounding property and public rights of way and easements and operates within code defined allowances for encroachments. Any encroachments into the public right of way shall meet the requirements of City Code Chapter 25-274 for foundation and footer encroachments and 25-275 for an Incidental Architectural Detail. A detailed review and requirements will be determined during site plan review for construction permits. Foundation and/or overhang encroachments are a request, and not a guaranteed approval, the request shall be reviewed by the Engineering Department to ensure there are no adverse impacts to the public right of way and existing infrastructure.** Prior to issuance of a building construction permit, the developer and their team shall coordinate a construction plan which details foundation encroachments, crane location (foundations), sheeting/shoring locations, building overhangs, construction vehicle access, staging, deliveries, temporary traffic control (TTC) and other key elements. This may be through a Construction Action Plan (CAP), Right of Way permit, and TTC approval. Construction planning shall be organized in phases to limit road, lane and pedestrian path closures to the minimum needed**. Permanent impacts to the public right of way for temporary construction are not supported, specifically, crane foundations and sheeting/shoring in the public right of way are not permissible.** Impacts to the public right of way shall be reviewed by Engineering and Capital Improvements Department, contact via ROW_permitting@stpete.org.

STANDARD COMMENTS:

Prior to proceeding with further development of this site plan, please assure that the developer's design professional(s) coordinate with Duke Energy regarding any necessary Duke pole relocations or installations, for any landscaping proposed under Duke's overhead transmission or distribution systems, and to assure that the design has provided adequate space for any Duke Energy equipment which may be required to be placed within the private property boundary to accommodate the building power needs. Early coordination is necessary to avoid additional expense and project delays which may occur if plans must be changed later in the building/site design stage as necessary to accommodate power systems on and off site. Please initiate contact via email to newconstruction@duke-energy.com .

> *Needs for on-street decorative lighting or additional street lighting must be coordinated through Michael.Kirn@stpete.org, the City's liaison with Duke Energy. All lighting shall be installed at the developer's expense.

Parking garage entrances/exits to alleys shall meet requirements as mandated by the City of St. Petersburg Land Development Code Section 16.40.090.3.5. Garage security gates with controlled access must be designed to meet the minimum vehicle stacking requirements identified in Section 16. Any proposed card access readers shall be located within private property boundaries. An automatic traffic warning system shall be installed at the garage exit which activates a flashing warning light visible to vehicles traveling in the alley right-of-way. The final plan must include adequate signage, warning lights and wiring as required for public safety.40.090.3.5(g) without encroachment into the public alley.

The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. The BMPTrains model shall be used to verify compliance with Impaired Water Body and TMDL criteria. Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the wastewater Concurrency Form (ECID Form Permit 005), available upon request from the City Engineering department, phone 727-893-7238. If an increase in flow of over 3000 gpd is proposed, the ADF information will be forwarded for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan

submittal 1) a completed wastewater Concurrency Form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the city for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the DC zoning district, a 10-foot-wide public sidewalk is required along all right of way frontages. Landscape features and street furniture may encroach up to two feet for no more than 50% of the linear frontage of a parcel. In addition to the required 10-foot-wide sidewalk path, the streetscape design shall include a minimum 3-foot-wide ADA compliant public sidewalk provided parallel and adjacent to the road curb to provide accessible access to all public parking spaces within the public right of way. At least one and preferably two, ADA compliant pathways shall be provided between the main 10-foot-wide sidewalk and the auxiliary 3-foot-wide sidewalk.

Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

A work permit issued by the City Engineering & Capital Improvements Department must be obtained prior to the commencement of construction within City controlled right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

Engineering Standard Details are available at the City's Website at the following link: https://www.stpete.org/business/building_permitting/forms_applications.php

City infrastructure maps are available via email request to ECID@stpete.org. All City infrastructure adjacent to and within the site must be shown on the development project's construction plans.

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

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City's Water Resources department or a variance is granted by the City Water Resources department). Note that the City's Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer.

Coordinate a review with the City's Water Resources Department Technical Services Division via email to WRDUtilityreview@stpete.org, or phone 727-892-5334 for additional information.

All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e., post indicator valves, fire department connections, etc.).

With the submittal of site civil plans for construction permit review, include a right of way signage plan to show existing and proposed signage and any other existing and/or necessary traffic control features. Also show & dimension existing and proposed on-street pavement markings such as parking lanes, crosswalks, bicycle lanes, travel lane striping, PSTA bus lane striping and pavement markings, and any specialty pavement surfaces or markings in the right of way or within the roadway (decorative crosswalks, colored concrete, hexblock or other pavers, colored asphalt, painted curb line bump outs, etc.) which may be present in the vicinity of the site. Upon redevelopment the developer shall assure that all striping and signage is replaced as necessary to meet all applicable current City, MUTCD, & FDOT regulations. On-street parking shall be provided to meet the dimensional requirements of City Code 16.40.090.3.4.

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

Final approval of a Temporary Traffic Control plan, phased implementation schedule, public sidewalk closures/detours, bicycle lane detours, vehicular or parking lane closures. etc., requires site specific coordination including coordination with other Temporary Traffic Control plans in the vicinity of the project and detailed review & approval by City ECID at the time of construction. TTC plans must be coordinated via email through Traffic.Control@stpete.org, (contact Jonathan Westmaas, phone 727-892-5133). Submittal required minimum of 21 days prior to any intended date of closures. Approval of a DRC or CAP plan does not assure approval and ECID permitting of a final Temporary Traffic Control plan & implementation schedule.

The site-specific Temporary Traffic Control (TTC) plan in compliance with FDOT "Uniform Traffic Control Devices for Streets and Highways" and "Roadways and Traffic Design Standards" for submittal to City ECID for approval prior to initiating construction. All Traffic Control Plans shall meet the requirements of the FDOT Standard Plans Index 102-600 – 102-655 and be prepared by or certified by an individual that possesses a current Advanced MOT Course certification. The site specific TTC plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Roadway travel lane closures are discouraged and will be approved at the discretion of the City's Engineering director pending receipt of adequate justification. Impacts to the Pinellas Trail and bicycle lanes are discouraged and will require approval of a detour plan by City Transportation and City ECID. The TTC plan shall be prepared in compliance with City Engineering's "Temporary Traffic Control Plan Requirements", available upon request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City's Transportation and Parking Management division. Refer to the City's "Parking Meter Removal & Space Rental Policy During Construction" procedure, available upon request from the City Transportation and Parking Management department.

Note that contractor introduction letters must be sent to all surrounding businesses, associations, and

property owners prior to implementing any Temporary Traffic Control plan. As a minimum, the letter must give a description of the project, provide a list of all right of way impacts (parking impacts, travel lane impacts, sidewalk closures and temporary pedestrian paths, etc.), a schedule for each phase of the TTC implementation, and what to expect with regard to noise, delivery trucks, concrete trucks & pumps, as well as contact information for the on-site contractor's representative with 24 hour availability who is responsible for addressing any and all concerns of impacted citizens. The contractor must personally visit each operating business around the construction site and make direct contact with any active business association or neighborhood association and personally introduce themselves to the business owners and association presidents. The contractor must also meet with any association representatives and property owners periodically to address any concerns that may develop as the project proceeds. The contractor is required to provide a copy of the letter and summary of when and who was contacted prior to implementing any City approved TTC plan.

*Use of the public right of way for construction purposes shall include mill and overlay in full lane widths per City ECID standards and specifications. Any damage to the brick roadway will require the contractor to reset the brick per city standards.

Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of the site.

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

All existing redundant (abandoned) driveway approaches or drop curbing which exist within the public right-of-way around the perimeter of this project development shall be removed. Pavement surfaces associated with these approaches shall be completely removed from within the right-of-way and any existing drop curbing shall be removed and replaced with a raised curb to match existing curb type per current City Engineering Standards and Specifications.

Per land development code 16.40.050, habitable floor elevations for commercial projects must be set per FEMA and building code requirements as administered by the building official. Per land development code 16.40.140.4.6 the construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. Adequate swales shall be provided on the lot in any case where filling obstructs the natural ground flow. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum. *It is noted that meeting required building floor elevations often necessitates elevating existing public sidewalks. Please note that transitions to adjacent public sidewalks shall be smooth, consistent, and ADA compliant with maximum cross slope of 2% and maximum longitudinal slope of 5%. Ramps may only be used at driveways and intersections, not mid-block in the main sidewalk path.

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

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

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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

KJH/aw

ec: WRD
Kayla Eger – Development Review Services

ATTACHMENT F

st.petersburg
www.stpete.org

CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Cheryl Bergailo, Planner II, Planning and Development Services Department

FROM: Tom Whalen, Transportation Planning Coordinator, Transportation and Parking Management Department

DATE: December 8, 2023

SUBJECT: Approval to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.

CASE: 23-33000015

The Transportation and Parking Management ("Transportation") Department has reviewed the proposed vacations of the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South and Commercial Avenue South. The Transportation Department has several comments on this case.

Section 16.40.140.2.1.E of the City Code provides matters of consideration when reviewing proposed vacations of rights-of-way, easements or air rights. Relevant matters of consideration to this case from a transportation perspective include the following:

1. The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.

The applicant states in the vacation application, "The Owners agree that the alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block. There is no need for public utility easements as there are no public utilities within the Proposed Vacation. The Owners will work with utility companies to resolve any private utilities within the Proposed Vacation."

The Transportation Department concurs that dedicating a pedestrian easement where the north-south alley is located will address the need for pedestrian access to and from Central Avenue. On the southern side of the site near the Moxy hotel that is currently under construction, City staff required

a pedestrian easement connecting to 1st Avenue South to the east of the CSX-owned land in coordination with the vacation of the north-south alley south of Commercial Avenue South that was approved by City Council on February 10, 2022 (Case No. 19-33000023). City staff approved a site plan during the permitting process (Building Permit 22-20000005) that included a pedestrian connection to 1st Avenue South across a sidewalk/street/utility easement between the subject property and the 1st Avenue South right of way (site plan attached). On the site plan for the second phase of the Collective Edge project (Case No. 23-31000014), a proposed building is located on the land that the pedestrian connection traverses. If this proposed building is to remain at its current location, the applicant shall be required to relocate the pedestrian connection to 1st Avenue South, preferably near the center of the block and provide a corresponding pedestrian easement accordingly.

The applicant has not proposed that a pedestrian easement be dedicated along Commercial Avenue South. The applicant stated the following about pedestrian access along Commercial Avenue South in the narrative for Case No. 23-31000014, "Currently lined with errant utilities and dumpsters, this project proposes to transform this street into a shaded pedestrian experience. Consolidating and hiding the necessary back of house functions while introducing new hardscape, greenery, and commercial activation to create a pedestrian spine with direct access through the block to both Central & 1st Avenue South. Acting as an urban filter, the new façades permit people to seamlessly pass from the street through the project's interior via publicly accessible arcades. These arcades become a moment of respite, rest, and pause within one of the busiest sections of downtown St. Petersburg. The fact that they are made available to the public and residents alike positions the block as a social hub for this and adjacent neighborhoods."

The Transportation Department supports the applicant's goal of transforming Commercial Avenue South to a pedestrian spine through the block and have a strong preference for a pedestrian easement that corresponds with the planned pedestrian arcade to ensure access for the public. We recommend that the applicant provide greater detail on how the pedestrian arcades will serve the general public.

2. Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.

The applicants stated in the vacation application, "The vacation would not have this effect, as the Proposed Vacation does not abut any lot of record other than Owners'."

Since the applicant represents all property owners in the block, it is evident that the property owners are working together to create a unified site plan that should provide access to all lots of record. The Transportation Department recommends that the applicant provide more information on how the Sanitation Department will remove solid waste. We question whether sanitation trucks will be able to access trash facilities, make turns on relatively narrow drive aisles, and not conflict with pedestrian paths. If the applicant plans to have the Sanitation Department push dumpsters to the right of way, they can be no larger than three cubic yards, and the Sanitation Department will not move them more than ten yards. Dumpsters left on sidewalks impede pedestrian travel. We recommend that trash removal occur on the subject property, subject to approval by the Sanitation Department. Requests for consideration to store dumpsters on the abutting streets are not likely to be approved following the proposed vacation.

3. Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.

The applicants stated in the vacation application, "The vacation would not have this effect, as the Proposed Vacation consists of service driveways which are not used as part of the roadway network."

While Commercial Avenue South has primarily provided the service functions mentioned by the applicant and access to parking in the block, pedestrians have the right to walk along Commercial Avenue South. Commercial Avenue South may provide a more direct path for some pedestrian trips than the sidewalks around the block. The applicant supports pedestrian travel through the arcades, but further clarification is needed on the ability of the general public to use the arcades following the vacation if a pedestrian easement is not dedicated. Consequently, the Transportation Department has a strong preference for a pedestrian easement along at least a portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

The applicants stated in the vacation application, "There is no present or future need for the Proposed Vacation for public vehicular access or for public utility corridors, as it only serves the Owners' Property. The alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block."

As stated, pedestrians are allowed to use Commercial Avenue South today, and the applicant intends to accommodate pedestrians on the interior of their site. Additional detail is needed on how the general public seeking to traverse the block by foot will be consistently and reasonably accommodated if the only dedicated pedestrian easement is located between Central Avenue and Commercial Avenue South. Phase two of the site development does not include the north-south pedestrian easement that was approved during the permitting process, so showing the easement at its current location or relocating it to a mid-block location approved by City staff is necessary.

From:	Ian M. Womack
To:	Elizabeth Abernethy
Cc:	Evan Mory; James D Large; Terry A Barber; David M. Bennett
Subject:	Collective Edge - Fire Input
Date:	Monday, February 12, 2024 12:23:21 PM
Attachments:	Access_Circulation Plans (reduced).pdf

Hi Liz,

The second page of the attached document was not reviewed during the PPRV meeting on 2/5.

Consequently, this document shows gates being applied to all points accessing the public way from the inner outdoor spaces of this collective redevelopment.

While we do not have a need for Fire Apparatus Access along the current Commercial Ave space, we are concerned with how vacating this avenue might impact egress from the existing buildings on Central Avenue. These buildings meet the required Means of Egress (NFPA 101 Chapter 7) in part, with their rear exits that discharge onto Commercial Avenue.

- If Commercial Avenue is vacated, the nearest public way becomes: Central Ave, 11th St. S., or 1st Ave. S.
- Means of Egress includes "Exit Discharge" which is the path of travel from the termination of the "Exit" to the Public Way.
- Vacating the entirety of Commercial Ave. means that an approved path of travel would need to be maintained out to the public way points listed above.
    - Gating these access points rises concerns with maintaining the Exit Discharge path.
    - Privatizing this space makes the Exit Discharge path more vulnerable to conduct issues that reduce its effectiveness and capacity.

Given these concerns, Fire Rescue does support the request by Transportation and Parking Management for provision of a public pedestrian easement to ensure the integrity of the Exit Discharge pathways.

Please let me know if you need anything further on this.

Thanks,

Ian Womack
Fire Marshal, Fire Rescue
City of St. Petersburg
727-893-7692 / Fax: 727-892-5468
Ian.womack@stpete.org

Please note all emails are subject to public records law.

CENTRAL AVENUE

1246 CENTRAL AVE

F.FEC

THE COLLECTIVE PHASE MOXY HOTEL
THE MOXY ST. PETE

1180 CENTRAL
EXISTING
ADJACENT
BUILDING

SINGLE STORY

1124-1128 CENTRAL
EXISTING
ADJACENT
BUILDING

TWO STORY

1114 CENTRAL
EXISTING
ADJACENT
BUILDING

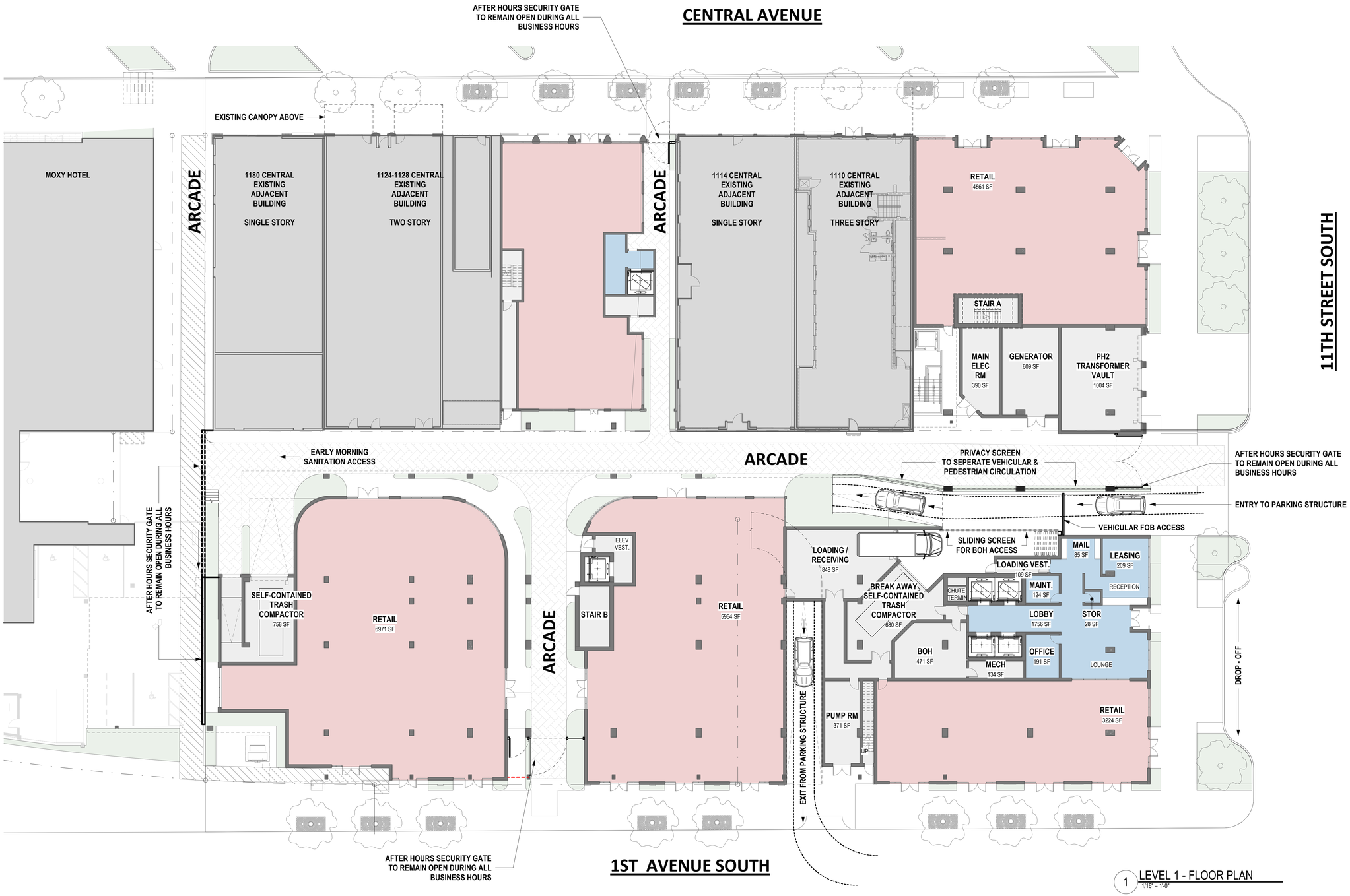
SINGLE STORY

1110 CENTRAL
EXISTING
ADJACENT
BUILDING

THREE STORY

11th STREET

1st AVENUE SOUTH



1 LEVEL 1 - FLOOR PLAN
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE,
ST. PETERSBURG, FL 33705

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

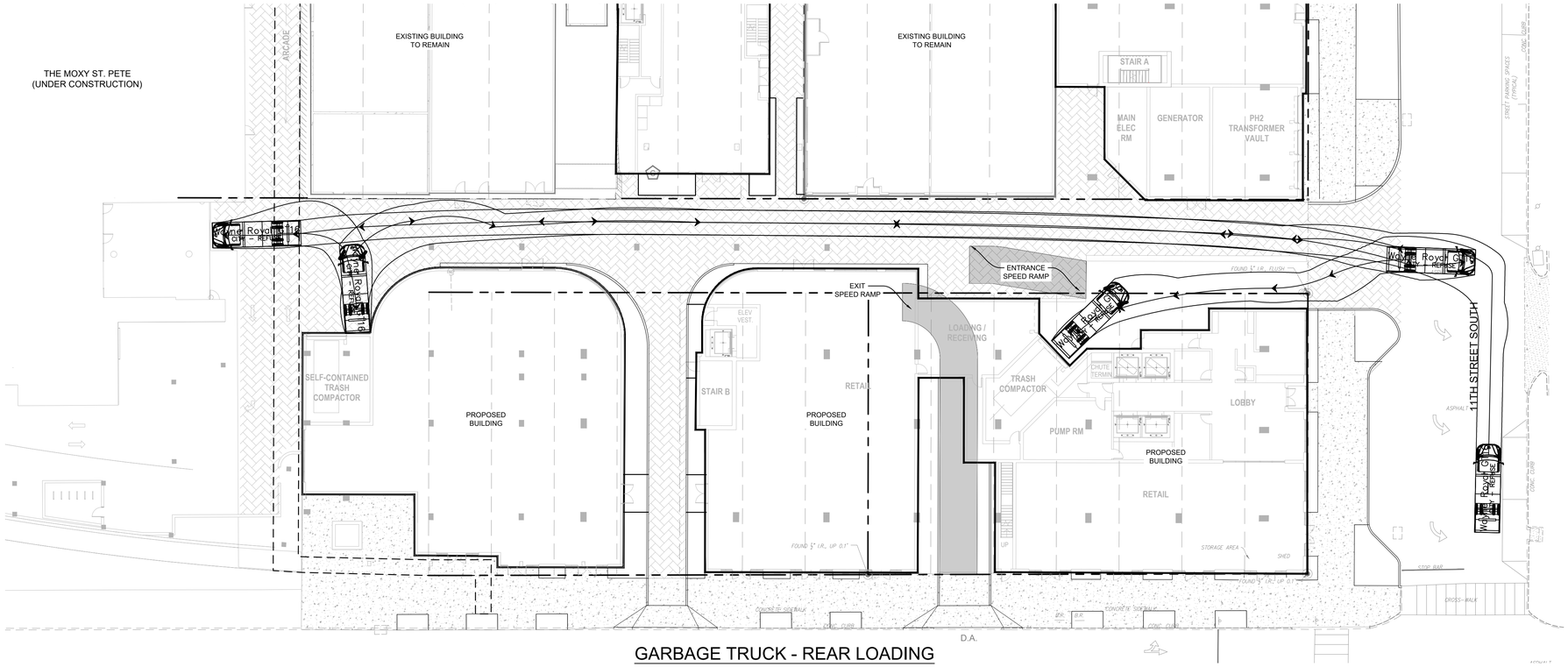
STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

1/5/2024 5:41:36 PM

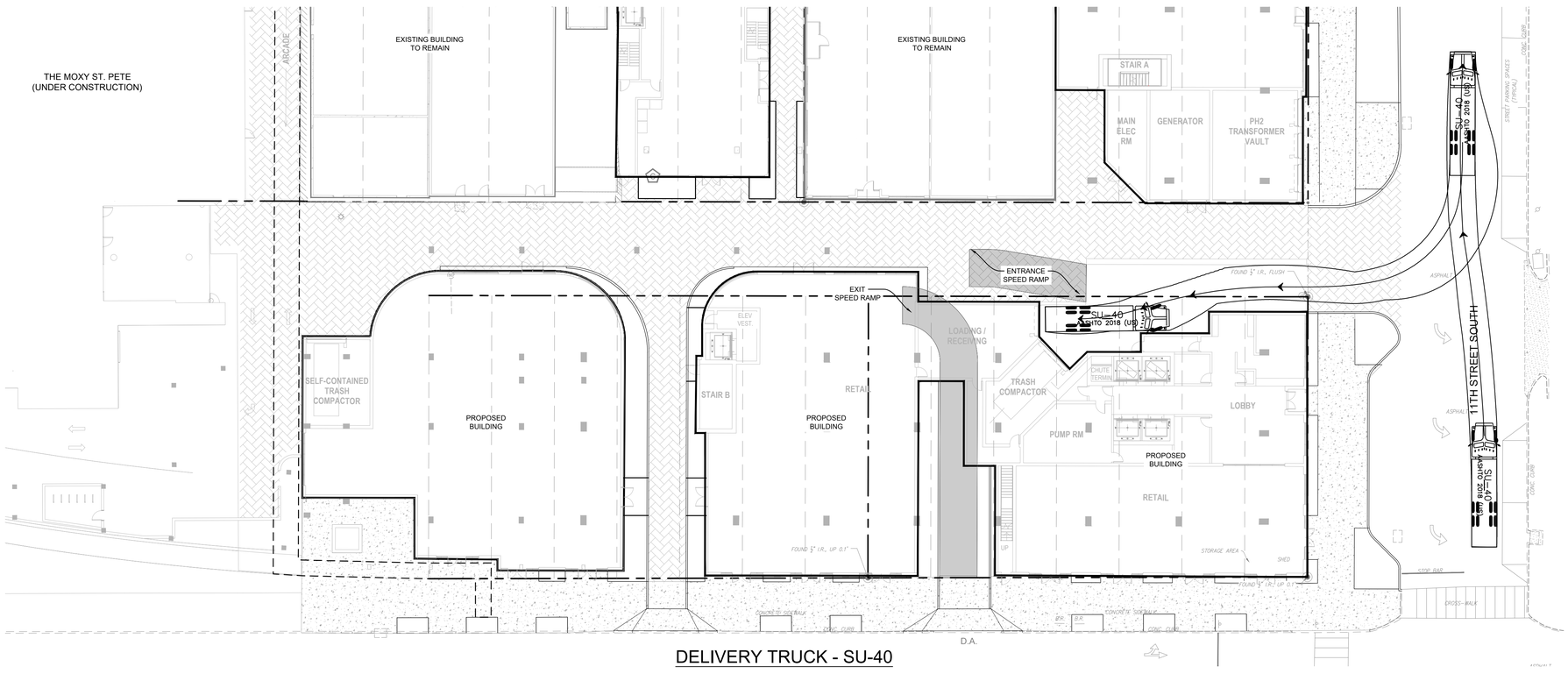
ACCESS DIAGRAM

D-101B

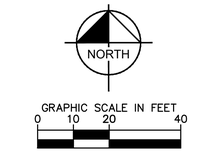
12/13/23

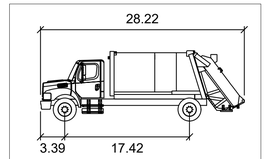


GARBAGE TRUCK - REAR LOADING



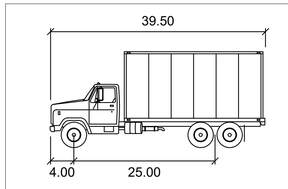
DELIVERY TRUCK - SU-40





Wayne Royal GT16

	feet
Width	: 8.00
Track	: 8.04
Lock to Lock Time	: 6.0
Steering Angle	: 48.0



SU-40

	feet
Width	: 8.00
Track	: 8.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.8

No.	REVISIONS	DATE	BY

Kimley»Horn

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200 CENTRAL AVE., SUITE 600, ST PETERSBURG, FL 33701
PHONE: 727-547-3999 WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

FOR EXHIBIT PURPOSES ONLY

SCALE: AS SHOWN
DESIGNED BY: NEB
DRAWN BY: BDD
CHECKED BY: DMD

VEHICLE CIRCULATION

THE COLLECTIVE PHASE II

CITY OF ST. PETERSBURG FLORIDA

DATE
11/03/2023

PROJECT NO.
145501000

SHEET NUMBER
EX-01

Plotted By: Clark, Kori Sheet Set: Edge Phase II (145501 Layout: C-400 SITE PLAN December 21, 2023 09:49:16pm K:\STP_Civil\145501 — PTM\000 — Edge Phase 2\CADD\Exhibit\Autoturn\Autoturn Exhibit.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Vacation Ordinance 1164-V

1100, 1120, 1122, 1126, 1128, 1180 Central Ave. and 1101 1st Ave. S.

Cheryl Bergailo, AICP, LEED Green Assoc.
Development Review Services

February 29, 2024

First Reading – February 15th

- Concerns expressed about public access and loading/delivery
- Request for City Attorney's Office to determine if a stipulation could be added requiring Commercial Ave to remain open during specified hours
- Ordinance 1164-V amended:
  - Removed the second sentence of Condition #2 requiring a public pedestrian easement; and
  - added a new condition #9 which requires that the pedestrian arcade/service delivery and loading area remain open to the public daily from 6 am to 9 pm
- Applicant supports these changes

New Condition #9

9. Prior to recording of the this Ordinance, the approved Site Plan (City File 23-31000014) shall be modified to add the following special condition of approval: Except from time to time as may be necessary for temporary maintenance, deliveries, sanitation removal, special events or emergency conditions, the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade/service delivery and loading access shall remain open to the public daily for the minimum hours of 6 am to 9 pm.



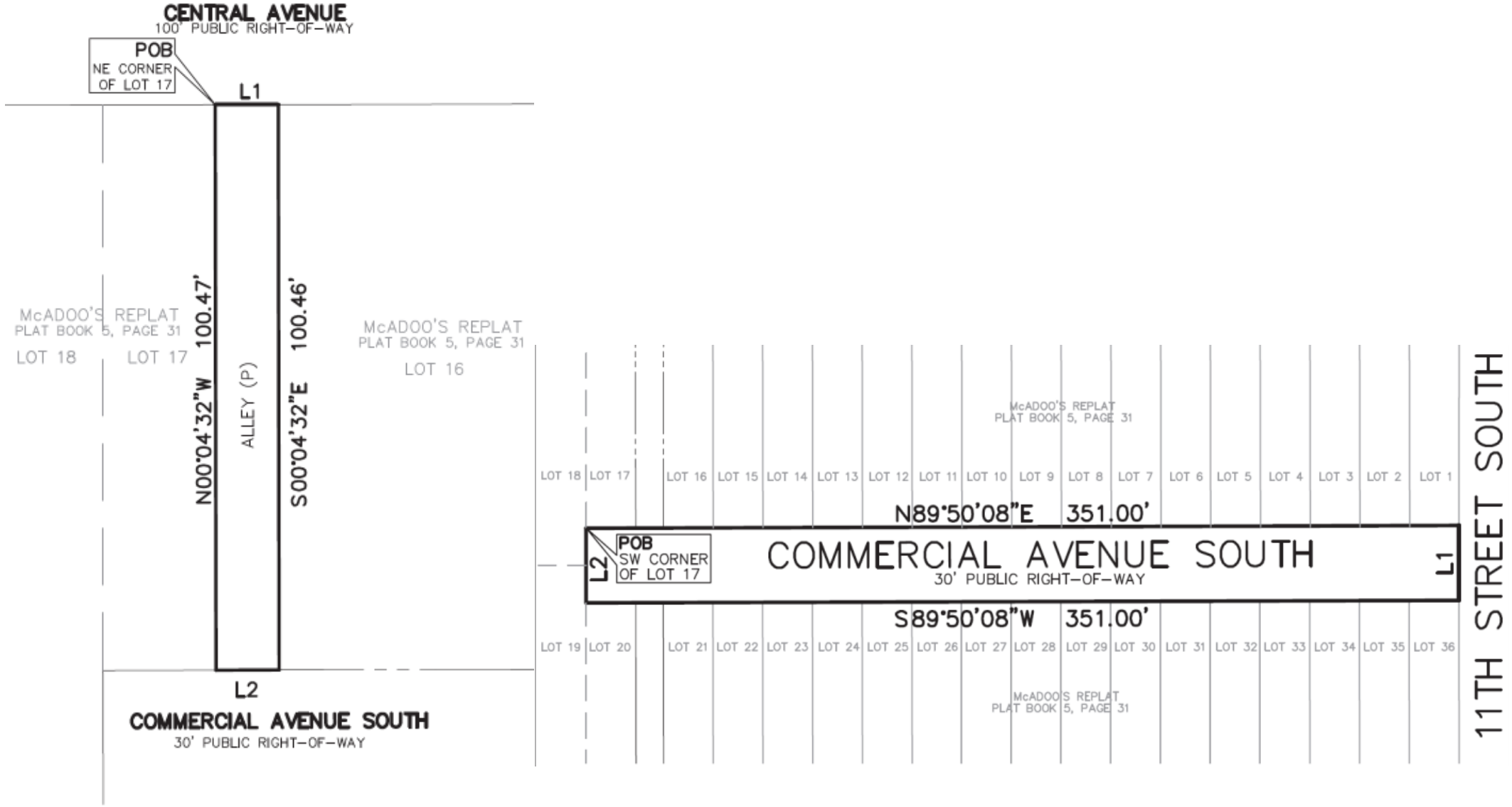
ROW to be vacated

ROW previously approved to be vacated

PROJECT LOCATION MAP

N

VACATION SKETCHES





Southward view along the north-south alley to be vacated. Parking garage ramp to the Moxy project in the background.

PHOTOS



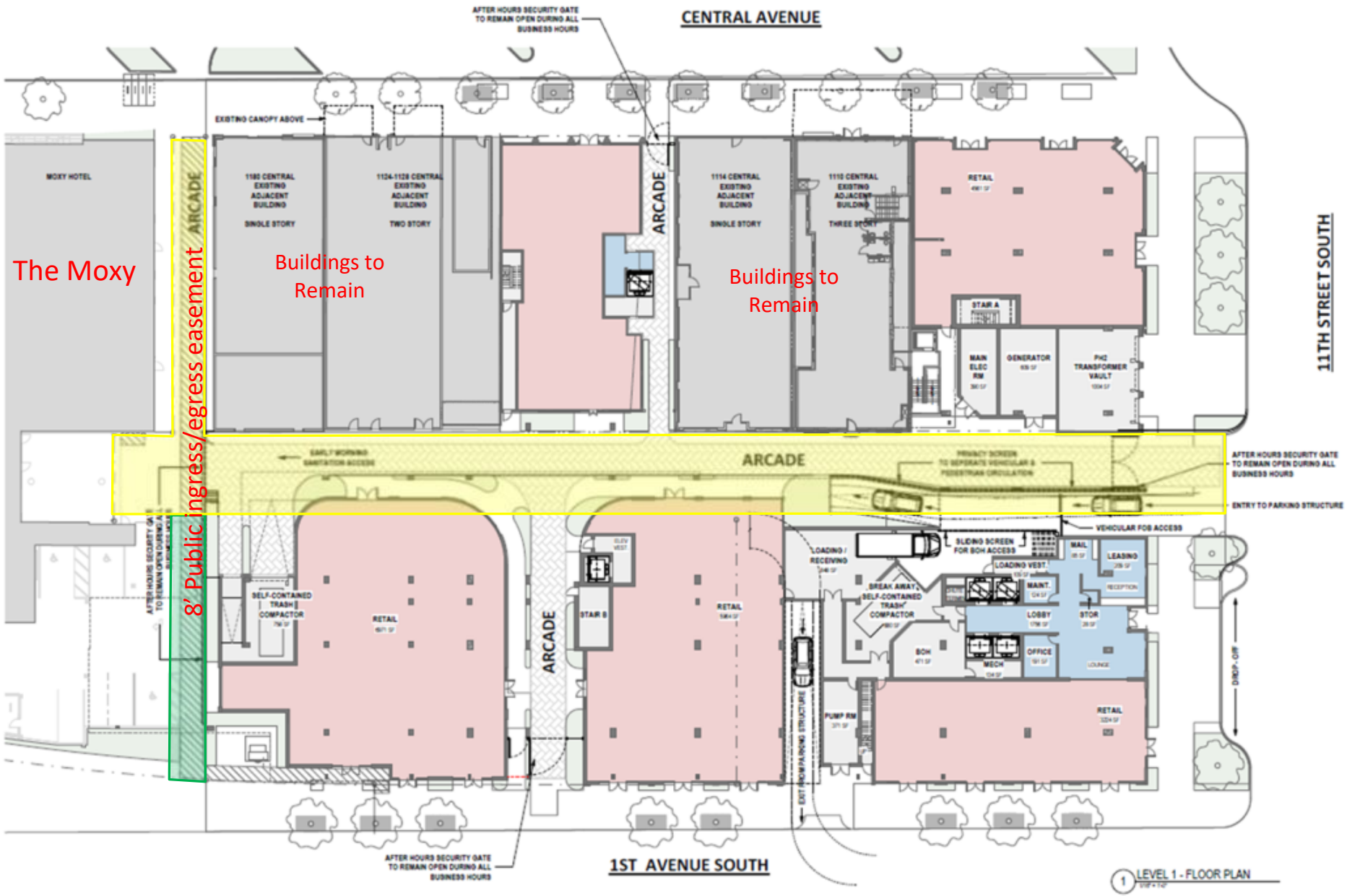


Eastward view along Commercial Ave. S.



Westward view along Commercial Ave. S.

PHOTOS



ROW to be vacated

ROW previously approved to be vacated

GROUND FLOOR PLAN

N

8’
Esmnt.

8’
Esmnt.

CENTRAL AVENUE

ELEVATION

N

Pkg. Garage Access

Arcade

Service Area

11TH STREET SOUTH

ELEVATION

N

11th Street South Renderings

Entrance to Parking Garage, Arcade and Service Area.

Arcade.

ELEVATION

N

8’
Esmnt.

1ST AVENUE SOUTH

ELEVATION

N

COMMENTS

CITY STAFF AND PRIVATE UTILITIES

- Water Resources objects to the application until new sewer connections are made.

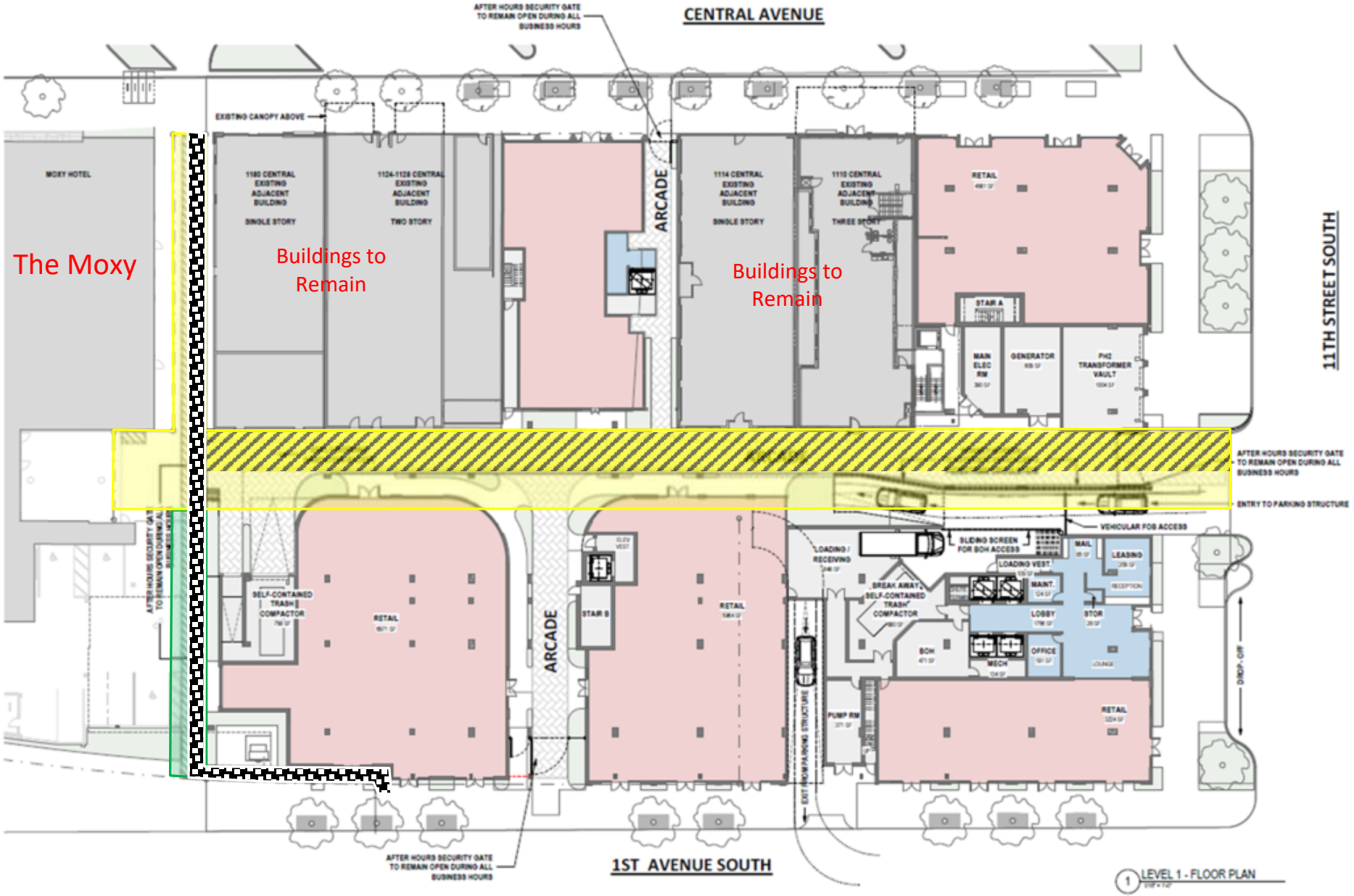
- Engineering has provided special conditions of approval regarding sanitation service method, sanitary sewer service requirements, and other items that will need to be addressed during building/site plan review and prior to release of permits.

- Transportation and Parking Management has requested greater detail on how the east-west arcade will function, and an east-west pedestrian easement over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade to ensure access for the public.

- After a Preliminary Plan review meeting on February 5th, Fire Rescue expressed a concerns about egress for the existing buildings exiting to Commercial Avenue South related to any future gates that might restrict exit discharge. A follow-up meeting was held on February 14th, and a Life Safety Plan provided to address these concerns.

- The Applicant is working with Sanitation to address the sanitation-related comments issued by the Departments. A Letter of No Objection from Sanitation is a recommended condition of approval.

- Frontier Communications, TECO and Duke Energy have facilities in the right-of-way which are required to be relocated.



ROW to be vacated

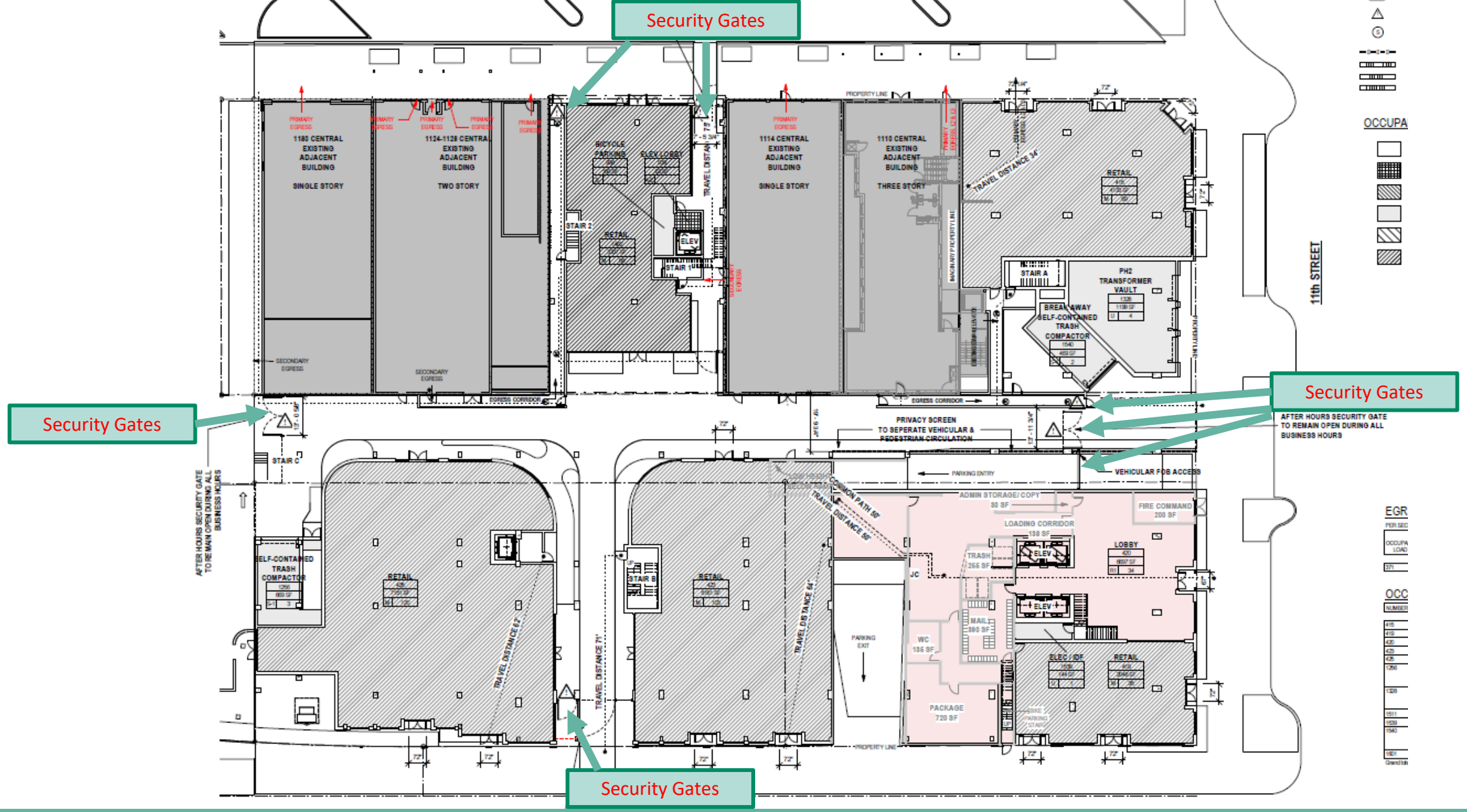
ROW previously approved to be vacated

Proposed pedestrian easement

Recommended pedestrian easement

PLAN WITH EASEMENTS

N



Life Safety Plan

DRC HEARING OUTCOME

- The Applicant requested that the part of Condition #1 regarding a required east-west pedestrian easement over the planned arcade area be removed. The DRC voted 5 to 1 to approve that request.
    - The Applicant would like the option to close off the east-west arcade to the public after business hours.
- The overall vacation request was approved unanimously by the DRC on January 10, 2024 (DRC Case 23-33000015).

PUBLIC

- No objections from the public, and no comments from the Downtown Neighborhood Association or CONA.
- Concerns expressed by two adjacent residents about access on 11th Street S.
- Roger Curlin and Debbie Reeser from the EDGE Business District Assn. spoke in support.

STAFF RECOMMENDATION

APPROVAL
of the Right-of-Way Vacation

Subject to the Recommended Conditions of Approval

STAFF RECOMMENDATION

Approval Subject to the Amended Conditions of Approval:

1. Per 16.40.140.2.1.F, all vacated rights-of-way and abutting properties shall be replatted and receive final plat approval.
2. A north-south pedestrian easement through the block shall be provided in the vicinity of the alley to be vacated.
3. The Applicant shall receive DRC approval of the related Site Plan (DRC Case #23-31000014).
4. The adjacent southern north-south alley vacation ordinance shall be recorded (DRC Case 19-33000023; Ordinance 1123-V).
5. The Applicant shall comply with the Water Resources Memo dated December 6, 2023, the Engineering Review Memo dated December 12, 2023, and the Transportation and Parking Management Memo dated December 8, 2023.
6. The Applicant shall obtain a Letter of No Objection from the City's Sanitation Department, Frontier Communications, Duke Energy and TECO.

STAFF RECOMMENDATION

Approval Subject to the Amended Conditions of Approval: New Condition

9. Prior to recording of the this Ordinance, the approved Site Plan (City File 23-31000014) shall be modified to add the following special condition of approval: Except from time to time as may be necessary for temporary maintenance, deliveries, sanitation removal, special events or emergency conditions, the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade/service delivery and loading access shall remain open to the public daily for the minimum hours of 6 am to 9 pm.

THANK YOU

Planning & Development Services Department
Development Review Services Division
1 Fourth Street North, St. Petersburg, FL 33701
727-893-7471 / www.stpete.org/LDR

st.petersburg
www.stpete.org

ST. PETERSBURG CITY COUNCIL

Meeting of February 29, 2024

TO: The Honorable Council Chair Figgs-Sanders, and Members of City Council

SUBJECT: Ordinance 1164-V approving the vacation of the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No. DRC 23-33000015)

RECOMMENDATION: The Administration and the Development Review Commission recommend **APPROVAL**.

RECOMMENDED CITY COUNCIL ACTION:

1) Conduct the second reading and public hearing; and
2) Approve the attached proposed ordinance.

The Request: The request is to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South (see attached Location Map).

First reading on this matter was February 15, 2024.

Discussion: The vacation is proposed to facilitate redevelopment of the property. The related site plan application was approved by the CRA on January 4, 2024, (CRA Case File: IWRP 23-6a), and the DRC on January 10, 2024 (DRC Case #23-31000014). The Applicant proposes to unify the development of the 1100 block by retaining the hotel that is under construction and three buildings with offices and commercial spaces, demolishing two buildings (1100-1106 Central Avenue and 1101 1st Avenue South) and constructing a mixed-use building with a parking garage which connects to the Moxy parking garage. An 8-foot-wide portion of the north-south alley and Commercial Avenue South is proposed to be dedicated as a pedestrian easement to provide for north-south connectivity through the block. All property owners on the block are co-applicants in the subject application.

An abutting, southern north-south alley in the block was previously approved for vacation under Case #19-33000023 and Ordinance 1123-V for the Moxy St. Petersburg Downtown hotel, which is under construction. Ordinance 1123-V will be recorded after the final plat for that project is approved (Case #22-20000005). A condition of that approval, in addition to the requirement to replat the vacated alley and abutting properties, was to create a north-south pedestrian access easement in the vicinity of the vacated alley.

As set forth in the attached DRC Staff Report, Staff finds that vacating the subject right-of-way would be consistent with the criteria in the City Code and the Comprehensive Plan.

Agency Review: The application was routed to the standard list of City Departments and private utility providers. Water Resources objects to the application until new sewer connections are made. Engineering has provided special conditions of approval regarding sanitation service method, clarification of public easements/public pedestrian access through the site, sanitary sewer service requirements, and other items that will need to be addressed during building/site plan review and prior to release of permits. Construction-related comments were also provided.

Transportation and Parking Management has requested a north-south pedestrian easement through the block and an east-west public easement over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade to ensure access for the public. An east-west pedestrian easement is not currently proposed by the Applicant. The review letters are part of the Staff Report (see Attachments D, E, and F.)

After a Preliminary Plan review meeting on February 5th, Fire Rescue has expressed a concern about egress for the existing buildings exiting to Commercial Avenue related to any future gates that might restrict or encumber exit discharge. Based on this concern, they support the request by Transportation and Parking Management for provision of a public pedestrian easement so that no gates may be placed which would restrict egress to the public way.

The Applicant is working with Sanitation to address the sanitation-related comments issued by the foregoing Departments. A Letter of No Objection from Sanitation is a recommended condition of approval.

Frontier Communications, Duke Energy and TECO have objected to the application. The Applicant will be required to work with the private utilities to obtain a Letter of No Objection from each.

DRC Action/Public Comments: The EDGE Business District Association supports the application. As of December 27, 2023, City Staff has received no other comments from the public on the application, including the Downtown Neighborhood Association and CONA.

On January 10, 2024, the DRC held a public hearing on the case. No objectors appeared; two supporters from the EDGE District, Roger Curlin and Debbie Reeser, appeared. There were speakers that expressed concern about vehicular access on 11th Street South. The Applicant requested modification of Condition #2 in the Staff Report, which requires an east-west pedestrian easement over the portion of Commercial Avenue South which is a planned pedestrian arcade. The Applicant would like the option to gate off the pedestrian arcade and does not want to provide a pedestrian easement. The DRC voted to remove the condition for the east-west pedestrian easement and the motion was approved by a vote of 5 to 1. DRC then voted to recommend approval of the proposed vacation and the motion was approved unanimously. In advance of this report, no additional comments or concerns were expressed to staff.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the right-of-way vacation, subject to the following conditions:

1. Per 16.40.140.2.1.F, all vacated rights-of-way and abutting properties shall be replatted and receive final plat approval.

2. A north-south pedestrian easement through the block shall be provided in the vicinity of the alley to be vacated. An east-west pedestrian easement shall be provided over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.
3. The Applicant shall receive DRC approval of the related Site Plan (DRC Case #23-31000014).
4. The adjacent southern north-south alley vacation ordinance shall be recorded (DRC Case 19-33000023; Ordinance 1123-V).
5. The Applicant shall comply with the Water Resources Memo dated December 6, 2023, the Engineering Review Memo dated December 12, 2023, and the Transportation and Parking Management Memo dated December 8, 2023.
6. The Applicant shall obtain a Letter of No Objection from the City's Sanitation Department, Frontier Communications, Duke Energy and TECO.
7. The Applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
8. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

Attachments: Ordinance including Exhibit "A," Location Map, DRC Staff Report, Water Resources, Engineering, Transportation and Parking Management Department and Fire Rescue Memos

ORDINANCE NO. 1164-V

AN ORDINANCE APPROVING THE VACATION OF THE NORTH-SOUTH 11.2-FOOT ALLEY BETWEEN CENTRAL AVENUE AND COMMERCIAL AVENUE SOUTH, AND THE FULL LENGTH AND WIDTH OF COMMERCIAL AVENUE SOUTH, IN MCADOO'S REPLAT OF 1921, GENERALLY LOCATED AT 1100, 1120, 1122, 1126, 1128, 1180 CENTRAL AVENUE AND 1101 1ST AVENUE SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following right-of-way is hereby vacated as recommended by the Administration. The Development Review Commission recommended approval of the application on January 10, 2024. (City File No. DRC 23-33000015):

Attached Sketch and Legal Description - Exhibit "A" – 4 pages.

Section 2. The above-mentioned right-of-way is not needed for public use or travel.

Section 3. The vacation is subject to and conditional upon the following:

1. Per 16.40.140.2.1.F, all vacated rights-of-way and abutting properties shall be replatted and receive final plat approval.
2. A north-south pedestrian easement through the block shall be provided in the vicinity of the alley to be vacated. An east-west pedestrian easement shall be provided over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.
3. The Applicant shall receive DRC approval of the related Site Plan (DRC Case #23-31000014).
4. The adjacent southern north-south alley vacation ordinance shall be recorded (DRC Case 19-33000023; Ordinance 1123-V).
5. The Applicant shall comply with the Water Resources Memo dated December 6, 2023, the Engineering Review Memo dated December 12, 2023, and the Transportation and Parking Management Memo dated December 8, 2023.
6. The Applicant shall obtain a Letter of No Objection from the City's Sanitation Department, Frontier Communications, Duke Energy and TECO.

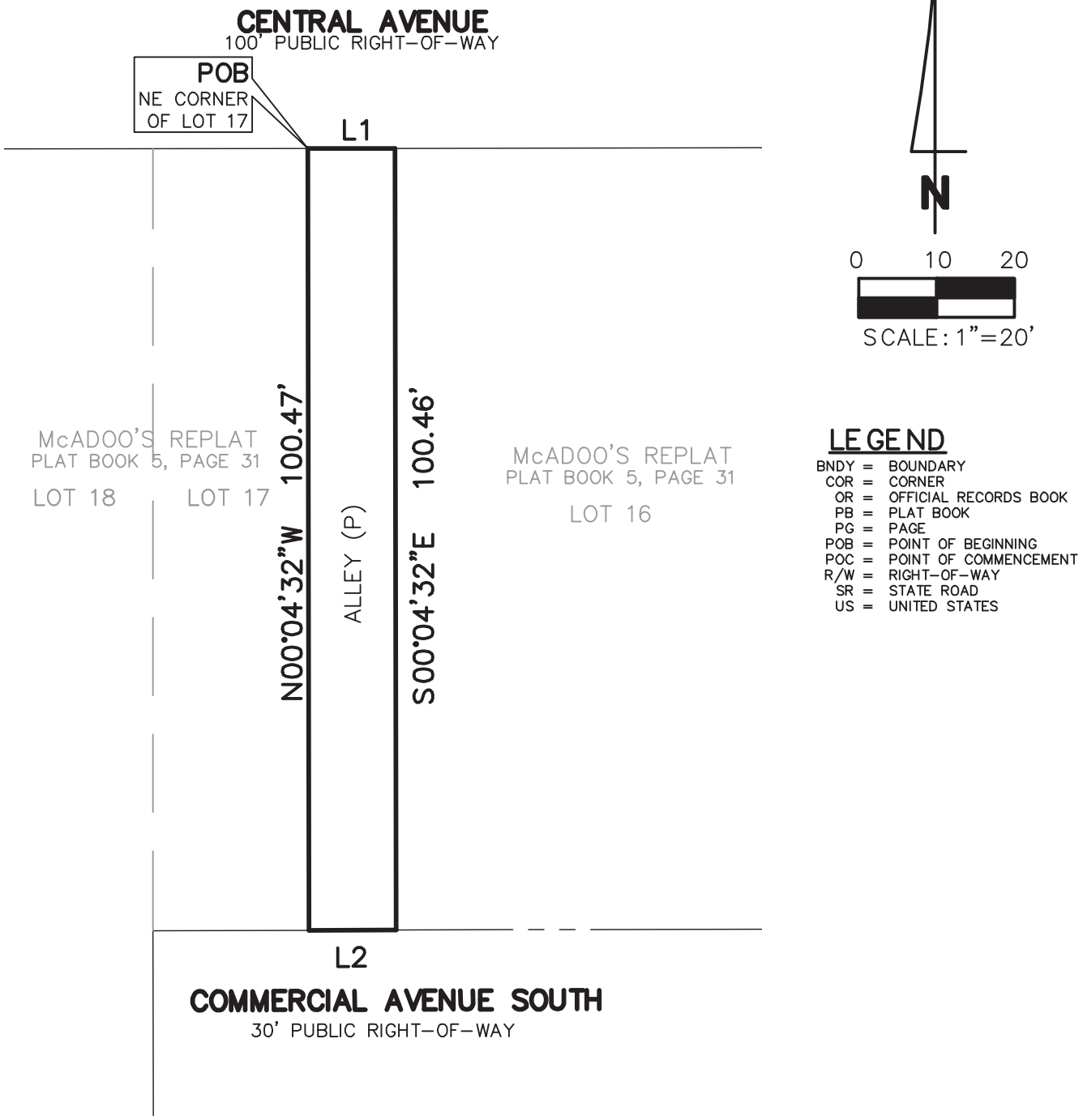
7. The Applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
8. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

Section 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Michael J Dema
LEGAL

/s/Elizabeth Abernethy
PLANNING & DEVELOPMENT SERVICES DEPT.

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01



LEGEND

BNDY = BOUNDARY
COR = CORNER
OR = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SR = STATE ROAD
US = UNITED STATES

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°54'54"E	11.20
L2	S89°53'17"W	11.20

NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD ALLEY.DWG			

EXHIBIT "A"
ALLEY

POLARIS *ASSOCIATES INC.*
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01

DESCRIPTION

THAT PORTION OF THE ALLEY OF MCADOO'S REPLAT AS RECORDED IN PLAT BOOK 5, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 31 SOUTH, RANGE 16 EAST PINELLAS COUNTY FLORIDA BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 17 OF MCADOO'S REPLAT; THENCE N.89°54'54"E., 11.20 FEET; THENCE S.00°04'32"E., 100.46 FEET; THENCE S.89°53'17"W., 11.20 FEET; THENCE N.00°04'32"W., 100.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.025 ACRES, MORE OR LESS

NOTES

1. BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE SOUTH, SAID LINE BEING ASSUMED AS N89°50'08"E.
2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.
3. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:57:14 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
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EXHIBIT "A"
ALLEY

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01

LEGEND

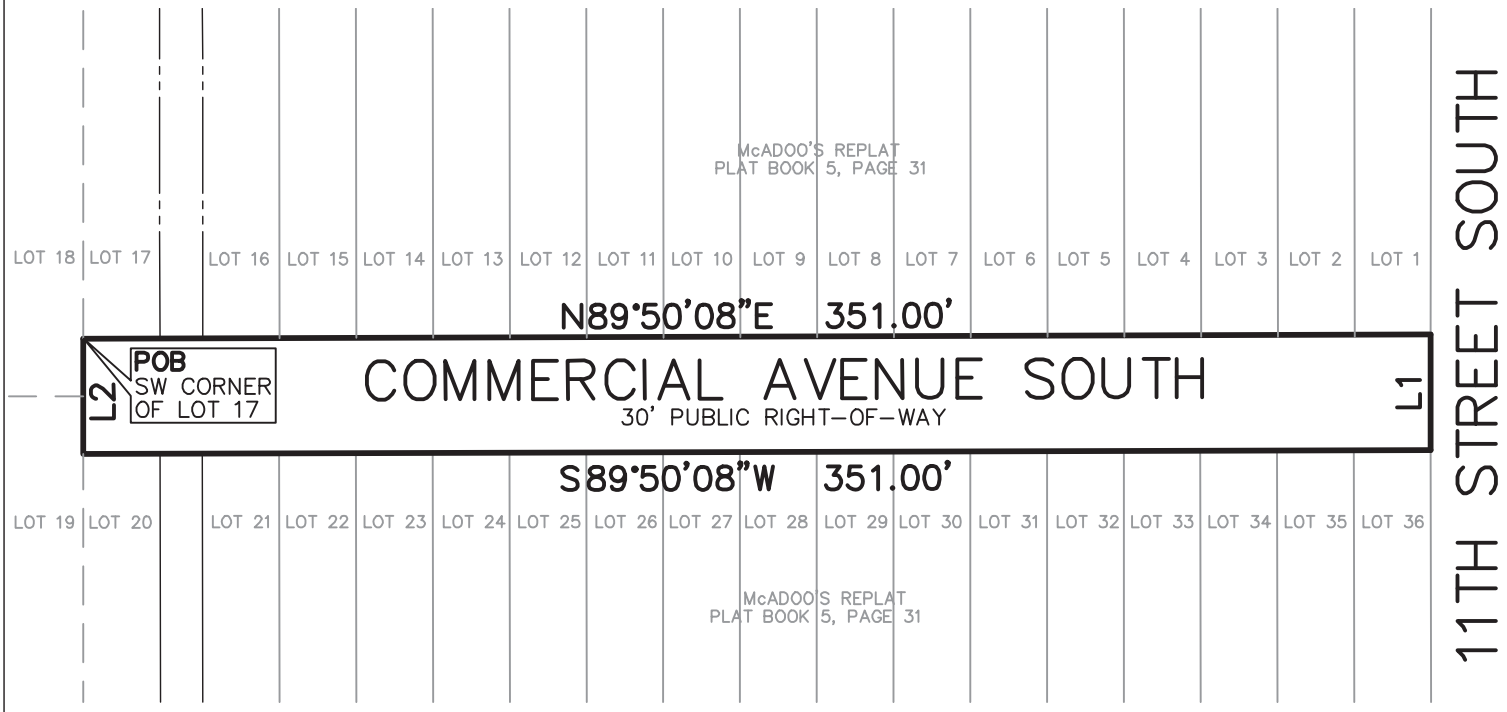
BNDY = BOUNDARY
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POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SR = STATE ROAD
US = UNITED STATES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°04'32"E	30.00'
L2	N00°04'32"W	30.00'

N

0 25 50

SCALE: 1"=50'



NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
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EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098–01

DESCRIPTION

THAT PORTION OF COMMERCIAL AVENUE OF MCADOO'S REPLAT AS RECORDED IN PLAT BOOK 5, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY FLORIDA; BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 17 OF MCADOO'S REPLAT; THENCE N.89°50'08"E., 351.00 FEET ALONG THE NORTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE; THENCE S.00°04'32"E., 30.00 FEET ALONG THE WEST RIGHT–OF–WAY LINE OF 11TH STREET SOUTH; THENCE S.89°50'08"W., 351.00 FEET ALONG THE SOUTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE SOUTH; THENCE N.00°04'32"W., 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.241 ACRES, MORE OR LESS

NOTES

1. BEARINGS ARE BASED ON THE NORTH RIGHT–OF–WAY LINE OF COMMERICAL AVENUE SOUTH, SAID LINE BEING ASSUMED AS N89°50'08"E.
2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.
3. RE–USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE–USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS–OF–WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:58:36 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

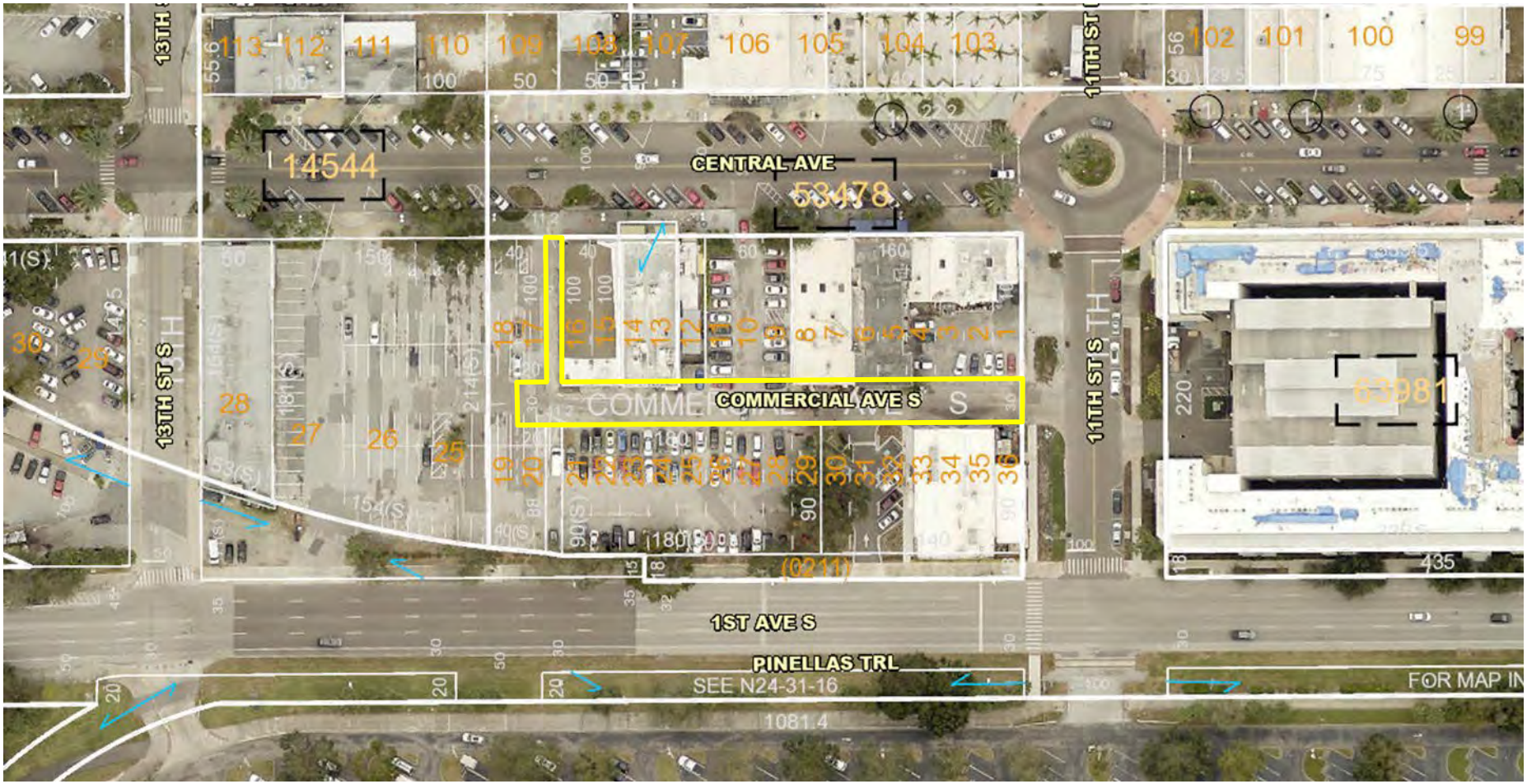
NOT A SURVEY

SHEET 2 OF 2

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03–21–23	SMW	DHR
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EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461–6113



st.petersburg
www.stpete.org

PROJECT LOCATION MAP

Case No.: 23-33000015

Addresses: 1100, 1120, 1122, 1126, 1128, 1180 Central Ave. and 1101 1st Ave. S.

City of St. Petersburg, Florida

Planning & Development Services Department

N↑

(nts)

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

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

VACATION OF RIGHT-OF-WAY
PUBLIC HEARING

According to Planning & Development Services Department records, **no Commission member** or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, January 10, 2024, at 1:00 PM** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO:	23-33000015
PLAT SHEET:	G-2
REQUEST:	Approval to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.
OWNERS:	Collective Edge LLC, Pernicious LLC, Tricera 1100 Block LLC, EE 1246 Central Ave Holding LLC, Another Little Central Avenue Building LLC
APPLICANT:	R. Donald Mastry, Trenam Law, 200 Central Ave., Suite 1600, St. Petersburg, FL 33701
ADDRESS:	1100, 1120, 1122, 1126, 1128, 1180 Central Ave. and 1101 1st Ave. S.
PARCEL ID NUMBERS:	24-31-16-53478-000-0210, 24-31-16-53478-000-0300, 24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170
ZONING:	Downtown Center (DC-1)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921 in the Downtown Center – 1 (DC-1) Zoning District (see Attachment A - Location Map and Attachment B - Photos). A related Site Plan application was submitted under Case #23-31000014. An abutting, southern north-south alley in the block was previously approved for vacation under Case #19-33000023 and Ordinance 1123-V for the Moxy St. Petersburg Downtown hotel, which is under construction. Ordinance 1123-V will be recorded after the final plat for that project is approved (Case #22-20000005). A condition of that approval, in addition to the requirement to replat the vacated alley and abutting properties, was to create a north-south pedestrian access easement in the vicinity of the vacated alley.

All property owners on the block are co-applicants in the subject application. The application is scheduled to be heard by the Community Redevelopment Agency (CRA) on January 4, 2024 (CRA Case File: IWRP 23-6a) and is supported by the EDGE Business District Association (see Attachment C – Application).

According to the Application Narrative, the purpose of the right-of-way vacation is to allow for the redevelopment of the property. The related Site Plan application proposes to unify the development of the 1100 block by retaining the hotel that is under construction and three buildings with offices and commercial spaces, demolishing two buildings (1100-1106 Central Avenue and 1101 1st Avenue South) and constructing a mixed-use building with a parking garage which connects to the Moxy parking garage. An 8-foot-wide portion of the north-south alley and Commercial Avenue South would be dedicated as a pedestrian easement to provide for north-south connectivity through the block.

Commercial Avenue South is proposed to be converted to buildable area, a trash access path leading to shared trash rooms, and a loading area for the retail stores. Pedestrians would also be allowed to use the path, however it is not proposed for a pedestrian easement. The applicant provided the following narrative in their Site Plan application:

Commercial Avenue Vacation and Custom Streetscape:

- *The vacation of Commercial Avenue will create a unique streetscape and oasis from the main thoroughfare.*
- *Overhead utilities will be removed, and utilities will be located in vaults. Trash collection will be consolidated within two large trash compactors for the alley.*
- *Custom paving and hardscape will invoke curiosity and create an additional pedestrian opportunity.*
- *Public access will be maintained from Central Avenue for visitors and limited vehicular access for The Moxy hotel (1234 Central) and loading for the retail will also be in place*.

Analysis. Staff's review of a vacation application is guided by:

A. The City's Land Development Regulations (LDR's);
B. The City's Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

A. Land Development Regulations

Section 16.40.140.2.1.E of the LDR sets forth the criteria for the review of proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. ***The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.***

   - The application was routed to City Departments and Private Utility Providers:
     - Water Resources objects to the application until new sewer connections are made (see Water Resources Review Memo dated December 6, 2023 - Attachment D).
     - Engineering has provided special conditions of approval regarding sanitation service method, clarification of public easements/public pedestrian access through the site, sanitary sewer service requirements, and other items that will need to be addressed during building/site plan review and prior to release of permits. Construction-related comments are also provided in the Engineering Memo dated December 12, 2023 (see Attachment E).
     - Transportation and Parking Management has requested greater detail on how the proposed pedestrian arcade in the location of the Commercial Avenue South right-of-way will function, as well as assurance that a north-south pedestrian easement through the block will be created (see Transportation and Parking Management Department Review Memo dated December 8, 2023 - Attachment F). They have similar concerns as Engineering regarding solid waste pick-up and have a strong preference for an east-west public easement over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade to ensure access for the public.
     - The Applicant is working with Sanitation to address the sanitation-related comments issued by the foregoing Departments. A Letter of No Objection from Sanitation is a recommended condition of approval.
     - Frontier Communications, Duke Energy and TECO have objected to the application. The Applicant will be required to work with the private utilities to obtain a Letter of No Objection from each.

2. ***Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.***

   - Access will not be substantially impaired or denied to any lot of record. Rear access to the properties is proposed via a shared east-west access through the site. The fronts of the properties are accessible via the surrounding streets.

3. ***Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.***

   - The vacation will not adversely impact the existing roadway network because it will not create dead-end rights-of-way and will not substantially alter utilized travel patterns. The alley and street are used primarily to service the buildings on the block. Those service functions will be maintained via private cross-access agreements. Commercial Avenue South will be maintained as a service corridor. Staff is including a special condition of approval to provide public pedestrian easements.

   - The block includes a Local Landmark building located 1180 Central Avenue, the Smalley-Green Auto Building currently occupied by Bodega restaurant. The unified redevelopment of the block preserves this historic structure and allows associated development rights to

be shared within the entire block which is consistent with the incentives in the City's land development regulations.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

- There is a need for the subject area to remain accessible to pedestrians. As such, a north-south pedestrian easement between Central Avenue and 1st Avenue South is recommended as a condition of approval as well as an east-west pedestrian easement over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.

- Easements for public utilities will not be required because utilities on the block will be privately owned.

5. The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.

- The Applicant's plan is supported by the EDGE Business District Association.

B. Comprehensive Plan

The City's current Comprehensive Plan contains Goals, Objectives and Policies related to land use and transportation. Those applicable to the subject application have been identified below in italics. Commentary regarding whether the application advances the Goals, Objectives and Policies, or hinders achievement of same is provided after.

1. Goals, Objectives and Policies from the Land Use Element applicable to the subject application include:

   Land Use Element Goals:
   - *(2) Protect and enhance the fabric and character of neighborhoods;*
   - *(4) Assure that services and facilities are provided at the adopted level of service concurrent with existing and future demand; and*
   - *(5) Attain the highest level of economic well-being possible for the city and its citizens.*

   Response to LU Goals 1, 2 and 4: The vacation, in accordance with recommended conditions of approval, would not impair the foregoing goals of the Land Use Element. Because vacation of the right-of-way is associated with a redevelopment project, the application would advance economic development Goal #5.

2. Goals, Objectives and Policies from the Transportation Element applicable to the subject application include:
   Obj. T2: The City shall protect existing and future transportation corridors from encroachment.

   Policy T2.4 The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.

   Response to TE Policy T2.4: Approval of the application would not impair the intent and purpose of this policy because it has been determined that the rights-of-way way are not required for present or future public use on the condition that pedestrian easements are provided for access.

C. Adopted Neighborhood or Special Area Plans

This area is included in the Intown West Redevelopment Plan and the EDGE District Improvement Plan (2016). As previously noted, the proposed project's site plan is scheduled for review by the CRA on January 4, 2024; Staff recommends approval of the CRA application and has found the application consistent with the Intown West Redevelopment Plan. The EDGE District Improvement Plan shows the alley and Commercial Avenue South in several of its renderings, however the renderings appear to be simply acknowledging the existing nature of the rights-of-way. There is no specific reference to the rights-of-way on this block or their retention.

The adjacent Historic Gas Plant District Development Plan does not rely on the rights-of-way for connections between 1st Avenue South and Central Avenue. See Attachment G for images from the EDGE District Improvement Plan and the Historic Gas Plant District Development Plan.

D. Comments from Organizations and the Public

The EDGE Business District Association supports the application (see Attachment C). As of December 27, 2023, City Staff has received no other comments from the public on the application, including the Downtown Neighborhood Association and CONA.

RECOMMENDATION. Staff recommends **APPROVAL** of the vacation with the following conditions of approval, prior to the vacation becoming effective:

1. Per 16.40.140.2.1.F, all vacated rights-of-way and abutting properties shall be replatted and receive final plat approval.
2. A north-south pedestrian easement through the block shall be provided in the vicinity of the alley to be vacated. An east-west pedestrian easement shall be provided over the portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.
3. The Applicant shall receive DRC approval of the related Site Plan (DRC Case #23-31000014).
4. The adjacent southern north-south alley vacation ordinance shall be recorded (DRC Case 19-33000023; Ordinance 1123-V).
5. The Applicant shall comply with the Water Resources Memo dated December 6, 2023, the Engineering Review Memo dated December 12, 2023, and the Transportation and Parking Management Memo dated December 8, 2023.
6. The Applicant shall obtain a Letter of No Objection from the City's Sanitation Department, Frontier Communications, Duke Energy and TECO.
7. The Applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s). Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
8. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

/s/Cheryl Bergailo 12/27/23

Cheryl Bergailo, AICP, LEED Green Assoc., Planner II Date
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

/s/ Elizabeth Abernethy 01/02/24

Elizabeth Abernethy, AICP, Director Date
Planning & Development Services Department

Attachments: A - Location Map, B - Photos, C - Application, D - Water Resources Memo, E - Engineering Memo, F - Transportation and Parking Management Memo

ATTACHMENT A



ROW to be vacated

ROW previously approved to be vacated

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Attachment A—Location Map

Planning and Development Services Department
City of St. Petersburg, Florida

ATTACHMENT B

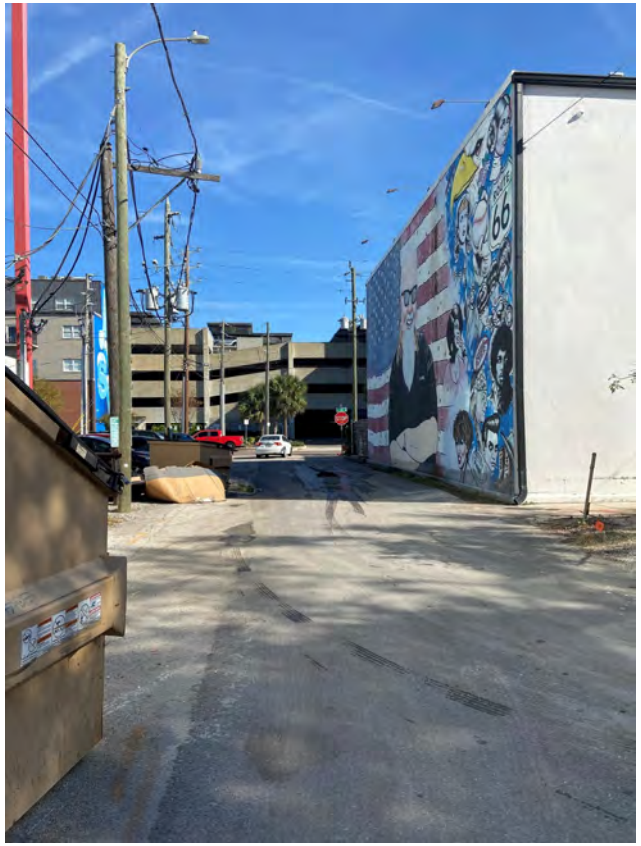


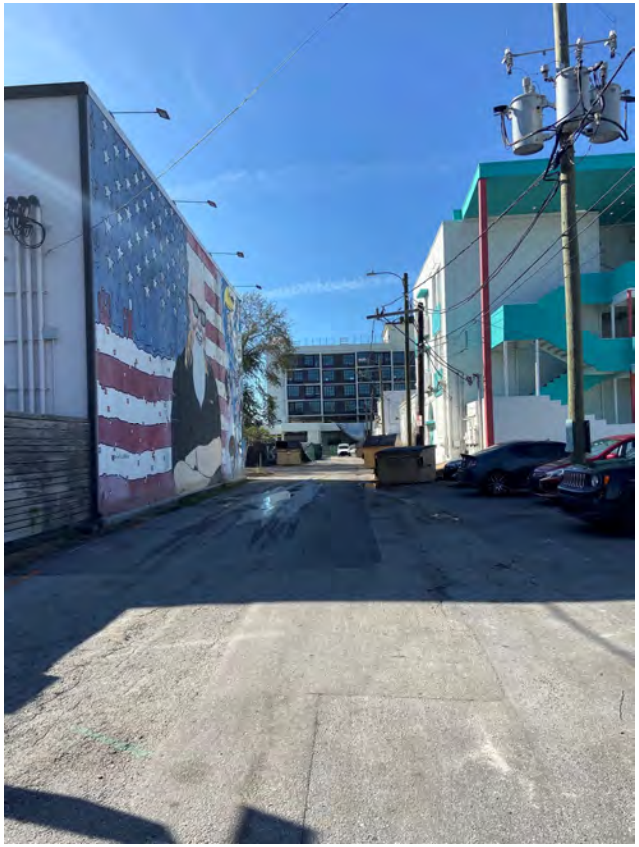


Southward view along the north-south alley to be vacated. Parking garage ramp to the Moxy project in the background.



Eastward view along Commercial Ave. S.





Westward view along Commercial Ave. S.

ATTACHMENT C

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SUBDIVISION DECISION Application

Application No. _____

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

Application Type:
Per: 16.40.140 & 16.70.050

- ☐ **Lot Line Adjustment**
- ☐ **Lot Split**
- ☐ **Lot Refacing**
- ☐ **Street Name Change**
- ☐ **Street Closing**
- ☒ **Vacating – Street Right-of-Way**
- ☒ **Vacating – Alley Right-of-Way**
- ☐ **Vacating – Walkway Right-of-Way**
- ☐ **Vacating – Easement**
- ☐ **Vacating – Air Rights**

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): COLLECTIVE EDGE LLC; PERNICIOUS LLC; TRICERA 1100 BLOCK LLC; EE 1246 CENTRAL AVE HOLDING LLC; ANOTHER LITTLE CENTRAL AVENUE BUILDING LLC	
Street Address: 200 Central Ave., Suite 1600	
City, State, Zip: St. Petersburg, FL 33602	
Telephone No:	Email Address:
NAME of AGENT or REPRESENTATIVE: R. Donald Mastry, Trenam Law	
Street Address: 200 Central Ave., Suite 1600	
City, State, Zip: St. Petersburg, FL 33701	
Telephone No: 727-824-6140	Email Address: dmastry@trenam.com
PROPERTY INFORMATION:	
Street Address or General Location: Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.	
Parcel ID#(s): 24-31-16-53478-000-0170, 24-31-16-53478-000-0210, 24-31-16-53478-000-0300, 24-31-16-53478-000-0010, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0090 and 24-31-16-53478-000-0150	
DESCRIPTION OF REQUEST: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.	
PRE-APPLICATION DATE: 7/18/23	**PLANNER:** CLB

FEE SCHEDULE

Lot Line & Lot Split Adjustment Administrative Review	$200.00	Vacating Streets & Alleys	$1,000.00
Lot Line & Lot Split Adjustment Commission Review	$300.00	Vacating Walkway	$400.00
Lot Refacing Administrative Review	$300.00	Vacating Easements	$500.00
Lot Refacing Commission Review	$500.00	Vacating Air Rights	$1,000.00
Variance with any of the above	$350.00	Street Name Change	$1,000.00
		Street Closing	$1,000.00

Checks made payable to the "City of St. Petersburg"

AUTHORIZATION

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

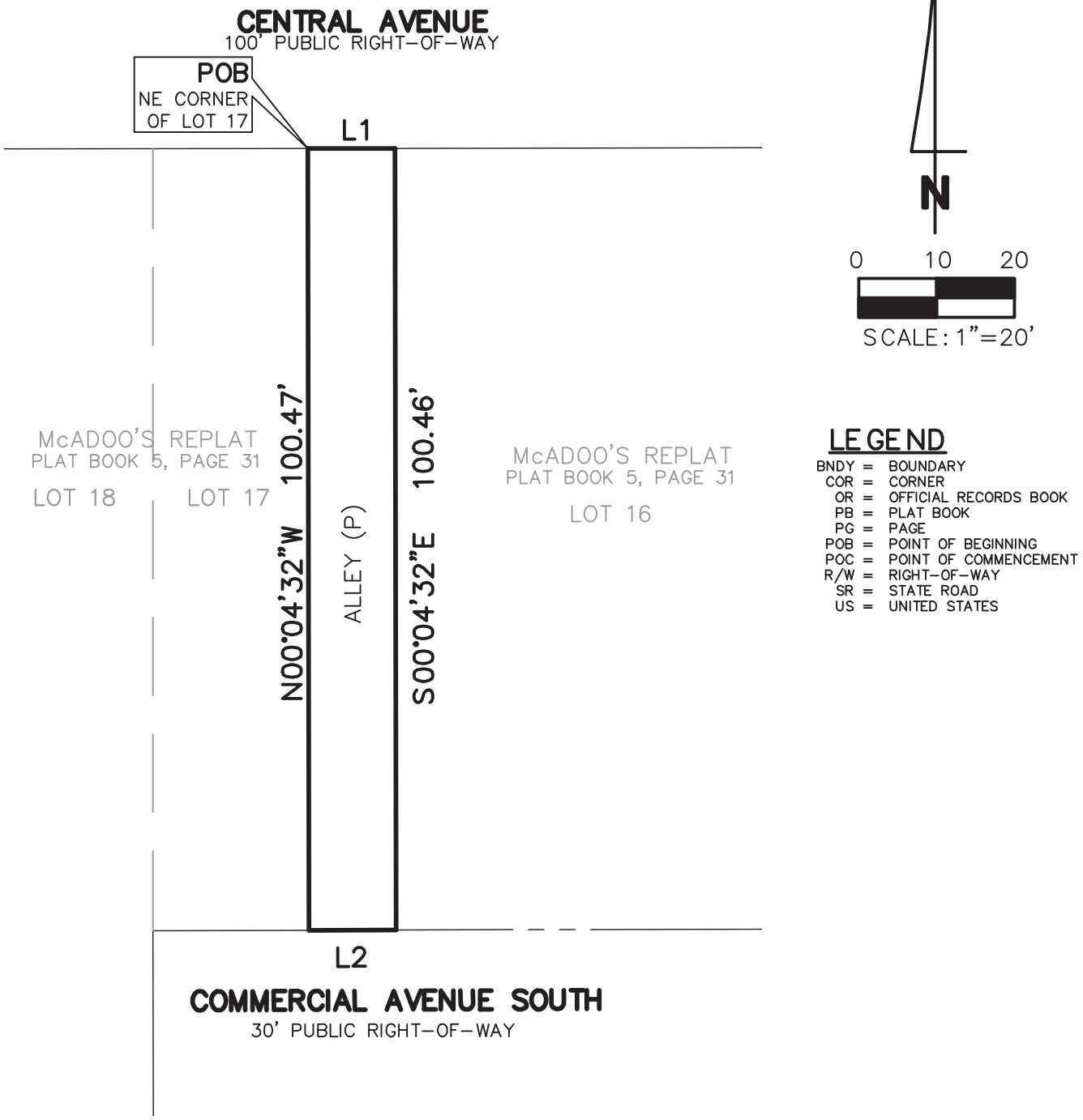
The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

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

Signature of Owner/Agent: R. Donald Mastry, Agent Date: 11/13/23
*Affidavit to Authorize Agent required, if signed by Agent.

Typed name of Signatory: R. Donald Mastry, as agent

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01



LEGEND

BNDY = BOUNDARY
COR = CORNER
OR = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SR = STATE ROAD
US = UNITED STATES

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°54'54"E	11.20
L2	S89°53'17"W	11.20

NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD ALLEY.DWG			

EXHIBIT "A"
ALLEY

POLARIS *ASSOCIATES INC.*
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01

DESCRIPTION

THAT PORTION OF THE ALLEY OF MCADOO'S REPLAT AS RECORDED IN PLAT BOOK 5, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 31 SOUTH, RANGE 16 EAST PINELLAS COUNTY FLORIDA BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 17 OF MCADOO'S REPLAT; THENCE N.89°54'54"E., 11.20 FEET; THENCE S.00°04'32"E., 100.46 FEET; THENCE S.89°53'17"W., 11.20 FEET; THENCE N.00°04'32"W., 100.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.025 ACRES, MORE OR LESS

NOTES

1. BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE SOUTH, SAID LINE BEING ASSUMED AS N89°50'08"E.
2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.
3. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:57:14 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD ALLEY.DWG			

EXHIBIT "A"
ALLEY

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098-01

LEGEND

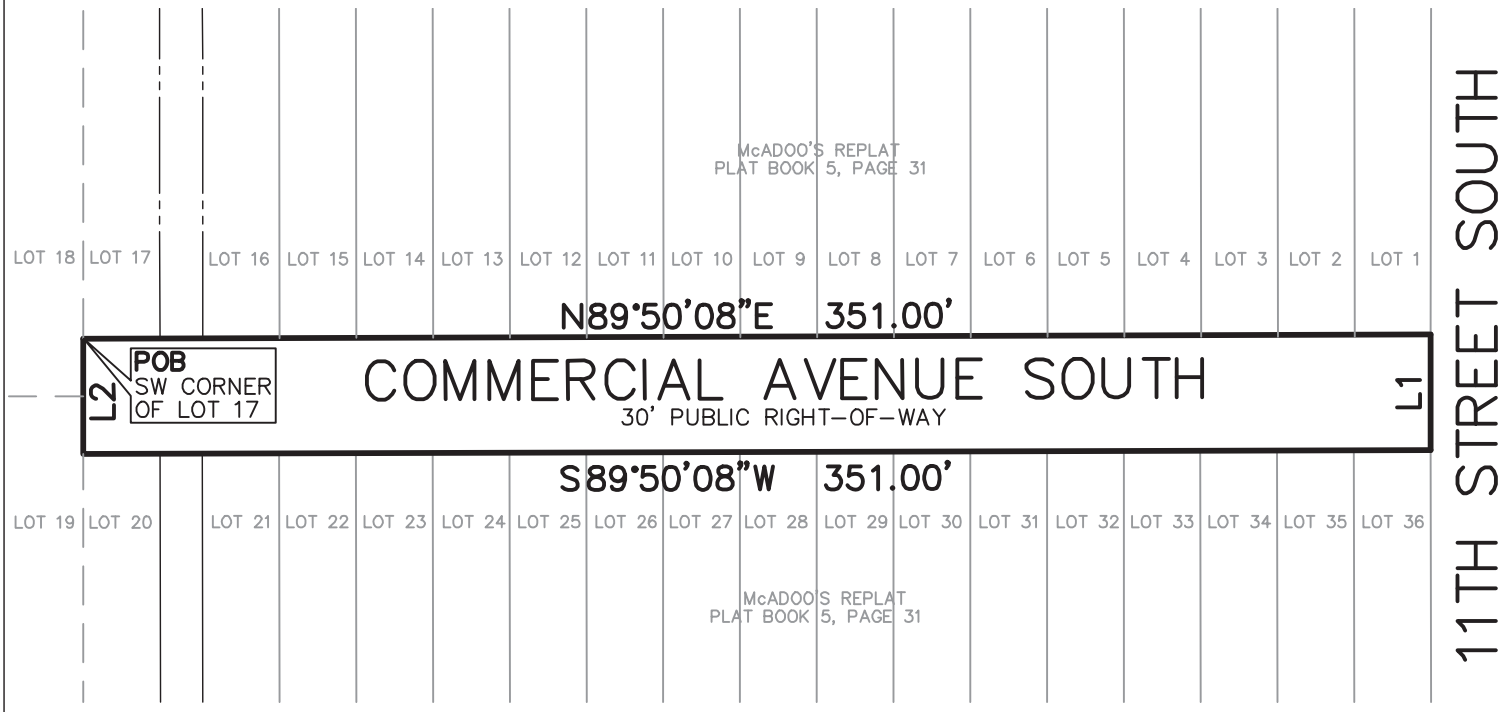
BNDY = BOUNDARY
COR = CORNER
OR = OFFICIAL RECORDS BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SR = STATE ROAD
US = UNITED STATES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°04'32"E	30.00'
L2	N00°04'32"W	30.00'

N

0 25 50

SCALE: 1"=50'



NOT A SURVEY

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03-21-23	SMW	DHR
H:\JN\5098\DWG\5098 SD COMM AVE.DWG			

EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
PROFESSIONAL SURVEYING LB 6113
2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461-6113

SECTION 24 TOWNSHIP 31S, RANGE 16E
PINELLAS COUNTY, FLORIDA
PROJECT NUMBER 5098–01

DESCRIPTION

THAT PORTION OF COMMERCIAL AVENUE OF MCADOO'S REPLAT AS RECORDED IN PLAT BOOK 5, PAGE 31, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY FLORIDA; BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 17 OF MCADOO'S REPLAT; THENCE N.89°50'08"E., 351.00 FEET ALONG THE NORTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE; THENCE S.00°04'32"E., 30.00 FEET ALONG THE WEST RIGHT–OF–WAY LINE OF 11TH STREET SOUTH; THENCE S.89°50'08"W., 351.00 FEET ALONG THE SOUTH RIGHT–OF–WAY LINE OF COMMERCIAL AVENUE SOUTH; THENCE N.00°04'32"W., 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.241 ACRES, MORE OR LESS

NOTES

1. BEARINGS ARE BASED ON THE NORTH RIGHT–OF–WAY LINE OF COMMERICAL AVENUE SOUTH, SAID LINE BEING ASSUMED AS N89°50'08"E.
2. LEGAL DESCRIPTION WAS PREPARED BY POLARIS ASSOCIATES, INC.
3. RE–USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE–USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
5. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS–OF–WAY AND OTHER MATTERS OF RECORD.

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Digitally signed by Dan Rizzuto
Date: 2023.04.04 11:58:36 -04'00'

DAN H. RIZZUTO
PROFESSIONAL LAND SURVEYOR
LS 5227, STATE OF FLORIDA

NOT A SURVEY

SHEET 2 OF 2

ITEM	DATE	BY	QC
SKETCH & DESCRIPTION	03–21–23	SMW	DHR
H:\JN\5098\DWG\5098 SD COMM AVE.DWG			

EXHIBIT "A"
COMMERCIAL AVENUE

POLARIS ASSOCIATES INC.
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2165 SUNNYDALE BOULEVARD, SUITE D
CLEARWATER, FLORIDA 33765
(727) 461–6113

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: EE 1246 CENTRAL AVE HOLDING LLC

This property constitutes the property for which the following request is made

Property Address: 1120 Central Ave.

Parcel ID Number: 24-31-16-53478-000-0090

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ JONATHAN DAOU
Printed Name

Sworn to and subscribed on this date

Identification or personally known: Jonathan Daou

Notary Signature: (Print): Carolyn J Kovacs Date: May 11, 2023
Commission Expiration (Stamp or date): CAROLYN J KOVACS

CAROLYN J KOVACS
Notary Public - State of Florida
Commission # HH 379431
My Comm. Expires Mar 27, 2027
Bonded through National Notary Assn.

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: TRICERA 1100 BLOCK LLC

This property constitutes the property for which the following request is made

Property Address: 1100 Central Ave., 1122 Central Ave. and 1126 Central Ave.

Parcel ID Number: 24-31-16-53478-000-0010, 24-31-16-53478-000-0120 and 24-31-16-53478-000-0130

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Benjamin Mandell, Manager
Printed Name

Sworn to and subscribed on this date

Identification or personally known: Personally Known

Notary Signature: (Print): Maria Marquez Date: May 25, 2023
Commission Expiration (Stamp or date):

MARIA MARQUEZ
Notary Public
State of Florida
Comm# HH293438
Expires 7/26/2026

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: ANOTHER LITTLE CENTRAL AVENUE BUILDING LLC

This property constitutes the property for which the following request is made

Property Address: 1180 Central Ave.

Parcel ID Number: 24-31-16-53478-000-0150

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Blake Thompson, Manager.
Printed Name

Sworn to and subscribed on this date

Identification or personally known: Blake Thompson

Notary Signature: (Print): Bradley R Stodghill Date: June 28, 2023

Commission Expiration / Stamp or Seal: Bradley R Stodghill

BRADLEY R STODGHILL
NOTARY PUBLIC for the
State of Montana
Residing at Bigfork, MT
My Commission Expires
May 31, 2026.

BRADLEY R STODGHILL NOTARIAL SEAL STATE OF MONTANA

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

DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: COLLECTIVE EDGE LLC

This property constitutes the property for which the following request is made

Property Address: 0 Central Ave. and 0 Commercial Ave. S.

Parcel ID Number: 24-31-16-53478-000-0170, 24-31-16-53478-000-0210

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Nicholas Pantuliano

Printed Name

Sworn to and subscribed on this date Notarized online using audio-video communication

Identification or personally known: DRIVER LICENSE

Notary Signature: (Print): _____ Jeremiah Spencer Date: 10/06/2023

Commission Expiration (Stamp or date): 12/09/2026

NOTARY PUBLIC STATE OF TEXAS

Jeremiah Spencer

ID NUMBER
13176602-5
COMMISSION EXPIRES
December 9, 2026

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

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DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT

I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: PERNICIOUS LLC

This property constitutes the property for which the following request is made

Property Address: 1101 1st Ave. S.

Parcel ID Number: 24-31-16-53478-000-0300

Request: Vacation of Commercial Ave. S., and alley lying between Commercial Ave. S and Central Ave.

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry, Trenam Law

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): _____ Nicholas Pantuliano
Printed Name

Sworn to and subscribed on this date

Identification or personally known: DRIVER LICENSE

Notary Signature: (Print): _____ Jeremiah Spencer Date: 10/06/2023

Commission Expiration (Stamp or date): 12/09/2026

NOTARY PUBLIC STATE OF TEXAS
Jeremiah Spencer
ID NUMBER
13176602-5
COMMISSION EXPIRES
December 9, 2026

Notarized online using audio-video communication

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NEIGHBORHOOD WORKSHEET

Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

NEIGHBORHOOD WORKSHEET	
Street Address:	**Case No.:**
Description of Request:	
The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):	
1. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
2. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
3. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
4. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
5. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
6. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
7. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
8. Affected Property Address:	
Owner Name (print):	
Owner Signature:	

PUBLIC PARTICIPATION REPORT

Application No. _____

In accordance with LDR Section 16.70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a decision requiring a streamline review or public hearing. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, (except when the application is for a local historic district) but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

NOTE: This Report may be updated and resubmitted up to 10 days prior to the scheduled Public Hearing.

APPLICANT REPORT
Street Address:
1. Details of techniques the applicant used to involve the public
(a)Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal
(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located
2. Summary of concerns, issues, and problems expressed during the process

NOTICE OF INTENT TO FILE
A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (variance@stpetecona.org) and to Federation of Inner-City Community Organizations (FICO) (kleggs11@outlook.com) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.
□ Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: _____
□ Attach the evidence of the required notices to this sheet such as Sent emails.

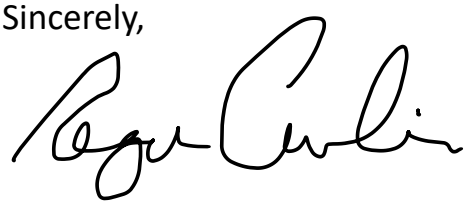
EDGE Business District Association / P.O. Box 15026 / St. Pete, FL 33733

Date: 11/7/23

To Whom it Concerns,

The EDGE Business District Association supports the approval of the Collective Phase II project, which is a 200-foot high mixed use building containing approximately 350 dwelling units, 23,000 square feet of commercial space and 340 parking spaces. It should be noted, the current parking design is over the minimum parking requirement for the overall project. Additionally, the Association supports the vacation of both Commercial Avenue, which runs west from 11th Street, and the north alley going through the block connecting Commercial Avenue to Central Avenue.

Sincerely,



Roger Curlin, Executive Director

director@edgedistrict.org

727-698-1784

NARRATIVE IN SUPPORT OF SUBDIVISION DECISION APPLICATION (VACATION OF STREET AND ALLEY)

Collective Edge LLC, Pernicious LLC, Tricera 1100 Block LLC, EE 1246 Central Ave Holding LLC, and Another Little Central Avenue Building LLC (collectively, the "Owners") are the owners of the property located at 0, 1100, 1104, 1106, 1110, 1114, 1120, 1122, 1126, 1128, 1180, 1234 and 1246 Central Ave., 0 Commercial Ave. S. and 1101 1st Ave. S. (collectively, the "Property").

The Owners are requesting the vacation of Commercial Ave. S., and the alley lying between Commercial Ave. S. and Central Ave. (the "Proposed Vacation") to allow for the redevelopment of the Property. Commercial Ave. S. and the alley function as service driveways for the Property and are not used as part of the roadway network.

To the Owners' knowledge, there are no public utilities in the Proposed Vacation. The Owners own 100% of the lineal frontage of the Proposed Vacation.

Discussion of Matters for Consideration for Vacations

Sec. 16.40.140.2.1.E of the Land Development Code

1. *The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.*

   The Owners agree that the alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block. There is no need for public utility easements as there are no public utilities within the Proposed Vacation. The Owners will work with utility companies to resolve any private utilities within the Proposed Vacation.

2. *Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.*

   The vacation would not have this effect, as the Proposed Vacation does not abut any lot of record other than Owners'.

3. *Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.*

   The vacation would not have this effect, as the Proposed Vacation consists of service driveways which are not used as part of the roadway network.

4. *Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

There is no present or future need for the Proposed Vacation for public vehicular access or for public utility corridors, as it only serves the Owners' Property. The alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block.

5. *The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.*

   N/A

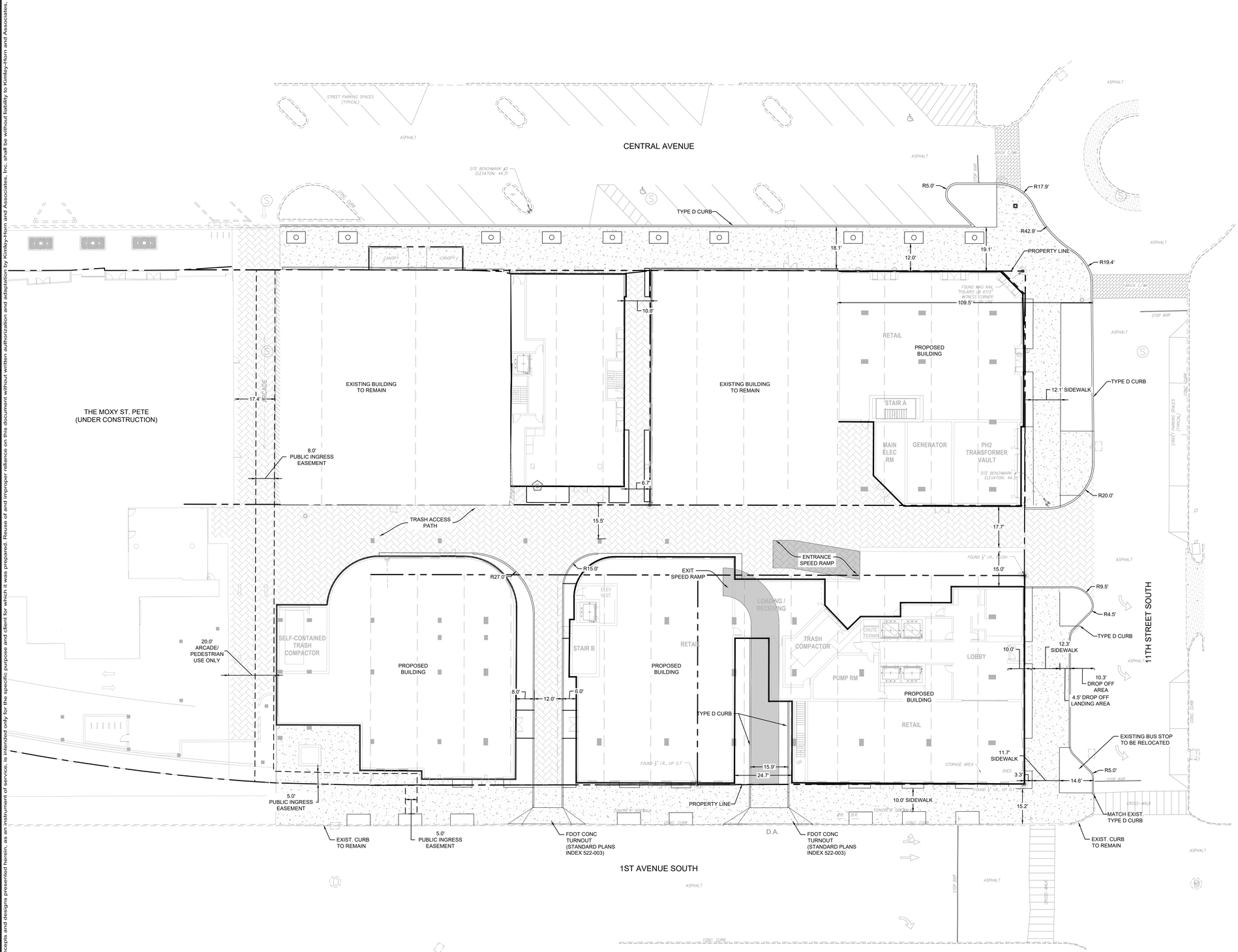
Discussion of Standards of Review for Subdivision Decisions, Generally

Sec. 16.70.050.1(D) of the Land Development Code

D. Standards for review. In reviewing the application for a subdivision decision, the POD, commission or the City Council shall consider whether the application is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the Comprehensive Plan.

The application is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the Comprehensive Plan, specifically the promotion of redevelopment.

Plotted By: Clark, Kori Sheet Set: Edge Phase II 145501 Layout: C-400 SITE PLAN December 21, 2023 04:42:03pm K:\STP_Civil\145501 — PINA\000 — Edge Phase 2\CAD\PlanSheets\C400 — Site Plan.dwg
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NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

LEGEND

- SITE PLAN BOUNDARY
- PROPERTY LINE
- PROPOSED TYPE "D" CURB
- PROPOSED SPEED RAMP
- PROPOSED HARDSCAPE
- PROPOSED ARCADE

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
200 CENTRAL AVE., SUITE 600, ST PETERSBURG, FL 33701
PHONE: 727-547-3999 WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
DATE: 76221

SCALE: AS SHOWN	
DESIGNED BY	NEB
DRAWN BY	BDD
CHECKED BY	DMD

SITE PLAN

THE COLLECTIVE PHASE II

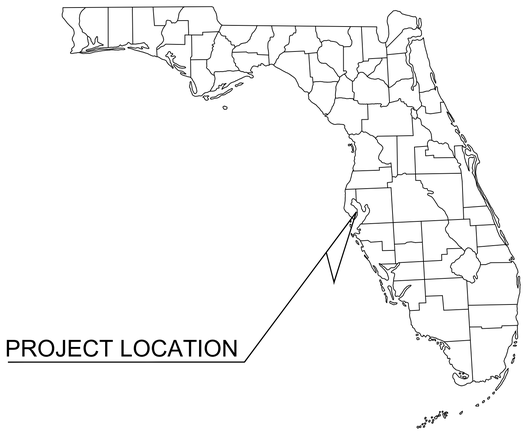
CITY OF ST. PETERSBURG FLORIDA

DATE
11/03/2023

PROJECT NO.
145501000

SHEET NUMBER
C-400

811 Know what's **below.** **Call** before you dig.



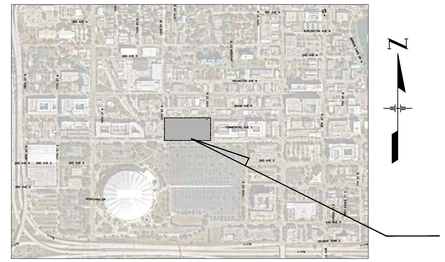
SITE PLAN APPLICATION
PREPARED FOR

THE COLLECTIVE PHASE II

1100 BLOCK, CENTRAL AVENUE
ST. PETERSBURG, FL 33705

PARCEL ID
24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120,
24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170,
24-31-16-14544-000-0250, 24-31-16-14544-000-0280, 24-31-16-53478-000-0210
AND 24-31-16-53478-000-0300
SECTION: 24 TOWNSHIP: 31 RANGE: 16

ST. PETERSBURG, FL



LIST OF CONTACTS

STORMWATER
CITY OF ST. PETERSBURG
DALE ALBERTS
1650 3RD AVE. N.
ST. PETERSBURG, FL 33713
TEL: 727.892.5653

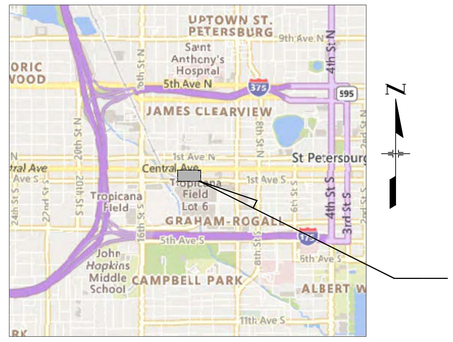
WATER
CITY OF ST. PETERSBURG
DALE ALBERTS
1650 3RD AVE. N.
ST. PETERSBURG, FL 33713
TEL: 727.892.5653

SEWER
CITY OF ST. PETERSBURG
DALE ALBERTS
1650 3RD AVE. N.
ST. PETERSBURG, FL 33713
TEL: 727.892.5653

ELECTRIC
DUKE ENERGY
SEPHANIE OLMO
425 E. CROWN POINT RD.
WINTER GARDEN, FL 34787
TEL: 407.905.3376

LOCATION SERVICES
FLORIDA ONE-CALL - 811

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
C-000	COVER SHEET
C-100	OVERALL SITE PLAN
C-400	SITE PLAN
L100	CODE REQUIRED LANDSCAPE PLAN



PROJECT DESIGN TEAM

CIVIL ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.
DAWN DODGE, P.E.
200 CENTRAL AVENUE, SUITE 600
ST.PETERSBURG, FL 33701
PHONE: (727) 547-3999

ARCHITECT
STORYN STUDIO FOR ARCHITECTURE, LLC
EVERALD COLAS, AIA, NOMA
1110 CENTRAL AVENUE, 3RD FLOOR
ST. PETERSBURG, FL 33705
PHONE: (352) 871-3715

APPROVAL STAMPS:

811 below. Call before you dig.

Kimley»Horn

LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
76221
DATE:

Plotted By:Berin, Nicole Sheet Set:Edge Phase II 145601 Layout:C-000 COVER SHEET November 03, 2023 02:38:14pm K:\STP_Civil\145601 — PTM\000 — Edge Phase 2\CAD\PlanSheets\C000 — Cover Sheet.dwg
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GRAPHIC SCALE IN FEET
0 15 30 60

SITE DATA INFORMATION	
PIN	24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170, 24-31-16-14544-000-0250, 24-31-16-14544-000-0280, 24-31-16-53478-000-0210, 24-31-16-53478-000-0300
ZONING	DOWNTOWN CENTER - (DC-1)
FUTURE LAND USE	CENTRAL BUSINESS DISTRICT (CBD)
FLU OVERLAY	INTOWN ACTIVITY CENTER (AC)
FLOOD ZONE	ZONE "X" - PANEL 12103C0219H
TOTAL LOT AREA	120,484 SF (2.77 AC)
REQUIRED OPEN SPACE	6,024 SF (5% OF TOTAL LOT AREA)
PROVIDED OPEN SPACE	8,184 SF (6.8%)
EXISTING BUILDING COVERAGE	51,872 SF (43.1%)
PROPOSED BUILDING COVERAGE	76,642 SF (63.5%)
TOTAL BUILDING AREA	635,237 SF
~~NON-RESIDENTIAL (1ST FLOOR, NEW)~~	24,000 SF
~~NON-RESIDENTIAL (1ST FLOOR, TOTAL)~~	76,532 SF
~~RESIDENTIAL~~	360 UNITS
PROPOSED BUILDING HEIGHT	200'-0"

BUILDING SETBACKS				
	REQUIRED		PROVIDED	
STREETS	0' - 50'	ABOVE 50'	0' - 50'	ABOVE 50'
NORTH (CENTRAL AVE)	0'	10'	0'	10'-6"
EAST (11TH ST SOUTH)	0'	10'	0'	11'-0"
SOUTH (1ST AVE SOUTH)	0'	10'	0'	10'-9"
WEST (13TH ST SOUTH)	0'	10'	0'	N/A
BETWEEN BUILDINGS		REQUIRED	PROVIDED	
BLANK/WIND-WIND	UP TO 50'	15'	15'	
	50'-200'	60'	60'	
	ABOVE 200'	80'	N/A	
BLANK-BLANK	UP TO 50'	0'	0'	
	50'-200'	60'	60'	
	ABOVE 200'	80'	N/A	

PARKING REQUIREMENTS				
	REQUIRED			
RESIDENTIAL	1.0 SPACE PER UNIT OVER 750 SF (1.0 X 161 UNITS = 161 SPACES)			
RETAIL / RESTAURANT	1.0 SPACE PER 1,000 SF = 24 SPACES			
	PROVIDED (IN PARKING GARAGE)			
	STANDARD	COMPACT	ACCESSIBLE	TOTAL
PROPOSED	290	58	8	356
EXIST. MOXY	31	3	4	38
TOTAL	321	61	12	394
LOADING	REQUIRED		PROPOSED	
	1 LOAD AREA, 2 LOADING SPACES		2 LOADING SPACES	

BICYCLE PARKING REQUIREMENTS				
	RESIDENTIAL (352 UNITS)		RETAIL / RESTAURANT	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
SHORT TERM	1 PER 20 UNITS (18 SPACES)	18 SPACES	1 PER 5,000 SF (2 MINIMUM / 5 SPACES)	5 SPACES
LONG TERM	1 PER UNIT (360 SPACES)	360 SPACES	1 PER 12,000 SF (2 MINIMUM / 2 SPACES)	2 SPACES
TOTAL	378 SPACES	378 SPACES	7 SPACES	7 SPACES
LONG TERM BICYCLE PARKING PROVIDED IN THE LEVEL 2 BIKE PARKING AMENITY; SHORT TERM SPACES PROVIDED ALONG THE RETAIL AREAS.				

SITE NOTES

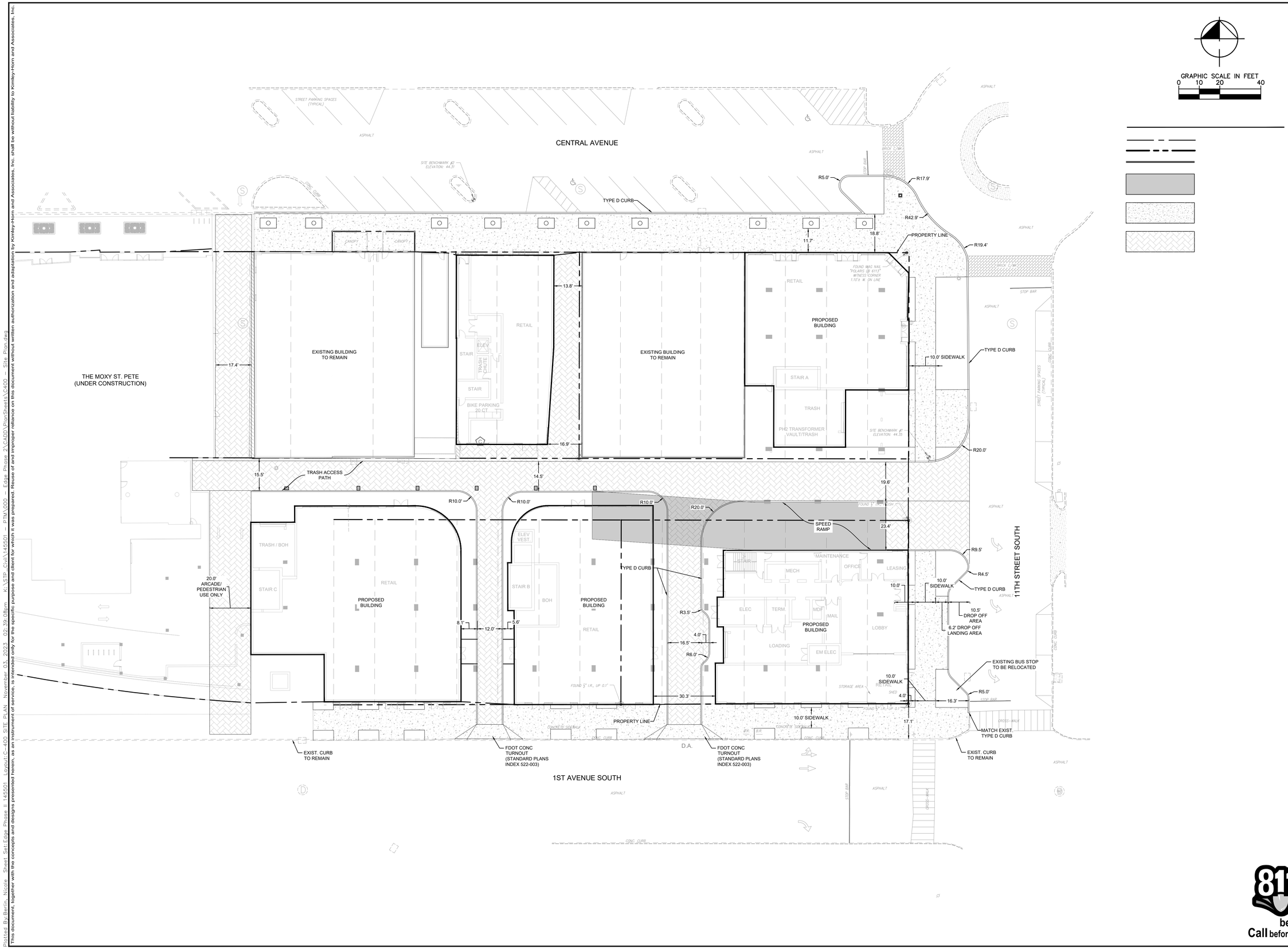
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY OF ST. PETERSBURG REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
2. EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS.
4. FOR ALL TREES TO REMAIN AND PROTECTED REFER TO LANDSCAPING MITIGATION PLAN.

811 below. Call before you dig.

Kimley»Horn

LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
76221
DATE:

Plotted By:Berlin, Nicole Sheet Set:Edge Phase II 145501 Layout:OVERALL SITE PLAN November 03, 2023 03:50:21pm K:\STP_Civil\145501 – PTM\000 – Edge Phase 2\CAD\PlanSheets\C100 – OVERALL SITE PLAN.dwg
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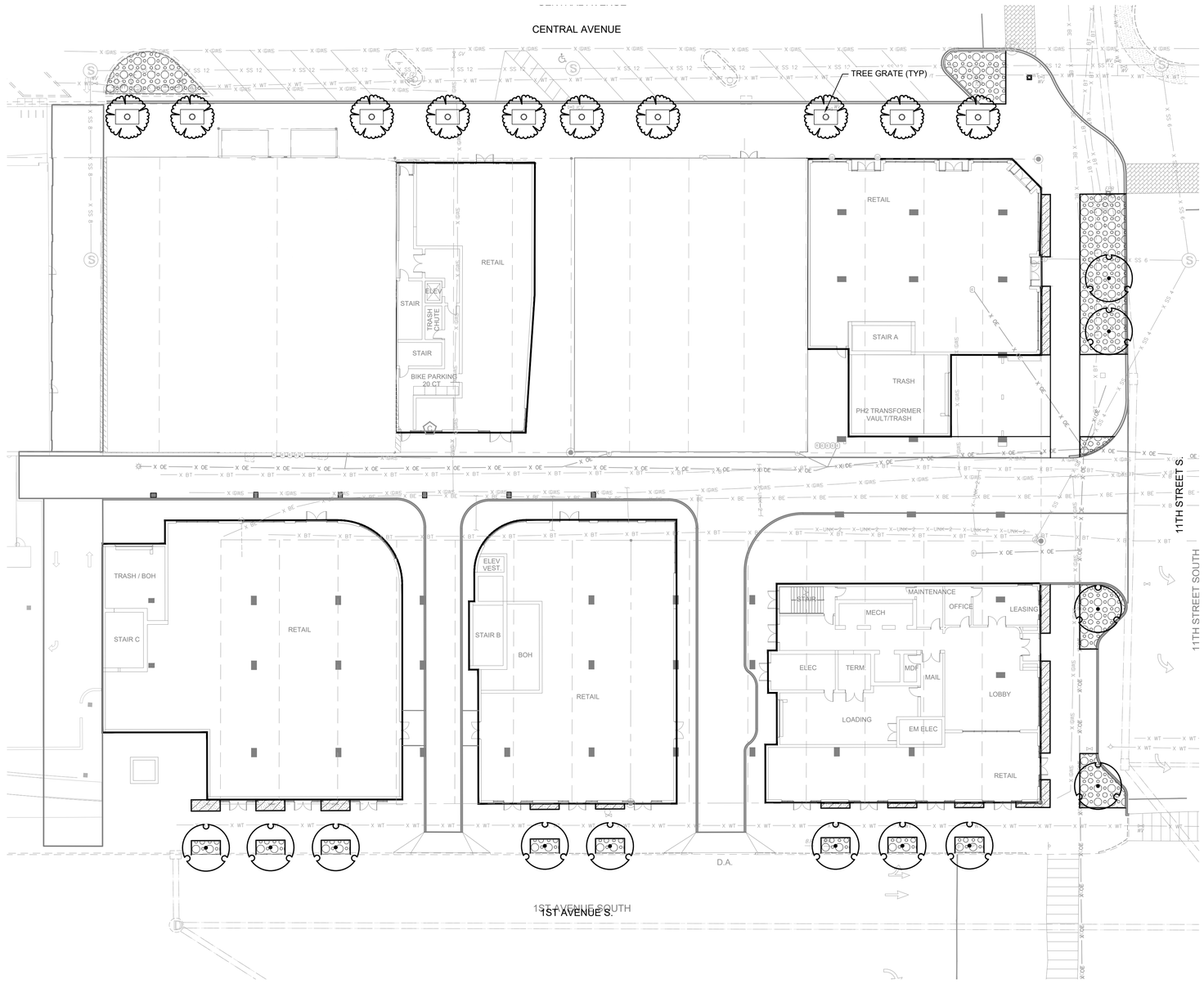
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LICENSED PROFESSIONAL
DAWN M. DODGE, P.E.
FLORIDA LICENSE NUMBER
76221
DATE:

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GRAPHIC SCALE IN FEET
0 10 20 40

LANDSCAPE CALCULATIONS

PER CITY OF ST. PETERSBURG LDC

STREET TREES **1 SHADE TREE PER EVERY 35LF OF R.O.W.** *SECTION 16.40.060.2.1.3(D)(1)*	CENTRAL AVENUE: 330 LF / 35 LF = 10 SHADE TREES 11TH STREET S: 139 LF (EXCLUDES DRIVEWAY) / 35 LF = 4 SHADE TREES 1ST AVENUE S: 276 LF (EXCLUDES DRIVEWAYS) / 35 LF = 8 SHADE TREES	

CONCEPT PLANT SCHEDULE

STREET TREE
MINIMUM 12 FT HEIGHT, 3-4 IN CALIPER
QUERCUS VIRGINIANA 'SKY CLIMBER' / SKY CLIMBER LIVE OAK

SPECIMEN PALM
16 FT CT
PHOENIX DACTYLIFERA / DATE PALM
PHOENIX SYLVESTRIS / WILD DATE PALM
ROYSTONEA REGIA / ROYAL PALM
WODYETIA BIFURCATA / FOXTAIL PALM

FOUNDATION PLANTING
GROUNDCOVERS: 1 GALLON WITH 12-18" O.C. SPACING
SHRUBS: 3-7 GALLON WITH 24-48" O.C. SPACING
ILEX VOMITORIA 'SCHILLINGS' / SCHILLINGS YAUPON HOLLY
LIRIOPE MUSCARI 'VARIEGATA' / VARIEGATED LILYTURF
PODOCARPUS MACROPHYLLUS 'PRINGLES' / PRINGLES DWARF PODOCARPUS

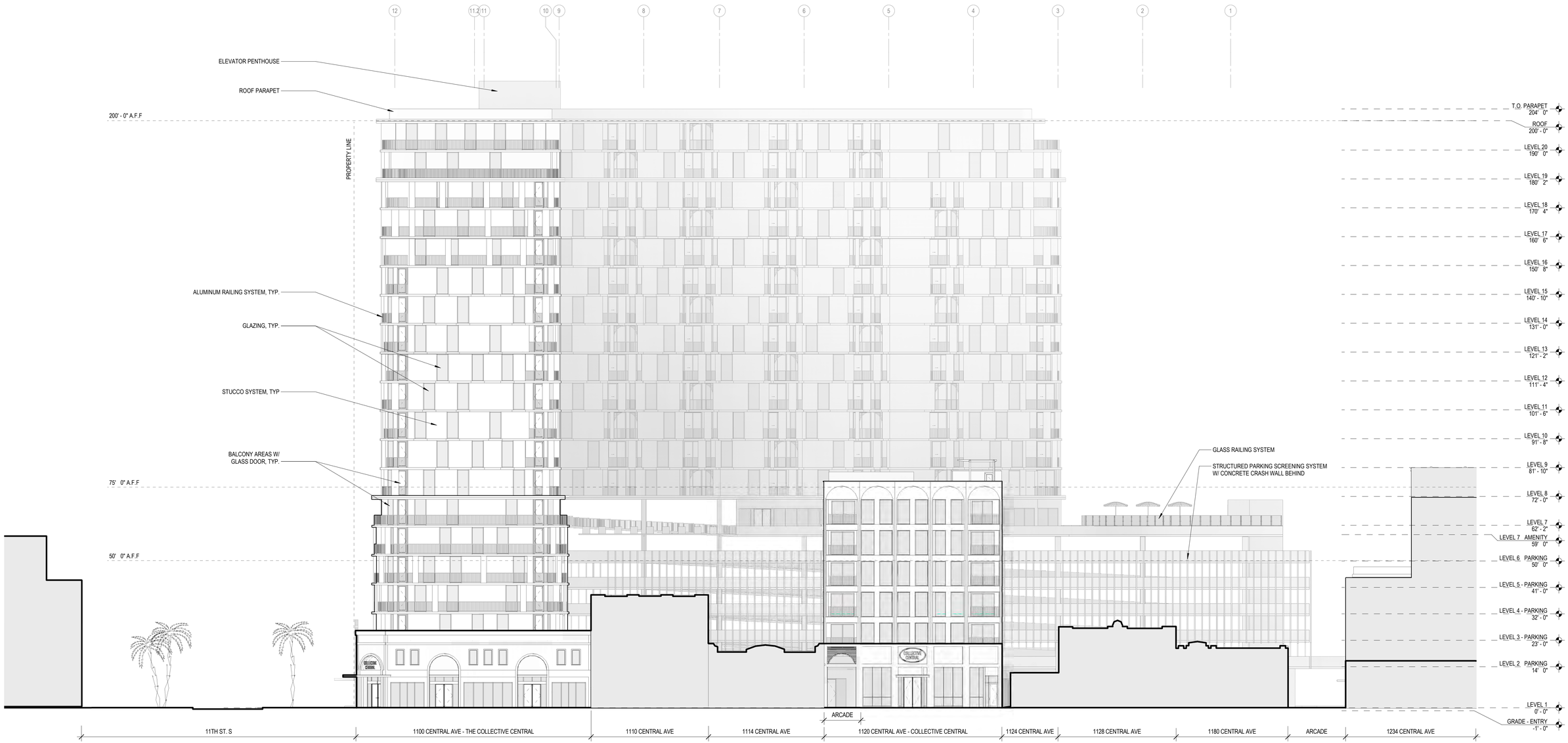
STREETSCAPE PLANTING
CARISSA MACROCARPA 'NANA' / DWARF NATAL PLUM
CRINUM AUGUSTUM 'QUEEN EMMA' / QUEEN EMMA CRINUM LILY
FICUS MICROCARPA 'GREEN ISLAND' / GREEN ISLAND INDIAN LAUREL FIG
ILEX VOMITORIA 'SCHILLINGS' / SCHILLINGS YAUPON HOLLY
LIRIOPE MUSCARI 'BIG BLUE / BIG BLUE LILY TURF
RHAPHIOLEPIS INDICA / INDIAN HAWTHORN
STRELITZIA REGINAE / BIRD OF PARADISE
TRACHELOSPERMUM ASIATICUM / ASIATIC JASMINE
ZAMIA FURFURACEA / CARDBOARD PALM
ZAMIA PUMILA / COONTIE CYCAD

Kimley»Horn

LICENSED PROFESSIONAL
DAVID J. FLANAGAN, P.LA.
FLORIDA LICENSE NUMBER
0001495
DATE:

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Plotted By:Berlin, Nicole Sheet Set:Edge Phase II 145501 Layout:Landscaping November 02, 2023 07:28:16pm K:\STP_Civil\145501 — PTNA\000 — Edge Phase 2\CADD\PlanSheets\N100 — Landscape.dwg
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EXISTING BUILDING

NEW BUILDING

1 NORTH ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

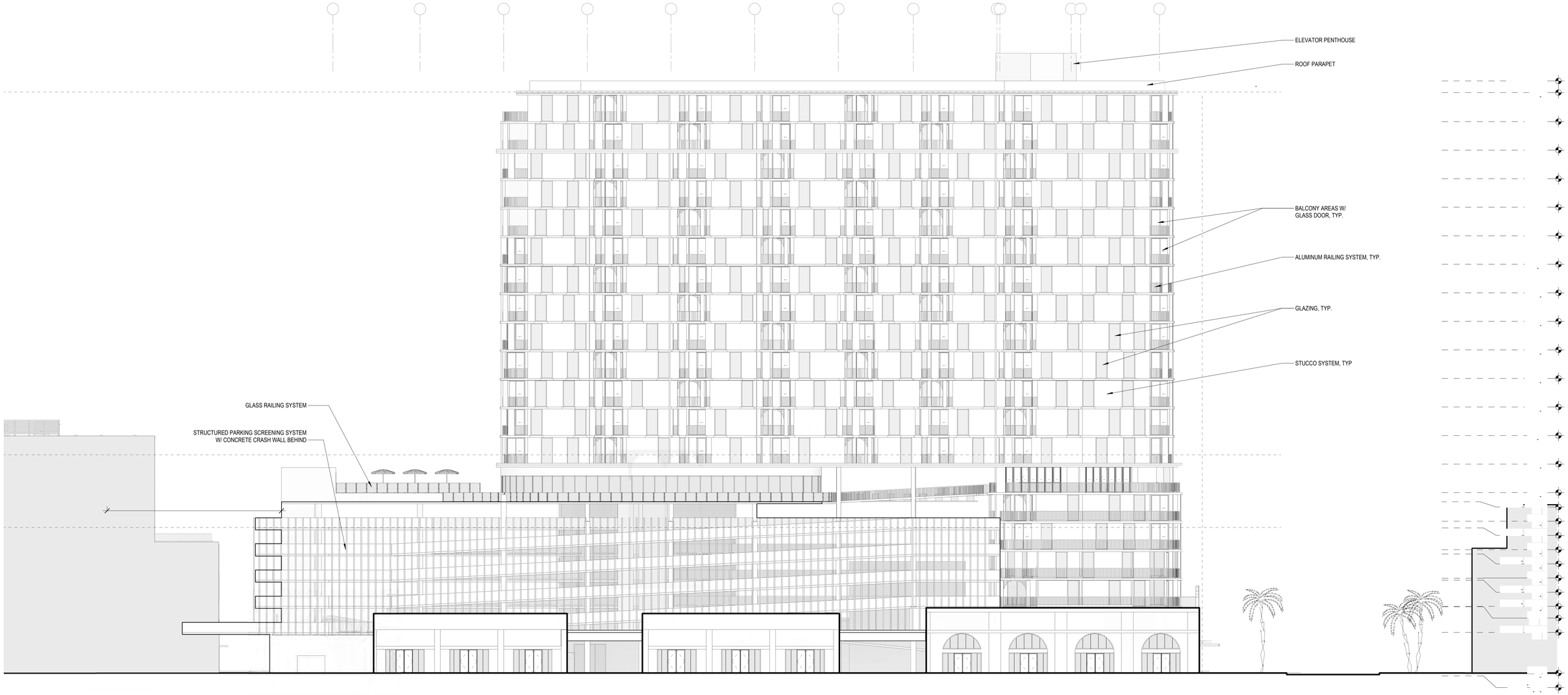
STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:02:42 PM

BUILDING ELEVATION - NORTH

A-201

11/01/23



EXISTING BUILDING

NEW BUILDING

1 SOUTH ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

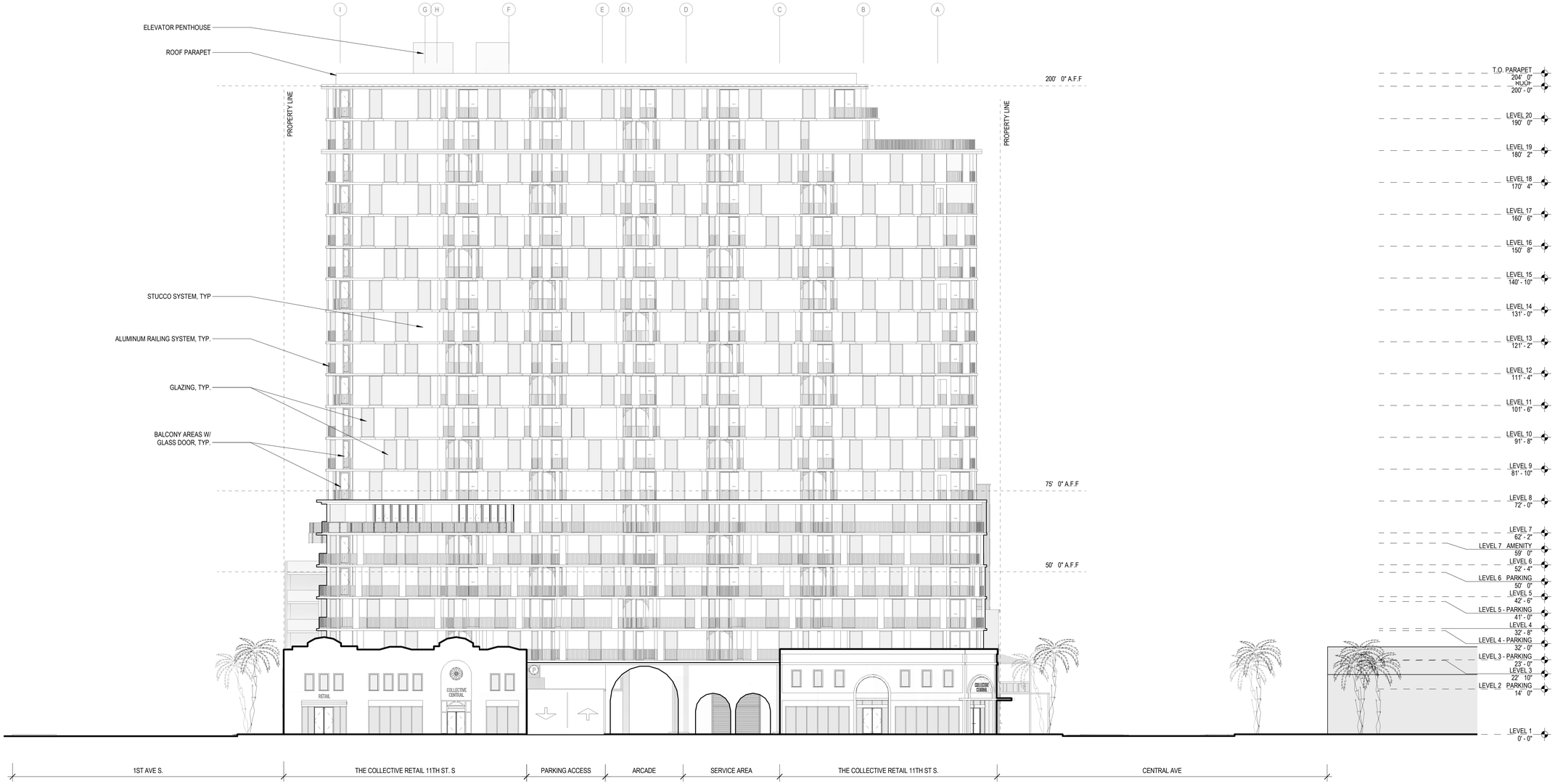
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:05:14 PM

BUILDING ELEVATION SOUTH

A-202

11/01/23



EXISTING BUILDING

NEW BUILDING

1 EAST ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

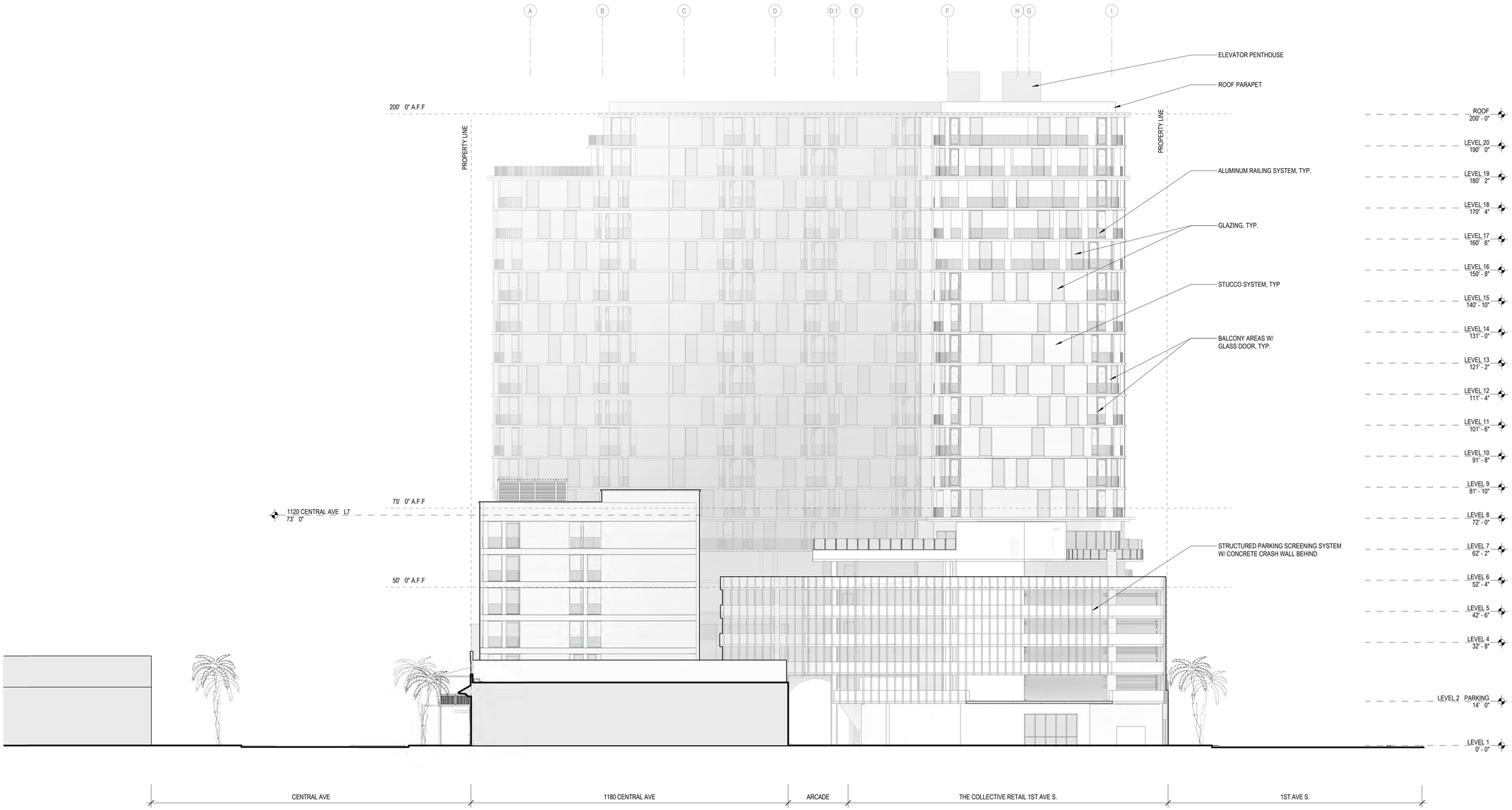
STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:07:13 PM

BUILDING ELEVATION EAST

A-203

11/01/23



EXISTING BUILDING

NEW BUILDING

1 WEST ELEVATION
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE, ST. PETERSBURG, FL

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

11/2/2023 6:09:12 PM

BUILDING ELEVATION WEST

A-204

11/01/23

ATTACHMENT D

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Corey Malyszka, Zoning Official

FROM: Thomas Whitman, Designer I, Water Resources

DATE: December 6, 2023

SUBJECT: Approval to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.

PLAT: G-2

CASE: 23-33000015

LOCATION: 1100 Central Ave.;23-31-16-53478-000-0010, 1120 Central Ave,;24-31-16-53478-000-0090, 1122 Central Ave.;24-31-16-53478-000-0120, 1126 Central Ave.;24-31-16-53478-000-0130, 1180 Central Ave.;24-31-16-53478-000-0150, 1101 1st Ave S.;24-31-16-53478-000-0300

REMARKS: Water Resources object to the above-referenced subject due to a six (6) inch wastewater main, manhole G002-M170 and sewer lateral that is within the ROW. The business at 1180 Central connects directly into the manhole G002-M170 to the west of the

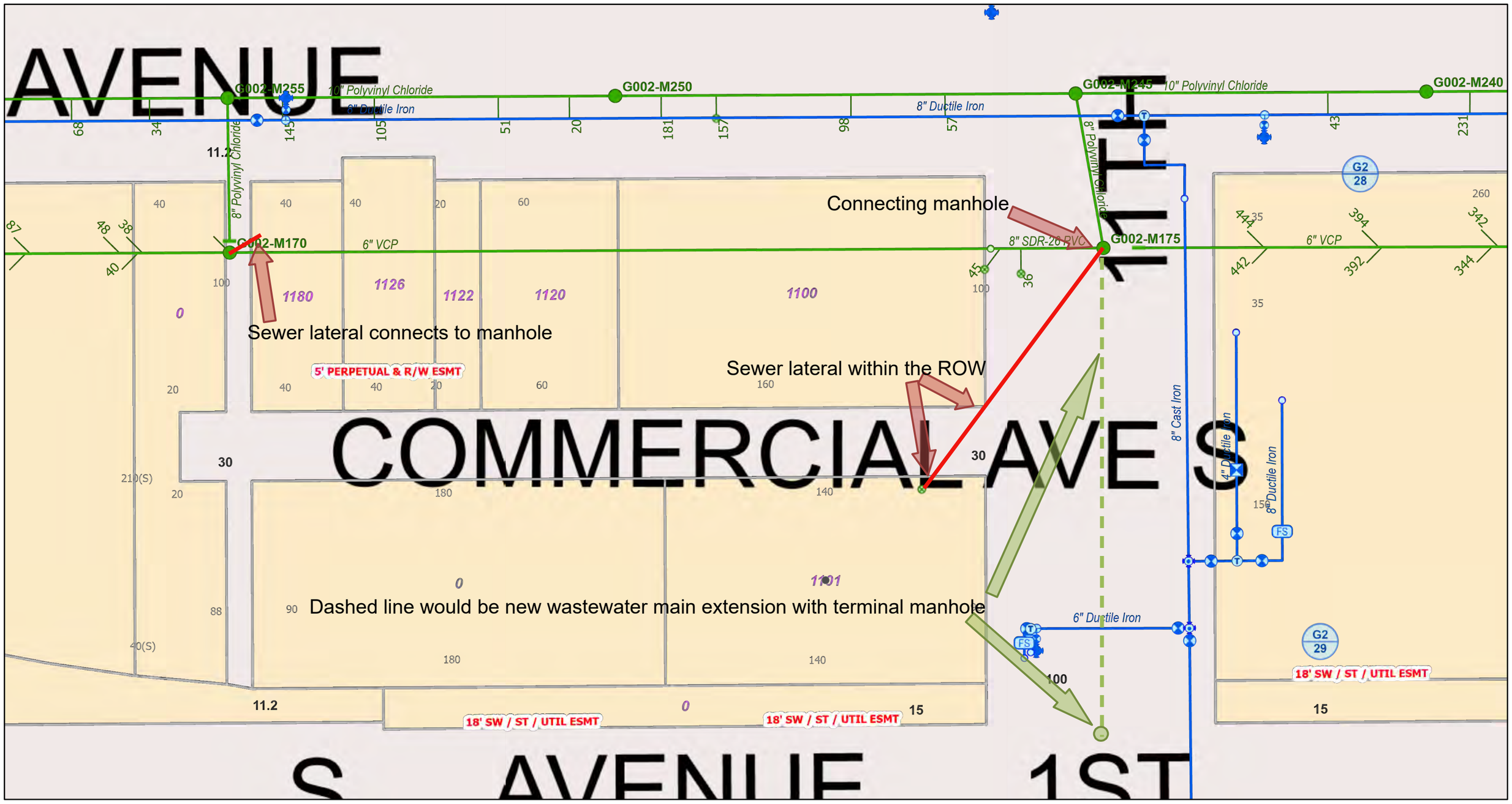
Project file

property (please see provided attachment for reference). The wastewater main is directly under all properties on Central Ave. The property at 1101 1st Ave S sewer lateral exits the property and runs diagonal through the ROW to the manhole on 11th St S. (please see provided attachment for reference).

1. A wastewater main extension is required from the manhole G002-M175 on 11th St S to 1st Ave S at the developer's expense.
2. The existing sewer lateral for 1101 1st Ave S must be tied over to the new wastewater main extension at the developer's expense.
3. The existing properties along Central Ave must be tied over to the new wastewater main on Central Ave if not done so already at the developer's expense.
4. Once all existing buildings are tied over properly to the new wastewater main on Central Ave the existing six (6) inch wastewater main that runs under the building must be properly abandoned by plugging the manhole G002-M170 and the upstream invert to manhole G002-M175.
5. Once all four (4) conditions are met, then WRD Utility Review would not object to the ROW vacation.

Project file

23-33000015



12/6/2023, 11:28:20 AM

1:564

Areas
- Override 1
- Override 2

Lines
- Override 1
- Override 2
- Potable Main
- Potable System Valve
- Gate
- Potable Meters
- Potable Hydrant
- St. Petersburg Assembly

Potable Fitting
- Tee
- Tap Valve and Sleeve
- Other Fittings
- Potable Fire Service

Potable Intersection Drawings

Sewer Lateral Line
- St. Petersburg

Sewer Gravity Main
- St. Petersburg

Sewer Cleanout
- St. Petersburg

Sewer Fitting
- End Cap
- Other Fitting

Sewer Manhole
- Manhole St. Petersburg

- Easement
- Lot Dimensions
- ROW Dimensions
- PAO Parcel
- PAO Info Points

0 0.01 0.01 0.02 mi
0 0.01 0.01 0.03 km

City of St Petersburg, COSP, City of St. Petersburg GIS

Web AppBuilder for ArcGIS
COSP | City of St. Petersburg, FL - GIS | City of St. Petersburg | City of St Petersburg, FL - GIS | City of St Petersburg | City of St. Petersburg GIS |

ATTACHMENT E

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)

TO: Cheryl Bergailo, Planner II

FROM: Kyle Hurin, Engineering Plans Review Supervisor

DATE: December 12th, 2023

SUBJECT: Vacate the alley

FILE: 23-33000015

LOCATION AND PIN: 1100, 1120, 1122, 1126, 1128, 1180 Central Ave. and 1101 1st Ave. South 24-31-16-53478-000-0210, 24-31-16-53478-000-0300, 24-31-16-53478-000-0010, 24-31-16-53478-000-0090, 24-31-16-53478-000-0120, 24-31-16-53478-000-0130, 24-31-16-53478-000-0150, 24-31-16-53478-000-0170

ATLAS: G-2

Zoning: Downtown Center (DC-1)

REQUEST: Approval to vacate the north-south, 11.2-foot alley between Central Avenue & Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.

Disclaimer, standards subject to change. The comments provided are based on current design standards and are subject to change based on statutory requirements and updates.

Disclaimer, Permit coordination. For consistency of permits and work associated with the project, coordinate with ECID Right-of-way (ROW) staff for any impacts in the City Right of Way prior to issuance of building construction permit. Email ECID ROW staff at: ROW_permitting@stpete.org. A ROW work permit issued by ECID must be obtained prior to the commencement of any work within City controlled right-of-way or public easement. All work within right-of-way or public easement shall be installed at the applicant's expense and in accordance with the standards, specifications, and policies adopted by the City.

SPECIAL CONDITIONS OF APPROVAL:

It is acknowledged that this vacation is associated with the Moxy hotel currently under construction (building permit 19-07001928 and right of way permit 22-532-D-1056), the site plan submitted under DRC 23-31000014 and DRC 19-33000023 for the vacation of the southern portion of the north-south alley. It is also acknowledged that the vacation of Commercial Avenue will trigger a replat. Note that the plat currently in process for the Moxy (22-20000005) will be impacted by this proposed vacation. The following items will need to be addressed during building/site plan review and prior to release of permits. The comments listed below may require changes to your building design:

1. **Sanitation service method and concerns-** Commercial Avenue is currently used for sanitation pickup for the existing adjacent buildings, some of which are not part of the Moxy hotel development; however. The Moxy hotel plans include a trash compactor with access from Commercial Avenue; and the site plan provided shows that some of the proposed buildings will have trash rooms fronting Commercial Avenue. The proposed site plan shows that Commercial Avenue will be converted to a covered pedestrian walkway. The covered pedestrian walkway appears to be in direct conflict with the sanitation access. Verify with the city's Sanitation Department (Troy.Davis@stpete.org) how the development will be serviced and confirm with the city's Engineering reviewer during building permit review if the method of trash rollout is acceptable, if not directly from the alley. New development will not be permitted trash staging in the right of way. It is the responsibility of the developer's team to ensure consistently across requests and permits and ensure sanitation service is accommodated. The location of the trash room and dumpster may need to change to avoid impacts to the public right of way and provide adequate access for Sanitation. It is Engineering's recommendation that trash pickup be accommodated on private property.

2. **Sanitary sewer service requirements-** There is currently a 6" VCP (clay pipe) which runs east from public manhole G002-M170 underneath the buildings fronting Central Avenue. At a minimum, the line currently services 1180 Central Avenue. **The applicant must provide new connections to the main 10" PVC main along Central Avenue for 1180 Central Avenue and any other building on the 6" line prior to building permit approval.** The applicant will be required to show which buildings are on the 6" line and how they will be removed. The 6" line should be abandoned as part of this redevelopment. All properties shall have a minimum 8" lateral.
    a) The terminal manhole (G002-M170) within the north-south alley shall be removed once the 6" line has been properly abandoned. The city ring and cover on the manhole shall be returned to the city.
    b) As part of the redevelopment, a sanitary sewer main extension will be required to service the proposed buildings shown on the site plan. Any portion within public right of way will be owned by the city and any portion of main installed within the vacation right of way will be owned and maintained by the property owners.

3. **Private agreements-** At time of replat or prior to requesting a TCO or CO, the applicant will need to provide documentation of any private agreements and easements necessary to facilitate this redevelopment. This may include ingress/egress, utilities, drainage, etc. to document ownership and maintenance responsibility.

4. **Possible need for public easement-** At time of replat detail public easements. It is unclear from the preliminary site plan provided what will be accessible for vehicular and pedestrian, and what will be for public or private use. If a public ingress/egress easement is proposed on private property, this must be dedicated prior to requesting a TCO or CO and should be coordinating during the building permit review process.

5. **Public pedestrian access-** At time of replat detail public access and easement(s). As part of the Moxy development, the city's Transportation department requested to have a public pedestrian plat dedicated from Central Avenue to 1st Avenue South. The proposed site plan submitted with this vacation now shows a straight path between Central Avenue and 1st Ave S which traverses the property owned by Georgetown & High Line Railway Company LLC. The applicant must

obtain authorization for the public pedestrian path to cross the adjacent parcel prior to permit approval, or the pedestrian path approved at part of building permit 19-07001928 shall remain.

6. **Adjacent critical city infrastructure-** The city's fiber optic network runs underground within Central Avenue. The fiber optic network must be located and shown on the construction plans to ensure it is protected during construction. No foundation encroachments within Central Avenue will be approved due to the proximity of the fiber optic line.

7. **Alley streetlights**- There are currently utility poles and streetlights within Commercial Avenue which would need to be removed at the applicant's expense. The applicant will be responsible for any fees associated with the removal; this may include lease termination fees, pole removal/relocation, restoration, and utility adjustments. Contact newconstruction@Duke-energy.com and CC the city's streetlight coordinator Michael.Kirn@stpete.org to ensure the poles and streetlighting are removed from the city's billing cycle.

8. Any public drainage that flows through Commercial Avenue or the north-south alley from Central Avenue or 11th Street will require public drainage conveyance easement or it will need to be rerouted around the site at and by the developer's expense.

9. **Prior to issuance of building construction permit, construction planning for zero lot line development challenges required:** Zero lot line developments face significant construction challenges as they typically encompass the entire buildable site which limits options for cranes, foundations, staging, access, etc. **It is the responsibility of the developer and their team to plan for construction in a way which limits the impacts to surrounding property and public rights of way and easements and operates within code defined allowances for encroachments. Any encroachments into the public right of way shall meet the requirements of City Code Chapter 25-274 for foundation and footer encroachments and 25-275 for an Incidental Architectural Detail. A detailed review and requirements will be determined during site plan review for construction permits. Foundation and/or overhang encroachments are a request, and not a guaranteed approval, the request shall be reviewed by the Engineering Department to ensure there are no adverse impacts to the public right of way and existing infrastructure.** Prior to issuance of a building construction permit, the developer and their team shall coordinate a construction plan which details foundation encroachments, crane location (foundations), sheeting/shoring locations, building overhangs, construction vehicle access, staging, deliveries, temporary traffic control (TTC) and other key elements. This may be through a Construction Action Plan (CAP), Right of Way permit, and TTC approval. Construction planning shall be organized in phases to limit road, lane and pedestrian path closures to the minimum needed**. Permanent impacts to the public right of way for temporary construction are not supported, specifically, crane foundations and sheeting/shoring in the public right of way are not permissible.** Impacts to the public right of way shall be reviewed by Engineering and Capital Improvements Department, contact via ROW_permitting@stpete.org.

STANDARD COMMENTS:

Prior to proceeding with further development of this site plan, please assure that the developer's design professional(s) coordinate with Duke Energy regarding any necessary Duke pole relocations or installations, for any landscaping proposed under Duke's overhead transmission or distribution systems, and to assure that the design has provided adequate space for any Duke Energy equipment which may be required to be placed within the private property boundary to accommodate the building power needs. Early coordination is necessary to avoid additional expense and project delays which may occur if plans must be changed later in the building/site design stage as necessary to accommodate power systems on and off site. Please initiate contact via email to newconstruction@duke-energy.com .

> *Needs for on-street decorative lighting or additional street lighting must be coordinated through Michael.Kirn@stpete.org, the City's liaison with Duke Energy. All lighting shall be installed at the developer's expense.

Parking garage entrances/exits to alleys shall meet requirements as mandated by the City of St. Petersburg Land Development Code Section 16.40.090.3.5. Garage security gates with controlled access must be designed to meet the minimum vehicle stacking requirements identified in Section 16. Any proposed card access readers shall be located within private property boundaries. An automatic traffic warning system shall be installed at the garage exit which activates a flashing warning light visible to vehicles traveling in the alley right-of-way. The final plan must include adequate signage, warning lights and wiring as required for public safety.40.090.3.5(g) without encroachment into the public alley.

The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. The BMPTrains model shall be used to verify compliance with Impaired Water Body and TMDL criteria. Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the wastewater Concurrency Form (ECID Form Permit 005), available upon request from the City Engineering department, phone 727-893-7238. If an increase in flow of over 3000 gpd is proposed, the ADF information will be forwarded for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan

submittal 1) a completed wastewater Concurrency Form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the city for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the DC zoning district, a 10-foot-wide public sidewalk is required along all right of way frontages. Landscape features and street furniture may encroach up to two feet for no more than 50% of the linear frontage of a parcel. In addition to the required 10-foot-wide sidewalk path, the streetscape design shall include a minimum 3-foot-wide ADA compliant public sidewalk provided parallel and adjacent to the road curb to provide accessible access to all public parking spaces within the public right of way. At least one and preferably two, ADA compliant pathways shall be provided between the main 10-foot-wide sidewalk and the auxiliary 3-foot-wide sidewalk.

Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

A work permit issued by the City Engineering & Capital Improvements Department must be obtained prior to the commencement of construction within City controlled right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

Engineering Standard Details are available at the City's Website at the following link: https://www.stpete.org/business/building_permitting/forms_applications.php

City infrastructure maps are available via email request to ECID@stpete.org. All City infrastructure adjacent to and within the site must be shown on the development project's construction plans.

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

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City's Water Resources department or a variance is granted by the City Water Resources department). Note that the City's Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer.

Coordinate a review with the City's Water Resources Department Technical Services Division via email to WRDUtilityreview@stpete.org, or phone 727-892-5334 for additional information.

All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e., post indicator valves, fire department connections, etc.).

With the submittal of site civil plans for construction permit review, include a right of way signage plan to show existing and proposed signage and any other existing and/or necessary traffic control features. Also show & dimension existing and proposed on-street pavement markings such as parking lanes, crosswalks, bicycle lanes, travel lane striping, PSTA bus lane striping and pavement markings, and any specialty pavement surfaces or markings in the right of way or within the roadway (decorative crosswalks, colored concrete, hexblock or other pavers, colored asphalt, painted curb line bump outs, etc.) which may be present in the vicinity of the site. Upon redevelopment the developer shall assure that all striping and signage is replaced as necessary to meet all applicable current City, MUTCD, & FDOT regulations. On-street parking shall be provided to meet the dimensional requirements of City Code 16.40.090.3.4.

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

Final approval of a Temporary Traffic Control plan, phased implementation schedule, public sidewalk closures/detours, bicycle lane detours, vehicular or parking lane closures. etc., requires site specific coordination including coordination with other Temporary Traffic Control plans in the vicinity of the project and detailed review & approval by City ECID at the time of construction. TTC plans must be coordinated via email through Traffic.Control@stpete.org, (contact Jonathan Westmaas, phone 727-892-5133). Submittal required minimum of 21 days prior to any intended date of closures. Approval of a DRC or CAP plan does not assure approval and ECID permitting of a final Temporary Traffic Control plan & implementation schedule.

The site-specific Temporary Traffic Control (TTC) plan in compliance with FDOT "Uniform Traffic Control Devices for Streets and Highways" and "Roadways and Traffic Design Standards" for submittal to City ECID for approval prior to initiating construction. All Traffic Control Plans shall meet the requirements of the FDOT Standard Plans Index 102-600 – 102-655 and be prepared by or certified by an individual that possesses a current Advanced MOT Course certification. The site specific TTC plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Roadway travel lane closures are discouraged and will be approved at the discretion of the City's Engineering director pending receipt of adequate justification. Impacts to the Pinellas Trail and bicycle lanes are discouraged and will require approval of a detour plan by City Transportation and City ECID. The TTC plan shall be prepared in compliance with City Engineering's "Temporary Traffic Control Plan Requirements", available upon request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City's Transportation and Parking Management division. Refer to the City's "Parking Meter Removal & Space Rental Policy During Construction" procedure, available upon request from the City Transportation and Parking Management department.

Note that contractor introduction letters must be sent to all surrounding businesses, associations, and

property owners prior to implementing any Temporary Traffic Control plan. As a minimum, the letter must give a description of the project, provide a list of all right of way impacts (parking impacts, travel lane impacts, sidewalk closures and temporary pedestrian paths, etc.), a schedule for each phase of the TTC implementation, and what to expect with regard to noise, delivery trucks, concrete trucks & pumps, as well as contact information for the on-site contractor's representative with 24 hour availability who is responsible for addressing any and all concerns of impacted citizens. The contractor must personally visit each operating business around the construction site and make direct contact with any active business association or neighborhood association and personally introduce themselves to the business owners and association presidents. The contractor must also meet with any association representatives and property owners periodically to address any concerns that may develop as the project proceeds. The contractor is required to provide a copy of the letter and summary of when and who was contacted prior to implementing any City approved TTC plan.

*Use of the public right of way for construction purposes shall include mill and overlay in full lane widths per City ECID standards and specifications. Any damage to the brick roadway will require the contractor to reset the brick per city standards.

Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of the site.

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

All existing redundant (abandoned) driveway approaches or drop curbing which exist within the public right-of-way around the perimeter of this project development shall be removed. Pavement surfaces associated with these approaches shall be completely removed from within the right-of-way and any existing drop curbing shall be removed and replaced with a raised curb to match existing curb type per current City Engineering Standards and Specifications.

Per land development code 16.40.050, habitable floor elevations for commercial projects must be set per FEMA and building code requirements as administered by the building official. Per land development code 16.40.140.4.6 the construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. Adequate swales shall be provided on the lot in any case where filling obstructs the natural ground flow. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum. *It is noted that meeting required building floor elevations often necessitates elevating existing public sidewalks. Please note that transitions to adjacent public sidewalks shall be smooth, consistent, and ADA compliant with maximum cross slope of 2% and maximum longitudinal slope of 5%. Ramps may only be used at driveways and intersections, not mid-block in the main sidewalk path.

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

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

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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

KJH/aw

ec: WRD
Kayla Eger – Development Review Services

ATTACHMENT F

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www.stpete.org

CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Cheryl Bergailo, Planner II, Planning and Development Services Department

FROM: Tom Whalen, Transportation Planning Coordinator, Transportation and Parking Management Department

DATE: December 8, 2023

SUBJECT: Approval to vacate the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South, and the full length and width of Commercial Avenue South, in McAdoo's Replat of 1921, generally located at 1100, 1120, 1122, 1126, 1128, 1180 Central Avenue and 1101 1st Avenue South.

CASE: 23-33000015

The Transportation and Parking Management ("Transportation") Department has reviewed the proposed vacations of the north-south 11.2-foot alley between Central Avenue and Commercial Avenue South and Commercial Avenue South. The Transportation Department has several comments on this case.

Section 16.40.140.2.1.E of the City Code provides matters of consideration when reviewing proposed vacations of rights-of-way, easements or air rights. Relevant matters of consideration to this case from a transportation perspective include the following:

1. The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.

The applicant states in the vacation application, "The Owners agree that the alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block. There is no need for public utility easements as there are no public utilities within the Proposed Vacation. The Owners will work with utility companies to resolve any private utilities within the Proposed Vacation."

The Transportation Department concurs that dedicating a pedestrian easement where the north-south alley is located will address the need for pedestrian access to and from Central Avenue. On the southern side of the site near the Moxy hotel that is currently under construction, City staff required

a pedestrian easement connecting to 1st Avenue South to the east of the CSX-owned land in coordination with the vacation of the north-south alley south of Commercial Avenue South that was approved by City Council on February 10, 2022 (Case No. 19-33000023). City staff approved a site plan during the permitting process (Building Permit 22-20000005) that included a pedestrian connection to 1st Avenue South across a sidewalk/street/utility easement between the subject property and the 1st Avenue South right of way (site plan attached). On the site plan for the second phase of the Collective Edge project (Case No. 23-31000014), a proposed building is located on the land that the pedestrian connection traverses. If this proposed building is to remain at its current location, the applicant shall be required to relocate the pedestrian connection to 1st Avenue South, preferably near the center of the block and provide a corresponding pedestrian easement accordingly.

The applicant has not proposed that a pedestrian easement be dedicated along Commercial Avenue South. The applicant stated the following about pedestrian access along Commercial Avenue South in the narrative for Case No. 23-31000014, "Currently lined with errant utilities and dumpsters, this project proposes to transform this street into a shaded pedestrian experience. Consolidating and hiding the necessary back of house functions while introducing new hardscape, greenery, and commercial activation to create a pedestrian spine with direct access through the block to both Central & 1st Avenue South. Acting as an urban filter, the new façades permit people to seamlessly pass from the street through the project's interior via publicly accessible arcades. These arcades become a moment of respite, rest, and pause within one of the busiest sections of downtown St. Petersburg. The fact that they are made available to the public and residents alike positions the block as a social hub for this and adjacent neighborhoods."

The Transportation Department supports the applicant's goal of transforming Commercial Avenue South to a pedestrian spine through the block and have a strong preference for a pedestrian easement that corresponds with the planned pedestrian arcade to ensure access for the public. We recommend that the applicant provide greater detail on how the pedestrian arcades will serve the general public.

2. Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.

The applicants stated in the vacation application, "The vacation would not have this effect, as the Proposed Vacation does not abut any lot of record other than Owners'."

Since the applicant represents all property owners in the block, it is evident that the property owners are working together to create a unified site plan that should provide access to all lots of record. The Transportation Department recommends that the applicant provide more information on how the Sanitation Department will remove solid waste. We question whether sanitation trucks will be able to access trash facilities, make turns on relatively narrow drive aisles, and not conflict with pedestrian paths. If the applicant plans to have the Sanitation Department push dumpsters to the right of way, they can be no larger than three cubic yards, and the Sanitation Department will not move them more than ten yards. Dumpsters left on sidewalks impede pedestrian travel. We recommend that trash removal occur on the subject property, subject to approval by the Sanitation Department. Requests for consideration to store dumpsters on the abutting streets are not likely to be approved following the proposed vacation.

3. Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.

The applicants stated in the vacation application, "The vacation would not have this effect, as the Proposed Vacation consists of service driveways which are not used as part of the roadway network."

While Commercial Avenue South has primarily provided the service functions mentioned by the applicant and access to parking in the block, pedestrians have the right to walk along Commercial Avenue South. Commercial Avenue South may provide a more direct path for some pedestrian trips than the sidewalks around the block. The applicant supports pedestrian travel through the arcades, but further clarification is needed on the ability of the general public to use the arcades following the vacation if a pedestrian easement is not dedicated. Consequently, the Transportation Department has a strong preference for a pedestrian easement along at least a portion of Commercial Avenue South that corresponds with the planned pedestrian arcade.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

The applicants stated in the vacation application, "There is no present or future need for the Proposed Vacation for public vehicular access or for public utility corridors, as it only serves the Owners' Property. The alley will be dedicated as a pedestrian easement to provide for north/south connectivity through the block."

As stated, pedestrians are allowed to use Commercial Avenue South today, and the applicant intends to accommodate pedestrians on the interior of their site. Additional detail is needed on how the general public seeking to traverse the block by foot will be consistently and reasonably accommodated if the only dedicated pedestrian easement is located between Central Avenue and Commercial Avenue South. Phase two of the site development does not include the north-south pedestrian easement that was approved during the permitting process, so showing the easement at its current location or relocating it to a mid-block location approved by City staff is necessary.

From:	Ian M. Womack
To:	Elizabeth Abernethy
Cc:	Evan Mory; James D Large; Terry A Barber; David M. Bennett
Subject:	Collective Edge - Fire Input
Date:	Monday, February 12, 2024 12:23:21 PM
Attachments:	Access_Circulation Plans (reduced).pdf

Hi Liz,

The second page of the attached document was not reviewed during the PPRV meeting on 2/5.

Consequently, this document shows gates being applied to all points accessing the public way from the inner outdoor spaces of this collective redevelopment.

While we do not have a need for Fire Apparatus Access along the current Commercial Ave space, we are concerned with how vacating this avenue might impact egress from the existing buildings on Central Avenue. These buildings meet the required Means of Egress (NFPA 101 Chapter 7) in part, with their rear exits that discharge onto Commercial Avenue.

- If Commercial Avenue is vacated, the nearest public way becomes: Central Ave, 11th St. S., or 1st Ave. S.
- Means of Egress includes "Exit Discharge" which is the path of travel from the termination of the "Exit" to the Public Way.
- Vacating the entirety of Commercial Ave. means that an approved path of travel would need to be maintained out to the public way points listed above.
    - Gating these access points rises concerns with maintaining the Exit Discharge path.
    - Privatizing this space makes the Exit Discharge path more vulnerable to conduct issues that reduce its effectiveness and capacity.

Given these concerns, Fire Rescue does support the request by Transportation and Parking Management for provision of a public pedestrian easement to ensure the integrity of the Exit Discharge pathways.

Please let me know if you need anything further on this.

Thanks,

Ian Womack
Fire Marshal, Fire Rescue
City of St. Petersburg
727-893-7692 / Fax: 727-892-5468
Ian.womack@stpete.org

Please note all emails are subject to public records law.

CENTRAL AVENUE

1246 CENTRAL AVE

F.FEC

THE COLLECTIVE PHASE MOXY HOTEL
THE MOXY ST. PETE

1180 CENTRAL
EXISTING
ADJACENT
BUILDING

SINGLE STORY

1124-1128 CENTRAL
EXISTING
ADJACENT
BUILDING

TWO STORY

1114 CENTRAL
EXISTING
ADJACENT
BUILDING

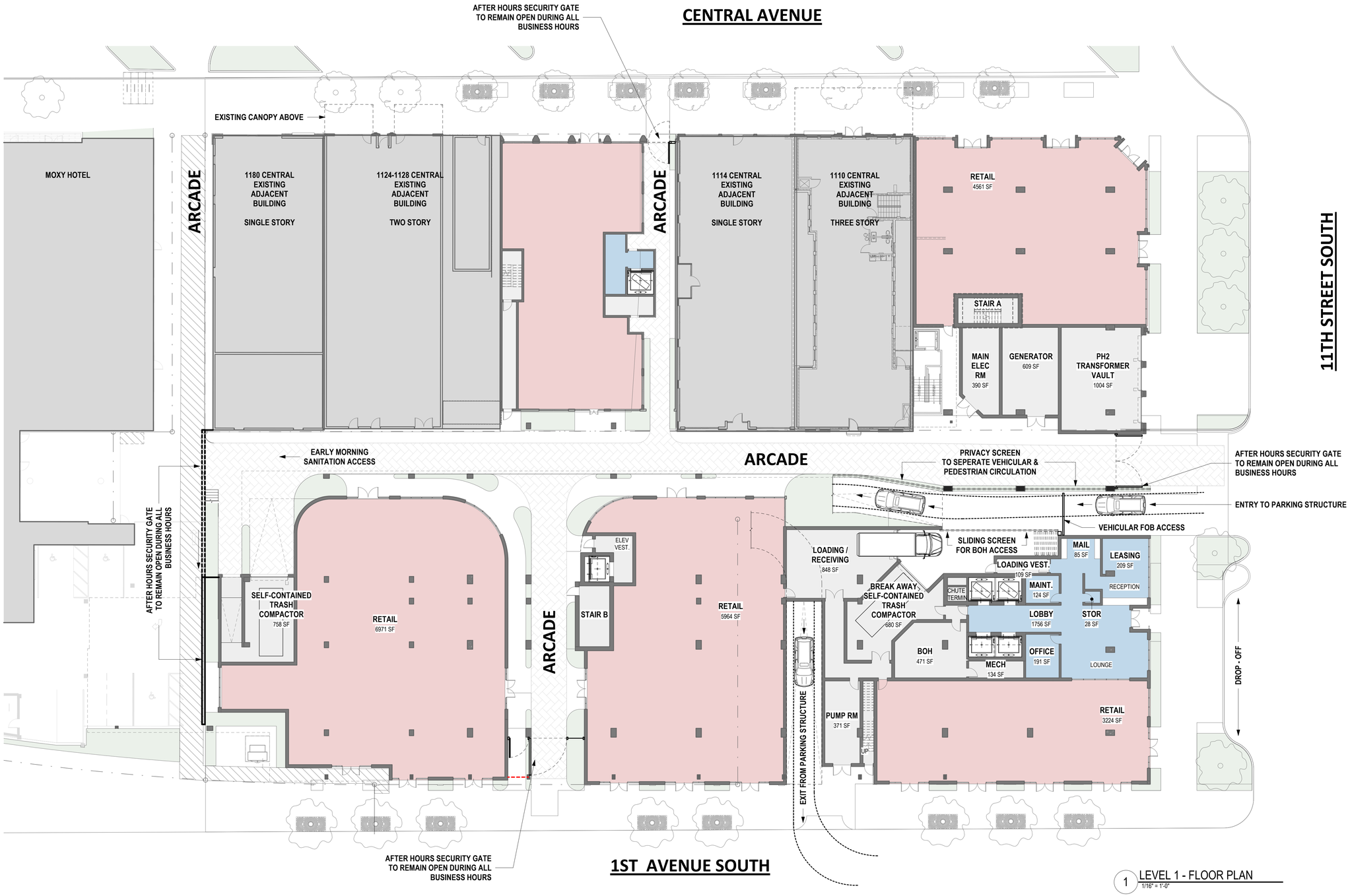
SINGLE STORY

1110 CENTRAL
EXISTING
ADJACENT
BUILDING

THREE STORY

11th STREET

1st AVENUE SOUTH



1 LEVEL 1 - FLOOR PLAN
1/16" = 1'-0"

COLLECTIVE PHASE II

1100 BLOCK CENTRAL AVE,
ST. PETERSBURG, FL 33705

PTM PARTNERS & JUNCTION 23 DEVELOPMENT

STORYN STUDIO FOR ARCHITECTURE LLC
1110 CENTRAL AVE 3RD FLOOR,
ST PETERSBURG, FL 33705
T +1 352 871 3715

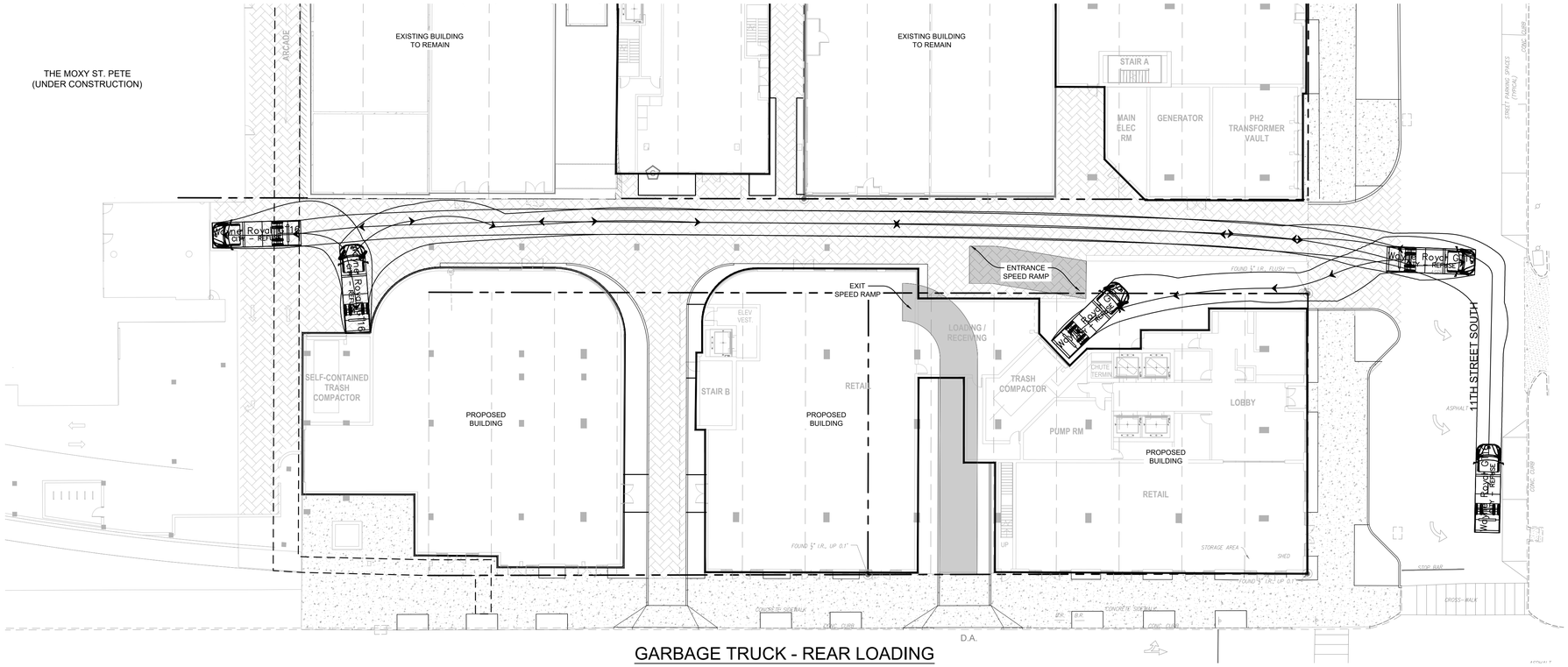
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ACCESS DIAGRAM

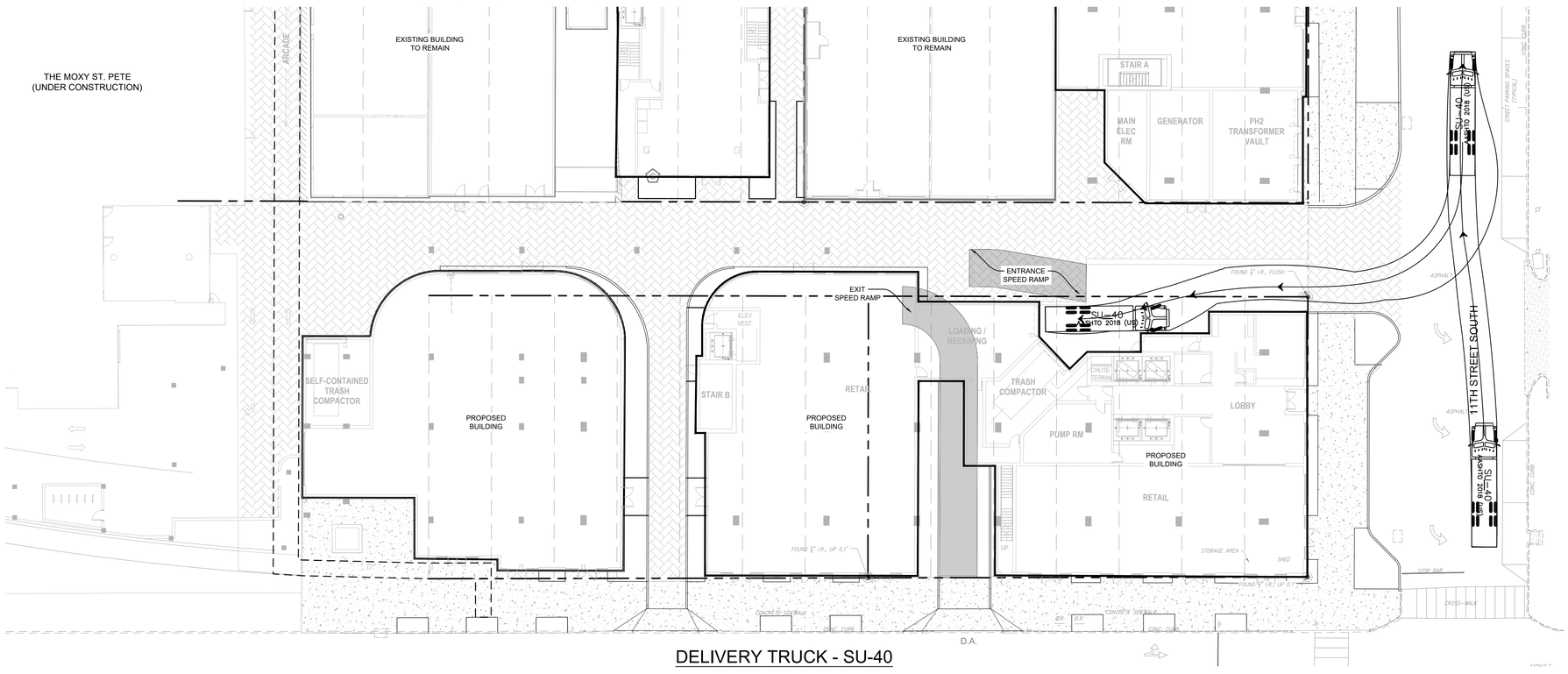
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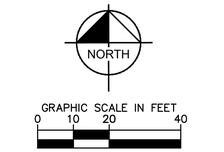
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This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

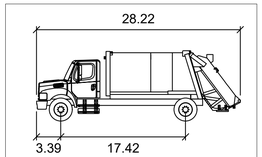


GARBAGE TRUCK - REAR LOADING



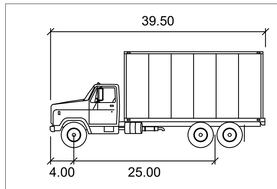
DELIVERY TRUCK - SU-40





Wayne Royal GT16

	feet
Width	: 8.00
Track	: 8.04
Lock to Lock Time	: 6.0
Steering Angle	: 48.0



SU-40

	feet
Width	: 8.00
Track	: 8.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.8

No.	REVISIONS	DATE	BY

Kimley»Horn
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200 CENTRAL AVE., SUITE 600, ST PETERSBURG, FL 33701
PHONE: 727-547-3999 WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

FOR EXHIBIT PURPOSES ONLY

SCALE	AS SHOWN
DESIGNED BY	NEB
DRAWN BY	BDD
CHECKED BY	DMD

VEHICLE CIRCULATION

THE COLLECTIVE PHASE II

CITY OF ST. PETERSBURG FLORIDA

DATE
11/03/2023

PROJECT NO.
145501000

SHEET NUMBER
EX-01

The following page(s) contain the backup material for Agenda Item: Appeal of the Development Review Commission (DRC) approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus; 332, 340 and 344 4th Street South. (City File No. 23-31000015) (Quasi-Judicial)
Please scroll down to view the backup material.



E-3

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ST. PETERSBURG CITY COUNCIL

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, City Council Chair, and Members of City Council

SUBJECT: **Appeal of the Development Review Commission (DRC) approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus. The subject property is located at 332, 340 and 344 4th Street South. (City File 23-31000015)**

RECOMMENDATION: The Planning and Development Services staff recommend that the appeal be **DENIED**, thereby **UPHOLDING** the Development Review Commission's **APPROVAL** of the Site Plan with special conditions of approval.

INTRODUCTION: The subject property is located at 332, 340 and 344 4th Street South. The subject property is currently developed with three buildings, a 2-story, two-unit apartment building built in 1920, a 2-story, four-unit condominium built in 2003 and a 3-story, 19-unit apartment building built in 1920. The applicant is proposing to demolish the existing improvements.

CURRENT PROPOSAL: The proposed development will operate as a hybrid between a residential condominium and a hotel use. The hybrid use will allow flexibility for the owners to offer their units for short-term rental or to reside there for permanent occupancy. This arrangement is facilitated by a dedicated management team, with 24/7 onsite staff.

The proposed building will be 25-stories. The ground floor of the proposed tower will consist of a residential lobby, commercial space, back of house facilities, two loading spaces, uncovered and covered open space and two parking garage entrances. The parking garage entrance along Charles Court South will provide access to one level of underground parking that provides parking for 36 vehicles and the parking garage entrance along 4th Avenue South will provide access to the three levels of parking located above the ground floor of the tower that will provide parking for 94 vehicles. Floors five through 24 will be devoted towards residential units. The 25th floor will have an amenity area that is being referred to as a sky bar. The residential mix includes studio, one-bedroom, two-bedroom and three-bedroom units.

CRA REVIEW AND DECISION: The Community Redevelopment Agency (CRA) heard the subject application at the January 4, 2024, hearing. After hearing from staff and agent (R. Donald Mastry) for the project, the CRA made a motion to approve the resolution finding the project consistent with the Intown Redevelopment Plan. The motion passed by a vote of 5 to 0.

DRC REVIEW AND DECISION: The Development Review Commission (DRC) heard the subject site plan application at the January 10, 2024, hearing. After hearing testimony from staff, the

agents (R. Donald Mastry, Trenam Law and Marco Sanchez Castro, GVI) and two members of the public, the DRC made three motions, the first two motions were to amend two special conditions of approval and the third motion was to approve the site plan as amended. All three motions passed by a vote of 6 to 0. A copy of the DRC staff report (Case #23-31000015), Results Letter and Vote Record, and Meeting Minutes are attached as Exhibit A.

THE APPEAL: An appeal was filed in a timely manner by Karen Carmichael, Board of Directors VP, Sage Condominiums on January 19, 2024. The appeal letter is attached as Exhibit B.

PROCEDURES: Pursuant to Chapter 16, Section 16.70.010.6., appeals require a supermajority vote of the City Council to overturn the DRC's decision. The standard of review for the appeal is *de novo*, which means that City Council may hear new evidence and may substitute its judgment for that of the DRC. City Council may decide to retain, eliminate, or further amend any of the conditions of approval, as amended. Adding new conditions of approval is also permissible. The burden of proof for all appeals is on the Appellant.

The relevant legal criteria for this appeal of a Site Plan approval are found in Chapter 16, Section 16.70.040.1.4.D. are noted below. It is the responsibility of Council to evaluate and weight these criteria in making their determination.

D. Standards for review. In addition to the standards of review for a zoning and planning decision generally, a decision rendered under this section shall be guided by the following factors:

1. *The use is consistent with the Comprehensive Plan;*
2. *The property for which a site plan review is requested shall have valid land use and zoning for the proposed use prior to the public hearing;*
3. *Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and county roads shall be based on the latest access management standards of FDOT or the county, respectively;*
4. *Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;*
5. *Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;*
6. *Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval of a drainage plan as required City ordinance, county ordinance, or SWFWMD;*
7. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;*
8. *Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;*
9. *Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;*
10. *Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;*

11. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
12. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
13. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
14. Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
15. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
16. Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for: a. Water. b. Sewer. c. Sanitation. d. Parks and recreation. e. Drainage

STAFF ANALYSIS: Staff has reviewed the two grounds for appeal set forth in the appeal letter. Appellants' grounds for appeal are shown below in bold, followed by Staff response.

1. **There are no buildings in the city that have this designation and there is no mention of this type of occupancy in the Vision 2050 plan. A short-term rental could be a hotel which requires a staff person on-site 24-7. A hotel is permitted downtown. Hotels are owned and operated by corporate entities. An AirBnB is not a permitted use in the city code. The closest use classification for an AirBnB is a BnB. A BnB requires an owner-manager to live on-site or within the same building/unit. Short-term rentals within St. Petersburg are subject to distinct zoning and frequency limitations. Properties are only permitted to be rented out up to three times in 365 days. Downtown is a neighborhood in this city. If the rest of the city is subject to these terms then this development should also be required to adhere to this. The building skirts the regulations governing short-term rentals. The project under the terms of ownership as stated in the application is opening up a precedent to the entire downtown. It encourages out of state and out of the country ownership as an investment not a home. Many residents keep a second home here and rent it when out of the state. Those homeowners are subject ot the same rules governing AirBnBs.**

Staff Response:
The StPete2050 plan does not address specific land uses. Rather, it is a broad visioning document that outlines ten priority community themes "to help inform future decisions and guide plans, programs and services throughout the city in support of its sustainable, resilient and equitable growth over the next 30 years". The Community Character and Growth theme identifies downtown as an area for redevelopment and future growth.

On September 7, 1983, the Environmental Development Commission (EDC), approved a Site Plan to convert an existing hotel (Hilton) to a condominium hotel. The approval was for 119-studio units, 101 one-bedroom units, four two-bedroom units and four three-bedroom units. The applicant also received approval for a variance to the minimum floor area requirement for residential units. The subject property is located at 333 1st Street South. The property at the time of the approval was zoned CBD-2.

Use of the units as either a multi-family dwelling or as a hotel room does not conflict with the Land Development Regulations because both uses are allowed as principal uses in this location, and therefore any restrictions related to the length of stay or number of times rented per year do not apply. The Land Development Regulations do not regulate ownership. Section 16.10.020.1, *Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix* defines both a multi-family dwelling and hotel use.

A multi-family dwelling is defined as, *"A building or lot designed for or occupied by two or more families (on the basis of monthly, or longer occupancies, or ownership of individual units) with separate cooking, bathroom and sleeping facilities for each unit. Motels, hotels, and other transient accommodation uses are not multiple-family dwellings. Accessory uses include clubhouses, recreational and laundry facilities."*

A hotel is defined as, "Establishments providing transient accommodation units available for the accommodation of persons more than three times in any consecutive 365-day period, each for a term less than monthly, in which meals may or may not be provided, and in which principal access to all transient accommodation units is through an inside lobby or office supervised by a person in charge at all hours. The term includes, but is not limited to, transient accommodation units, without regard to whether such units are available on a rental basis or by other forms of agreement or property ownership. Hotels may include internal restaurant and accessory commercial uses for guests, fitness facilities, swimming pools, or shuttle services between hotels, airports, or other destination points".

The subject property is located in the Downtown Center-2 (DC-2) zoning district. Multi-family dwellings and hotel uses are both permitted principal uses in the DC-2 zoning district per Section 16.10.020.1. *Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix*. As outlined in Section 16.20.120.5. *Permitted uses and uses regulations*, for properties in the DC-2 zoning district a minimum of 75% of the gross square footage of the building shall be devoted towards residential and hotel use.

The applicant is proposing that either use be allowed in any or all of the units. This will allow flexibility for the owners to offer their units for short-term rental or to reside there for permanent occupancy. This arrangement is facilitated by a dedicated management team, with 24/7 onsite staff. The owners can choose to opt in or out of the rental program based on their personal preferences. All rules and regulations, including those pertaining to schedules, noise levels, maintenance, and other relevant issues, will be outlined in the condominium's governing documents. The DRC approval includes special conditions of approval to address impacts of the project to surrounding uses, the project will need to meet the minimum requirements for both uses and be licensed by the state for the hotel occupancy. Because this will not operate as a traditional full-service hotel over 100,000 square feet in area, the requirement for providing a semi-tractor trailer loading space was not applied. An on-site space for local deliveries will be required.

City Code does not regulate the ownership entity for a hotel unit or a hotel establishment. A hotel use does require access to the individual units through an inside lobby and an office that is supervised at all times. The hotel use will be required to be licensed through the State.

2. **Although asked on several occasions, the developer and representative of the developer refuse to comment on the use of the sky bar as a public or building amenity. A building amenity is different from a bar open to the public. We would like some clarity on this as several of our residents have had experience with entertainment venues close to their homes and the noise and general description from an establishment that serves alcohol can create a nuisance in the area.**

Staff response:
As previously noted, the zoning of the property is DC-2. Per Section 16.20.120.5. a minimum of 75% of the gross square footage of the building shall be devoted towards residential and hotel use. This allows 25% of the gross square foot of the building to be used for other permitted uses such as a café, restaurant or bar. The Code does not restrict the use of the roof top to a private building amenity area. Any permitted use can occupy any portion of the proposed building subject to complying with the code. The DRC approval includes a Special Condition of Approval requiring

a noise mitigation and monitoring plan be approved prior to the installation of any outdoor amplified sound system. The noise mitigation and monitoring plan must be properly certified to meet ANSI and ASA and demonstrate how the operation will comply with the noise ordinance and shall, at minimum, include the number and orientation of speakers, noise mitigation methods, operating hours, location of stages and performing areas and monitoring requirements.

The subject property is located in downtown, within the Intown Activity Center and the Intown Redevelopment Area. The downtown and Intown Activity Center were established by the City to encourage urban development with a significantly higher intensity and density than other parts of the City. Redevelopment of existing properties to higher intensities is an expectation and goal of the Comprehensive Plan for the downtown area.

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.*

Policy: LU2.1 To facilitate compact urban development the City shall adopt the following activity centers as part of this Land Use Plan:
1. Gateway 3. Tyrone ***2. Intown*** *4. Central Plaza*

Policy: LU2.2 ***The City shall concentrate growth in the designated Activity Centers*** *and prioritize infrastructure improvements to service demand in those areas. (Note: Site is located within Intown Activity Center, established in LU2.1.)*

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

OBJECTIVE LU3: The Future Land Use Map (Map 2) shall specify the desired development pattern for St. Petersburg through a land use category system that provides for the location, type, density and intensity of development and redevelopment. ***All development will be subject to any other requirements, regulations and procedures outlined in the land development regulations*** *including, but not limited to: minimum lot size, setback requirements, density, floor area ratio, and impervious surface ratio.*

LU3.1 The Future Land Use Element contains the following categories:

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

OBJECTIVE LU23: The City shall ***support sustainable land development patterns*** *through the LDRs and the Comprehensive Plan.*

LU23.2 The City's development review policies and procedures shall acknowledge the GHG emission ***reduction impacts of higher density development and the negative impacts of sprawling, low-density development.***

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

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

The Project application review process was an iterative process which resulted in a balance of the various GOPs which maximized the consistency of the Project with the Comprehensive Plan, considered as a whole.

With respect to compliance with the Land Development Code, the subject property is located in the DC-2 zoning. As demonstrated in the staff report prepared for the DRC, Staff determined that the Project is in compliance with the zoning district standards. The general description of the DC-2 district is as follows:

***"16.20.120.3.3. Downtown Center-2 (DC-2).** This district provides for intense residential development that still allows for a mixture of uses that enhance and support the core and surrounding neighborhoods, including the domed stadium. The district also allows support retail and office uses which assist the residents with the daily needs of living within this highly urbanized neighborhood. The district establishes performance standards and design guidelines appropriate to urban form residential buildings. Heights in this district begin to taper down as development sites become less proximate to the core and transition to surrounding neighborhoods. However, base setbacks still apply, creating a pedestrian-scale environment at the sidewalk level."*

PUBLIC COMMENTS: Prior to the DRC public hearing, staff did receive correspondence from a representative of the Sage Condominium located at 400 4th Avenue South. Concerns were expressed about noise and the operation of the proposed use.

RECOMMENDATION: Planning and Development Services Staff recommend that the City Council **deny** the appeal thereby **upholding** the decision of the DRC and **approving** the site plan.

List of Exhibits:
Exhibit A: Resolutions, DRC Staff Report, Results Letter and Vote Record, Meeting Minutes
Exhibit B: Appeal, Additional Appellant Documents

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Exhibit A-1

Appeal Resolutions

Appeal #23-31000015

"A"

RESOLUTION NO._____

A RESOLUTION **DENYING** THE APPEAL AND **UPHOLDING** THE DEVELOPMENT REVIEW COMMISSION'S **APPROVAL** OF A SITE PLAN TO CONSTRUCT A 25-STORY MULTI-FAMILY BUILDING WITH 152-DWELLING UNITS AND 4,863 SQUARE FEET OF COMMERCIAL SPACE WITH FLOOR AREA RATIO BONUSES AND A BUILDING HEIGHT BONUS FOR THE PROPERTY LOCATED AT 332, 340 AND 344 4TH STREET SOUTH (CITY FILE 23-31000015); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2024, the Development Review Commission (DRC) held a public hearing for approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus. The subject property is located at 332, 340 and 344 4th Street South; and

WHEREAS, the DRC made three motions, the first two motions were to amend two special conditions of approval and the third motion was to approve the site plan as amended. All three motions passed by a vote of 6 to 0, thereby approving the Site Plan; and

WHEREAS, the appellant timely filed the Notice of Appeal of the DRC's decision on January 19, 2024, to come before the City Council to seek a reversal of this decision; and

WHEREAS, the City Council finds that it is appropriate to **deny** the appeal thereby **upholding** the DRC's **approval** of the Site Plan.

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

1. The Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus complies with the City's applicable Land Development Regulations and Comprehensive Plan; and

2. The City Council finds that it is appropriate to **deny** the appeal and **uphold** the DRC's **approval** of the Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus subject to the conditions of the Staff Report, as may be amended.

BE IT FURTHER RESOLVED that under its de novo appellate authority, based upon the foregoing findings of fact based on evidence, this Council hereby **denies** the appeal, and **upholds** the **approval** of the Site Plan to construct 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus, subject to the conditions in the Staff Report, as amended; and

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

APPROVED AS TO FORM AND SUBSTANCE:

/s/ Elizabeth Abernethy — 02/13/2024

Planning and Development Services Department — Date

Michael J Dema — 02/14/2024

City Attorney — Date

"B"

RESOLUTION NO._____

A RESOLUTION **GRANTING** THE APPEAL AND **OVERTURNING** THE DEVELOPMENT REVIEW COMMISSION'S **APPROVAL** OF A SITE PLAN TO CONSTRUCT A 25-STORY MULTI-FAMILY BUILDING WITH 152-DWELLING UNITS AND 4,863 SQUARE FEET OF COMMERCIAL SPACE WITH FLOOR AREA RATIO BONUSES AND A BUILDING HEIGHT BONUS FOR THE PROPERTY LOCATED AT 332, 340 AND 344 4TH STREET SOUTH (CITY FILE 23-31000015); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2024, the Development Review Commission (DRC) held a public hearing for approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus. The subject property is located at 332, 340 and 344 4th Street South; and

WHEREAS, the DRC made three motions, the first two motions were to amend two special conditions of approval and the third motion was to approve the site plan as amended. All three motions passed by a vote of 6 to 0, thereby approving the Site Plan; and

WHEREAS, the appellant timely filed the Notice of Appeal of the DRC's decision on January 19, 2024, to come before the City Council to seek a reversal of this decision; and

WHEREAS, the City Council finds that it is appropriate to **grant** the appeal thereby **overturn** the DRC's **approval** of the Site Plan.

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

3. The Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus complies with the City's applicable Land Development Regulations and Comprehensive Plan; and

4. The City Council finds that it is appropriate to **grant** the appeal and **overturn** the DRC's **approval** of the Site Plan to construct a25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus subject to the conditions of the Staff Report, as may be amended.

BE IT FURTHER RESOLVED that under its de novo appellate authority, based upon the foregoing findings of fact based on evidence, this Council hereby **grants** the appeal, and **overturns** the **approval** of the Site Plan to construct 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus, subject to the conditions in the Staff Report, as amended; and

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

APPROVED AS TO FORM AND SUBSTANCE:

/s/ Elizabeth Abernethy	02/13/2024
Planning and Development Services Department	Date
Michael J Dema	2/14/2024
City Attorney	Date

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Exhibit A-2

Appeal #23-31000015

DRC Staff Report

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

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

SITE PLAN REVIEW
PUBLIC HEARING

According to Planning & Development Services Department records, **No Commissioner** or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, January 10, 2024, at 1:00 PM** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO.: 23-31000015 **PLAT SHEET:** E-1

REQUEST: Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

OWNER: 4th South Valor Capital LLC
400 Cleveland St.
Clearwater, FL 33755

AGENT: Donald Mastry – Trenam Law
200 Central Ave., Suite 1600
St. Petersburg, FL 33701

ADDRESS: 332, 340, and 344 4th Street S.

PARCEL ID NUMBER(S): 19-31-17-81864-000-0050, 19-31-17-81864-000-0070, 19-31-17-01502-000-0001, 19-31-17-01502-000-0010, 19-31-17-01502-000-0020, 19-31-17-01502-000-0030, 19-31-17-01502-000-0040

LEGAL DESCRIPTION: On File

ZONING: Downtown Center (DC-2)

SITE AREA TOTAL: 20,000 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	24,090 square feet	1.2 F.A.R.
Proposed:	150,000 square feet	7.5 F.A.R.
Proposed w/exemptions:	140,000 square feet	7.0 F.A.R.
Permitted:	140,000 square feet	7.0 F.A.R.

BUILDING COVERAGE:

Existing:	8,770 square feet	44% of Site MOL
Proposed:	14,745 square feet	74% of Site MOL
Permitted:	19,000 square feet	95% of Site MOL

IMPERVIOUS SURFACE:

Existing:	15,745 square feet	79% of Site MOL
Proposed:	19,000 square feet	95% of Site MOL
Permitted:	NA	

OPEN GREEN SPACE:

Existing:	4,255 square feet	21% of Site MOL
Proposed:	1,000 square feet	5% of Site MOL

PAVING COVERAGE:

Existing:	6,975 square feet	35% of Site MOL
Proposed:	4,255 square feet	21% of Site MOL

PARKING:

Existing:	21; including 0 handicapped spaces
Proposed:	130; including 5 handicapped spaces
Required	62; including 3 handicapped spaces

BUILDING HEIGHT:

Existing:	30 feet
Proposed:	325 feet
Permitted:	Unlimited

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-2 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

Request:

The applicant seeks approval of a site plan to construct a 25-story building with 152-dwelling units, 4,893 square feet of commercial space and a 130-space parking garage. The applicant is requesting floor area ratio bonuses and a building height bonus.

The subject property is located at 332, 340 and 344 4th Street South and is currently developed with three buildings, a 2-story, two-unit apartment building built in 1920, a 2-story, four-unit

condominium built in 2003 and a 3-story, 19-unit apartment building built in 1920. The applicant is proposing to demolish the existing improvements.

Current Proposal:
The proposed development will operate as a hybrid between a residential condominium and a hotel use. The hybrid use will allow flexibility for the owners to offer their units for short-term rental or to reside there for permanent occupancy. This arrangement is facilitated by a dedicated management team, with 24/7 onsite staff. The owners can choose to opt in or out of the rental program based on their personal preferences. All rules and regulations, including those pertaining to schedules, noise levels, maintenance, and other relevant issues, will be outlined in the condominium's governing documents.

The proposed 25-story building will be sited towards the north side of the property leaving a large, uncovered open space along 4th Avenue South. The upper portion of the proposed tower overhangs the ground floor of the building leaving an area for a covered open space along both 4th Street South and 4th Avenue South.

The ground floor of the proposed tower will consist of a residential lobby, commercial space, back of house facilities, uncovered and covered open space and two parking garage entrances. The parking garage entrance along Charles Court South will provide access to one level of underground parking that provides parking for 36 vehicles and the parking garage entrance along 4th Avenue South will provide access to the three levels of parking located above the ground floor of the tower that will provide parking for 94 vehicles. Floors five through 24 will be devoted towards residential units. The 25th floor will have an amenity area that is being referred to as a sky bar. The residential mix includes studio, one-bedroom, two-bedroom and three-bedroom units. The applicant proposes 57 of the residential units to be above 750 square feet and 95 residential units at or below 750 square feet. Pedestrian access to the residential lobby will be from the 4th Avenue South side of the building. The commercial space will be accessible from the 4th Street South side of the building. The loading areas and dumpster will be accessed from the north (Charles Court South) and east (10-foot wide north-south alley) sides of the building.

The style of the building as described by the applicant's architect is 'casual contemporary'. The residential tower consists of a simple, tall volume cladded with a clear glass and stucco envelope, wrapped with corner balconies on every floor overlooking the city; this sleek, light-weight looking building sits on a semi-transparent, cladded 4-story podium that displays movement on the facades that relate to 4th Street and 4th Ave., as a metaphor of the city's progressive and art related spirit.

Building Height
The height of the proposed building will be 325-feet above grade. There is no maximum building height for the subject property. Buildings with a height greater than 300-feet but less than 375-feet above grade require approval by staff with public notice. Staff has reviewed the proposed building height and finds that it complies with all site plan review criteria as outlined in Section 16.70.040.1.1 (D). The subject property is located in the DC-2 zoning district. The Airport Height Limit is 158-feet Above Mean Sea Level (AMSL). The height that is being requested by the applicant is also required to be approved by the F.A.A. and an Airport obstruction permit may be required, see Section 16.70.030.1.13. City Code requires a decorative crown for any project approved for additional building height.

FLOOR AREA RATIO BONUSES:
The base Floor Area Ratio (FAR) within the DC-2 district is 3.0. The applicant is requesting a bonus of 4.0 FAR for a total FAR of 7.0. For projects requesting additional FAR, the following priority shall apply: the project requires following the public hearing process, then the first 0.5 bonus FAR shall be historic preservation, and the next 1.0 bonus FAR shall be workforce housing. Thereafter, any bonus or combination of bonuses are allowed.

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

The applicant is seeking to utilize this bonus to achieve a FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to purchase 10,000 square feet of transfer of development rights (TDRs) from a locally designated landmark or landmark site with available TDRs. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

1.0 FAR – Provide financial support to the City's housing capital improvements projects (HCIP) trust fund or its successor fund equal to one-half of one percent or more of the total construction cost per each 0.5 of FAR bonus.

The applicant is seeking to utilize this bonus to achieve a FAR bonus of 1.0. The total construction cost of the project is approximately $55,000,000. Since the applicant is seeking to utilize this bonus to achieve a bonus of 1.0, the applicant will be required to provide 1.0 of one percent of the total construction cost to the HCIP Trust Fund. Based on the estimated construction cost, a minimum of $550,000 shall be paid to the HCIP Trust Fund. The applicant shall provide the funds to the City prior to the release of building permits. A condition has been added to this report to address this requirement.

2.5 FAR – Any combination of the following FAR bonuses: support workforce housing, historic TDR's, LEED certification or equivalent or streetscape improvement program.

To allow flexibility, the applicant is seeking to utilize any combination of the above FAR bonuses to achieve a FAR bonus of 2.5. To qualify for the bonuses, the application will be required to list on the plans submitted for permitting the FAR bonuses that will be utilized, the amount of each bonus that will be utilized and how the project qualifies for each bonus.

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

1. The use is consistent with the Comprehensive Plan;

Staff Response: The subject property is zoned Downtown Center -2 (DC-2), the Future Land Use is Central Business District (CBD) and is located in the Intown Activity Center. The proposed uses are consistent with the plan.

2. The property for which a site plan review is requested shall have a valid land use and zoning for the proposed use prior to site plan approval;

Staff Response: Residential, hotel and commercial uses are permitted uses in the DC-2 zoning district.

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

Staff Response: The Florida Department of Transportation (FDOT) maintains 4th Street South, which is a three-lane, one-way minor arterial designated for southbound travel. The City of St. Petersburg maintains 4th Avenue South, which is a two-lane, one-way local road designated for westbound travel. Charles Court South is a brick alley that has a platted width of 20 feet. The north-south alley is a brick alley with a platted width of 10 feet.

The applicant proposes ingress and egress to the parking garage basement on Charles Court South and ingress and egress to the parking garage podium on 4th Avenue South. The applicant stated that Charles Court South will provide access to approximately 36 parking spaces; the parking garage has a total of 130 parking spaces. Access to the parking garage on Charles Court South and 4th Avenue South is preferable to access on 4th Street South because 4th Street South is a minor arterial.

The applicant is proposing a drop-off area on 4th Avenue South and two parking spaces and a space for a valet service on 4th Street South. Valet parking regulations are provided in Article VI of Chapter 25 of the City Code.

The Pinellas Suncoast Transit Authority (PSTA) provides service on several roads near the subject property. The SunRunner and Route 4 serve 3rd and 4th Streets and are two of PSTA's most popular routes. Routes 7, 15, 20, and 32 provide service within a block of the subject property, as does the free Downtown Looper Trolley.

Forward Pinellas has developed a multimodal accessibility index (MAX index). MAX scores are assigned to individual quarter-mile grid cells, which Forward Pinellas defines as a reasonable walkable travel shed. The MAX score is based on factors such as bicycle facilities, premium transit services, walkability, roadway level of service, scooter/bike-share locations, transit access, and programmed transportation projects. The countywide average MAX score is 7.5. The subject property has a MAX score of 30.75. The multimodal accessibility to the site exceeds the countywide average by a significant margin.

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

Staff Response: The applicant is proposing 130 parking spaces, which exceeds the minimum requirement of 62 spaces. Based on data in the Institute of Transportation Engineers' (ITE) "Parking Generation Manual" (5th Edition), the peak parking demand for a 152-unit high-rise multifamily development is 84 spaces in a dense multi-use urban location based on two studies.

The applicant is providing a sufficient number of vehicle parking spaces based on the City Code and ITE data.

The applicant meets the minimum space requirement for short-term bicycle parking and long-term bicycle parking. The short-term bicycle parking is located on 4th Street and is within 50 feet of the main entrance, as required under Section 16.40.090.4.2 of the City Code. The long-term bicycle parking is not shown on the site plan. If the site plan application is approved, the applicant shall clearly identify the location and size of the long-term bicycle parking facility on the site plan submitted during permitting and it shall meet the design standards in Section 16.40.090.4.2.

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

Staff Response: The applicant was not required to submit a traffic impact study per Policy T3.1 of the Comprehensive Plan because their project is not on a deficient road. Deficient roads include roads operating at peak hour level of service (LOS) "E" and "F" and/or a volume-to-capacity (v/c) ratio of 0.9 or greater without a mitigating improvement scheduled for construction within three years. The City utilizes the Forward Pinellas' "2023 Annual Level of Service Report" to monitor roadway LOS for major streets, per Policy T3.2 of the City's Comprehensive Plan. According to FDOT, roadway LOS is a quantitative stratification of a performance measure or measures that represent quality of service, measured on an "A" to "F" scale, with LOS "A" representing the best operating conditions from the traveler's perspective and LOS "F" the worst. Before the elimination of state-mandated transportation concurrency regulations, the City's LOS standard was "D" for major roads. The FDOT's current target for state highways in urbanized areas, such as 4th Street South, is "D." LOS "D" can also be viewed as a target for roads not on the state highway system, but it is no longer the City's standard, as noted. According to the 2023 Annual LOS Report, 4th Street South from Central Avenue to 4th Avenue South carried 12,817 vehicles on a typical day in 2022 and had a LOS of "C" and a volume-to-capacity ratio of 0.36.

The Transportation Department calculated the projected number of trips from the proposed development. The applicant was not required to submit a traffic impact study for their project. The residential units are projected to generate 35 a.m. peak hour trips (9 entering and 26 exiting) and 30 p.m. peak hour trips (22 entering and 8 exiting). ITE does not have extensive data for commercial uses in dense multi-use urban settings. Typically, commercial uses such as restaurant and retail establishments in dense multi-use urban settings will attract a high percentage of trips from modes such as walking, bicycling and transit. According to the Pinellas County Property Appraiser website, the subject property has several existing multifamily residential developments, including four condominiums, a duplex, and a 20-unit apartment building. The traffic impact from the proposed development is anticipated to be minimal based only on the number of new residential units. The anticipated impact will be lower after accounting for trips produced by the existing developments.

Located on the southern end of the downtown core, most of the proposed development's entering trips will likely come from areas north of the subject property, and most of the exiting trips will likely travel to areas north of the subject property. Most entering trips are anticipated to approach the site from the east, utilizing 4th Avenue South, since most parking spaces are in the

parking garage podium. Some trips will approach the site from the north, utilizing 4th Street South and Charles Court South. Most of the trips exiting the site will utilize 4th Avenue South and travel west. Motorists can turn right on 5th Street to access the downtown core. The proposed development has convenient access to both eastbound and westbound I-175 for longer distance trips on I-275.

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

Staff Response: The proposed development will be required to comply with the applicable stormwater requirements at time of permitting (Engineering Department memo dated December 15, 2023).

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

Staff Response: Any proposed exterior lighting and signage will need to comply the applicable code requirements at time of permitting.

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

Staff Response: The project provides the required amount of open space, is designed and oriented to address the public realm and is consistent with other projects in the DC-2 zoning district and the Intown Activity Center.

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

Staff Response: The are no historic or archeological resources on site or in the general vicinity. The site is not located within the boundaries of a local or national historic district. The project is compatible with other projects in the DC-2 zoning district and the Intown Activity Center.

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

Staff Response: Residential, hotel and commercial uses are permitted in the DC-2 zoning district. The DC-2 zoning district and Intown Activity Center provides for intense developments. The proposed project is compatible with other developments in the DC-2 zoning district.

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

Staff Response: The project is permitted in the DC-2 zoning district. The development meets all required setbacks and buffers. The applicant proposes to provide amenities for residences of the project. Staff has added special conditions of approval in the staff report to help mitigate for any potential adverse impacts such as noise.

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

Staff Response: As shown on the site plan, the area can accommodate the proposed improvements.

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

Staff Response: The subject property is located in the DC-2 zoning district. The applicant will comply with the landscape section of the Code. There are no wetlands located on the subject project.

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

Staff Response: No historic or archeological resources exist on the subject property or are within 200-feet of the subject property. The site is not located within the boundaries of a local or national historic district.

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

Staff Response: The proposed development is not located in an evacuation zone.

16. Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for:
    a. Water.
    b. Sewer.
    c. Sanitation.
    d. Parks and recreation.
    e. Drainage.

Staff Response: There are available services to accommodate the proposed uses.

Public Comments:

Staff did receive correspondence from a representative of the Sage Condominium located at 400 4th Avenue South. Concerns were expressed about noise and the operation of the proposed use.

III. RECOMMENDATION:

B. Staff recommends APPROVAL of the following:

1. **Floor area ratio bonuses;**
2. **Bonus to building height; and**
3. **The site plan subject to the Special Conditions of Approval.**

C. Special Conditions of Approval:

1. **Public art shall be provided, the value shall be equal to one-half of one percent of the total construction cost up to $100,000.00 and shall be reviewed and approved by the POD of Cultural Affairs prior to issuance of the first certificate of occupancy. All public art shall be visually accessible to the public. In lieu of providing the public art, the applicant may provide financial support to the City's downtown public art program equal to one-quarter of one percent of the total construction cost, up to $50,000.00.**
2. **The applicant shall provide a minimum of 1.0 of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
3. **The applicant shall purchase a minimum of 10,000 square feet of Historic Transfer of Development Rights from an approved transfer site(s) as required to receive the F.A.R. bonus. Applicant shall complete the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
4. **The applicant shall provide, in any combination, to achieve a total bonus of 2.5 FAR by utilizing the following FAR bonuses: support for workforce housing, Historic Transfer of Development Rights, LEED certification or equivalent or financial support to the streetscape fund. To qualify for the bonuses, the applicant will be required to list on the plans submitted for permitting the FAR bonuses that will be utilized, the amount of each bonus that will be utilized and how the project qualifies for each bonus.**
5. **The applicant shall install a decorative crown to receive the additional building height. The final design shall be subject to approval by staff.**
6. **Any modifications to the travel lane, parking spaces and landscape islands surrounding the subject property shall be subject to approval by the City.**
7. **Concrete driveways shall be continuous through all driveway approaches and truncated domes shall be installed.**
8. **The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.**
9. **The parking garage screening shall be approved by staff. The parking garage screening shall incorporate a mullion pattern that mimics the storefront system mullion pattern.**
10. **Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.**
11. **Bicycle parking shall be provided as required by Section 16.40.090.**
12. **Exterior lighting shall comply with Section 16.40.070.**

13. **Mechanical equipment shall be screened from the abutting rights-of-way.**
14. **Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.**
15. **The Construction Action Plan (CAP) shall be submitted to Zoning Official for review and approval prior to the issuance of building permits.**
16. **A noise mitigation and monitoring plan shall be required to be approved prior to the installation of an outdoor amplified sound system.**
17. **The applicant shall receive a notice of no hazard to air navigation issued by the FAA prior to the issuance of building permits.**
18. **The site plan shall be modified as necessary to comply with the comments in the Transportation and Parking Management Department's Memorandum dated December 18, 2023.**
19. **The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated December 15, 2023.**
20. **The site plan shall be modified as necessary to comply with the comments in the Water Resources Department's Memorandum dated January 3, 2024.**

D. STANDARD CONDITIONS OF APPROVAL

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

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

Building Code Requirements:

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

Zoning/Planning Requirements:

1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).

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

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

Engineering Requirements:

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

2. All other applicable governmental permits (state, federal, county, city, etc.) must be obtained before commencement of construction. A copy of other required governmental permits shall be provided to the City Engineering & Capital Improvements Department prior to requesting a Certificate of Occupancy. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.

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

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

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

Landscaping Requirements:

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

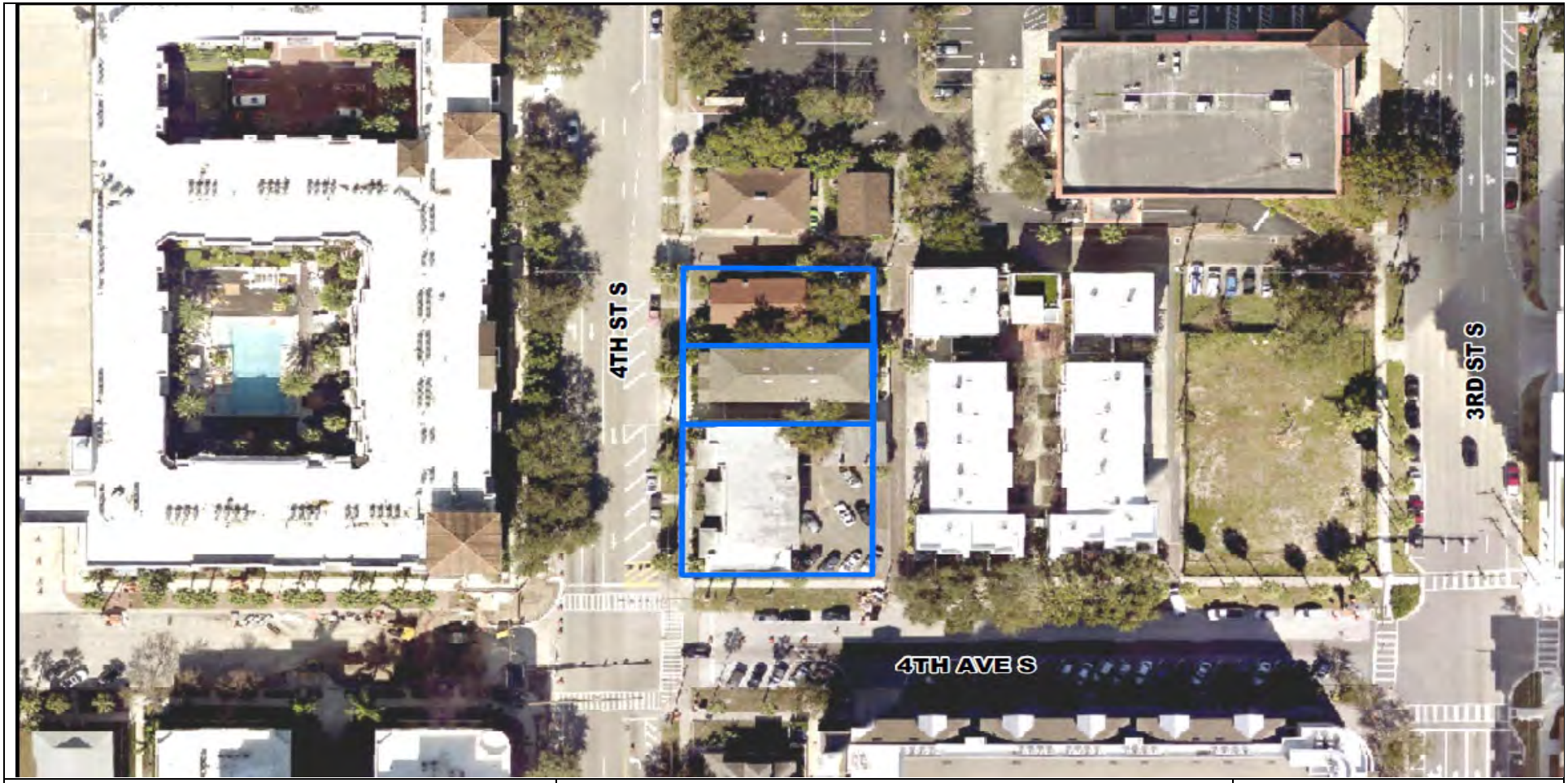
2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.
3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.
4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.
5. Concrete curbing, wheel stops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.

REPORT PREPARED BY:

/s/ Corey Malyszka *1/2/2023*

Corey Malyszka, AICP, Zoning Official (POD) DATE
Development Review Services Division
Planning and Development Services Department

List of Exhibits: Project Location Map, Applicant's Narrative, Site Plans, Elevations



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www.stpete.org

PROJECT LOCATION MAP
Case No.: 23-31000015
Address:
332, 340, and 344 4th Street S.
City of St. Petersburg, Florida
Planning & Development Services Department

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NARRATIVE IN SUPPORT OF SITE PLAN APPLICATION

4th South Valor Capital LLC (the "Developer") is the owner of the property located at 332, 340 and 344 4th St. S. (collectively, the "Property"). The Property is zoned DC-2, which permits various residential and commercial uses by right, with a maximum 7.0 FAR and no maximum height.

The Property was formerly used as apartments and condos. The Developer proposes to redevelop it with a 25-story building containing 152 dwelling units, 4,893 sf of commercial space and a 130-space parking garage (the "Project").

The dwelling units will function as a condotel, which is a hybrid between a residential condo and a short-term rental use. This allows for the units to change between permanent residential occupancy and short-term rentals, in order to meet market conditions and owner desires.

The Developer is requesting site plan/bonus, public hearing approval for the Project. Under the public hearing approval process, the Property has a maximum FAR of 7.0 and no maximum height. The Developer proposes a 7.0 FAR (as set forth in the attached FAR calculations) and a maximum height of 325 ft. A decorative crown feature will be provided as required by Code.

Discussion of Standards of Review for Site Plans

(Sec. 16.70.040.1.4 of the City of St. Petersburg Land Development Code ("Code")

1. *The use is consistent with the Comprehensive Plan;*

   The Property is designated Central Business District and Intown Activity Center in the City's Comprehensive Plan. These designations permit the highest intensity development within the City along with a range of various uses, including those proposed for the Project.

2. *The property for which a site plan review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;*

   The Property's land use (Central Business District and Intown Activity Center) and zoning (DC-2) designations permit the Project.

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

   Access to the Project has been designed in accordance with Code. Vehicular and pedestrian access to the Project will be provided on 4th St. S., Charles Ct. and 4th Ave.

S. Sufficient loading, utility, sanitation and emergency access are provided from these access points.

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

   Parking and loading for the Project have been designed in accordance with Code. Off-street parking and loading will be provided within the Project's new parking garage, which is accessed on Charles Ct. and 4th Ave. S. The parking garage will be screened and the Project will be landscaped in accordance with the Code.

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

   Traffic impact reports are not required in downtown. The entitlements for the Project are already permitted by the Property's land use and zoning designations.

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

   The Project complies with these items and meets or exceeds all Code requirements. The Project includes upgrading the Property's drainage system as required by the Code.

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

   No signage is proposed with this application, but all signage or lighting for the Project will meet or exceed all Code requirements.

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

   The building is oriented towards the corner of 4th St. S. and 4th Ave. S., with onsite open space also located adjacent to this corner.

   The Project meets or exceeds all required setbacks and is consistent with the appearance, harmony and character of other buildings in downtown and the

surrounding high-intensity mixed use neighborhood, which is approved for and contains similar mid to high rise type buildings.

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

   There are no known environmental, historic or archaeological sites on the Property. The Project is compatible with the surrounding high-intensity mixed use neighborhood, which is approved for and contains similar mid to high rise type buildings.

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

    The Project is not expected to cause any detrimental effects on property values in the neighborhood. The surrounding neighborhood consists of similar high-intensity mixed-uses and the Project will likely enhance property values in this area.

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

    The Project meets or exceeds all required setbacks and the parking garage will be screened from surrounding properties. The Project provides amenities which are comparable to other buildings of its type in the City. No adverse effects of noise, lights, dust, fumes and other nuisances are expected given the compatibility of the Project with the surrounding high-intensity, downtown mixed-use neighborhood.

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

    The Property is of sufficient size for the development proposed and is appropriate and adequate for the use and reasonably anticipated operations and expansion thereof.

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

    The Project will be landscaped in accordance with Code. No wetlands exist on the Property. Any tree removal shall be in accordance with Code.

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

No historic or archaeological resources are known to exist on or within 200 ft of the Property.

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

    The Property is not located within a hurricane vulnerability zone.

16. *Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for:*

    a. Water.
    b. Sewer.
    c. Sanitation.
    d. Parks and recreation.
    e. Drainage.

The Project will meet all adopted levels of service.

Discussion of Standards of Review for Planning and Zoning Decisions, Generally
(Sec. 16.70.040.1.E of Code)

E. Standards for review. In reviewing the application for a planning and zoning decision in addition to the standards of review applicable to the decision, the POD, commission or the City Council shall consider whether the proposed amendment is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the plan.

The application is consistent with and furthers the purpose of the Code and other City ordinances and actions designed to implement the Comprehensive Plan, specifically with regard to the promotion of redevelopment and the promotion and expansion of downtown.

FAR SUMMARY:

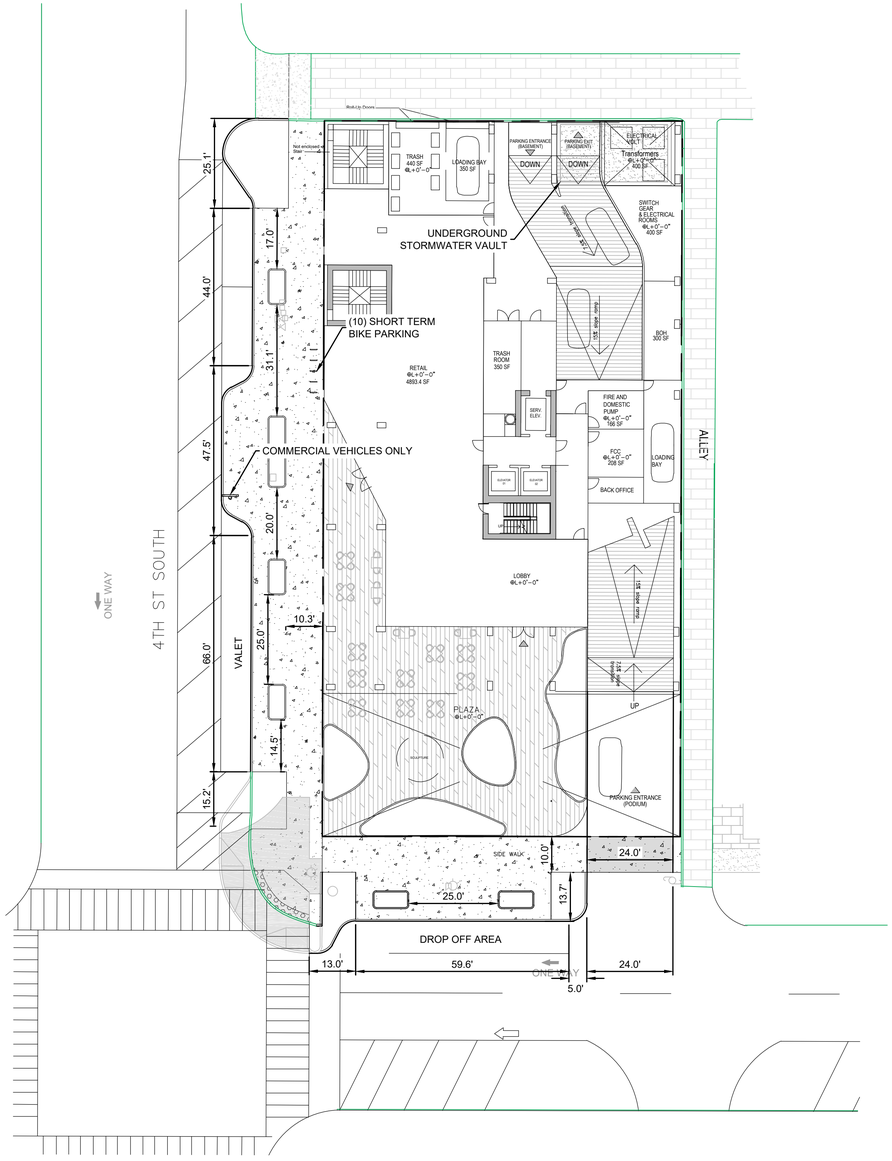
Site Area (SF):	20,000
Site Area (AC):	0.46

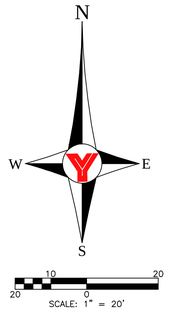
Summary

Area	Square Footage	Note
Development Area Available:		
FAR- 7.0	140,000	Bonus Approval, Public Hearing
Neighborhood scale retail, neighborhood scale cafe or office uses located on ground level, when not located on a pedestrian level "A" street. Such pedestrian-oriented uses shall be incorporated into no less than 60 percent of the linear building frontage abutting all streets.	10,000	0.5 FAR Exemption
Structured Parking	68,000	Fully Exempt From FAR
Total Development Area Available	**218,000**	
Proposed Constructed Area (GSF):		
Residential	145,107	
Retail	4,893	
Structured Parking	68,000	
Total Area to be Built	**218,000**	

FAR BREAKDOWN:

Area	Square Footage	Note
Total	218,000	
Neighborhood scale retail, neighborhood scale cafe or office uses located on ground level, when not located on a pedestrian level "A" street. Such pedestrian-oriented uses shall be incorporated into no less than 60 percent of the linear building frontage abutting all streets.	10,000	
Structured Parking	68,000	
Calculated FAR SF	**140,000**	
Calculated FAR	**7.00**	
Base FAR SF	**60,000**	
Base FAR	**3.00**	
Bonuses Needed FAR SF	**80,000**	
Bonuses Needed FAR	**4.00**	
Workforce housing (financial contribution)	20,000	1.0 FAR
Historic TDRs	10,000	0.5 FAR
Any combination of workforce housing (financial contribution or onsite), historic TDRs, LEED certification or equivalent, streetscape improvement program (financial contribution), or additional ground level open space	50,000	2.5 FAR
Total Bonus SF	**80,000**	
Total Bonus FAR	**4.00**	





OVERALL SITE DATA TABLE

(THE NUMBERS SHOWN BELOW ARE FROM DRC APPLICATION DATA)

1. ZONING	DOWNTOWN CENTER - 2 (DC-2)	
2. EXISTING USE (CURRENTLY EXISTING ON SITE)	RESIDENTIAL	
3. PROPOSED USE (EXISTING + PROPOSED, IF DIFFERENT)	RESIDENTIAL/COMMERCIAL	
4. SITE AREA	20,000 S.F.	0.46 AC
5. VARIANCE REQUESTED (LIST)	N/A	
6. GROSS FLOOR AREA (TOTAL S.F. BUILDING)	EXISTING: PROPOSED: MAX PERMITTED:	24,090 S.F. 218,000 S.F N/A
7. FLOOR AREA RATIO (TOTAL S.F. BUILDING / BY TOTAL S.F. OF SITE)	EXISTING: PROPOSED: MAX PERMITTED:	1.2 7.0 7.0
8. BUILDING COVERAGE	EXISTING: PROPOSED: MAX PERMITTED:	8,770 S.F. (43.9% OF SITE) 14,745 S.F. (73.7% OF SITE) 20,000 S.F. (100% OF SITE)
9. OPEN GREEN SPACE (INCLUDE ALL GREEN SPACE ON SITE)	EXISTING: PROPOSED:	4,255 S.F. (21.3% OF SITE) 1,000 S.F. (5.0% OF SITE)
10. INTERIOR OPEN GREEN SPACE OF THE VEHICULAR AREA (GREEN SPACE WITHIN PARKING LOT AND INTERIOR OF SITE; DO NOT INCLUDE PERIMETER LANDSCAPING)	EXISTING: PROPOSED:	N/A N/A
11. PAVING COVERAGE	EXISTING: PROPOSED:	6,975 S.F. (34.9% OF SITE) 4,255 S.F. (21.3% OF SITE)
12. IMPERVIOUS SURFACE (TOTAL S.F. PAVING, WALKS, AND OTHER HARD SURFACED AREAS, PLUS BUILDING COVERAGE)	EXISTING: PROPOSED: MAX PERMITTED:	15,745 S.F. (78.8% OF SITE) 19,000 S.F. (95.0% OF SITE) 20,000 S.F. (100% OF SITE)
13. DENSITY	EXISTING: PROPOSED: MAX PERMITTED:	26 UNITS 152 UNITS N/A
14. PARKING SPACES	EXISTING: PROPOSED: MIN. REQ.:	21 (INCLUDES 0 HANDICAPPED) 130 (INCLUDES 5 HANDICAPPED) 62 (INCLUDES 3 HANDICAPPED)
BICYCLE PARKING	EXISTING: PROPOSED:	0 167 (10 SHORT TERM, 157 LONG TERM)
15. BUILDING HEIGHT	EXISTING: PROPOSED: MAX PERMITTED:	30 FT 325 FT N/A
16. HOW MUCH OF THE SITE IS THE PROPOSAL ALTERING/CHANGING?	100%	

SETBACKS

WEST AND SOUTH (4TH ST. S AND 4TH AVE S.)	REQUIRED	PROVIDED
ALONG STREETS, EXCLUDING ALLEYS, 0-50 FT HIGH	0 FT	0 FT WEST/35.5 FT SOUTH
ALONG STREETS, EXCLUDING ALLEYS, ABOVE 50 FT HIGH	0 FT*	0 FT WEST/ 40 FT SOUTH

*NO SETBACK REQUIRED AS BUILDING HAS A FIRST FLOOR PLATE OF LESS THAN 16,000 SF

NORTH AND EAST (CHARLES CT. AND ALLEY) DISTANCES BETWEEN BUILDINGS	REQUIRED	PROVIDED
BLANK WALL TO BLANK WALL, UP TO 50 FT HIGH	0 FT	0 FT
ALL CONDITIONS 50 FT TO 200 FT HIGH	30 FT**	40 FT
ALL CONDITIONS ABOVE 200 FT	40 FT**	40 FT

**MEASURED FROM CENTERLINE OF ALLEY

PROPOSED LEGEND

- WHEELSTOP (DETAIL SHEET C07.0)
- HANDICAP SPACE FDOT INDEX 711-001 (SHEET C07.0)
- DETECTABLE WARNING SURFACE @ ADA CURB RAMP
- STORM MANHOLE
- COSP TYPE "II" GRATE INLET
- ADS CATCH BASIN
- STORMWATER VAULT ACCESS LID
- TYPE I-M CURB INLET
- SANITARY MANHOLE
- CLEANOUT
- FIRE HYDRANT ASSEMBLY
- WATER VALVE
- BACKFLOW PREVENTER
- WATER METER
- DEDICATED FIRE SERVICE BACKFLOW PREVENTER

- 4" 3000 PSI CONCRETE PAVEMENT
- ASPHALT PAVEMENT
- PLAZA PAVING

NOTES:
SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND DETAILS
SEE LANDSCAPE/HARDSCAPE PLANS FOR PLAZA DIMENSIONS AND DETAILS

REVISED	NO.	BY	DATE	DESCRIPTION

REVISED	NO.	BY	DATE	DESCRIPTION

	INITIALS	DATE
DESIGN		
DRAWN		
CHECKED		
QUALITY CHK		
SCALE		

PREPARED FOR:
VALOR CAPITAL REAL ESTATE DEVELOPMENT
400 CLEVELAND STREET
CLEARWATER, FL 33755
(727) 441-2144

George F. Young, Inc.
Since 1919
299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 WWW.GEORGEFYOUNG.COM
ENGINEERING CERTIFICATE OF AUTHORIZATION NUMBER 21
CIVIL, TRANSPORTATION, SUBSURFACE & STRUCTURAL ENGINEERING
ECOLOGY | GIS | PLANNING | SURVEYING
ST. PETERSBURG • LAKEWOOD RANCH • TAMPA • GAINESVILLE • LAKE WALES • PUNTA GORDA

TIMOTHY J. RANKIN No. 88735
DATE

4TH AVE S & 4TH ST S
SITE PLAN

SECTION 19, TOWNSHIP 31S., RANGE 17E.

JOB NO. 22008300SC
SHEET NO. SP-1

PLOTTED: 1/9/2023 4:41 PM
LOGIN: Smith, Jana
FILE: \\GFY-SBP\Wp_Projects\Proj\2022\CIVIL\22008300SC\Dwg\CIVIL\22008300SC SP.dwg



LEGEND

SHADE TREE: LIVE OAK, ELM

ORNAMENTAL TREE: LIGUSTRUM, STANDARD INDIAN HAWTHORN, JATROPHA

HEDGE/GROUNDCOVER: PODOCARPUS, INDIAN HAWTHORN, GREEN ISLAND FICUS, VIBURNUM, DURANTA

0 15 30 60

BOOTH DESIGN GROUP
146 SECOND ST. N. STE. 302
ST. PETERSBURG, FL 33701
T/ 727.821.5699

CONSULTANTS

CLIENT
VALOR CAPITOL
400 CLEVELAND ST.
CLEARWATER | FL

CIVIL ENGINEER
GEORGE F. YOUNG INC.
299 DR. MLK JR. ST. N.
ST. PETERSBURG | FL 33701

4TH AND 4TH TOWER

4TH STREET S. & 4TH AVENUE S. ST PETERSBURG, FL

DRC RENDERING

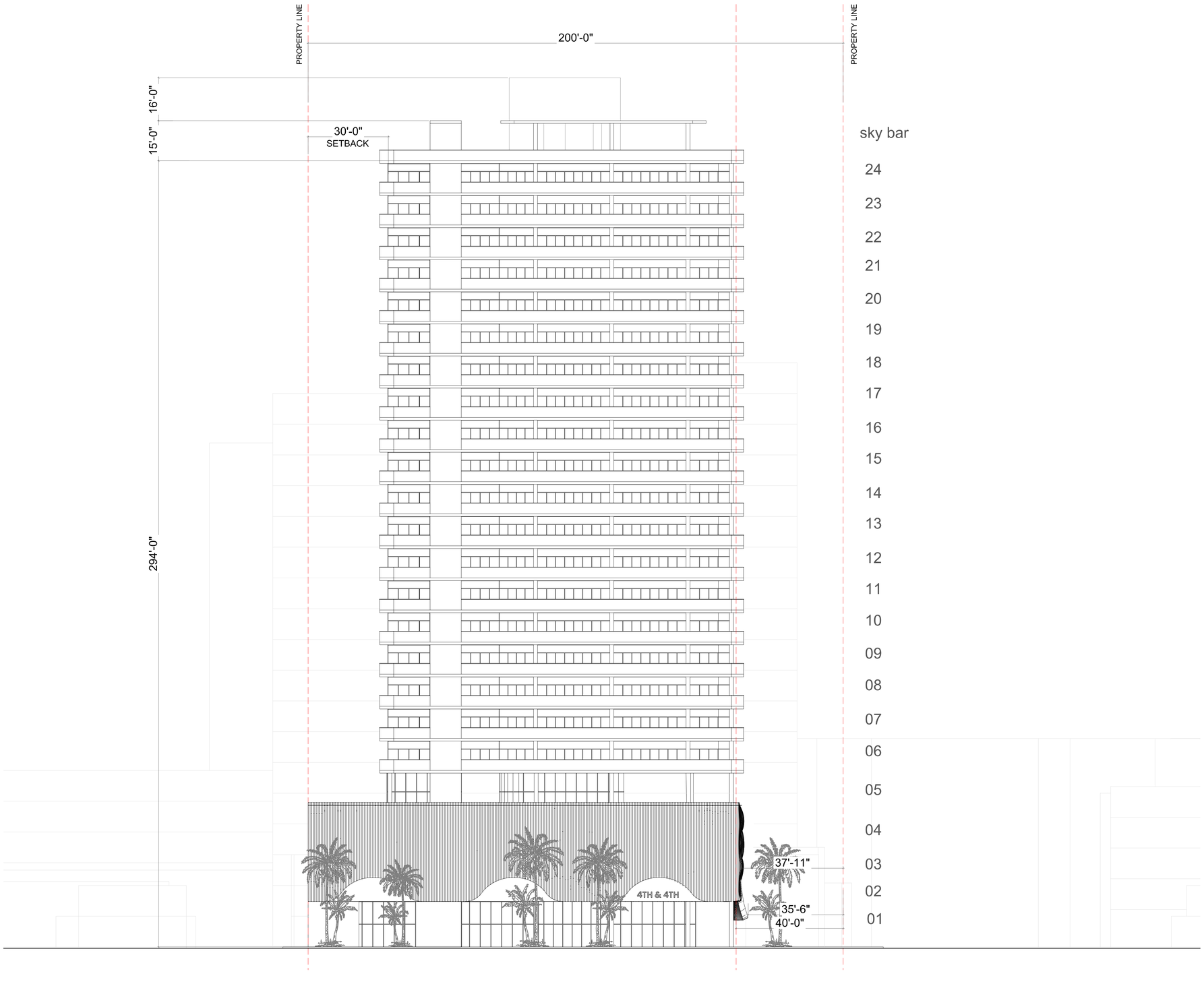
REFERENCE SHEET(S)

REVISIONS

11/10/23

23053

DRC-1



1 West Elevation

SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION

GVI GOMEZ VAZQUEZ INTERNATIONAL

ARCHITECTURE | PLANNING | URBAN DESIGN

210-404-9658 www.gvi.archi

ISSUED SETS

Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA · IGNACIO ARIAS · AR97859 · REGISTERED ARCHITECT

SHEET NAME

WEST ELEVATION

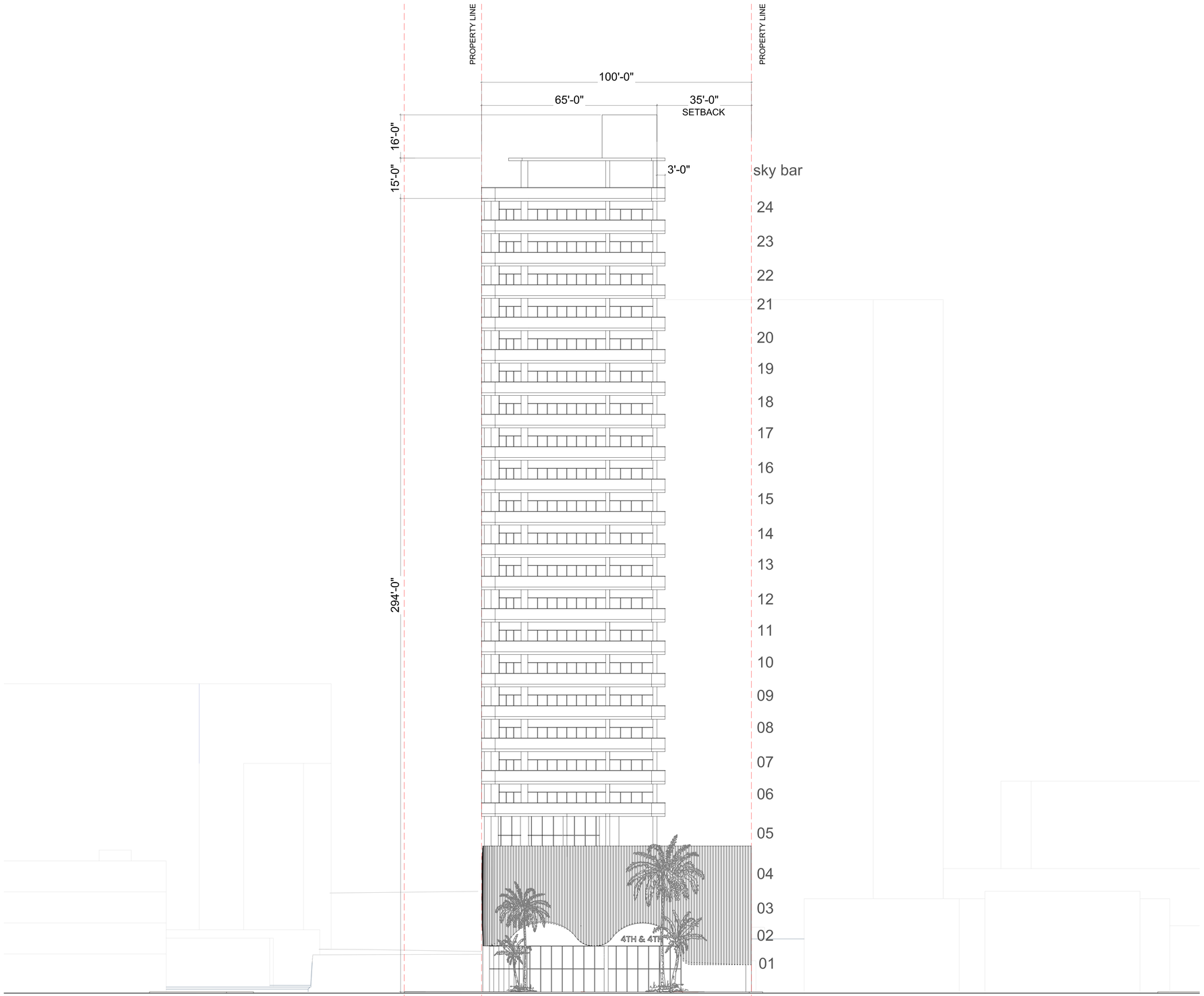
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GVI Approval		Project No.	
Client Approval		File	
Date	11 / 09 / 2023	Code	

SCALE

SHEET NUMBER

A120

The drawings and notes specified for this site and plans and does not apply to any other projects. The reproduction or use of this set of drawings requires appropriate authorization from Gomez Vazquez International. Use of this set of drawings for other projects is prohibited.



1 South Elevation

SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION

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ARCHITECTURE | PLANNING | URBAN DESIGN

210-404-9658 www.gvi.archi

ISSUED SETS

Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO AMIGO
AR97859
REGISTERED ARCHITECT

SHEET NAME

SOUTH ELEVATION

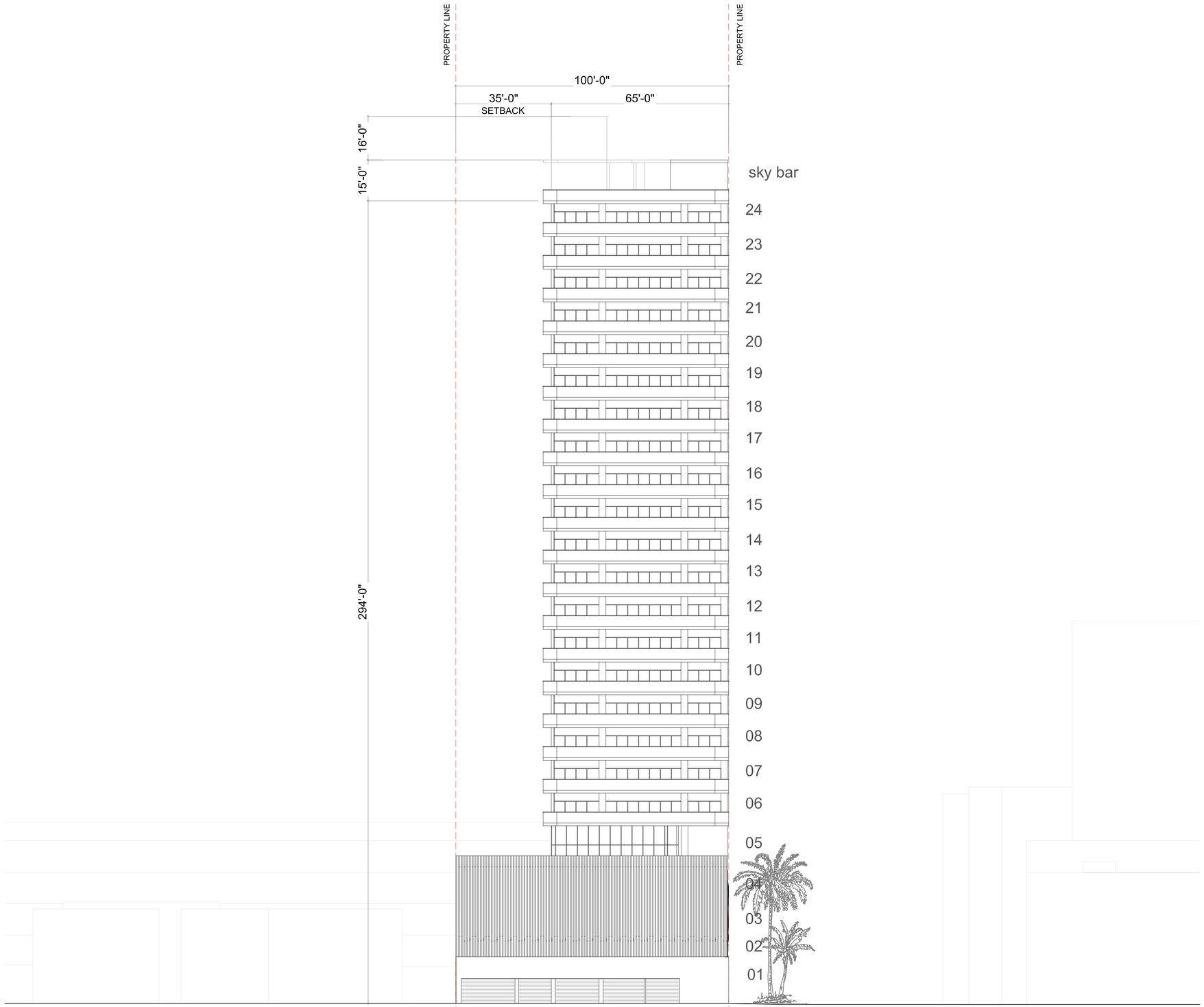
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GVI Approval		Project No.	
Client Approval		File	
Date	11 / 09 / 2023	Code	

SCALE

SHEET NUMBER

A121

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1 North Elevation

SCALE: 1/16" = 1'-0"

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ISSUED SETS

Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO ARIAS
AR97859
REGISTERED ARCHITECT

SHEET NAME

NORTH ELEVATION

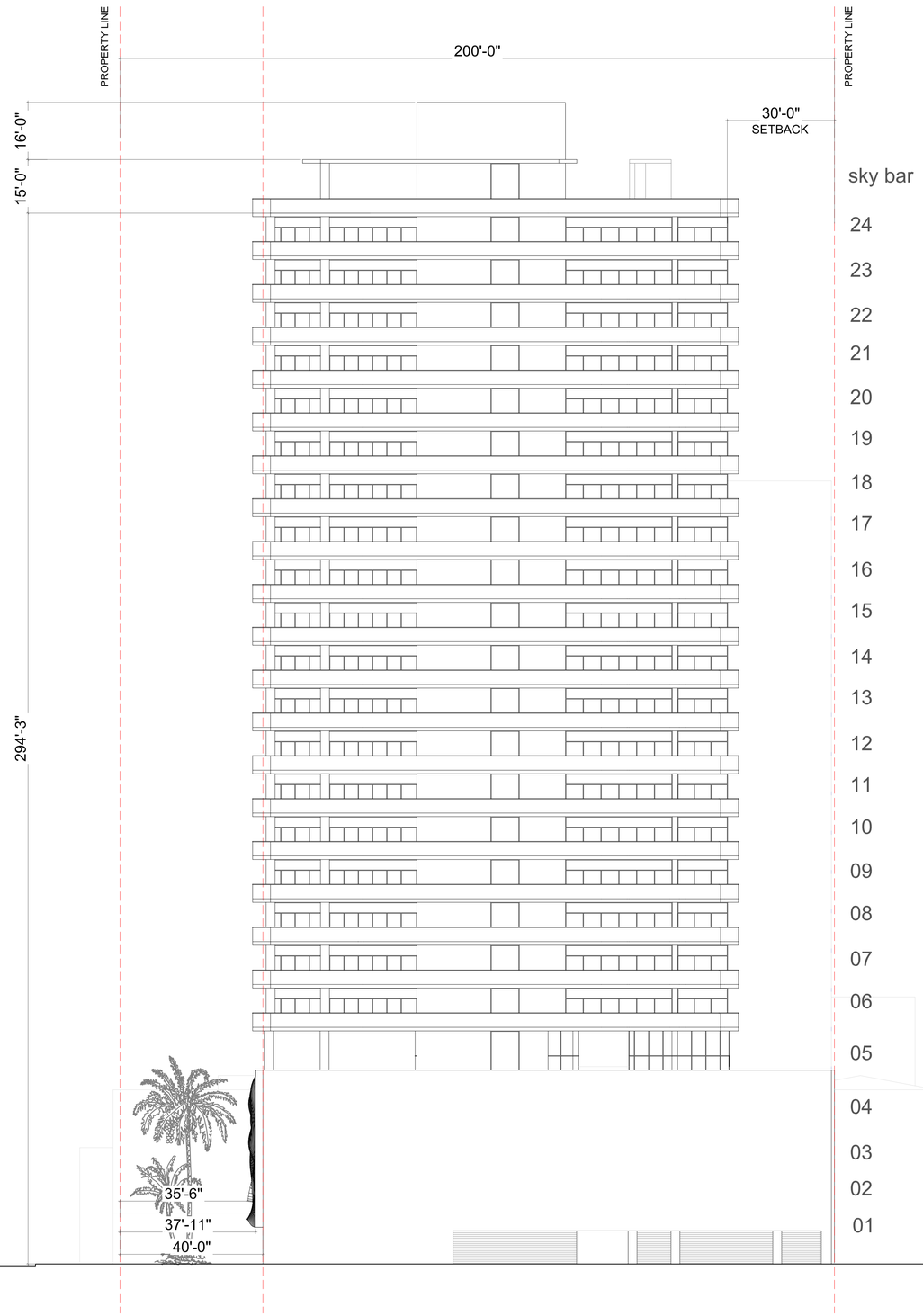
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GVI Approval		Project No.	
Client Approval		File	
Date	11 / 09 / 2023	Code	

SCALE

SHEET NUMBER

A122

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1 East Elevation

SCALE: 1/16" = 1'-0"

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ISSUED SETS

Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO ARIAS
AR97859
REGISTERED ARCHITECT

SHEET NAME

EAST ELEVATION

Draftsman		Phase	ENTITLEMENT SET
GVI Approval		Project No.	
Client Approval		File	
Date	11 / 09 / 2023	Code	

SCALE

SHEET NUMBER

A123

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1 Illustrative view
SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION

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Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO AVILA
AR97859
REGISTERED ARCHITECT

SHEET NAME

ILLUSTRATIVE VIEW

Draftsman	Phase ENTITLEMENT SET
GVI Approval	Project No.
Client Approval	File
Date 07 / 24 / 2023	Code

SCALE

SHEET NUMBER

A140

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1 Illustrative view

SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION

GVI GOMEZ VAZQUEZ INTERNATIONAL

ARCHITECTURE | PLANNING | URBAN DESIGN

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ISSUED SETS

Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO AVILA
AR97859
REGISTERED ARCHITECT

SHEET NAME

ILLUSTRATIVE VIEW

Draftsman	Phase ENTITLEMENT SET
GVI Approval	Project No.
Client Approval	File
Date 07 / 24 / 2023	Code

SCALE

SHEET NUMBER

A141

This drawing was made specifically for this site and client and does not apply to any other projects.
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1 Illustrative view

SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION

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210-404-9658 www.gvi.archi

ISSUED SETS

Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

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PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO ALVAREZ
AR97859
REGISTERED ARCHITECT

SHEET NAME

ILLUSTRATIVE VIEW

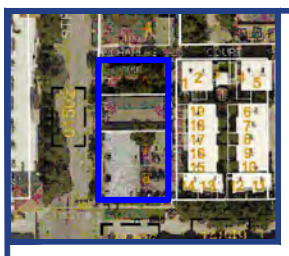
Draftsman	Phase ENTITLEMENT SET
GVI Approval	Project No.
Client Approval	File
Date 07 / 24 / 2023	Code

SCALE

SHEET NUMBER

A142

BOUNDARY SURVEY
332-340-344 4TH ST S, ST PETERSBURG, FLORIDA 33701



LOCATION MAP
NOT TO SCALE

SCALE:1"=30'

LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8, PLAN OF THE JOSEPH C. SIBLEY SUBDIVISION OF BLOCK 59 OF THE REVISED MAP OF THE CITY OF ST. PETERSBURG, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 38, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

CERTIFIED TO:

FLOOD ZONE:
12103C0219H
ZONE: X
EFF: 08/24/2021

SURVEY NOTES:
-DRIVEWAY CROSSES THE BOUNDARY LINE ON WESTERLY AND EASTERLY SIDES OF LOT AS SHOWN.
-BRICK WALK CROSSES THE BOUNDARY LINE ON WESTERLY AND EASTERLY SIDES OF LOT AS SHOWN.
-CONCRETE WALK CROSSES OVER THE WEST PROPERTY LINE AS SHOWN.

LEGEND:

(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

A/C-AIR CONDITIONER	P.O.B.-POINT OF BEGINNING
WM-WATER METER	P.O.C.-POINT OF COMMENCEMENT
AL- ARC LENGTH	U.E.-UTILITY EASEMENT
(C)-CALCULATED	O.R.B.-OFFICIAL RECORDS BOOK
(M)-MEASURED	SQ.FT.-SQUARE FEET
P.B.-PLAT BOOK	DB-DEED BOOK(D)-DEED
PG-PAGE	D.E.-DRAINAGE EASEMENT
AC.-ACRES	P.U.E.- PUBLIC UTILITY EASEMENT
R-RADIUS(R)	L.A.E.-LIMITED ACCESS EASEMENT
(P)-PLAT	L.M.E.-LAKE MAINTENANCE EASEMENT
EOW-EDGE OF WATER	O.H.E-OVERHEAD EASEMENT
TOB-TOP OF BANK	ELEV-ELEVATION
OHL-OVERHEAD LINE	FF-FINISHED FLOOR
C/O-CLEAN OUT	LS-LICENSED SURVEYOR
	LB-LICENSED BUSINESS
	PSM-PROFESSIONAL SURVEYOR & MAPPER

-NUMBER
-ASPHALT
-CONCRETE
-PAVER/BRICK
-WOOD
-WELL
-WATER VALVE
℄ -CENTER LINE
-CATCH BASIN
-FIRE HYDRANT
-FENCE
± -PLUS OR MINUS
-POLE
-MANHOLE
X.XX' -TOPOGRAPHIC ELEVATION
-LIGHT POLE

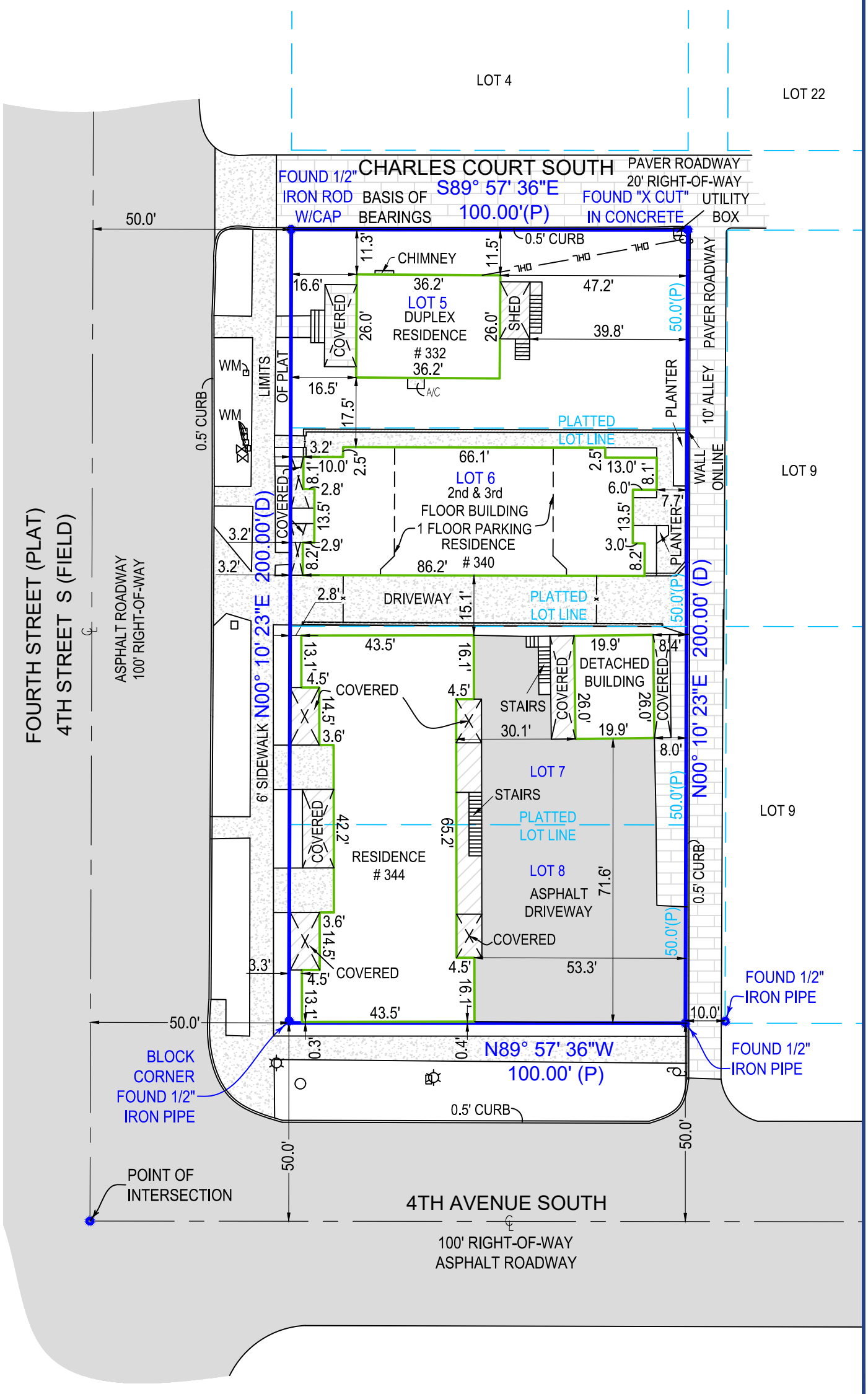
FIELD DATE: 11/11/2020
DRAWN BY: C.C.
ORDER NO: 200486
REVISIONS:

PAGE 1 OF 1

NEXGEN SURVEYING, LLC.
1547 PROSPERITY FARMS ROAD
WEST PALM BEACH, FL 33403
Nexgensurveying.COM
PHONE: 561.508.6272
FAX: 561.508.6309
LB#8111

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY
CLYDE O. MCNEAL
PSM 2883
ON 11/15/2022



GENERAL NOTES:

1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
7) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)

ECID_FORM_ADMIN_007

MEMORANDUM

CITY OF ST. PETERSBURG, FLORIDA

ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT

TO: Corey Malyszka, Zoning Official Manager

FROM: Ellen Crandall, Permitting & Right of Way Manager

DATE: December 15, 2023

SUBJECT: Site Plan

FILE: 23-31000015

LOCATION: 332, 340 and 344 4th Street South

PARCEL ID: 19-31-17-81864-000-0050, 19-31-17-81864-000-0070, 19-31-17-01502-000-0001, 19-31-17-01502-000-0010, 19-31-17-01502-000-0020, 19-31-17-01502-000-0030, 19-31-17-01502-000-0040

ATLAS: E-1

ZONING: Downtown Center (DC-2)

REQUEST: Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 sq. ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

Disclaimer, standards subject to change. The comments provided are based on current design standards and are subject to change based on statutory requirements and updates.

Disclaimer, Permit coordination. For consistency of permits and work associated with the project, coordinate with ECID Right-of-way (ROW) staff for any impacts in the City Right of Way prior to issuance of building construction permit. Email ECID ROW staff at: ROW_permitting@stpete.org. A ROW work permit issued by ECID must be obtained prior to the commencement of any work within City controlled right-of-way or public easement. All work within right-of-way or public easement shall be installed at the applicant's expense and in accordance with the standards, specifications, and policies adopted by the City.

The Engineering and Capital Improvements Department (ECID) has no objection to the proposed site plan provided the following special conditions and standard comments are added as conditions of approval:

ECID_FORM_ADMIN_007

SPECIAL CONDITIONS OF APPROVAL:

1. Public utilities in abutting rights-of-way are required to be designed for during construction of project and also to allow for future maintenance of utilities. In the platted 10-foot-wide alley of the subject property is an 8-inch PVC sanitary sewer line. Current standards for maintenance require a 20-foot easement, centered on pipe. In the platted 20-foot wide alley (Charles Court) north of the subject property is a 12-inch VCP (clay) sanitary sewer line. Current standards require a 20 easement, centered on pipe. The sewer line appears to be within five feet of the property boundary. Though the alley is wide enough, the existing placement of the sewer line may be challenging to work around.

    - A five-foot public utility easement is requested on the east property line from Charles Court alley extending south to 4th Avenue South.

    - A five-foot public utility easement is requested on the north property line from 4th Street south toward the east to the alley to the east.

    Buildings and structures would not be permitted in the five-foot public utility easement which will have an impact on the building footprint; however, this easement can provide allowances for maintenance of public infrastructure which can help meet the City of St. Petersburg Comprehensive Plan Goals under Utilities (9.2. Sanitary Sewer) which identifies the maintenance of existing facilities as a principal problem. Special construction designs may also be considered which address maintenance concerns of utilities, to be detailed at time of full design and permits to the satisfaction of ECID ROW and Water Resources Department staff.

AT TIME OF PERMITS AND FULL DESIGN:
The submittal for special site plan review is preliminary and conceptual and does not provide information or details for substantive review. As such it is anticipated that additional comments will apply at time of full design and detailed permit review.

2. *Demolition of zero lot line structures requires ROW and TTC. The existing buildings appear to be zero lot line or nearly along 4th Street South, Charles Court alley to the north, and the alley to the east. This placement will make demolition infeasible without impacts to the public right of way. The demolition permit shall include a Right of Way use permit with Temporary Traffic Control as well as permit requirements from FDOT for 4th Street South.*

3. Construction planning for zero lot line development required in advance. Zero lot line developments face significant construction challenges as they typically encompass the entire buildable site which limits options for cranes, foundations, staging, access, etc.

It is the responsibility of the developer and their team to plan for construction in a way which limits the impacts to surrounding property and public rights of way and easements and operates within code defined allowances.

Prior to issuance of a building construction permit, the developer and their team shall coordinate a construction plan which details foundation encroachments, crane and/or hoist location (foundations), sheeting/shoring encroachments, construction vehicle access, staging, deliveries, temporary traffic control (TTC) and other key elements. This may be through a Construction Action Plan (CAP), Right of Way permit, and TTC approval. Construction planning shall be organized in phases to limit road, lane and pedestrian path closures to the minimum needed. Permanent impacts to the public right

of way for temporary construction are not supported, specifically, crane foundations are not supported in the public right of way. Impacts to the public right of way shall be reviewed by Engineering and Capital Improvements Department, contact via ROW_permitting@stpete.org.

4. At time of permit, building foundation encroachments and incidental architectural details are *not* permitted in 4th Street South right of way. This prohibition includes temporary or permanent sheeting / shoring and crane foundations. The project is proposing zero lot line development on 4th Street South, which may include a request for foundation encroachments in the right of way or incidental architectural details overhanging in the right of way; however, 4TH Street South on the west boundary is a Florida Department of Transportation (FDOT) roadway and these encroachments are not permitted. Additionally, the conceptual site plan provided calls out basement parking, but no further detail on the depth is provided. Basement parking will have substantial construction excavation and impacts to surrounding rights of way and utilities will not be permitted. This prohibition may be very impactful to the final construction design and the footprint of the proposed building may need to be changed. It is the responsibility of the development team to design to plan and design accordingly.

5. At time of permit, building foundation encroachments and incidental architectural details are *not* permitted in platted alley to east, nor platted Charles Court alley to north rights of way. This prohibition includes temporary or permanent sheeting / shoring and crane foundations. The project is proposing zero lot line development on multiple property lines which may include a request for foundation encroachments in the right of way; however, due to existing utilities foundation encroachments are ***not*** permitted as per City Code 25-274.b.1. which generally requires that the foundation shall not interfere with any existing unground utilities. Specifically, the alley to the east has an 8-inch PVC sanitary sewer which requires a 20-foot maintenance easement and the current spacing is challenging. No encroachments are permitted to protect public infrastructure. The alley to the north, Charles Court has a 12-inch VCP (clay) sanitary sewer line which requires a 20-foot maintenance easement which is the minimum provided. Due to the size, location and materials and minimal spacing no encroachments are permitted and all construction must remain within the private property boundary. This prohibition may be very impactful to the final construction design and the footprint of the proposed building may need be impacted. It is the responsibility of the development team to design to plan accordingly.

6. At time of permit, any building foundation encroachments and incidental architectural details requested along 4th Avenue South shall be reviewed by Engineering Capital Improvements Department Right of Way permitting Staff. These encroachments are a request and not a by right.

7. At time of permit, design for stormwater with basement parking. The conceptual site plan does not address stormwater locations or methods; however, if does not basement parking which may create challenges with the location and feasibility of stormwater systems such as underground exfiltration trenches or vaults. It is the responsibility of the development team to design to plan accordingly.

8. RIGHT OF WAY PERMIT:

    a. ROW Permit Required, at time of permits. A work permit issued by the City Engineering & Capital Improvements Department must be obtained prior to the commencement of construction within City controlled right-of-way or public easement. All work within right of way or public utility easement shall be in

compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City. All submittals to be made to ROW_Permitting@stpete.org.

*Engineering Standard Details (S10, S20, S30, S40, S50, S60, S70) are available at the City's Website at the following link: https://www.stpete.org/business/building_permitting/forms_applications.php

*City infrastructure maps are available via email request to ECID@stpete.org. All City infrastructure adjacent to and within the site must be shown on the development project's construction plans.

b. Restoration of Right of Way. Use of the public right of way for construction purposes shall include mill and overlay in full lane widths per City ECID standards and specifications.

c. Preservation of granite and brick. Per City Council Resolution, all existing roadway brick and granite roadway curbing must be preserved. Any existing brick and granite curbing which will not be utilized or is contained within streets or alleys to be vacated shall remain the property of the City and shall be neatly stacked, palletized and returned to the City's Maintenance yard by and at the expense of the developer.

d. Coordinate with FDOT on streetscape elements on 4th Street South. All landscaping, curbing, sidewalk, roadway striping and other improvements in 4th Street South shall be coordinated with FDOT. All improvements shall prevent utility conflicts (including but not limited to underground pipes and overhead wires and street lights). Per city records, intersection drawing E-1-04 there is a 12-inch water line and a 2-inch waterline within the parkway of 4th Street South. Additionally, there are Duke power poles that appear to conflict with the proposed streetscaping. Clarify if these are to be underground. These items shall be detailed at time of permit. Elements to be addressed may include 12-foot-wide sidewalks, bulb-outs on southwest corner, etc.

e. Coordinate with ECID ROW on all streetscaping in 4th Avenue South. All landscaping, curbing, sidewalk, roadway striping, and streetscape improvements shall be coordinated with ECID ROW staff. Improvements shall prevent utility conflicts (including but not limited to underground pipes and overhead wires and lights) and comply with visibility requirements. The existing mast arm for traffic signal at northeast corner of 4th Street South and 4th Avenue South shall be protected.

f. Provide sidewalks to current standards. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the DC zoning district a minimum 10-foot wide public sidewalk is required along 4th Avenue South and 4th Street South. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with

roadways and at each side of proposed and existing commercial driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. *All existing public sidewalks adjacent to the entire plat perimeter must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition.

g. Provide curbs to current standards. Upon development or redevelopment, abandoned driveway approaches surrounding the site shall be properly removed. Existing road curb around the perimeter of the site has at least a 4-inch curb reveal above existing or proposed road pavement. Any curbs with substandard reveal must be raised to a 6-inch curb reveal per current City Engineering standards and specifications. New sidewalk construction shall not occur until road curbs meet this requirement.

h. Provide erosion control encompassing entire work area, including ROW. Typically erosion control plans often propose silt fence on the property line; however, the entire work area includes demolition and utility connections in the right of way which will disturb dirt. Erosion control must encompass the entire limits of work, including ROW. Prior to demolition of sidewalk an approved ROW permit and TTC plan is required. Erosion control plan should be phased. The location of construction fencing should be shown to ensure consistency.

i. Design sufficient space to accommodate utility elements which are required to be on private property (not in the public right of way). All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.). Electrical transformers and other services are required to be accommodated on private property. Sanitation staging shall be on private property. Land Development Code required public art must be on private property and not in the right of way.

j. Coordination with Capital Improvement Projects. Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of this site which occur during the time of construction.

k. Obtain Temporary Traffic Control (TTC) approval for any impacts. These plans shall be developed in compliance with FDOT "Uniform Traffic Control Devices for Streets and Highways" and "Roadways and Traffic Design Standards" for submittal to City ECID for approval prior to initiating construction. All Traffic Control Plans shall meet the requirements of the FDOT Standard Plans Index 102-600 – 102-655 and be prepared by or certified by an individual that possesses a current Advanced MOT Course certification. The site specific TTC plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Roadway travel lane closures are discouraged and will be approved at the discretion of the City's Engineering director pending receipt of adequate justification. Impacts to the Pinellas Trail and bicycle lanes are discouraged and will require approval of a detour plan by City Transportation and City ECID. The TTC plan shall be prepared in compliance with City Engineering's "Temporary Traffic Control Plan Requirements", available upon

request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City's Transportation and Parking Management division. Refer to the City's "Parking Meter Removal & Space Rental Policy During Construction" procedure, available upon request from the City Transportation and Parking Management department.

l. Contractor to communicate with surrounding properties the impacts of temporary traffic control. Note that contractor introduction letters must be sent to all surrounding businesses, associations, and property owners prior to implementing any Temporary Traffic Control plan. As a minimum, the letter must give a description of the project, provide a list of all right of way impacts (parking impacts, travel lane impacts, sidewalk closures and temporary pedestrian paths, etc.), a schedule for each phase of the TTC implementation, and what to expect with regard to noise, delivery trucks, concrete trucks & pumps, as well as contact information for the on-site contractor's representative with 24 hour availability who is responsible for addressing any and all concerns of impacted citizens. The contractor must personally visit each operating business around the construction site and make direct contact with any active business association or neighborhood association and personally introduce themselves to the business owners and association presidents. The contractor must also meet with any association representatives and property owners periodically to address any concerns that may develop as the project proceeds. The contractor is required to provide a copy of the letter and summary of when and who was contacted prior to implementing any TTC.

m. TTC plans may not inhibit access of adjacent properties. The adjacent 10 foot wide alley is utilized for vehicular access to the adjacent townhomes. As such closures of the alley will not be permitted.

STANDARD COMMENTS

9. POTABLE WATER:

a. Potable water connection, at time of permits. Potable water appears to be in proximity with a 12-inch ductile iron water line in 4th Street South as well as an 8-inch cast iron water line in 4th Avenue South. New connections are anticipated with redevelopment of the proposed parcels. At time of building permit provide a plan detailing existing potable and sanitary connections. The City Water Resources department shall install necessary potable water services (up to and including the necessary meter and backflow prevention device) as required to service the proposed lots at the sole expense of the applicant/property owner. To request an estimate of cost potable water service connections email WRDUtilityReview@stpete.org, or phone 727-892-5334 for additional information. Upon development or redevelopment, the applicant or current property owner is required to provide potable water service to each proposed lot if not existing. The City Water Resources department shall install necessary potable water services (up to and including the necessary meter and backflow prevention device) as required to service the proposed lots at the sole expense of the applicant/property owner.

To request an estimate of cost potable water service connections email WRDUtilityReview@stpete.org, or phone 727-892-5334 for additional information.

b. Backflow Preventer required: Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City's Water Resources department or a variance is granted by the City Water Resources department). Note that the City's Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Coordinate a review with the City's Water Resources department Technical Services Division via email to WRDUtilityreview@stpete.org, or phone 727-892-5334 for additional information.

c. Fire Suppression shall be located on Private Property: All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

10. SANITARY SEWER:

a. Sanitary sewer connections, at time of permits. Sanitary sewer is within proximity with manhole E001-M255 in the Charles Court alley to the north serviced by a 12-inch VCP line and also an 8-inch PVC in the alley to the east with manhole E001-M299. Upon development, the applicant or future property owner is required to provide connection to the public sanitary sewer collection system with public clean out. The public clean out shall be placed 30 inches inside the public easement boundary and constructed per City ECID detail S30-4 (House Service Connection), S30-8 (Clean out for Non-Traffic Areas), S30-9 (Clean Out Box), and S30-50 (dissimilar pipe coupling). No flexible connectors may be used.

b. Sanitary Sewer Clean Out Details. Public clean out installation may be performed by a licensed contractor working under an ECID utility connection permit or may be performed by the City Water Resources department (preferred option), at the sole expense of the applicant or future property owner. To request an estimate of cost for the city to install the public clean outs email WRDUtilityRequest@stpete.org,or phone 727-892-5334 for additional information and reference this lot line adjustment case number. Work performed by Water Resources Department will be done on the city's schedule and it is the responsibility of the development team to request in advance and plan accordingly.

c. Confirm Wastewater system capacity. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows

(ADF) must be provided by the Engineer of Record on the wastewater Concurrency Form (ECID Form Permit 005), available upon request from the City Engineering department, phone 727-893-7238. If an increase in flow of over 3000 gpd is proposed, the ADF information will be forwarded for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed wastewater Concurrency Form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

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

11. STORMWATER

a. <u>Compliance with Drainage and Surface Water Management regulations required.</u> The scope of this subdivision plat will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Upon development or redevelopment within the plat boundaries, submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

b. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. The BMPTrains model shall be used to verify compliance with Impaired Water Body and TMDL criteria. Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

c. Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

12. GRADING:

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

b. Per land development code 16.40.050, habitable floor elevations for commercial projects must be set per FEMA and building code requirements as administered by the building official. Per land development code 16.40.140.4.6 the construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. Adequate swales shall be provided on the lot in any case where filling obstructs the natural ground flow. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum. *It is noted that meeting required building floor elevations often necessitates elevating existing public sidewalks. Please note that transitions to adjacent public sidewalks shall be smooth, consistent, and ADA compliant with maximum cross slope of 2% and maximum longitudinal slope of 5%. Ramps may only be used at driveways and intersections, not mid-block in the main sidewalk path.

13. ELECTRICITY & LIGHTING:

a. Design Professionals to Coordinate with Duke Energy. Please assure that the developer's design professional(s) coordinate with Duke Energy regarding any landscaping proposed under Duke's overhead transmission or distribution systems or necessary Duke pole relocations or installations prior to proceeding with further development of this site plan to assure that the design has provided adequate space for any Duke Energy equipment which may be required to be placed within the private property boundary to accommodate the building power needs. Early coordination is necessary to avoid additional expense and project delays which may occur if plans must be changed later in the building/site design stage as necessary to accommodate power systems on and off site. Please initiate contact via email to newconstruction@duke-energy.com. Street tree planting under Duke power lines, or undergrounding of lines shall be coordinated with Duke.

b. Contact for city coordination on street lighting. Needs for on-street decorative lighting or additional street lighting must be coordinated through Michael.Kirn@stpete.org, the City's liaison with Duke Energy. All lighting shall be installed at the developer's expense.

14. At time of permits, Agency Approvals and Forms required: Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

ECID_FORM_ADMIN_007

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

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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

ESC/aw

ec: WRD
Kayla Eger – Development Review Services

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CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Corey Malyszka, Zoning Official, Planning and Development Services Department

FROM: Tom Whalen, Regional Transportation Coordinator, Transportation and Parking Management Department

DATE: December 18, 2023

SUBJECT: Approval of a site plan to construct a 25-story multifamily building with 152-dwelling units and 4,893 sq ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

CASE: 23-31000015

The Transportation and Parking Management ("Transportation") Department has reviewed the site plan application for the proposed mixed-use development located at 332, 340, and 344 4th Street South. Standards for site plan review pertaining to transportation are listed in Section 16.70.040.1.4.D of the City Code in paragraphs 3, 4, and 5. The Transportation Department's review of the site plan is discussed in the sections below pertaining to paragraphs 3 and 4. The Transportation Department's review of the potential traffic impact of the proposed development is in the section pertaining to paragraph 5.

Paragraph 3 is stated as follows: "Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, and emergency. Access management standards on state and county roads shall be based on the latest access management standards of FDOT or the county, respectively."

The subject property is bordered by 4th Street South to the west, 4th Avenue South to the south, Charles Court South to the north, and a north-south alley to the east. The Florida Department of Transportation (FDOT) maintains 4th Street South, which is a three-lane, one-way minor arterial designated for southbound travel. The City of St. Petersburg maintains 4th Avenue South, which is a two-lane, one-way local road designated for westbound travel. Charles Court South is a brick alley that has a platted width of 20 feet. The north-south alley is a brick alley with a platted width of 10 feet.

The applicant proposes ingress and egress to the parking garage basement on Charles Court South and ingress and egress to the parking garage podium on 4th Avenue South. Per Section 16.40.090.3.5

of the City Code, parking garages that provide parking for 25 or more motor vehicles are required to have vehicular access from the alley or secondary street. The Transportation Department asked the applicant for more information on the two access points. The applicant stated that Charles Court South will provide access to approximately 32 parking spaces; the parking garage has a total of 130 parking spaces. Access to the parking garage on Charles Court South and 4th Avenue South is preferable to access on 4th Street South because 4th Street South is a minor arterial.

The applicant is proposing a drop-off area on 4th Avenue South and two parking spaces and a space for a valet service on 4th Street South. Valet parking regulations are provided in Article VI of Chapter 25 of the City Code. The property owner would be required to submit an application for a valet parking license to the Transportation Department. The valet operation would be open to the public. Documentation that the FDOT would allow a valet space and operation in the 4th Street South right-of-way shall be submitted with the application. If the site plan is approved, the applicant should contact the Transportation Department at transportation@stpete.org for the application for the valet parking license and more information about the application process and valet service requirements. The Transportation Department would make the decision on whether the valet operation is approved.

Ten-foot-wide sidewalks are shown on 4th Street South and 4th Avenue South. Ten-foot-wide sidewalks are required based on the DC-2 zoning per Section 16.40.140.4.2 of the City Code.

The Pinellas Suncoast Transit Authority (PSTA) provides service on several roads near the subject property. The SunRunner and Route 4 serve 3rd and 4th Streets and are two of PSTA's most popular routes. Routes 7, 15, 20, and 32 provide service within a block of the subject property, as does the free Downtown Looper Trolley.

Forward Pinellas has developed a multimodal accessibility index (MAX index). MAX scores are assigned to individual quarter-mile grid cells, which Forward Pinellas defines as a reasonable walkable travel shed. The MAX score is based on factors such as bicycle facilities, premium transit services, walkability, roadway level of service, scooter/bike-share locations, transit access, and programmed transportation projects. The countywide average MAX score is 7.5. The subject property has a MAX score of 30.75. The multimodal accessibility to the site exceeds the countywide average by a significant margin.

Paragraph 4 is stated as follows: "Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping."

The applicant is proposing 130 parking spaces, which exceeds the minimum requirement of 62 spaces. Based on data in the Institute of Transportation Engineers' (ITE') "Parking Generation Manual" (5th Edition), the peak parking demand for a 152-unit high-rise multifamily development is 84 spaces in a dense multi-use urban location based on two studies. The applicant is providing a sufficient number of vehicle parking spaces based on the City Code and ITE data.

The applicant meets the minimum space requirement for short-term bicycle parking and long-term bicycle parking. The short-term bicycle parking is located on 4th Street and is within 50 feet of the main entrance, as required under Section 16.40.090.4.2 of the City Code. The short-term bicycle

parking will extend into the sidewalk as currently shown and reduce its effective width to less than ten feet. The Transportation Department recommends that the short-term racks be moved closer to the curb. The long-term bicycle parking is not shown on the site plan. If the site plan application is approved, the applicant shall clearly identify the location and size of the long-term bicycle parking facility on the site plan submitted during permitting and it shall meet the design standards in Section 16.40.090.4.2.

Paragraph 5 is stated as follows: "Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts."

The applicant was not required to submit a traffic impact study per Policy T3.1 of the Comprehensive Plan because their project is not on a deficient road. Deficient roads include roads operating at peak hour level of service (LOS) "E" and "F" and/or a volume-to-capacity (v/c) ratio of 0.9 or greater without a mitigating improvement scheduled for construction within three years. The City utilizes the Forward Pinellas' "2023 Annual Level of Service Report" to monitor roadway LOS for major streets, per Policy T3.2 of the City's Comprehensive Plan. According to FDOT, roadway LOS is a quantitative stratification of a performance measure or measures that represent quality of service, measured on an "A" to "F" scale, with LOS "A" representing the best operating conditions from the traveler's perspective and LOS "F" the worst. Before the elimination of state-mandated transportation concurrency regulations, the City's LOS standard was "D" for major roads. The FDOT's current target for state highways in urbanized areas, such as 4th Street South, is "D." LOS "D" can also be viewed as a target for roads not on the state highway system, but it is no longer the City's standard, as noted. According to the 2023 Annual LOS Report, 4th Street South from Central Avenue to 4th Avenue South carried 12,817 vehicles on a typical day in 2022 and had a LOS of "C" and a volume-to-capacity ratio of 0.36.

The Transportation Department calculated the projected number of trips from the proposed development. The applicant was not required to submit a traffic impact study for their project. The residential units are projected to generate 35 a.m. peak hour trips (9 entering and 26 exiting) and 30 p.m. peak hour trips (22 entering and 8 exiting). ITE does not have extensive data for commercial uses in dense multi-use urban settings. Typically, commercial uses such as restaurant and retail establishments in dense multi-use urban settings will attract a high percentage of trips from modes such as walking, bicycling and transit. According to the Pinellas County Property Appraiser website, the subject property has several existing multifamily residential developments, including four condominiums, a duplex, and a 20-unit apartment building. The traffic impact from the proposed development is anticipated to be minimal based only on the number of new residential units. The anticipated impact will be lower after accounting for trips produced by the existing developments.

Located on the southern end of the downtown core, most of the proposed development's entering trips will likely come from areas north of the subject property, and most of the exiting trips will likely travel to areas north of the subject property. Most entering trips are anticipated to approach the site from the east, utilizing 4th Avenue South, since most parking spaces are in the parking garage podium. Some trips will approach the site from the north, utilizing 4th Street South and Charles Court South. Most of the trips exiting the site will utilize 4th Avenue South and travel west. Motorists can turn

right on 5th Street to access the downtown core. The proposed development has convenient access to both eastbound and westbound I-175 for longer distance trips on I-275.

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Corey Malyszka, Zoning Official

FROM: Rebecca Lachance, Designer II, Water Resources

DATE: January 3, 2024

SUBJECT: Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 sq ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

PLAT: E-1

CASE: 23-31000015

LOCATION: 332 4th Street S.; 19-31-17-81864-000-0050, 340 4th St S.; 19-31-17-01502-000-0001, 19-31-17-01502-001-0010, 19-31-17-01502-001-0020, 19-31-17-01502-002-0030, 19-31-17-01502-002-0040, 344 4th ST S.; 19-31-17-81864-000-0070

REMARKS: Water Resources has no objection to the above-referenced subject as long as one of the following required conditions is met.

1. Water Resources has concerns regarding the existing 8-inch PVC sanitary sewer main located within the 10-foot wide alley to the east of the subject property running north and south and the existing 12-inch VCP (clay) sanitary sewer main located within the 20-foot wide alley (Charles Court) north of the subject property

Project file

running east and west.

a. In order to ensure adequate equipment access for any maintenance or repairs that may be required in the future of the existing 8-inch PVC Sanitary Sewer Main and the existing 12-inch VCP (clay) Sanitary Sewer Main, Water Resources is requiring one of the following options from the developer.
    i. Condition Option One (Preferred): Water Resources requires a minimum (5) five-foot public utility easement along the east property line from Charles Court alley extending south to 4th Avenue North and along the north property line from 4th Street South toward the east to the alley to the east. Page 5 of the Public Utilities Department Sewer Service Procedures and Regulations (1998) Section III rule 2. Public Easement Required, details that the developer is to provide easement consistent with minimum easement width in Table I. This table requires a 20-foot easement on center of the sanitary sewer main for an 8-inch and 12-inch sanitary sewer main.
    ii. Condition Option Two for existing 8-inch PVC Sanitary Sewer Main: In lieu of a public utility easement, Water Resources requires fully designed by the engineer of record foundation design plans that show what construction and excavation techniques will be utilized to ensure the protection of our existing sanitary main and the proposed development. The design must take into consideration the worst-case scenario of the sanitary sewer main having to be excavated and repaired or replaced. The design shall include a

plan and profile detailing the depth and distance of the foundation in relation to the existing sanitary main.

iii. Condition Option Two for existing 12-inch VCP (clay) Sanitary Sewer Main: In lieu of an easement, replacement of the 12-inch VCP (clay) pipe in the Charles Court alley from manhole E001-M255 to manhole E001-M155 to modern materials (PVC). Also, required are fully designed by the engineer of record foundation design plans that show what construction and excavation techniques will be utilized to ensure the protection of the new sanitary main and the proposed development. The design must take into consideration the worst-case scenario of the sanitary sewer main having to be excavated and repaired. The design shall include a plan and profile detailing the depth and distance of the foundation in relation to the existing sanitary main.

Project file

From: William Hoth
To: Corey D. Malyszka; DRC
Subject: Case No. 23-31000015 - 340 4th Street S
Date: Wednesday, December 27, 2023 9:40:36 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Malyszka and DRC Representative,

Thank you for your recent mailing regarding the potential construction of a 25 story condo/hotel building at the North East corner of 4th Street South and 4th Avenue South in downtown Saint Petersburg. This proposed new building is directly across the street from the Sage Condominium Building. I have lived at the Sage for approximately 10 years and I am currently the Treasurer of the association. I am sending this letter to you as a private citizen, not representing the Sage Condo Association yet. However, I can tell you that presently nearly all 112 condominium owners that I have spoken to about this building's addition to our neighborhood have the same serious concerns about the use of the building as I do. Some are very vocal about the use of the new building: even going as far as recruiting other building locations around the Sage to form a coalition regarding this case.

If you have never been in our neighborhood before, the best way I can describe it is that it's a quiet residential neighborhood in the middle of a concrete jungle where most residents know their neighbors. It's a very close knit community and nearly everyone you pass on a sidewalk will smile, say good morning, how are you doing? I guess the best way to describe it is as the last real "neighborhood" in downtown Saint Petersburg. A few things have me concerned that the addition of this proposed building will substantially change my neighborhood.

I am very pro-growth for the city. That is one reason that I moved to downtown Saint Petersburg. I am not against a new 25 story building being added to my neighborhood. In fact, I feel that it could be a really nice addition. My concern is how the use of the building will impact my neighborhood that I value so highly. My few concerns are that at this very early planning stage how the new building will be used once completed. My main concerns are listed below:

1. The addition of a "sky lounge" at the top of the building.
A public access "Sky Lounge" in my opinion is a major obstacle that myself and my neighbors and fellow residents of the Sage Condominium oppose. This is a quiet residential area and we absolutely do not want a "bar" and all of the problems that are associated with bars in our neighborhood. Parking in the evenings and weekends is nearly impossible.now, much less when bar patrons begin filling up the few available parking spaces that we do have,

2. The use of the building as an AirB&B / Hotel.
As mentioned previously, this is a quiet residential neighborhood. Nearly everyone who lives in this area would welcome new neighbors to our beautiful community with open arms. What we would not welcome are weekend party animals who would destroy our quality of life. We want neighbors to join our city, not spring breakers who come here, stay a very short while, party and leave our community and expect us to pick up their mess. If we wanted to live on Central Ave we would have purchased there, if we wanted to live on the beach, we would have purchased there. But we didn't. We purchased our homes in a neighborhood and that is where we want to stay.

3. The number of parking spaces versus proposed units.
If the building is being used as a "hotel" then the required number of hotel parking spaces should be required regardless of what the building is officially called. My concern is that there will be 152 units in the building, with less than 60 units over 750 square feet. That would leave 90 plus units that would require street parking. What does the city's zoning require for parking spaces for a new construction 152 unit hotel? The area around the proposed building cannot support an additional 90 vehicles that require street parking.

Unfortunately I will be out of town for the January 10th public hearing to begin discussing this project, however, I will make it a point to attend future meetings related to this proposed project. Once again, I am very pro-development, I have no issues with building height, building design and footprint, additional traffic ect. I would love to welcome this new building to our neighborhood along with all of its new residents. What myself and the vast majority of homeowners in the affected area would like is to have real residents living in the building in this last of the city's downtown residential neighborhoods. We are only asking for the developer to bring us good neighbors. I feel that we are not asking too much with that simple request.

I would like to ask you either email me or USPS mail me any new information about this project as it becomes available. My contact information is below.

Thank you for taking the time to read and understand my concerns. Saint Petersburg did not become the great city that it is today by luck or chance. It became a great city because of its many dedicated and many times unappreciated employees guiding it in the right direction. Thank you for the countless hours of hard work you and all of the city employees do for us every single day of the week.

Kind Regards,

Bill Hoth, Treasurer
The Sage Condominium Assn. of St. Petersburg
400 4th Avenue S. Apt. 509
Saint Petersburg, FL 33701
(727) 480-7570
e-mail: WilliamHoth@gmail.com

From:	Karen Carmichael
To:	Corey D. Malyszka; Elizabeth Abernethy; Adriana P. Shaw; DRC
Cc:	Alfredo Anthony; Jake Zimmerman; John Roll (jrstpetethesage@gmail.com); Richard Montoya; Robin Jones; William Hoth
Subject:	File#23-31000015
Date:	Wednesday, January 03, 2024 10:11:52 AM

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To All DRC members and St Petersburg Planning and Development Representatives,

I have been communicating with the developers for the proposed building on the corner of 4th Ave S and 4th St. They are aware of the concerns outlined in the statement below. I plan to attend the hearing for this project next Wednesday, January 10th, but I would like to be sure this becomes part of the record for this public meeting and am sending it along for that purpose.

****

Regarding File #23-31000015

I have been a member of the Board of Directors for The Downtown Neighborhood Association since 2018 and a resident/property owner of the city for decades. I remember clearly what the area looked like in the 1970s and saw first hand the downtown fold up and be reactivated as the vibrant place that it is today.

Though President of the SPDNA, I am writing this as a neighborhood resident and member of the Sage Board of Directors, even though my contact with residents throughout our downtown neighborhood have made it clear that they share our sentiments.

4th Ave S. is one of the last quiet residential blocks in downtown south of Central Ave. It is a block where you will frequently see people walking their dogs and enjoying the quiet calm of an area so close to the downtown businesses, the university and hospitals. Although we are not happy to lose yet another affordable option for resident renters, we acknowledge that this developer has many beautiful buildings in their portfolio.

We assumed that once this property was sold there would be a larger luxury building that would not be affordable to many St. Petersburg residents placed there. We acknowledge the push by the city planners and developers to continually build larger unaffordable properties that will eliminate the smaller older buildings where our residents and local workers can comfortably continue to live downtown.

We did not expect the building to have a sky bar (possibly open air) open to the public. Nor did we expect short term rentals managed by individual owners, which is essentially an AirBnB. There is no building downtown currently operating in this manner. Allowing this project to be the first of its kind will set a precedent. Both of these proposed elements are concerning for all the reasons you can imagine.

We would ask that you consider:
- The proximity to the highway and the possibility that impaired drivers will be entering and

exiting 175 directly behind the Sage
● The proximity to a peaceful, residential street and how difficult it is to enforce the current noise ordinance
● The redesign of 4th Street to encourage slower traffic and safer pedestrian crossings
● The impact of a building which encourages transient occupancy and a large and noisy entertainment venue that serves alcohol

The representatives we have spoken to claim to understand the “vibe in St. Pete” with claims of having visited the area for years. That is not the same as investing many years as residents witnessing and supporting the growth of the downtown. A developer who builds properties all over the world, even one with Clearwater offices, cannot understand the objections we have presented to them in the meetings we have already had.

Coffee shops, nail salons, massage studios, local retail and restaurants to name a few would be a welcome addition to the area. A rooftop bar with loud music and impaired patrons leaving the establishment would not.

An AirBnB that isn’t properly managed will create a neighborhood nuisance that will have a lasting impact on the city services, the residents, the SPPD and the city workers in general. It has the potential to create a nuisance that will put a strain on those charged with enforcing restrictions on the use of this property.
Whatever official zoning may allow, we are a residential neighborhood at the intersection of 4th Avenue S and 4th Street, not a commercial center which will draw bar patrons and overnight travelers.

The City’s zoning regulations contain numerous references to maintaining the character of neighborhoods, and a public sky bar and short-term rentals, which skirt the City’s regulations on Air B&B’s, is not in character with our neighborhood. Any permit to construct should specifically exclude those uses.

Karen Carmichael
VP Sage Condominiums Board of Directors
Unit 501
718-288-8044

From: S Engel Phillips
To: Corey D. Malyszka; Elizabeth Abernethy; Adriana P. Shaw; DRC; Alfredo Anthony; Jake Zimmerman; John Roll (jrstpetethesage@gmail.com); Richard Montoya; Robin Jones; William Hoth
Subject: Re: File#23-31000015
Date: Wednesday, January 3, 2024 3:10:50 PM

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(As a preliminary note, I find it REALLY ironic that the picture used in the City's website, illustrating "Housing" in Visions2050—supposedly illustrating the type of housing which the City ought to be supporting—is one of the houses being demolished for this project.

Note: All information set of by "quote marks" in the following are direct quotes from either Vision2050 or from the developer and colleagues.

Vision2050, which sets the framework for development and this Commission is filled with references to neighborhoods. Vision2050 says it will "protect the character and viability of neighborhoods." It says it will "consider opportunities to address the emotional infrastructure of our community." Vision2050 says that St. Petersburg has, "traditional neighborhoods marked by architectural character and sense of place," and that, "the need to direct growth will be balanced with protecting community character." In implementation, Vision2050 says that care will be taken to "address the concerns of the community..and preservation of the City's character and historic assets.

I live one block from the proposed project. We live in a residential neighborhood, walkable, characterized by low-rise single-family, multi-family, condo, and co-op homes. Other than occasional events at the Mahaffey or Al Lang Field, we are a low-traffic neighborhood, not a destination for people from throughout the area. Traffic is manageable. It's the sort of place where we walk our dogs, get our 5000 steps a day (if you're my age), say hello to other dog-walkers, even if we don't know their names. We are certainly NOT a commercial area.

We are now told that a 25-story building is slated for our neighborhood at the corner of 4th Ave and 4th. St South. Conversations with the developer reveal plans for an open-air, rooftop bar, similar to the Birchwood on Beach Drive, open to the public. Developers describe plans for condo units which potential owners will be

told can be rented out for short periods of time—as if hotel rooms or Air BnB's.

One partner says that "St Pete is ready for a high-design project with a more cosmopolitan feel typically found in New York/London/LA/San Fran/Sydney/Paris," with a "wow" design that doesn't feel like a "typical waterfront condo." It will be a "tower, less of a residence and more of a destination," and the lobby will be "filled with young people, so you will have to "squeeze through" the crowd. That's the "kind of happening" we want, he said.

This is NOT our neighborhood, and certainly not in keeping with Vision2050.

It is easy to calculate some parts of Vision2050 numerically: FAR credits, square footage, parking spaces. Whether or not a building "fits the space" or is in consonance with an existing neighborhood, or will permanently alter a valued neighborhood, is a harder call, but that is why we have this Commission and are able to submit comments.

In 1964, the Supreme Court was faced with a case on hard-core pornography. In his opinion, Justice Stewart Potter said that he could not describe in writing what was and was not pornography, but that, "I will know it when I see it." It is hard to describe why this building, as currently designed and with its current stated purposes, doesn't fit in our neighborhood, but we "know that when we see it," and would hope that, if a permit is granted, it be for construction and use far more suited to where we live than the proposal before us.

Dec 21, 2023

Community Redevelopment Agency
Corey Malyszka, Zoning Official
175 5th St N
St. Petersburg, FL 33701

Att: St. Petersburg In-Town CRA Board

The purpose of this letter is to voice concerns related to the project at 332, 340 and 344 4th St. South ("4th St. Proposal"), which are summarized below and are followed by suggested remedies. Specific references to the Intown Redevelopment Plan and the Vision 2050 appear as an appendix.

Design

We are concerned about the scale and massing of this structure which, at a proposed height of 325 feet, dwarfs the lower-rise structures on surrounding blocks, some of which are less than five years old.

Further, a more varied pedestal design that replicates existing street frontage, provides stepbacks, public art, and related elements would more fully comply with several sections of the IRP. Examples provided on page 4 of this letter show recently approved projects that have incorporated more varied facade treatments that help offset their verticality and mass.

Loss of Affordable Housing

Much of America's affordable housing operates without subsidy and is sometimes referred to as "Naturally Occurring Affordable Housing" (NOAH). These Class B and C multifamily rental properties are typically found within historic - if not historically designated- buildings greater than 50 years old.

The IRP's Residential Development Program notes the importance of utilizing such structures to meet downtown housing needs. The 4th St. Proposal will result in the demolition of two NOAH buildings, resulting in the loss of downtown affordable housing units.

Protecting Older and Potentially Historic Buildings

A stated objective of the IRP is to ensure that downtown "maintains the historic, cultural, and aesthetic integrity of downtown." The 4th St. Proposal directly contravenes this goal.

(Continues)

Two of the 4th St. Proposal buildings are historic, but are not historically designated. The building at 344 4th St., for example, represents one of the few early multi-story wood frame rooming houses remaining in downtown.

The structure at 332 4th St. S. , now a multi-family building, represents one of the early 1920s single family residences built adjacent to downtown. We encourage the City's preservation staff to address the significance of these buildings as part of the CRA review process.

Recommendations:

1. This project should be denied unless the proposal is modified to more fully comply with the cited sections of the IRP included in this letter.

2. In undertaking its required review of proposals for development and consistency with the IRP, the CRA should recognize the need to assess a proposal's impact upon historic buildings (buildings 50 years of age or greater) and/or buildings providing naturally occurring affordable housing.

3. To better assess such impacts, the CRA staff should identify within their reports: (1) buildings expected to be demolished that are 50 years of age or greater; (2) whether, such buildings could be eligible for designation as a landmark or contributing structure to a landmark district; (3) whether the applicant is proposing relocation of such buildings if the buildings cannot be incorporated into the proposal; (4) the number and affordability of the residential units contained within each building to be demolished and (5) if the proposal is offsetting any loss in affordable units.

Alternatively, a referral item could be made to the HLUT Committee for recommendations as to how the CRA's development consistency review process can be better informed about the development impacts related to the loss of historic buildings (buildings 50 years old or greater), particularly those offering naturally occurring affordable housing (NOAH).

I would welcome the opportunity to discuss these issues further. IRP references are cited below.

Respectfully,

/S/

Manny Leto
Executive Director,
Preserve the 'Burg

(Continues)

Intown Redevelopment Plan References

Design Concerns:

Page 20 of IRP: "Part of developing a unified core area is the ability to evaluate the design and human scale impacts of new development."

Page 40 of IRP: "All new development and redevelopment should provide design elements (trees, canopies, street furniture, entryways, etc.) to bring the building and related activity spaces in scale with human dimensions and perception of space."

Page 41 of IRP: "All infill development should create a sense of place and neighborhood identity by relating to old and new architecture and by developing interrelated open and pedestrian spaces." also "All new development within and adjacent to residential areas should relate in building scale and mass with the surrounding neighborhood."

Page 28 of IRP, under "Residential Development Program":

> *"One important aspect of residential development is the utilization of the existing housing stock.*
>
> *To ensure housing opportunities for all citizens of St. Petersburg, the residential development program focuses on two aspects of the housing market:*
>
> *1. Aid low and middle-income persons in the rehabilitation of their property or investor owners who provide housing for low and middle-income groups; and*
>
> *2. Aid in defining and assisting new middle-income residential development and infill housing, and* ***ensuring its compatibility with the surrounding neighborhood.****"*

IRP Page 8: "Ensure that the form of new development and redevelopment promotes, reinforces and maintains the historic, cultural and aesthetic integrity of the Intown Redevelopment Area."

Vision 2050 Document, page 18: "Historic Preservation: Continue to proactively identify and protect historic resources within the city."

(Continues)

Pedestal design examples incorporating stepbacks, public art, and other elements that reference existing streetscape and rhythms.



Tower approved for lot south MAACM



Project for Fit2Run Location



747 4th Ave North, approved Sept. 2022



Proposed project on Central Ave.

(End)

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www.stpete.org

Exhibit A-3

Appeal #23-31000015

DRC Results Letter and Vote Record

st.petersburg
www.stpete.org

January 11, 2024

Sent via U.S. Mail and Email to:
dmastry@trenam.com
MPoling@trenam.com

4th South Valor Capital LLC
400 Cleveland St.
Clearwater, FL 33755

R. Donald Mastry, Trenam Law,
200 Central Ave., Suite 1600,
St. Petersburg, FL 33701

Re: Case No.: 23-31000015

Addresses: 332, 340, and 344 4th Street South

Parcel ID No's.: 19-31-17-81864-000-0050, 19-31-17-81864-000-0070, 19-31-17-01502-000-0001, 19-31-17-01502-000-0010, 19-31-17-01502-000-0020, 19-31-17-01502-000-0030, 19-31-17-01502-000-0040

Request: Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

Dear Applicant:

The Development Review Commission at its hearing on January 10, 2024, a motion was made to remove the second sentence from special condition number nine (9) "The parking garage screening shall incorporate a mullion pattern that mimics the storefront system mullion pattern." The motion passed unanimously by a vote of 6 to 0, thereby approving the motion.

A second motion was made to revise special condition nineteen (19) from the date December 15, 2023, to January 8, 2024. The motion passed unanimously by a vote of 6 to 0, thereby approving the motion.

A third and final motion was made to approve the above referenced request with the amended special conditions of approval. The motion passed unanimously by a vote of 6 to 0, thereby approving the request.

A copy of the vote record is enclosed. The special conditions are as follows:

SPECIAL CONDITIONS OF APPROVAL:

1. Public art shall be provided, the value shall be equal to one-half of one percent of the total construction cost up to $100,000.00 and shall be reviewed and approved by the POD of Cultural Affairs prior to issuance of the first certificate of occupancy. All public art shall be visually accessible to the public. In lieu of providing the public art, the applicant may provide financial

support to the City's downtown public art program equal to one-quarter of one percent of the total construction cost, up to $50,000.00.

2. The applicant shall provide a minimum of 1.0 of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.
3. The applicant shall purchase a minimum of 10,000 square feet of Historic Transfer of Development Rights from an approved transfer site(s) as required to receive the F.A.R. bonus. Applicant shall complete the transfer of Historic Transfer of Development Rights prior to the release of building permits.
4. The applicant shall provide, in any combination, to achieve a total bonus of 2.5 FAR by utilizing the following FAR bonuses: support for workforce housing, Historic Transfer of Development Rights, LEED certification or equivalent or financial support to the streetscape fund. To qualify for the bonuses, the applicant will be required to list on the plans submitted for permitting the FAR bonuses that will be utilized, the amount of each bonus that will be utilized and how the project qualifies for each bonus.
5. The applicant shall install a decorative crown to receive the additional building height. The final design shall be subject to approval by staff.
6. Any modifications to the travel lane, parking spaces and landscape islands surrounding the subject property shall be subject to approval by the City.
7. Concrete driveways shall be continuous through all driveway approaches and truncated domes shall be installed.
8. The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.
9. The parking garage screening shall be approved by staff.
10. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.
11. Bicycle parking shall be provided as required by Section 16.40.090.
12. Exterior lighting shall comply with Section 16.40.070.
13. Mechanical equipment shall be screened from the abutting rights-of-way.
14. Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.
15. The Construction Action Plan (CAP) shall be submitted to Zoning Official for review and approval prior to the issuance of building permits.
16. A noise mitigation and monitoring plan shall be required to be approved prior to the installation of an outdoor amplified sound system.
17. The applicant shall receive a notice of no hazard to air navigation issued by the FAA prior to the issuance of building permits.
18. The site plan shall be modified as necessary to comply with the comments in the Transportation and Parking Management Department’s Memorandum dated December 18, 2023.
19. The site plan shall be modified as necessary to comply with the comments in the Engineering Department’s Memorandum dated January 8, 2024.

20. The site plan shall be modified as necessary to comply with the comments in the Water Resources Department's Memorandum dated January 3, 2024.

Please feel free to contact Corey Malyszka at 727-892-5453 or Corey.Malyszka@stpete.org with any questions.

Sincerely,

/s/ Corey Malyszka

Corey Malyszka, AICP, Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department

CDM:ke Enc: Vote Record

Development Review Commission (DRC)
DRC HEARING DATE **January 10, 2024**
DRC CASE NO. 23-31000015

MOTION TO APPROVE:	#3 Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 sq. ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.				Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 sq. ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus with the amended special conditions of approval.	
AMENDMENTS:	Motion to remove the second sentence from special condition number nine (9) "The parking garage screening shall incorporate a mullion pattern that mimics the storefront system mullion pattern."		Motion to revise special condition nineteen (19) from the date December 15, 2023, to January 8, 2024.			
MOVED BY:	Griner		Griner		Griner	
SECOND BY:	Kiernan		Flynt		Flynt	
NAMES	YES	NO	YES	NO	YES	NO
KIERNAN	**X**		**X**		**X**	
WALKER	**ABSENT**		**ABSENT**		**ABSENT**	
STOWE	**X**		**X**		**X**	
SINGLETON	**ABSENT**		**ABSENT**		**ABSENT**	
CLEMMONS	**X**		**X**		**X**	
REALI, Vice-Chair	**ABSENT**		**ABSENT**		**ABSENT**	
REED, Chair	**ABSENT**		**ABSENT**		**ABSENT**	
VATELOT*1	**X**		**X**		**X**	
GRINER*2	**X**		**X**		**X**	
FLYNT*3	**X**		**X**		**X**	

* Alternate

Attendance

A	Reed
A	Walker
A	Reali
P	Stowe
A	Singleton
P	Kiernan
P	Clemmons
P	Vatelot*1
P	Griner*2
P	Flynt*3

Presentations

X	– Corey Malyszka – Staff Presentation
X	- Donald Mastry - Agent Presentation - Marco Sanchez Castro - Architect

"APPROVED by a 6 to 0 vote of the Commission."

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Exhibit A-4

Appeal #23-31000015

DRC Meeting Minutes

CITY OF ST. PETERSBURG

DEVELOPMENT REVIEW COMMISSION

PUBLIC HEARING

Council Chambers, City Hall
175 – 5th Street North
St. Petersburg, Florida 33701

January 10, 2024
Wednesday
1:00 P.M.

MEETING MINUTES

Present:	Darren Stowe, Acting Chair Michael Kiernan Tim Clemmons Joseph Griner, III, *Alternate* Chuck Flynt, *Alternate* Sarah-Jane Vatelot, *Alternate*
Commissioners Absent:	Todd Reed, Chair Kevin Reali, Vice-Chair Matt Walker Kiona Singleton
Staff Present:	Corey Malyszka, Zoning Official Michael Dema, Assistant City Attorney Christina Boussias, Assistant City Attorney Kayla Eger, Clerk, Planning and Development Services Department

The public hearing was called to order at 1:00 p.m., a quorum was present.

A. OPENING REMARKS OF CHAIR

B. PLEDGE OF ALLEGIANCE

C. SWEARING IN OF WITNESSES

D. ROLL CALL

E. APPROVAL OF THE MINUTES FROM THE – December 6, 2023, DRC meeting

The minutes from the December 6, 2023, meeting were approved unanimously

F. PUBLIC COMMENTS

G. DEFERRED CASES

1. 23-54000085 – 122 6th Avenue North – Deferred to February 7, 2024, Public Hearing

H. PUBLIC HEARING AGENDA

QUASI-JUDICIAL

3. Case No. 23-31000015 – 332, 340, 344 4th Street South

Request (1:29:44):

Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square-feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

City Staff Presentation (1:30:23):

Corey Malyszka gave a presentation based on the Staff Report.

Questions/Comments Following City Staff Presentation (1:37:08):

(1:37:10) Commissioner Stowe: Thank you. Any questions for Staff?

(1:37:12) Commissioner Clemmons: I have a couple of questions. The building doesn't appear to have a step back above the podium. Is it because of the size of the site or the size of the tower or footprint of the tower?

(1:37:22) Mr. Malyszka: It's the footprint of the first floor, so it's not required to have a 10-foot setback on the street side.

(1:37:28) Commissioner Clemmons: The footprint on the first floor, are you excluding the area under cover?

(1:37:37) Mr. Malyszka: Right. In this case, I would have to get the dimensions out, but it's basically the 16,000 square-feet.

(1:37:46) Commissioner Clemmons: Yeah, I couldn't remember the number. 16,000 is good…and the site is about 20,000 square-feet, plus or minus? Okay. You mentioned the decorative crown. You didn't indicate that this design currently has a decorative crown, you just said at final design?

(1:38:07) Mr. Malyszka: Correct.

(1:38:08) Commissioner Clemmons: They'll be required to incorporate one into the design?

(1:38:09) Mr. Malyszka: Correct.

(1:38:10) Commissioner Clemmons: That's not something we need to review at DRC, that's a Staff review?

(1:38:13) Mr. Malyszka: Right.

(1:38:14) Commissioner Clemmons: Okay. Lastly, there's a letter from Preserve the 'Burg, noting that there was some naturally occurring affordable housing. There are no requirements, no special requirements for how those tenants…those existing residents are relocated or…there's no specific requirements for…that the workforce housing, you know, typically, you have an option

to either incorporate into the building or contribute to the workforce housing fund. In this situation, there's no specific requirements related to that?

(1:38:56) Mr. Malyszka: There is the FAR Bonus that they contribute money or provide units.

(1:38:58) Commissioner Clemmons: Right.

(1:38:59) Mr. Malyszka: They will do that…

(1:39:00) Commissioner Clemmons: But nothing…above and beyond any general requirements…

(1:39:05) Mr. Malyszka: Right, there's some…there's…Legal may be able to step in on this too, because they might be more familiar with the recently…change where notice does have to be provided to applicants and I believe it's a complexes with more than four dwelling units. If they're going to demo that, of such. I'm not sure…

(1:39:27) Mr. Dema: I thought we had to get rid of that after changes in the legislation last year, where we can't regulate the landlord/tenant relationship.

(1:39:36) Mr. Malyszka: We used to?

(1:39:37) Mr. Dema: Yeah. It was part of a comprehensive preemption coming out of Tallahassee last year.

(1:39:47) Commissioner Griner: I have a question…and this is kind of a general question…the FAR. You know, you outline a couple of them and then the last two and a half FAR Bonuses, you say, 'hey…it could be a combination'. If we're approving the bonuses, why even say any of them or why not say all of them? I see where you say, 'hey, they are going to provide financial…and those are good ones and I agree, but support workforce housing is kind of a…because we were just talking about that. It's kind of a nebulous term and we are being asked to support these FAR Bonus points that are enveloped into the overall request. Typically, don't we get a breakdown of what they're planned FAR…the request of what those bonuses are?

(1:40:49) Mr. Malyszka: We've allowed a little more flexibility recently, just because some of it was from the developer's market changes…you know, either with…you know, we put conditions in these approvals, they're written in such a way that we had to bring them back. How the conditions were written, Staff couldn't…

(1:41:11) Commissioner Clemmons: I didn't get this memo.

(1:41:12) Mr. Malyszka: Huh?

(1:41:13) Commissioner Clemmons: I didn't get this memo.

(1:41:16) Mr. Dema: I was part of that decision. The need to come back and make some of these modifications…

(1:41:24) Commissioner Clemmons: It's not bad to do.

(1:41:25) Mr. Dema: Yeah, well…the choice of FAR is largely irrelevant to what you're doing here in terms of consistency and what not, with the surrounding area. I think it's a point of information too, if these are mandatory anyway, so we have a….and then the 2.5 remainder is permissive and a choice.

(1:41:54) Commissioner Griner: (*inaudible)*…historical tradition of, 'hey, if these are reasonable requests for FAR, we typically grant them'. No argument about that, I just…if you're saying it doesn't matter what the 2.5 is for, then why is it in front of us?

(1:42:09) Commissioner Clemmons: Because those two are mandated in the code, Joe. If you're going above an FAR of…in this zoning code, above an FAR of five, you have to do the historic and you have to do the workforce housing.

(1:42:21) Commissioner Griner: No, no...and I agree with that, I absolutely agree with that part. I guess what my hangup is – is we're approving something we don't really know if it's one for this…two for that, TDRs, if it's…whatever. I don't see it, so that's all.

(1:42:35) Commissioner Stowe: I know recently…this is not the first one that's come before us, but it has been fairly recent that there's been that flexibility. Good or bad…

(1:42:45) Mr. Malyszka: As the Commission, you're reviewing the impact of a development of this size more so than if they are using leed or streetscape. That's why this is here before you today.

(1:43:00) Commissioner Clemmons: I mean, in a particular project, in a particular location, there may be some reason to say that whether we as a Commission or City Council as CRA, or even the public thinks it would be more appropriate to do streetscape improvements at that particular location or another location to do maybe lean in a little bit on the workforce housing in a case where for example, you're demolishing existing housing that is relatively affordable, but…

(1:43:23) Mr. Malyszka: The streetscape one isn't for this, it would be a fund that the City...

(1:43:29) Mr. Clemmons: Oh, no…I understand.

(1:43:36) Commissioner Griner: Okay, I was just…that was just a Staff question, because I saw it and I was trying to come to grips with what we were approving and I see that it's necessary, but it's a very important part of each development, because without these 2.5 FAR, this project is not economically viable, so it's a big part of the project.

(1:43:59) Commissioner Stowe: I believe that we are ready to hear from the applicant.

Agent Presentation (1:44:10):

Don Mastry, 200 Central Avenue, gave a PowerPoint presentation based on the Staff Report.

Questions/Comments Following Agent Presentation (1:52:13):

(1:52:12) Commissioner Stowe: Thank you. Any questions for the Applicant?

(1:52:13) Commissioner Griner: Quick comment. Is an earlier project you had excess parking, and, on this project, you have excess parking. I personally think the Institute of Transportation Engineers underestimates the number of parking but this condotel, nice term…I haven't seen that one before. But I think this is appropriate to have double the amount. I think the parking is good and if it was less, I'd have more of an objection to it.

(1:52:50) Commissioner Stowe: I have a quick question. The sky bar that's mentioned, I don't think it's in your application, but I think I read it in the Sage letter. That's not going to…will that be open to the public?

(1:52:57) Mr. Mastry: What?

(1:52:58) Commissioner Stowe: Will the sky bar be open to the public?

(1:53:01) Mr. Mastry: Well, it's…it's going to be a bar, I don't know. That hadn't been decided yet.

(1:53:06) Commissioner Stowe: I didn't know if it was a…

(1:53:07) Mr. Mastry: (*inaudible)* responded to that question in this way, if it is a regular bar, it can be right on the ground floor, it's a permitted use. You ought to be happy it's 25-stories up in the air.

(1:53:22) Commissioner Stowe: Well, it could be.

(1:53:23) Mr. Mastry: Yeah, it could be.

(1:53:24) Commissioner Stowe: I didn't know if you were able to say today that it was an amenity and it was meant for…

(1:53:25) Mr. Mastry: No, but it could be more than just the normal amenity for the building, yes.

(1:53:35) Commissioner Flynt: Couple of questions, Mr. Mastry. The sky bar is on, what, the 25th floor of the roof?

(1:53:40) Mr. Mastry: Yes. Yes.

(1:53:41) Commissioner Flynt: When you look at the elevations of the property, you have the bottom pedestal with a large open area. What is going to be on that upper deck area, which is not directly in the footprint of the main tower feature? Is there a swimming pool, is there anything to show what's on that floor?

(1:54:02) Mr. Mastry: I'm going to let our architect try to answer your questions.

(1:54:20) Mr. Sanchez: Hello everyone, Marco Design Director with GDI Architects, the Design Architect on the job. The top of the podium, the parking garage volume is going to act as the main (*inaudible)* space for the residents. It will have a number of spaces that are going to be used by the residents who will live on the 152-units. It will have a small gym, a small social room, a pool deck, and it will be dedicated mainly for residents, that's not for public use.

(1:55:02) Commissioner Flynt: Okay. On the bottom floor ground floor, it appears there's a bunch of tables, four top tables and some two tops. Is there a restaurant that is going to be part of that ground floor?

Mr. Sanchez (1:55:19): At this point, it's hard to confirm that. We call that as a retail space. That's an activated frontage that opens up to the south of the…to the building where we have the plaza, so it will be an activated space, access from the public, from the street.

(1:55:37) Commissioner Flynt: Okay. It appears some of it does not sit underneath the overhang and but most of the tables that are shown in the drawing are underneath the overhang.

(1:55:48) Mr. Sanchez: That's correct.

(1:55:49) Commissioner Flynt: You're verifying the sky bar is 25 floors up?

(1:55:57): Mr. Sanchez: Correct.

(1:55:58) Commissioner Flynt: That was the initial concern of mine. Where's this bar that's mentioned by the neighbors because you do have the three-story townhomes, immediately to the east on the other side of the alley that remain. I was thinking that was the location, the bar on that…on top of that, and I'm like, 'well, that does put a bar really close to better windows' on the east side of the alley, but 25 floors up, different story.

(1:56:24) Mr. Sanchez: It's on the top floor, yes.

(1:56:26) Commissioner Flynt: Thank you.

(1:56:31) Commissioner Stowe: Any other questions for the Applicant? Yes, sir?

(1:56:33) Mr. Mastry: Corey, are you going to make a wording, a change to Condition 9?

(1:56:38) Mr. Malyszka: Yeah, we can do that before.

(1:56:40) Mr. Mastry: Pardon?

(1:56:41) Mr. Malyszka: We can do that as part of closing.

(1:56:42) Mr. Mastry: Okay. That's fine.

(1:56:43) Commissioner Stowe: I had it in my mind that we need to make that change. Staff have any Cross-Examination?

(1:56:53) Mr. Malyszka: Chair, blue cards.

(1:56:54) Commissioner Stowe: Oh, oh, sorry. Thank you. Karen Carmichael.

Public Comment (1:56:55):

1. **Karen Carmichael**, 400 4th Avenue South, Sage Condominiums Vice-President. I received these plans as a member of the Downtown Neighborhood Association, and you should have received an email from me regarding approval of this building and I'd like to add onto that today.

   Based on the feedback that The Sage Board received from residents and owners, a few of them, along with me – met with the people here from (*inaudible).* We discussed the plans for about an hour, and we were satisfied with the outcome of the meeting because we thought the representatives understood our positions regarding the application as it was originally filed and then we received a notice of this hearing, and we realized that the application had not changed. Clearly, they are waiting for you all to weigh in before they change their design concept.

   We live on 4th Avenue South, and we recognize that the zoning for 4th Street South intersects with that corner, but just because an area is zoned for a type of development it's also important to recognize the outliers to that plan. We have real concerns about the uses of the building for what Valor has referred to as a destination. My understanding is that City Staff found that the building's height and design are consistent with several other residential towers in the immediate area. Examples included The Sage, which is only 12 stories high and the Camden Pier District building that's 18 stories high. There's no mention at all of the two apartments…apartment buildings that are on other corners of 4th Avenue South and they're around 4 stories high. Or the townhomes that are right next to

this site. This building as designed is 25 stories and that doesn't sound consistent to me. We're asking that you consider the area surrounding that intersection when approving any plans and not approve any portion of the plan that would deviate from the current neighborhood character.

Our biggest concerns, as you've already heard, are the public sky bar and the idea that the building be used as a hotel-condominium hybrid. These components are also not consistent with buildings in the area and now there are statements in the press from Zoning Officials that The Mint House and The Edge is a comparison to this building. That's not true. The Mint House is a hotel company that has locations worldwide. The one in the Edge is much smaller. It is not a condominium with individual owners. It is in a designated business district.

The current usage plan is also not consistent with buildings in our area. We welcome new residents to 4th Avenue South and we're asking that anything you approve supports the character of the neighborhood. We're also asking that the design and use of the new buildings align with the current buildings in the area. Just as a matter of you knowing this, the notices for this hearing went to corporate out of state entities that own those two apartment buildings. I stopped by and spoke to the managers of both buildings and neither one of them received any information about these hearings. The residents of those buildings were not notified.

(2:00:20) Commissioner Stowe: Thank you.

(2:00:21) Ms. Carmichael: Okay.

(2:00:22) Commissioner Stowe: Jake Zimmerman.

2. **Jake Zimmerman**, 400 4th Avenue South and I have been sworn in. I support the building project, but only if it's in the requirements of the land development code. I don't think that you should approve stuff that needs variances unless those variances are exposed and approved and discussed at a public meeting. I also wanted to share with you that we were happy with the meeting we had with the developers that came and visited with us and it's my impression that they were in agreement to do the following items and if that is true, I'd like to see that they're added to the development conditions. One of which was to underground the utilities, especially along 4th Street because you have some other complications with construction close enough, because this building is zero lot line.

   You got transmission lines on that property line, and you need a 30-foot cone around those lines to push them back, away from the property line. That'll be something you receive way down the road when the power company looks at the plans, so you need to consider that, and I think it should just be a part of the conditions of approval. There was also a formal commitment to ensuring that the general contractor comply with the City's work hours for construction. I know that sounds repetitive to the City Code, but they repeatedly, the contractors themselves, not the developers, work outside the City's allowable times. I think memorializing that they're going to support us following the rules is the best thing to go for there.

Another item was one of the existing conditions, and I've never talked to the developers about this one, was to add language to the existing condition that the cost of (*inaudible)* the piers…of the building be excluded as a reason to switch to mechanical pile driving. That's a small issue, technical issue, but it's important because we don't want just, 'oh, it just cost too much to order those' as a reason why you don't do it.

The Staff 's comments pretty much satisfied all of my concerns about the management of the renters and the bad behavior of the residents in a potential bad behavior of residents in a Airbnb type situation and to me, the developers skirting an idea of doing a hybrid…a hybrid doesn't exist in the code. You can't talk about a hybrid. It's either a hotel or a condominium. There is no definition of a hybrid. We need to get away from that. I'm okay with it being a hotel if they want to do short-term rentals but you've got to comply with all the conditions of a hotel and one of those is that you have two tractor trailer loading spots per…or it's one per 100,000, which you need two on this property.

(2:03:46) Commissioner Stowe: Thank you. Does Staff have any cross-examination?

Cross Examination (2:03:51):

City Staff (Mr. Malyszka) and the Agent (Mr. Mastry) waived.

Rebuttal/Closing Remarks (2:03:56):

(2:04:00) Mr. Malyszka: We just wanted to…as Mr. Mastry brought up, amend another condition that provides some clarity. That one was just about the garage screening. I believe Mr. Mastry said it was number 9 in the Staff report. We talked about the garage screening and the mullions, so we're just going to talk about the garage here that's proposed. Actually, if the garage screening is consistent with the drawings where the screening is undulating as articulated either with art, color changes, scopes cut out, etcetera, then the requirement for the mullions would not be required.

(2:04:50) Commissioner Stowe: Closing Statements Mr. Mastry?

(2:05:06) Mr. Mastry: Hi. I think that this clearly is a project that meets the requirements of code. It's a permitted use and there are no variances being requested as might have been suggested. I would tell you that this is in the end town activity center. The character of the neighborhood, I don't believe is decided by the smallest permitted building in a district, otherwise, we would never be able to redevelop any and utilize and build bigger buildings than what's there. That's just not the way it works. There's a four-story building there. That doesn't mean that's the maximum we're going to be able to do. I think this building is consistent in height, size, and mass as well as the Staff agrees, with what's in the district. I would urge your approval. Thank you.

(2:06:07) Commissioner Stowe: Thank you. With that we are in Executive Session.

Executive Session (2:06:07):

(2:06:08) Commissioner Clemmons: I have a question for Staff. On the ground level open space 5% of the side area, in this case, 1,000 square-feet to the ground and open space, at least half of that has to be landscaped. Is…and I know there was some recent changes and part of that being under a canopy or roof, but is…can 100% be under a canopy or roof?

(2:06:34) Mr. Malyszka: No.

(2:06:35) Commissioner Clemmons: Well, I'm confused then, because doesn't the parking garage extend pretty much corner to corner to corner on this…

(2:06:41) Mr. Malyszka: No.

(2:06:43) Mr. Clemmons: It's not clear then on the sites plan. I know…but it looks…I thought the plaza was under the roof to the parking garage.

(2:06:49) Mr. Malyszka: There's a cover plaza and then there's an open-air plaza.

(2:06:52) Commissioner Clemmons: Is the open-air…I can't tell the difference.

(2:06:55) Mr. Malyszka: Can you turn on the PowerPoint, please? Only 50% of the open space can be cover but it has to be covered with like, awnings, or canopies.

(2:07:06) Commissioner Clemmons: Right.

(2:07:07) Mr. Malyszka: Not balconies, correct.

(2:07:08) Mr. Clemmons: Let me get to my issue with…my question about the 16,000.

(2:07:15) Mr. Malyszka: If you look here, this is the 4th Street…4th Avenue.

(2:07:19) Mr. Clemmons: Yep.

(2:07:20) Mr. Malyszka: This is the 40-foot plaza that's open and you can see it…

(2:07:25) Mr. Clemmons: Where…the property line is the red dotted line?

(2:07:28) Mr. Malyszka: Yeah.

(2:07:29) Mr. Clemmons: There?

(2:07:29) Mr. Malyszka: Yeah.

(2:07:30) Mr. Clemmons: And that's 4th Street or 4th Avenue?

(2:07:31) Mr. Malyszka: [*referencing the Staff PowerPoint presentation "Rendered Site Plan" slide*] This is going to be 4th Avenue. I'll show you…and so here, it translates to this area being uncovered.

(2:07:42) Mr. Clemmons: So all that's uncovered? Okay. I thought….I thought the…okay, thank you.

(2:07:46) Mr. Malyszka: Yeah, the parking garage entrance is here.

(2:07:47) Commissioner Clemmons: And, and in the cross (inaudible) just north of that…

(2:07:50) Mr. Malyszka: That's covered.

(2:07:51) Commissioner Clemmons: That is covered. Okay. Thank you.

(2:07:54) Commissioner Stowe: Commissioner Flynt….I think you had….

(2:07:58) Commissioner Flynt: Yeah, clarification on the…the parking requirement for a hotel. How is that calculated again?

(2:08:06) Mr. Malyszka: Hotel parking is one space for every four rooms.

(2:08:08) Commissioner Flynt: One for four? That's pretty minimal.

(2:08:11) Mr. Malyszka: Right. It's downtown, it's the least.

(2:08:15) Commissioner Flynt: Okay. There was the comment from the gentleman regarding semi-loading zones. Is that in the code requirement for this?

(2:08:27) Mr. Malyszka: Under the parking section, if the use was just a hotel of a certain size, yes there's tractor trailer requirements, correct.

(2:08:38) Commissioner Flynt: Okay. Is this going to trigger that tractor trailer based upon this size?

(2:08:43) Mr. Malyszka: Based on how Staff is looking at this, as a condotel, the primary use is really a condo with the option to do a hotel use. Staff was not requiring that trailer to be part of the development.

(2:08:57) Commissioner Vatelot: The hotel use is secondary?

(2:08:59) Mr. Malyszka: Mm-hm.

(2:09:00) Commissioner Vatelot: Okay.

(2:09:01) Commissioner Flynt: I have a concern about how it's determined though. If somebody wants to rent something over 750 square-feet and all the owners want to use those as hotels because you can get significantly more rental from a, you know, a short-term than from a annual lease, should we consider the entire building to be a hotel? There…there's, there's no legitimate reasonable way to determine if something is used as hotel or residence. I mean…short of having a Staff…a City Staff member visit every single unit every single day to take a count, would we be better off looking at it as 100% hotel?

(2:09:55) Commissioner Clemmons: To be honest, that's true of every residential building downtown. Our code allows…in any zoning district that permits hotel residence, you can Airbnb those residential units. In a way, this applies to every…now, most residential buildings…either condominiums don't allow…through their condo association and apartment buildings again, apartment owner/manager may not allow it for their own internal purposes, but the City doesn't prohibit it.

(2:10:30) Commissioner Flynt: Okay.

(2:10:31) Commissioner Clemmons: I mean…it's still a legitimate question but I'm saying it…you know…

(2:10:36) Commissioner Flynt: Right….(*inaudible).*

(2:10:37) Commissioner Clemmons: They could back here today and say 'this is a residential building' and then the minute it's open, they can start Airbnb or VRBO or any other one they want to use and that is legal within the…

(2:10:49) Commissioner Flynt: Because that always concerns….

(2:10:50) Commissioner Clemmons: (*inaudible)…*open and honest about it.

(2:10:52) Commissioner Flynt: I mean…it just concerns me on all of them where we approved the 750 square-feet or less to not have parking, but there's really no way to verify any of this.

(2:11:09) Commissioner Stowe: Yeah, there's no thresholds, no building thresholds.

(2:11:10) Commissioner Flynt: And we haven't solved the affordability which is the reason we struck the requirement for parking below 750.

(2:11:19) Commissioner Clemmons: I would say regarding the tractor trailer, one of the main reasons for that is that a full-service hotel often has laundry service, restaurant/food service, you know and then there's a lot more deliveries than a residential building with units being rented out to an Airbnb participatory program, you're not going to have the laundry services and the restaurant and food services, so I'm not so concerned about that one. I mean…

(2:11:47) Commissioner Flynt: Well…

(2:11:50) Commissioner Clemmons: (*inaudible)…*how we regulate it.

(2:11:51) Commissioner Flynt: You've got a restaurant on the bottom floor. You've got a bar on the top…

(2:11:56) Commissioner Clemmons: But those by themselves don't require you know, the full-service hotel…often hotels have meeting rooms and, you know…

(2:12:09) Commissioner Flynt: Mm-hmm. But hotels have…loading zones.

(2:12:09) Commissioner Clemmons: Those are the really…it's really not the number of hotel rooms that generates the need for tractor trailers. It's really the services that…the full-service that hotels provide…our code's just not quite fine reigned enough…

(2:12:23) Commissioner Flynt: I see the biggest issue with this project is going to be 'what effect does it have on the neighboring streets for loading and unloading if there are semi-tractor trailers, food delivery trucks, all that. Having a bar on the 25th floor, you know, as far as quality of life, I don't think it's going to affect anybody around there, it's too high. I'd have more concern if it was at that top parking deck because now it puts it pretty close to some condos that are three stories.

(2:12:56) Commissioner Vatelot: But those uses themselves will trigger requirements and I think it's ultimately the hotel use which is not really a hotel use proper in that there is no onsite laundering and all of the things that…the deliveries, the mattresses, all of the things that need storage and…to be accommodated for in a proper hotel. Here we're talking about, essentially, a condo tower with Airbnb usage and so it's not going to trigger the same type of delivery requirements.

(2:13:25) Commissioner Clemmons: And our zoning code does require loading facilities for commercial uses, but I think the thresholds like 50,000 square-feet or something (*inaudible).*

(2:13:36) Mr. Malyszka: Well, for retail operations in all first-floor nonresidential uses with gross floor of up to (*inaudible)* space. It's a typical auto space on there and we do have, I believe, on the plan they do have like a loading area shown, coming in off the alley way as well. This is typical of all the downtown condos and buildings. They usually just have like a loading bay. And they all have retail uses on the ground floor.

(2:14:00) Commissioner Clemmons: More like a panel truck kind of size.

(2:14:05) Mr. Malyszka: And we have other hotel operations smaller but…you know, Tru by Hilton on Central, you know, they use the back of house alley for any of their loadings. Near the high and the one, they have kind of that pass through. I don't think I've ever seen a semi come out of there. No…the Vinoy is a different story, it's a huge complex. You also have the Hilton where they pull into the garage off of 1st.

(2:14:31) Commissioner Flynt: These are comments I need to hear, not being overly familiar with that, but you hear these other comments, you know, explaining how some of these hotels puts me a little at ease on it.

(2:14:45) Commissioner Clemmons: I mean…it is, it is different than just a purely…a normal apartment building. There'll be more different people coming and going, I don't think the number of people coming and going will be more, but it's just different faces on different days.

(2:14:59) Commissioner Griner: I think the discussion is really good because what if the next one comes in and says 'okay, we are a hotel and we have one parking space per four units'? That's why I was mentioning the parking earlier is I really think that that's going to be the bottleneck for these things, and I think this was the appropriate way to size it. But if they came in as a hotel and it was less parking requirements and they gave less parking requirements, like the one that had zero, I think that's a real problem for the City moving forward.

(2:15:35) Commissioner Clemmons: I mean…I think the Tru Hotel has pretty much minimal parking.

(2:15:44) Mr. Malyszka: They have like 24 spaces.

(2:14:46) Commissioner Clemmons: 24 spaces. I know the Pennsylvania Hotel has very minimal parking, but they were in the old zoning code. I'm trying to think of…we have built several new hotels in the…so this zoning requirement, it goes back to 2007, so it's been sixteen years, but the one before (inaudible) I think before 2007, if I recall correctly, is one per two hotel rooms and I think it got reduced to one per four.

(2:16:06) Mr. Malyszka: You'd know better than I.

(2:16:08) Mr. Clemmons: You know, but…gray hair. To be honest, I've talked to some people and working on a hotel is…in downtown, very few people bring cars with them. It's Ubers and valets and…

(2:16:29) Commissioner Stowe: Well, it's the idea, you're coming to the downtown and once you're there

(2:16:31) Commissioner Clemmons: Yeah.

(2:16:33) Commissioner Stowe: …you're going to be walking around.

(2:16:33) Commissioner Clemmons: Yeah…and then people may rent a car to do a day trip or…

(2:16:34) Commissioner Stowe: Right.

(2:16:36) Commissioner Clemmons: …or if they're going to go to Disneyworld for a couple of days, but when you're coming St. Pete, in the downtown, very few people are bringing cars with them.

(2:16:48) Commissioner Griner: Can I make a motion to modify one of the special conditions of approval?

(2:16:53) Commissioner Stowe: Yeah…I was going to ask Corey…on number 9, can we just delete the second sentence…is that what you…

(2:16:57) Commissioner Griner: That was going to be my motion. That was going to be my motion.

(2:17:00) Commissioner Stowe: I wasn't sure because he's talked a long time.

(2:17:04) Commissioner Griner: Well….he said they would review it….so, I move Special Condition of Approval number 9, the second sentence be deleted.

(2:17:18) Commissioner Kiernan: Second.

(2:17:19) Commissioner Stowe: We have a motion and a second. Roll call please?

(2:17:20) Ms. Eger: Kiernan?

(2:17:21) Commissioner Kiernan: Yes.

(2:17:23) Ms. Eger: Stowe?

(2:17:24) Commissioner Stowe: Yes.

(**2:17:25) Ms. Eger:** Clemmons?

(2:17:25) Commissioner Clemmons: Yes.

(2:17:26) Ms. Eger: Vatelot?

(2:17:26) Commissioner Vatelot: Yes.

(2:17:27) Ms. Eger: Griner?

(2:17:27) Commissioner Griner: Yes.

(2:17:30) Ms. Eger: Flynt?

(2:17:31) Commissioner Flynt: Yes.

(2:17:31) Ms. Egar: That motion passes.

(2:17:32) Commissioner Stowe: Want to keep rolling?

(2:17:36) Commissioner Flynt: Sure. I move approval of a site plan to construct….

(2:17:42) Commissioner Stowe: No…condition number 19.

(2:17:43) Commissioner Griner: Oh.

(2:17:44) Commissioner Stowe: Yeah, we're going to change the date to the one that's in front of you…January 8th.

(2:17:51) Commissioner Griner: Alright. I'd like to make a motion to amend Special Conditions of Approval number 19 to change dated and that date is now…what is the new date?

(2:18:07) Commissioner Stowe: January 8th.

(2:18:08) Commissioner Griner: January 8th, 2024

(2:18:13) Commissioner Stowe: 2024, yep.

(2:18:14) Commissioner Flynt: (*inaudible)…*second.

(2:18:17) Commissioner Stowe: We have a motion and a second. Roll call, please.

(2:18:18) Ms. Egar: Kiernan?

(2:18:19) Commissioner Kiernan: Yes.

(2:18:20) Ms. Eger: Stowe?

(2:18:20) Commissioner Stowe: Yes.

(**2:18:21) Ms. Eger:** Clemmons?

(2:18:22) Commissioner Clemmons: Yes.

(2:18:23) Ms. Eger: Vatelot?

(2:18:24) Commissioner Vatelot: Yes.

(2:18:26) Ms. Eger: Griner?

(2:18:26) Commissioner Griner: Yes.

(2:18:27) Ms. Eger: Flynt?

(2:18:27) Commissioner Flynt: Yes.

(2:18:31) Ms. Egar: Motion passes.

(2:18:31) Commissioner Griner: Are you ready now?

(2:18:31) Commissioner Stowe: Now I'm ready.

(2:18:32) Commissioner Griner: Alright. Approval…move approval of a site plan to construct a 25-story multi-family building, 152-dwelling units and 4,893 square-feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus, subject to the amended special conditions of approval.

(2:18:51) Commissioner Flynt: Second.

(2:18:52) Commissioner Stowe: Motion and a second. Roll call, please.

(2:18:53) Ms. Eger: Kiernan?

(2:18:54) Commissioner Kiernan: Yes.

(2:18:56) Ms. Eger: Stowe?

(2:18:56) Commissioner Stowe: Yes.

(**2:18:57) Ms. Eger:** Clemmons?

(2:18:57) Commissioner Clemmons: Yes.

(2:18:58) Ms. Eger: Vatelot?

(2:18:59) Commissioner Vatelot: Yes.

(2:19:00) Ms. Eger: Griner?

(2:19:00) Commissioner Griner: Yes.

(2:19:01) Ms. Eger: Flynt?

(2:19:02) Commissioner Flynt: Yes.

(2:19:02) Ms. Egar: That motion passes.

(2:19:09) Commissioner Stowe: Alright. Could we have a ten-minute break and we'll be back at about 3:30.

(2:17:18) Motion #1: Commissioner Flynt made a motion to remove the second sentence from Special Condition number nine (9) "The parking garage screening shall incorporate a mullion pattern that mimics the storefront system mullion pattern."

Commissioner Kiernan, Second.

YES – 6 – Kiernan, Stowe, Clemmons, Vatelot, Griner, Flynt.
NO – 0 – None.

Motion passed unanimously.

(2:17:39) Motion #2: Commissioner Flynt moved approval of a motion to revise Special Condition number nineteen (19) from the date December 15, 2023, to January 8, 2024.

Commissioner Flynt, Second.

YES – 6 – Kiernan, Stowe, Clemmons, Vatelot, Griner, Flynt.
NO – 0 – None.

Motion passed unanimously.

(2:18:33) Motion #3: Commissioner Flynt moved approval of a site plan to construct a 25-story multi-family building with 152- dwelling units and 4,893 square-feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus, subject to the amended special conditions of approval.

Commissioner Flynt, Second.

YES – 6 – Kiernan, Stowe, Clemmons, Vatelot, Griner, Flynt.
NO – 0 – None.

Motion passed unanimously.

st.petersburg
www.stpete.org

Exhibit B-1

Appeal #23-31000015

Appeal Letter

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PLANNING & DEVELOPMENT SERVICES DEPARTMENT
APPEALS FORM

Appeal From: ☑ Person Officially Designated (POD) ☐ Development Review Commission ☐ Community Planning and Preservation Commission

Appeal to: ☐ Development Review Commission ☐ Community Planning and Preservation Commission ☑ City Council

RECEIVED
JAN 19 2024
CITY CLERK

Contact Information:

Name	Sage Condominums (Karen Carmichael, Board of Directors VP)
Street Address	400 4th Avenue So
City ST ZIP Code	St. Petersburg, Florida 33701
Telephone	718-288-8044
E-Mail Address	sage.kcar@gmail.com
Signature	Karen Carmichael Date 1/18/24

Date of Hearing

Date of Decision	1/4/24council and 1/10/24 DRC

Case No.

Case No.	#23-31000015

Case Address

Case Address	332, 340 and 344 4th St. S.

Submittal Requirements

1. Narrative describing grounds for appeal.

See attached grounds for appeal.

City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471
www.stpete.org/ldr

Attachment to appeal application for case #23-31000015
Address: 332, 340 and 344 4th St. S.

Narrative describing grounds for appeal:
We are confused because the decisions of the council and the DRC seem to be in conflict with some of the things we see in the principles governing neighborhoods and development as laid out in Vision 2050.

1) There are no buildings in the city that have this designation and there is no mention of this type of occupancy in the Vision 2050 plan. A short-term rental could be a hotel which requires a staff person on-site 24-7. A hotel is permitted downtown. Hotels are owned and operated by corporate entities. An AirBnB is not a permitted use in the city code. The closest use classification for an AirBnB is a BnB. A BnB requires an owner/manager to live on-site or within the same building/unit. Short-term rentals within St. Petersburg are subject to distinct zoning and frequency limitations. Properties are only permitted to be rented out up to three times in 365 days. Downtown is a neighborhood in this city. If the rest of the city is subject to these terms then this development should also be required to adhere to this. This building skirts the regulations governing short term rentals. The project under the terms of ownership as stated in the application is opening up a precedent to the entire downtown. It encourages out of state and out of the country ownership as an investment not a home. Many residents keep a second home here and rent it when out of the state. Those homeowners are subject to the same rules governing AirBnBs.

2) Although asked on several occasions, the developer and representative of the developer refuse to comment on the use of the sky bar as a public or building amenity. A building amenity is different from a bar open to the public. We would like some clarity on this as several of our residents have had experience with entertainment venues close to their homes and the noise and general disruption from an establishment that serves alcohol can create a nuisance in the area.

Information on Procedures for Hearing

1) Staff, appellant, applicant, and registered opponent (registered opponent ONLY allowable if timely registered and appellant is the applicant/owner) will have a total of ten (10) minutes each to present their case.
2) The cross-examination phase allows each participant five (5) minutes to ask questions of any individual or party that presented testimony in the presentation phase or public hearing. All questions shall be directed to the Chair who will direct the question to the appropriate person.
3) The rebuttal/closing statements phase allows each participant five (5) minutes to rebut prior arguments and make closing statements.
4) The Commission Chair will then close the proceedings and go into Executive Session and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.

Return form to the Office of City Clerk, at

175 5th Street North, St. Petersburg, FL 33701

Patricia.Beliveau@stpete.org (727) 893-7131

***Fee to Appeal Person Officially Designated: $250.00**
***Fee to Appeal to City Council: $300.00**

***Note: Appellant is also responsible for required public notice and any associated post office mailing fees.**

EMAIL TO DRC & planning & zoning 1/3/24 Karen Carmichael

I have been a member of the Board of Directors for The St.Petersburg Downtown Neighborhood Association since 2018 and a resident/property owner of the city for decades. I remember clearly what the area looked like in the 1970s and saw first hand the downtown fold up and be reactivated as the vibrant place that it is today. Though President of the SPDNA, I am writing as a neighborhood resident and member of the Sage Board of Directors, even though my contact with residents throughout our downtown neighborhood have made it clear that they share our sentiments.

4th Ave S. is one of the last quiet residential blocks in downtown south of Central Ave. It is a block where you will frequently see people walking their dogs and enjoying the quiet calm of an area so close to the downtown businesses, the university and hospitals. Although we are not happy to lose yet another affordable option for resident renters, we acknowledge that this developer has many beautiful buildings in their portfolio.

We assumed that once this property was sold there would be a larger luxury building that would not be affordable to many St. Petersburg residents built there. We acknowledge the push by the city planners and developers to continually build larger unaffordable properties that will eliminate the smaller older buildings where our residents and local workers can comfortably continue to live downtown.

We did not expect the building to have a sky bar open to the public. Nor did we expect short term rentals managed by individual owners, which is essentially an AirBnB. Both of these proposed elements are concerning for all the reasons you can imagine.

We would ask that you consider:

- The proximity to the highway and the possibility that impaired drivers will be entering and exiting 175 directly behind the Sage
- The inability of SPPD to currently enforce the noise ordinance for drivers entering and exiting 175 at 5th Ave S
- The proximity to a peaceful, residential street and how difficult it is to generally enforce the current noise ordinance
- The redesign of 4th Street to encourage slower traffic and safer pedestrian crossings
- The impact of a building which encourages transient occupancy and a large and noisy entertainment venue that serves alcohol

The representatives we have spoken to claim to understand the "vibe in St. Pete" with claims of having visited the area for years. That is not the same as investing many years as residents witnessing and supporting the growth of the downtown. A developer who builds properties all over the world, even one with Clearwater offices, cannot understand the objections we have presented to them in the meetings and email exchanges we have already had.

Coffee shops, nail salons, massage studios, local retail and restaurants to name a few would be a welcome addition to the area. A rooftop bar with loud music and impaired patrons leaving the establishment would not. An AirBnB that isn't properly managed will create a neighborhood nuisance that will have a lasting impact on the city services, the residents, the SPPD and the city workers in general. It has the potential to create a nuisance that will put a strain on those charged with enforcing restrictions on the use of this property.

Whatever official zoning may allow, we are a residential neighborhood at the intersection of 4th Avenue S and 4th Street, not a commercial center which will draw bar patrons and overnight travelers. The City's zoning regulations contain numerous references to maintaining the character of neighborhoods, and a public sky bar and short-term rentals, which skirt the City's regulations on Air B&B's, are not in character with our neighborhood. Any permit to construct should specifically exclude those uses.

Email sent to DRC and zoning regarding the proposal and the DRC hearing

From: William Hoth <williamhoth@gmail.com>
Date: December 27, 2023 at 9:39:53 PM EST
To: Corey.Malyszka@stpete.org, drc@stpete.org
Subject: Case No. 23-31000015 - 340 4th Street S

Dear Mr. Malyszka and DRC Representative,

Thank you for your recent mailing regarding the potential construction of a 25 story condo/hotel building at the North East corner of 4th Street South and 4th Avenue South in downtown Saint Petersburg. This proposed new building is directly across the street from the Sage Condominium Building. I have lived at the Sage for approximately 10 years and I am currently the Treasurer of the association. I am sending this letter to you as a private citizen, not representing the Sage Condo Association yet. However, I can tell you that presently nearly all 112 condominium owners that I have spoken to about this building's addition to our neighborhood have the same serious concerns about the use of the building as I do. Some are very vocal about the use of the new building: even going as far as recruiting other building locations around the Sage to form a coalition regarding this case.

If you have never been in our neighborhood before, the best way I can describe it is that it's a quiet residential neighborhood in the middle of a concrete jungle where most residents know their neighbors. It's a very close knit community and nearly everyone you pass on a sidewalk will smile, say good morning, how are you doing? I guess the best way to describe it is as the last real "neighborhood" in downtown Saint Petersburg. A few things have me concerned that the addition of this proposed building will substantially change my neighborhood.

I am very pro-growth for the city. That is one reason that I moved to downtown Saint Petersburg. I am not against a new 25 story building being added to my neighborhood. In fact, I feel that it could be a really nice addition. My concern is how the use of the building will impact my neighborhood that I value so highly. My few concerns are that at this very early planning stage how the new building will be used once completed. My main concerns are listed below:

1. The addition of a "sky lounge" at the top of the building.
A public access "Sky Lounge" in my opinion is a major obstacle that myself and my neighbors and fellow residents of the Sage Condominium oppose. This is a quiet residential area and we absolutely do not want a "bar" and all of the problems that are associated with bars in our neighborhood. Parking in the evenings and weekends is nearly impossible.now, much less when bar patrons begin filling up the few available parking spaces that we do have,

2. The use of the building as an AirB&B / Hotel.

As mentioned previously, this is a quiet residential neighborhood. Nearly everyone who lives in this area would welcome new neighbors to our beautiful community with open arms. What we would not welcome are weekend party animals who would destroy our quality of life. We want neighbors to join our city, not spring breakers who come here, stay a very short while, party and leave our community and expect us to pick up their mess. If we wanted to live on Central Ave we would have purchased there, if we wanted to live on the beach, we would have purchased there. But we didn't. We purchased our homes in a neighborhood and that is where we want to stay.

3. (comment in original email regarding the parking question has been redacted)

Unfortunately I will be out of town for the January 10th public hearing to begin discussing this project, however, I will make it a point to attend future meetings related to this proposed project. Once again, I am very pro-development, I have no issues with building height, building design and footprint, additional traffic ect. I would love to welcome this new building to our neighborhood along with all of its new residents. What myself and the vast majority of homeowners in the affected area would like is to have real residents living in the building in this last of the city's downtown residential neighborhoods. We are only asking for the developer to bring us good neighbors. I feel that we are not asking too much with that simple request.

I would like to ask you either email me or USPS mail me any new information about this project as it becomes available. My contact information is below.

Thank you for taking the time to read and understand my concerns. Saint Petersburg did not become the great city that it is today by luck or chance. It became a great city because of its many dedicated and many times unappreciated employees guiding it in the right direction. Thank you for the countless hours of hard work you and all of the city employees do for us every single day of the week.

Kind Regards,

Bill Hoth, Treasurer
The Sage Condominium Assn. of St. Petersburg
400 4th Avenue S. Apt. 509
Saint Petersburg, FL 33701
(727) 480-7570
e-mail: WilliamHoth@gmail.com

From: Jeffrey Mann <jmann8435@gmail.com>
Sent: Thursday, January 18, 2024 1:48 PM
To: Keri Palmer <Keri.Palmer@fsresidential.com>
Subject: Fwd: Public Hearing on 332, 340, 344 4th Street S

1 of 2

Here's the email we sent. No reply to date

Sent from my iPhone

Begin forwarded message:

> **From:** Jeffrey Mann <jmann8435@gmail.com>
> **Date:** December 28, 2023 at 1:50:32 PM EST
> **To:** corey.malyszka@stpete.org
> **Subject: Public Hearing on 332, 340, 344 4th Street S**
>
> Hello Corey -
>
> Jeff Mann and Sarah Anderson here from the Sage Condos, unit 1001. Thank you for the notice on this proposed project and opportunity to weigh in.
>
> We are firmly against what would amount to having a busy Airbnb style high rise hotel and rooftop bar right across the street with people coming and going from our city who have no vested interest in city itself the way residents do. This project also does nothing to alleviate the housing affordability crisis in downtown St. Pete.
>
> We are FOR sensible development that full time or even seasonal residents can inhabit, not what's basically a busy high rise hotel for transient visitors that will add to various problems at this corner, including increasing litter, traffic and pedestrian safety risks.
>
> This is a residential neighborhood where not a single hotel currently sits. We prefer to keep it that way. We are also concerned about the scale of this project. 25 stories is not in line with the buildings in the surrounding neighborhood and will negatively alter the character of it.
>
> To sum up, we are a firm no on the way this project is currently being presented but would be open to hearing other more sensible proposals. Please let the record show this at the meeting tomorrow and going forward.

Thank you.

Jeff Mann

Sarah Anderson

400 4th Ave So, #1001

St. Petersburg, FL 33701

917-860-6802

Public comment from January 10th DRC meeting

Karen Carmichael 400 4th Ave S Sage Condominiums VP

I received these plans as a member of the SPDNA. And read the article in the Catalyst this past summer. You should have received an email from me regarding approval of this building. I'd like to add on to that today.

Based on the feedback I've received from residents of the Sage after they also read the article and saw the plans I reached out to the attorneys who sent them to the neighborhood association and asked for a meeting with Valor representatives.

We discussed the plans for about an hour and were satisfied with the outcome of the meeting. We thought the representatives understood our positions regarding the application as it was originally filed.

Then we received the notice of this hearing and realized that the application had not changed. Clearly, they are waiting for this commission to weigh in on their concepts.

We live on 4th Avenue S and recognize that the zoning for 4th St intersects with that corner. Just because an area is zoned for a type of development it's also important to recognize outliers to that plan. We have real concerns about the uses of the building for what Valor has referred to as a "destination".

City staff found that the building's height and design are consistent with several other residential towers in the immediate area. Examples included The Sage on 4th Avenue South, which only encompasses 13 stories, and the 18-story Camden Pier District on 3rd Street South. This building as designed is 25 stories. That doesn't sound consistent.

We are asking you to consider the area surrounding that intersection when approving any plans and not approve any portion of the plan that would deviate from the current neighborhood character.

Our biggest concerns are the public sky bar and the idea that the building be used as a hotel/condominium hybrid. These components are also not consistent with the buildings in the area There are statements in the press from the zoning officials that the Mint House sets precedent for this building. That is not true. The Mint House is a hotel company that has locations worldwide. It is a much smaller building. It is not a condominium with individual owners. So the current usage plan is also not consistent with the buildings in the area.

We welcome new residents to 4th Avenue S and are asking that anything you approve supports the character of the neighborhood. We are also asking that the design and use of any new buildings align with the current buildings in the area.

#23-31000015: 4th Ave S and 4th Street Inbox

Tue, Jan 16, 12:24 PM

Karen Carmichael
<sage.kcar@gmail.com>

to
John.Muhammad,
copley.gerdes,
brandi.gabbard,
ed.montanari,
lisset.hanewicz,
deborah.figgs-sand
ers, gina.driscoll,
richie.floyd,
sengelphillips

Council Members,

I am writing to express my disappointment with the process to approve the building on the corner of 4th Ave S and 4th St S which you approved at the meeting on January 4th. It was then sent to the DRC for a January 10th hearing. It was then approved without any modifications based on the input of residents who wrote to them or appeared to speak.

This piece of property has been on the radar for the residents of the Sage since the summer. A few residents met with and spoke with planning in August to let them know we were tracking this parcel and would like to be informed of each step of the process. The only information we received is what would be done in a regular mailing and notification process.

We reached out to and met with the developer in November after we received the plans from the neighborhood association.

I know the agendas are posted in advance for residents to follow in case there is something we need to address. However, this was the holidays. The developer, the developers attorney and the planning office knew we had concerns. We were never informed that this was going to be heard at your January 4th meeting. Our District 6 council member and two other council members were absent at that meeting. The plans were approved by remaining members,I'm sure, without knowledge of the objections of the nearby residents.

I want to be clear that we understand the height and the design of the building is consistent with the zoning for the area. We have real concerns about the use of this property. Approving the use of this as a short term rental hotel/condo hybrid sets a precedent in the downtown area for more of the same buildings. The skybar would be a nice amenity for a condo. This developer refuses to reveal if the bar will be open to the public. We were told on a few occasions that it hasn't been determined yet. That was again repeated at the DRC meeting.

Downtown is our home. The idea that a small parcel is being sectioned off for 152 individual owners to use as an investment only is troubling. It does nothing to support resident owners and renters who have invested their lives to the betterment of our downtown.

Most of you know that I am fairly active in the neighborhoods. If the process can get past me without my knowledge, what does it say about the residents who aren't as involved. The approval process for developments needs to be reworked so that residents can have some input in what should be a seamless process. It should not require them to check agendas weekly so they can monitor building and development in their neighborhoods.

It shouldn't be this hard.

Regards,

Karen Carmichael

400 4th Ave S

#501

St. Petersburg, FL

718-288-8044


4TH AVE S
dog walkers


FOR
SALE
BY OWNER
2B/2B Townhome next to project on 4th Ave S already for sale- first of many to come

st.petersburg
www.stpete.org

Exhibit B-2

Appeal #23-31000015

Additional Appellant Documents

Elizabeth Abernethy

From: Karen Carmichael <sage.kcar@gmail.com>
Sent: Thursday, February 15, 2024 12:33 PM
To: Chandrahasa S. Srinivasa; Corey D. Malyszka; Elizabeth Abernethy
Cc: Alfredo Anthony; Jake Zimmerman; John Roll (jrstpetethesage@gmail.com); Richard Montoya; William Hoth
Subject: Additional evidence for appeal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

https://drive.google.com/drive/folders/1nPxP26z_4a_ZV2NVbtW3WFPbjEA5ftFn?usp=sharing

Hi Liz and Chan,
Here are the additional documents for our appeal of the project on 4th and 4th S scheduled for the council on 2/29 at 9:30AM. Let me know if this is the right way to send this. I have color copies of the graphic of the heights of nearby buildings if you want me to drop them off.

This file includes:
-The vision 2050 presentation from 2021 designed specifically for downtown- no mention of condotels.
-A picture of the section of EVO that is on 4th St S & 2nd Av S
-A graphic of the heights of buildings near the site
-A letter to council stating some code requirements
-A few articles about bars in residential areas and Airbnb issues.

Thanks for getting this where it has to go. I'm available to speak if you have any questions before the hearing on 2/29.

Thanks,
Karen

Karen Carmichael
Unit 501
718-288-8044

02/07/24

St. Petersburg City Council Members
City of St. Petersburg
PO Box 2842
St. Petersburg, FL 33731

RE: 334 4th Street S.

Dear Council Members,

I would like to ask you to carefully consider your vote on the appeal of the Development Review Commission's approval of a building proposed for 334 4th Street S. The basis of my opposition to the building as it is currently proposed does not meet the requirements of the Land Development Code (LDC).

The City Staff has determined that the decision by the developers to market all the units in the proposed building as short-term rentals results in the building being considered a hotel within the City's zoning. The parking requirements of the LDC for hotels require a loading dock for trucks for each 100 hotel units. That would require two loading docks that are not included in the developer's application. Those loading docks are also required to be screened from any surrounding residential uses. All the surrounding uses are residential except for one commercial parcel.

The proposed hotel drop-off for the building is currently shown on 4th Street S. which is an FDOT controlled roadway. The applicant has proposed a valet service in this area. FDOT prohibits commercial activities within its Rights-of-Way. The drop-off will need to be re-located.

The LDC has a mandatory 15' offset between buildings that is being violated in this application. The alley to the east of the proposed building is only 10' wide with portions of the townhomes east of the alley being between 1.5' to 2.5' from the back of curb. The application shows the proposed building at the edge of alley. The proposed building will need to be re-located a few feet inside their property line.

The City's Engineering Department has noted in its review some serious skepticism that the applicant can accomplish locating a subsurface parking lot with a stormwater vault below the parking level and not disturb the surrounding public utilities. There was also a warning to the developer about an existing sanitary sewer line within the 10' alley would require a 15'easement being placed over the alley and part of the proposed parcel which would further move the building away from the property line. The developer's verbal offer to replace the line does not resolve the future expense the city might incur to safely maintain the sewer in the years to come.

The applicant has maximized the use of every setback and technical requirement in the LDC to request the largest building possible. It may appear that the items listed above are minor technicalities but they are legally required. I contend that the applicant has avoided a building setback over 50' by matching the minimum allowed floor plate (footprint) of the building. That setback to 4th Street S. would be triggered if these technical issues were satisfied in the proposed

site plan. The site plan appears to have the minimum open space allowed so there is no room to offset the building plate being smaller.

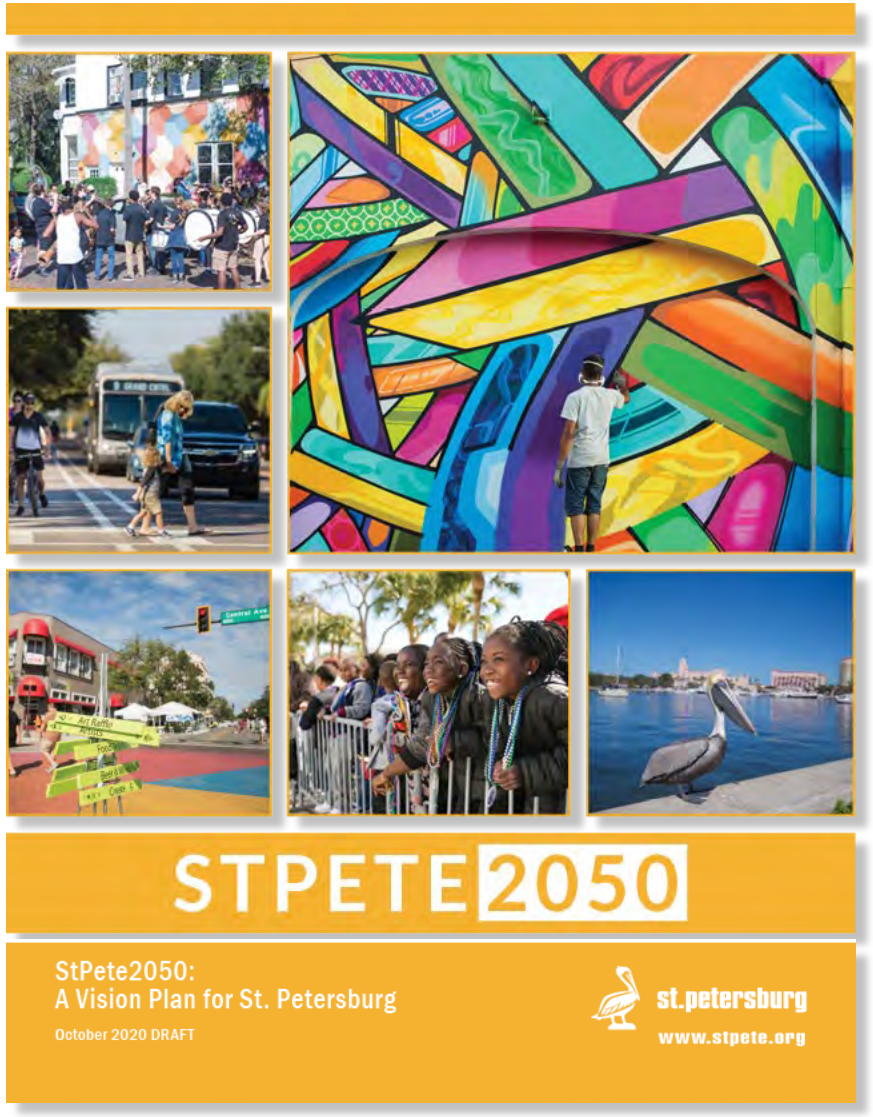
The description for the DC-2 zoning includes a statement that development intensity shall taper down at the edges of the zoning district. I live diagonally across the 4th St S and 4th Ave S. intersection from the proposed building and reside in the DC-3 zoning district. I assert that maximizing height, FAR and intensity of the proposed use is not in aspect a tapering down as stated in the description.

The layout adjustments above would affect the relationship of the FAR requested to the height of the building. My suggestion is that you have the applicant return at a later date with a site plan that meets all the requirements of the LDC. The surrounding homeowners deserve to comment on height, appearance and layout of the actual building that will be built. I am not objecting to a building at this location, but it must comply with the City's LDC requirements. If the City Staff decides to let these requirements be averted, then it would be likely that future development projects will seek similar waivers of LDC requirements. If the city returns to the strict requirements of the LDC, then those future developers could mount legal challenges that would cost taxpayer funds to defend. Let's just pause and get this right.

The use of this building as 150+ short-term rentals with an open-air bar on the top floor is controversial and precedent setting for the city. Approval of this project in its current form has the potential to change the unique residential oriented character of this portion of downtown St. Petersburg. We have an enviable urban area in St. Petersburg. Please do not allow an out-of-town developer to force the chaos of 150+ short term rentals and a roof top bar on my neighborhood just because it is not their business model to provide a traditional hotel or traditional condominium.

Sincerely,

Jacob Zimmerman
400 4th Ave S Apt 1009
St. Petersburg, FL 33701
727-302-0889



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STPETE2050 IMPLEMENTATION: COMPREHENSIVE PLAN UPDATE

DOWNTOWN NEIGHBORHOOD ASSOC.

OCTOBER 13, 2021

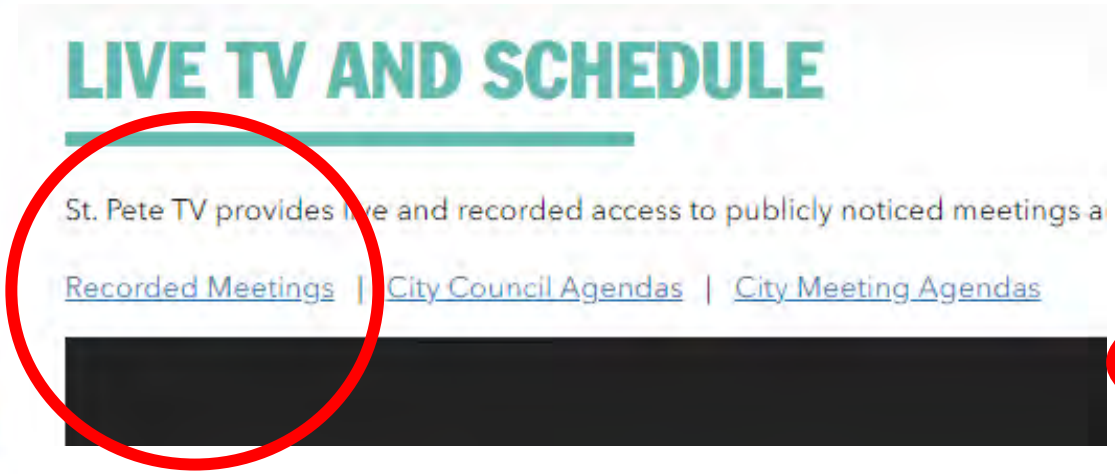
Option 1:

1. STPETE2050.COM
2. FIND “Presentation to Neighborhood…
3. CLICK “C.O.N.A.”

Option 2:

1. STPETE.ORG
2. CLICK “SPTV” Logo
3. SELECT “Recorded Meetings”
4. FIND “Committee of the Whole”





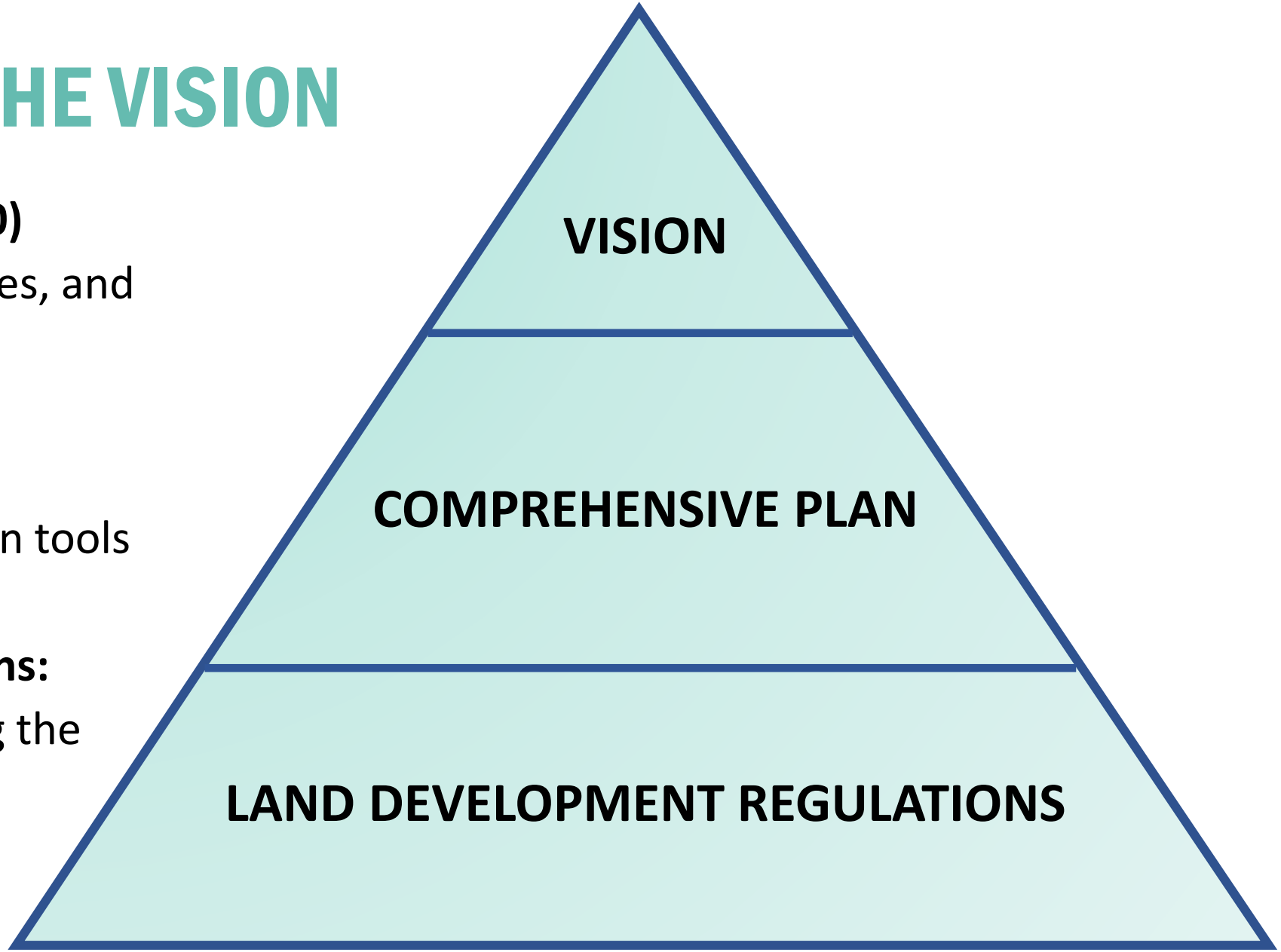


IMPLEMENTING THE VISION

Vision Document (StPete2050)
General guide for plans, policies, and programs.

Comprehensive Plan:
One of the key implementation tools

Land Development Regulations:
Primary tool for implementing the Comprehensive Plan



STPETE2050 PROJECT SCHEDULE

1. Project Initiation	2. Project Development	3. Plan Delivery	4. Plan Implementation
• Community Engagement Plans • Data Collection • Market Assessment • Future Opportunities & Challenges	• Community Engagement • Theme Area Best Practices / Alternatives • Develop Plan	• Community Engagement • Recommendations • Plan Documentation • Final Presentations • Plan Completion	• **Comprehensive Plan** • **Land Development Regulations (LDRs)** • Housing Plan • Other plans

Workshops

- **Where Have We Been?** Fall 2019
- **Where Do We Want To Go?** Spring 2020
- **How Do We Get There?** Fall 2020
- **Let's get it done!** 2021/2022

Community Outreach and Engagement

PLAN IMPLEMENTATION STEPS

SHORT-TERM: Update Comprehensive Plan and Land Development Regulations

- Summer 2021: Community Workshops
- 08/26/21: City Council Committee of the Whole (COW)
- 09/29/21: Community Workshop
- 10/13/21: Repeat Community Workshop (12:00 PM)
- 10/14/21: City Council: Housing Land Use and Transportation (Housing, Etc.)

Pending *Online preference survey*

- 11/04/21: City Council: Housing Land Use and Transportation (PSTA TOD)
- 12/09/21: City Council: Housing Land Use and Transportation (Industrial, Etc.)
- 02/24/22: City Council Committee of the Whole (COW)

Spring/Summer 2022: Adoption public hearings

MEDIUM-TERM: Periodic review of StPete2050; 3-5 years

COMPREHENSIVE PLAN STRUCTURE

Thirteen "Elements" that guide the development of the city

1. Vision
2. Future Land Use
3. Conservation
4. Coastal Management
5. Housing
6. Transportation and Mobility
7. Parks, Recreation and Open Space
8. Utilities
9. Capital Improvements
10. Intergovernmental Coordination
11. Historic Preservation
12. Education
13. Private Property Rights (in process)

FUTURE LAND USE ELEMENT UPDATE

Focus Areas:

- Sustainability & Resilience
- Urban design and community/neighborhood character
- Housing development opportunities
- Transit oriented development
- Industrial land utilization

BACKGROUND: POPULATION GROWTH & PROJECTIONS

Last 6 years

Population Increase: 15,430
Annual % Increase: 1.0%

2014 **252,372**

2020 **267,802**

2050

Population Increase	Annual % Increase	**Total Population**	**Growth Rate**
105,266	1.0%	**373,068**	**High**
59,105	0.6%	**326,907**	**High-Medium**
26,652	0.3%	**294,454**	**Low-Medium**
6,019	0.1%	**273,821**	**Low**

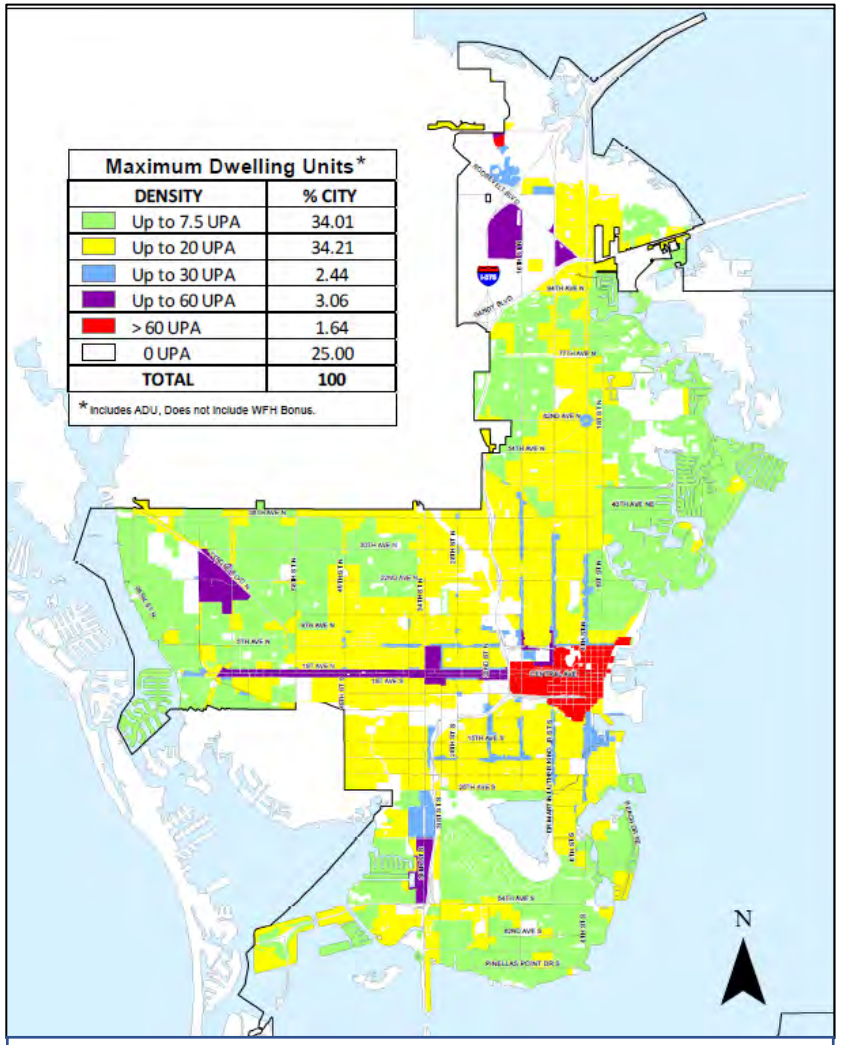
Sources: Census, Bureau of Economic and Business Research, Southwest Florida Water Management District, and Forward Pinellas

BACKGROUND: HOUSING PRODUCTION

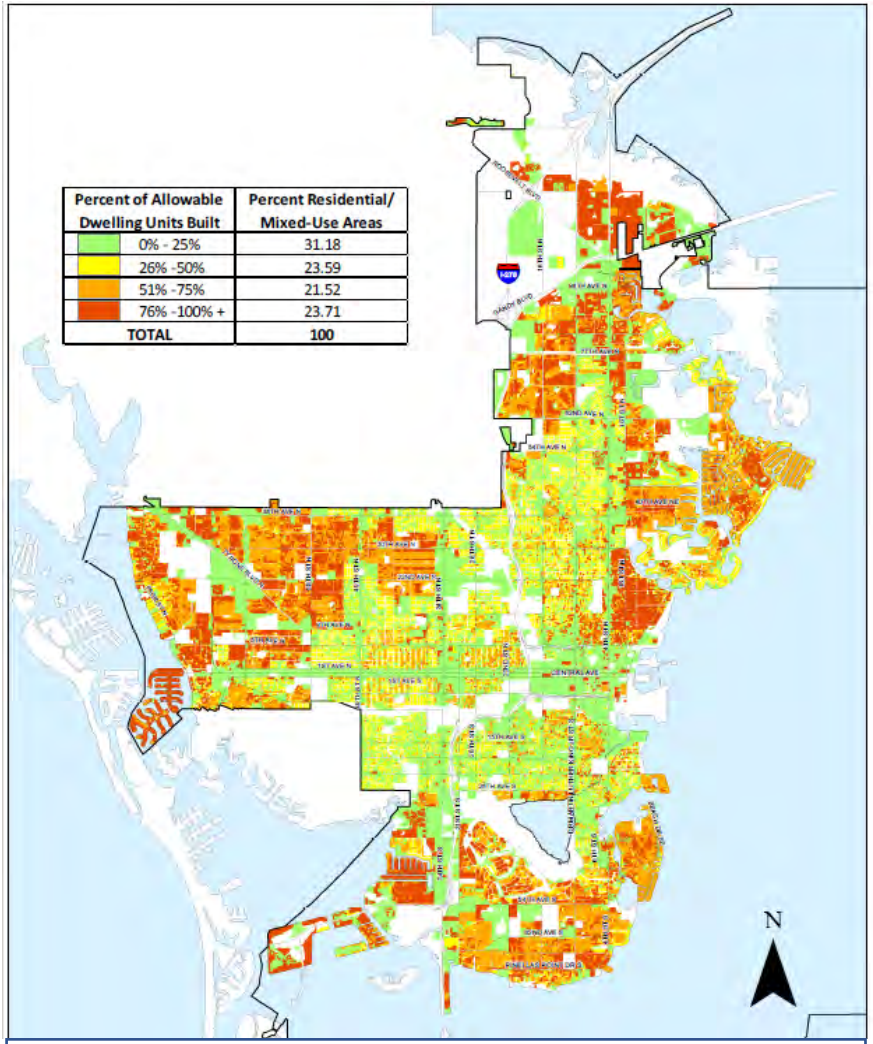
DWELLING UNIT CONSTRUCTION				
Unit Type	FY2001 to FY2020		FY 2021	
	Average Annual Unit Construction	Percent	Year-to-Date Unit Construction	Percent
Single Family	201	23%	292	28%
Townhome	129	15%	40	4%
Duplex	16	2%	18	2%
ADU	7	1%	43	4%
Multifamily 3-4	8	1%	6	1%
Multifamily 5+	526	59%	635	61%
Sub-Total	887	100%	1034	100%
Average Annual Demos	(209)		(161)	
Net Annual Unit Increase	**678**		**873**	

FUTURE DEMAND: Moderate growth scenario = 1,035 units/year; Strong growth scenario: = 1,550/units per year

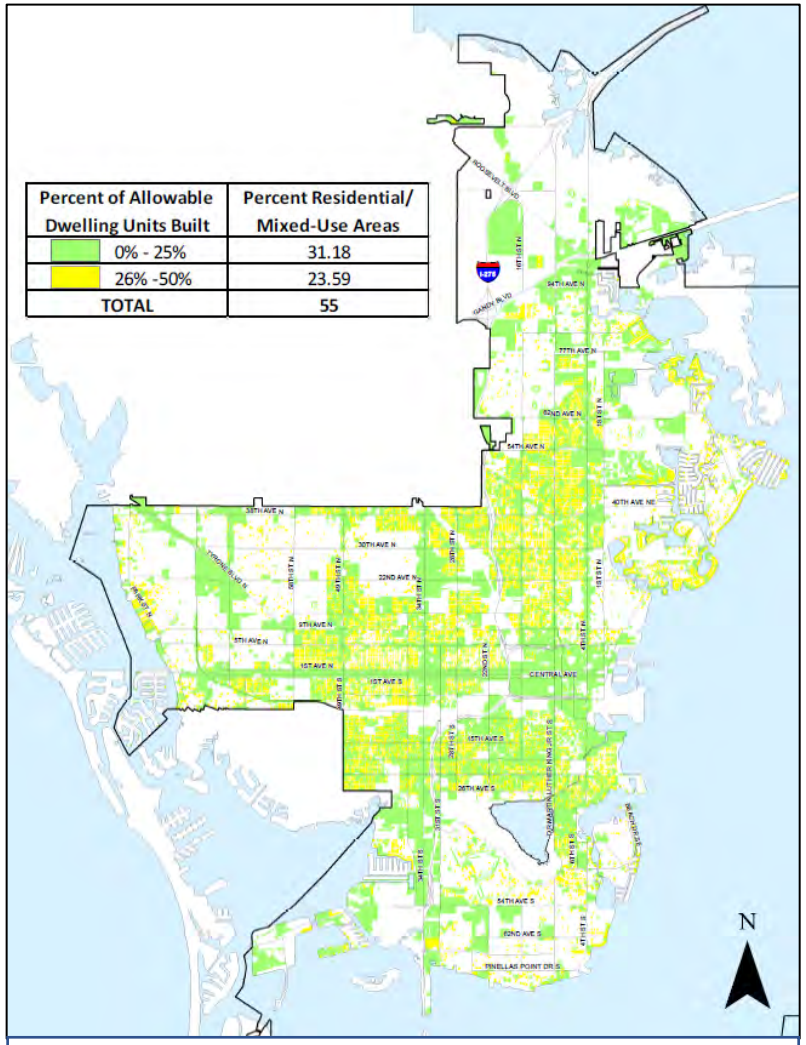
BACKGROUND: DENSITY



Current Allowable



Current Actual



Residential Infill

HOUSING: NTM "MISSING MIDDLE" ZONING CATEGORY

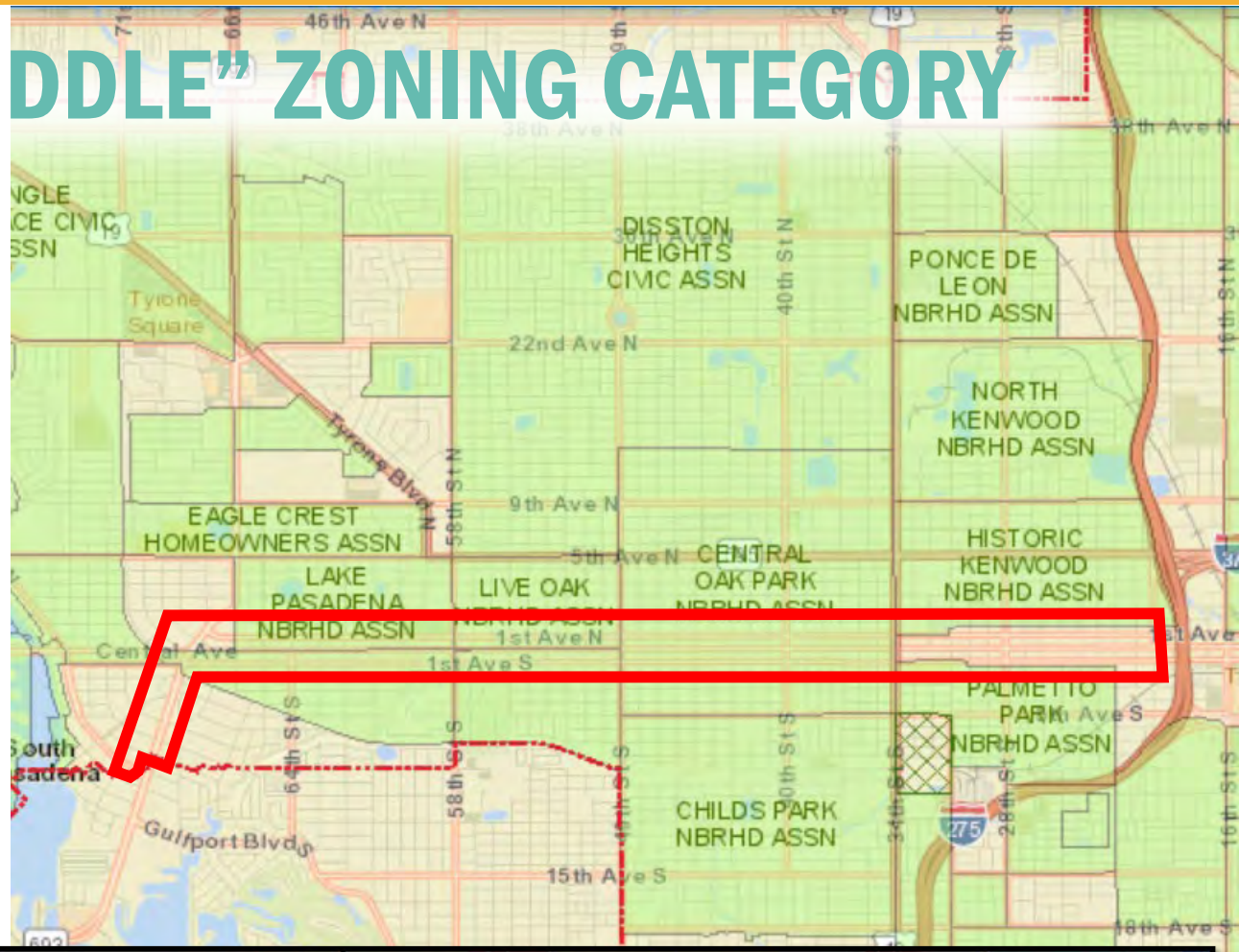


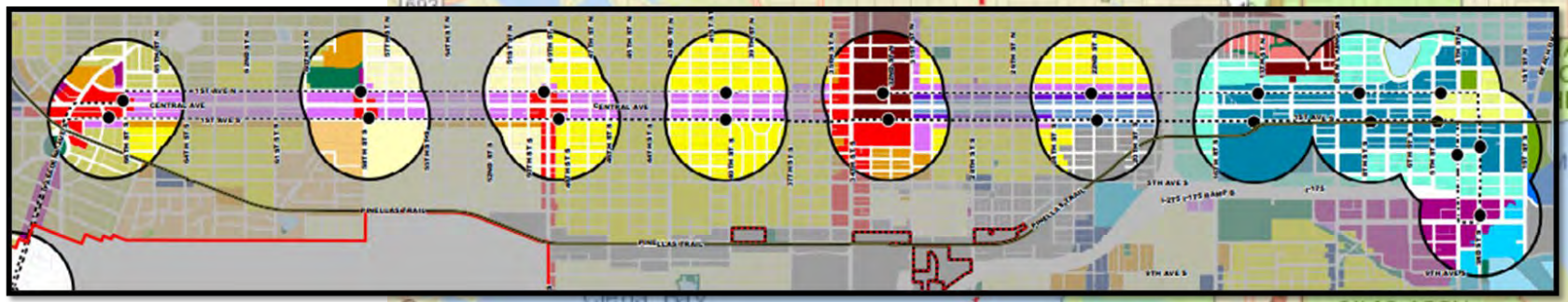




HOUSING: NTM "MISSING MIDDLE" ZONING CATEGORY

- Neighborhoods
- Corridors
  - Bus Rapid Transit
  - High Frequency Transit Routes
  - Future Major Streets
- High-quality bus transit that operates on 15-minute headway times
- The Central Avenue BRT is scheduled to begin service in 2022





HOUSING: NTM "MISSING MIDDLE" ZONING CATEGORY

- Neighborhoods
- Corridors
  - Bus Rapid Transit
  - High Frequency Transit Routes
  - Future Major Streets
- Roads that exist primarily to provide mobility for people and goods and interconnect residential and nonresidential areas; local or service roads are not considered major streets.
- Map 20 Comprehensive Plan



INDUSTRIAL PROPERTIES

STPETE2050 Vision Goals:

- Expand use mixes in industrial districts to reflect changing business and market innovations.

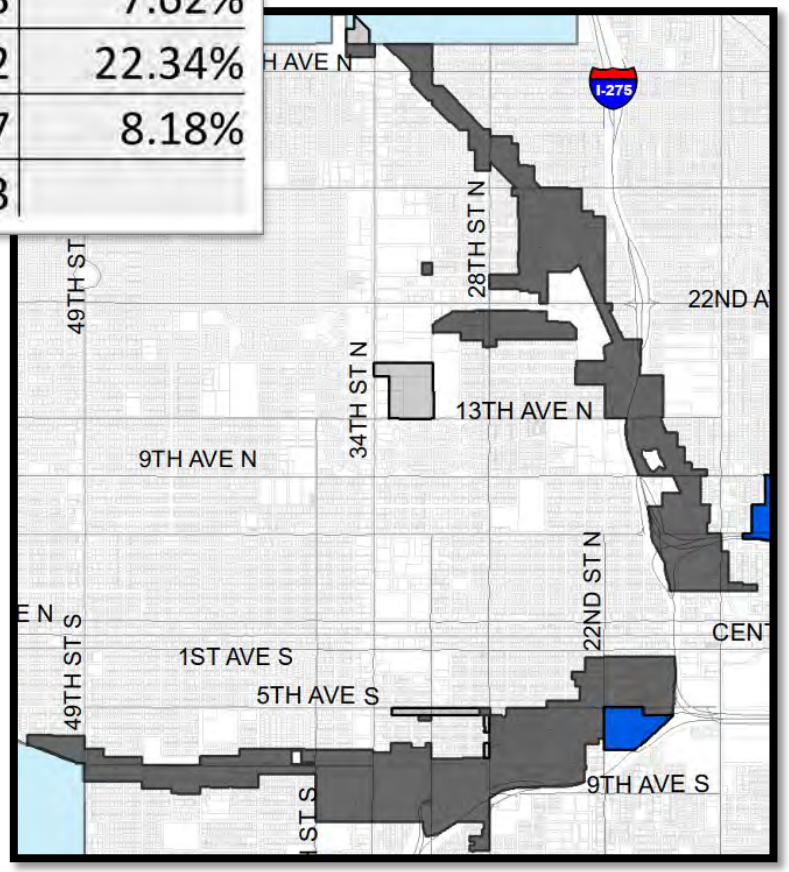
- Preserve industrial / employment centers to provide opportunities for all types of employment generating businesses.

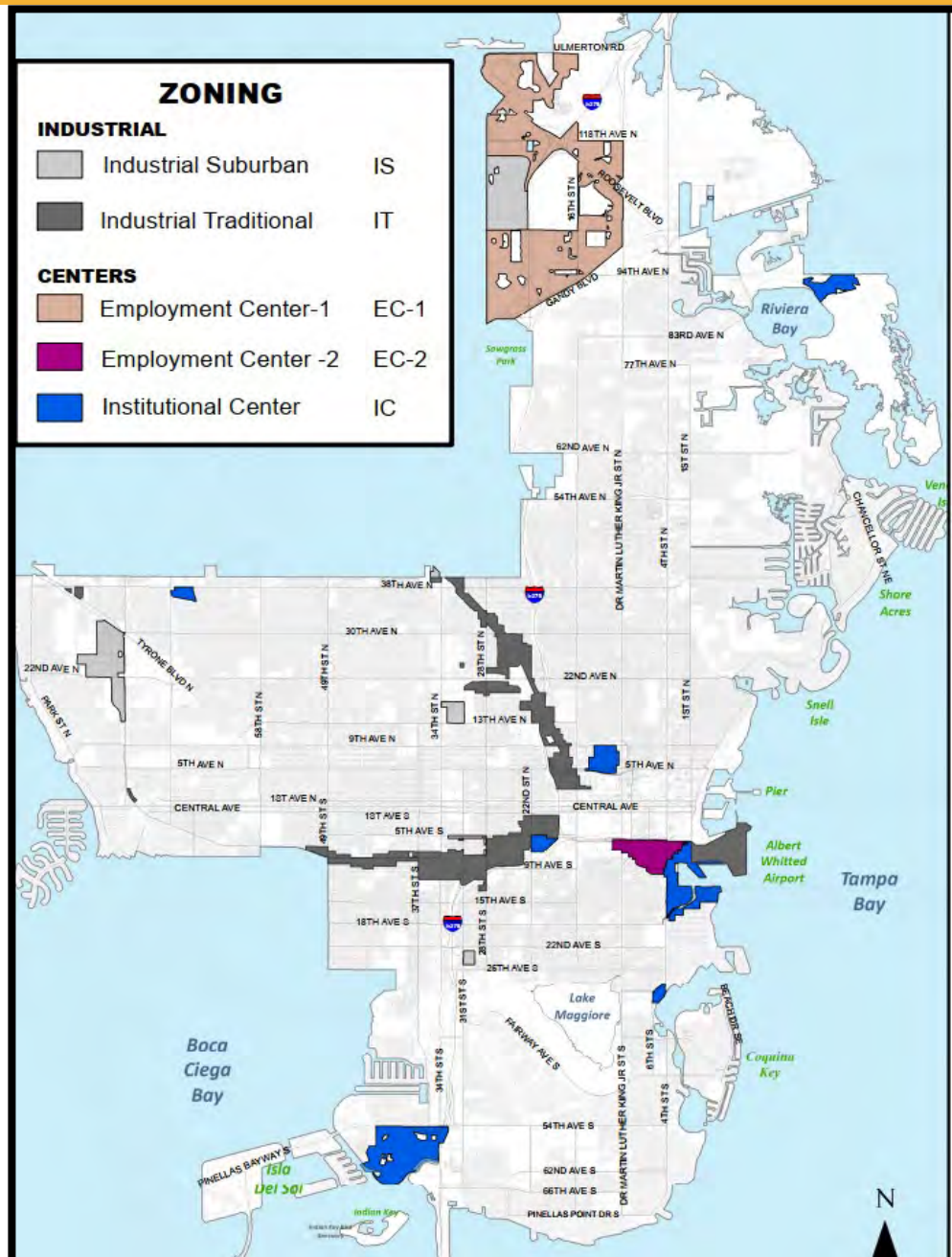


INDUSTRIAL PROPERTIES

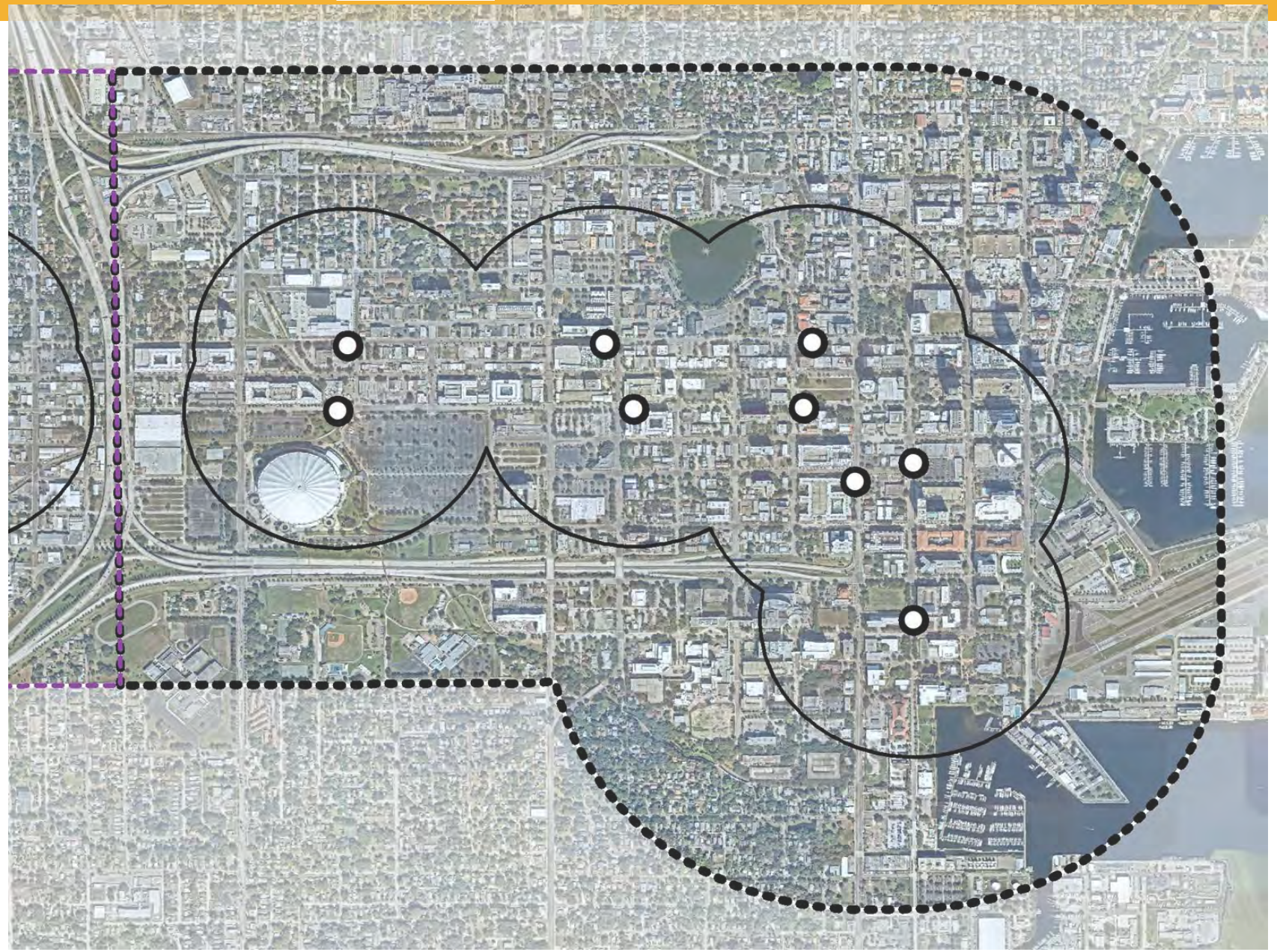
ZONING	ACRES	Vacant	% Vacant
EC-1	1,012.68	153.10	15.12%
EC-2	82.02	9.01	10.98%
IC	455.51	34.73	7.62%
IS	198.36	44.32	22.34%
IT	586.13	47.97	8.18%
Totals	2,334.71	289.13	

- 6% of the city
- IT - 1.5%





PSTA BRT STATION AREAS



TOD Supportive Review

Downtown



TOD Supportiveness

High Medium Low

Downtown

- 5.4 million SF of office
- 2.3 million SF of retail
- 500+ residential units under construction
- 72%-79% hotel occupancy since 2012

DOWNTOWN DEVELOPMENT PROJECTS

July 2021

Development Types: Residential | Hotel | Mixed-use | Commercial | Public

1. The Nolen – 126 4th Ave NE
Development Type: New
Status: Pending Site Plan Review
23-story: 31 DU, 1,260 sq. ft. commercial

2. Reflection – 302 Grove Street N
Development Type: New
Status: Site Plan Approval
18-story: 89 DU, 3,800 sq. ft. commercial

3. Galaxy Hotel – 316 1st Street N
Development Type: New
Status: Under construction
11-story: 100-room hotel

4. 440 3rd Avenue N
Development Type: New
Status: Site Plan Approval
21-story: 270 DU, 10,890 sq. ft. commercial

5. 226 17th Street N
Development Type: New
Status: CRA approval
2-story: 31 DU

6. 200 17th Street N
Development Type: New
Status: Permit review
6-story: 74 DU

7. The District on 9th – 931 Arlington
Development Type: New
Status: Under construction
3-story: 34 town homes



8. 1750 2nd Avenue N
Development Type: New
Status: Permit review
5-story, 33 DU

9. 1725 – 1735 1st Avenue N
Development Type: New
Status: Permit review
6-story, 50 DU

10. Ascent – 225 1st Avenue N
Development Type: New
Status: Under construction
36-story: 172 hotel rooms, 354 DU, 6,000 sq. ft. commercial

11. The Metro – SE corner 1st Avenue and 11th Street N
Development Type: New
Status: Permit review
11-story: 100 DU

12. Belpointe –1000 1st Avenue N
Development Type: New
Status: Site plan approval
Two 15-story, 254 DU, 21,463 sq. ft. commercial

13. 450 1st Avenue N
Development Type: New
Status: Site plan approval
28-story: 110 hotel rooms, 165 DU, 73,145 office, 6,000 sq. ft. commercial

14. 900 Central Ave
Development Type: New
Status: Site plan approval
13-story: 226 DU, 30,361 sq. ft. commercial

15. 400 Central – 400 Central Avenue
Development Type: New
Status: Permitting
46-story: 301 DU, 43,223 sq. ft. office, 61,128 sq. ft. commercial

16. Tropicana Site – 200 16th Street S
Development Type: Redevelopment
Status: Concept Plan Complete
9-million sq. ft. mixed-use development & new stadium

17. The Black –333 2nd Avenue S
Development Type: New
Status: Under construction
20-story: 51 DU, 10,400 sq. ft. commercial

18. Modera – 201 17th Street S
Development Type: New
Status: Under construction
36-story: 172 hotel rooms, 354 DU, 6,000 sq. ft. commercial

19. 334 2nd Ave S. – 334 2nd Avenue S
Development Type: New
Status: Under construction
24-story: 203 DU, 13,887 sq. ft. commercial

20. SW corner of 3rd Avenue S and 7th Street S
Development Type: New
Status: Permit review
3-story: 12 DU

21. 644 3rd Avenue S
Development Type: New
Status: Permit review
8-story: 40 DU

22. Saltaire – 333 1st Street S
Development Type: New
Status: Under construction
35-story: 197 DU, 9,681 sq. ft. commercial space

23. 357 5th Street S
Development Type: New
Status: Permit review
5-story: 25 DU

24. Camden – 201 4th Avenue S
Development Type: New
Status: Site plan approval
Phase II - 18-story: 95 DU

DOWNTOWN DISTRICT CHANGES - 2019

Modifications to Use Permissions and Parking Requirements Matrix

- Drive-thrus no longer permissible
- Reduce parking requirements by 50% for retail, restaurant, brewery and service uses

Additional Purpose and Intent Language

- Clarification of the desired character of the Downtown Center

Modifications to Standards for "A" and "B" Streets

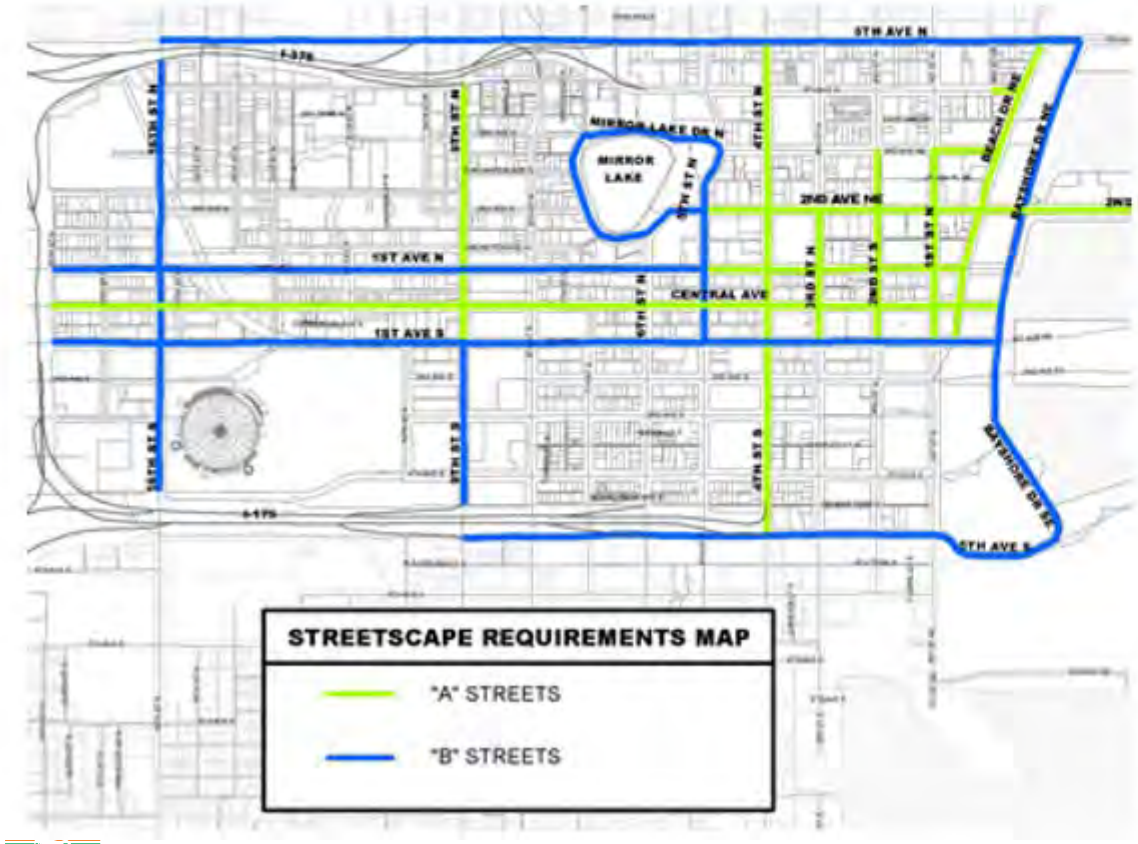
- Elimination of non-residential support services, excluding lobbies, counting towards the required active uses along Pedestrian A and B Streets.
- Require 20% active pedestrian uses including non-residential support services along Pedestrian B Streets.
- Streetscape design flexibility language added

DOWNTOWN DISTRICT CHANGES - 2019

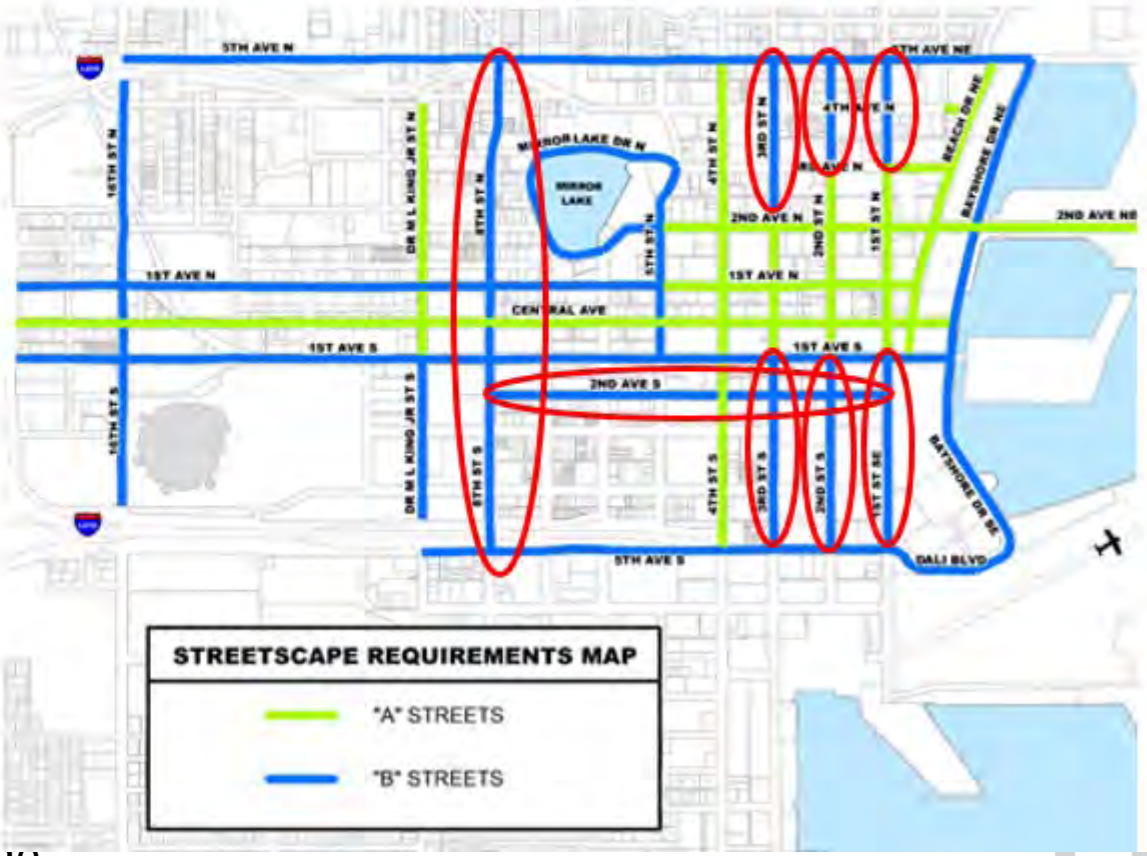
Modification to the Streetscape Requirement Map

- Designate additional “B” level streets

Existing



Proposed



DOWNTOWN DISTRICT CHANGES - 2019

Modification to existing FAR exemptions.

- Increase exemption for workforce housing (currently limited to 0.5 FAR)
- Eliminate DC-Core exemption for 10,000 sq. ft. minimum square foot retail uses (up to 0.5 FAR)
- Eliminate redundant exemptions
- Eliminate exemptions that are required by building design regulations
- Clarify existing exemptions

DOWNTOWN DISTRICT CHANGES - 2019

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- Eliminate redundant exemptions
- Eliminate exemptions that are required by building design regulations
- Clarify existing exemptions

DOWNTOWN DISTRICT CHANGES - 2019

Modification to existing FAR exemptions.

- Prioritize workforce housing as first 1.0 bonus for all approval levels and increase fee to 0.50% of construction value per 0.5 FAR bonus
- Require historic preservation as first 0.5 bonus for projects involving local landmark historic properties
- Eliminate certain bonuses
  (mass transit, public art and screening parking garages)

New FAR Bonus Options

- LEED certification (silver or gold)
- Affordable commercial space

DOWNTOWN DISTRICT CHANGES - 2019

Modifications to existing Open Space requirements.

- Expand payment in lieu option to DC-2 and DC-3
- Allow architectural features to encroach 50% over required open space above 12 feet

Modifications and clarification of existing Site and Building Design Regulations

- Prioritize vehicular connections
- Require neck-outs for ½ block or greater development projects
- Garage screening
- Other design clarifications

DOWNTOWN DISTRICT CHANGES - 2019

Public Art

- New section changes public art from a bonus to a requirement for new construction and additions:
  - 0.50% construction value, up to $100,000 – on-site
  - 0.25% construction value, up to $50,000 – pay-in-lieu option

Building Construction

- New section requiring a “Construction Action Plan” for projects that require site plan review

DOWNTOWN DISTRICT CHANGES - 2019

Modification to Parking and Loading, Design Standards

- Increase allowable off-site parking radius to 1,000 feet
- Allow compact parking spaces for all uses
- Require minimum percent EV parking for parking garages (citywide)
  - Residential - 15% EV Ready, 2% EVSE Ready
  - Non-residential – 20% EV Ready, 2% EVSE installed

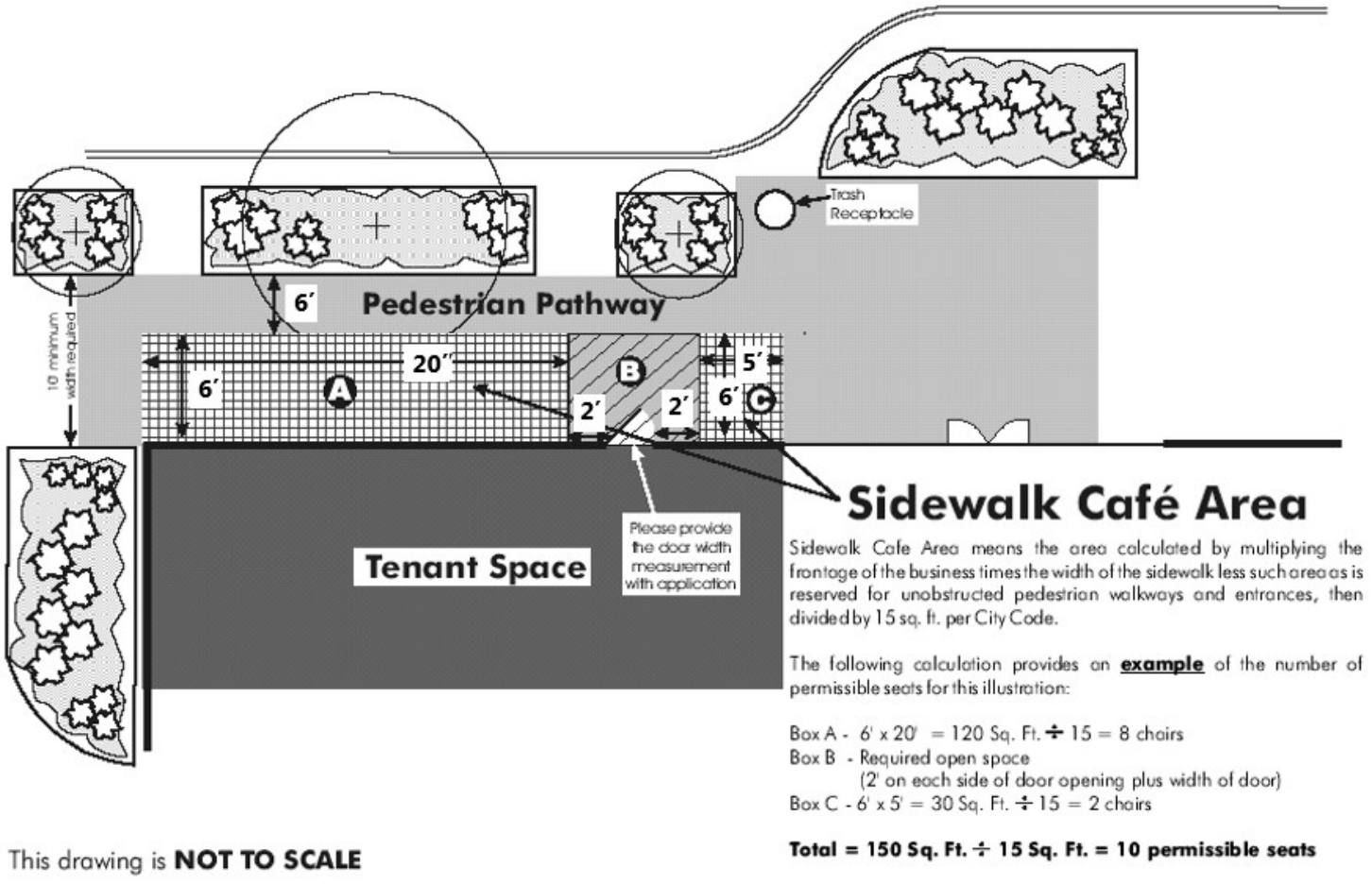
Sidewalks

- Allow reduction in width from 10 feet to 8 up to 50% of length for landscape and street furniture installations

DOWNTOWN DISTRICT CHANGES - 2019

Modifications to Sidewalk Café Requirements

- Increased the minimum pedestrian path to 6 feet



Sidewalk Café Illustration

TENANT NOTICE OF DEVELOPMENT- 03/2020

Projects subject to a planning and zoning decision under 16.70.040 which involve demolition of four or more existing occupied multi-family dwelling units at time of application shall provide a written notice of intent to develop to all tenants residing on the subject property at least 90 days prior to issuance of a building permit. Evidence of notice shall be provided to the POD. No permits shall be issued for the subject property until such time as the 90-day period has expired.

PENDING DOWNTOWN PLANNING INITIATIVES:

DOWNTOWN WORKFORCE HOUSING FEE-IN-LIEU

- First Reading – November 9th
- Second Reading, Public Hearing – December 9th

PLAZA PARKWAY STREETSCAPE UPDATES

- Spring 2022

DOWNTOWN WATERFRONT MASTER PLAN UPDATE

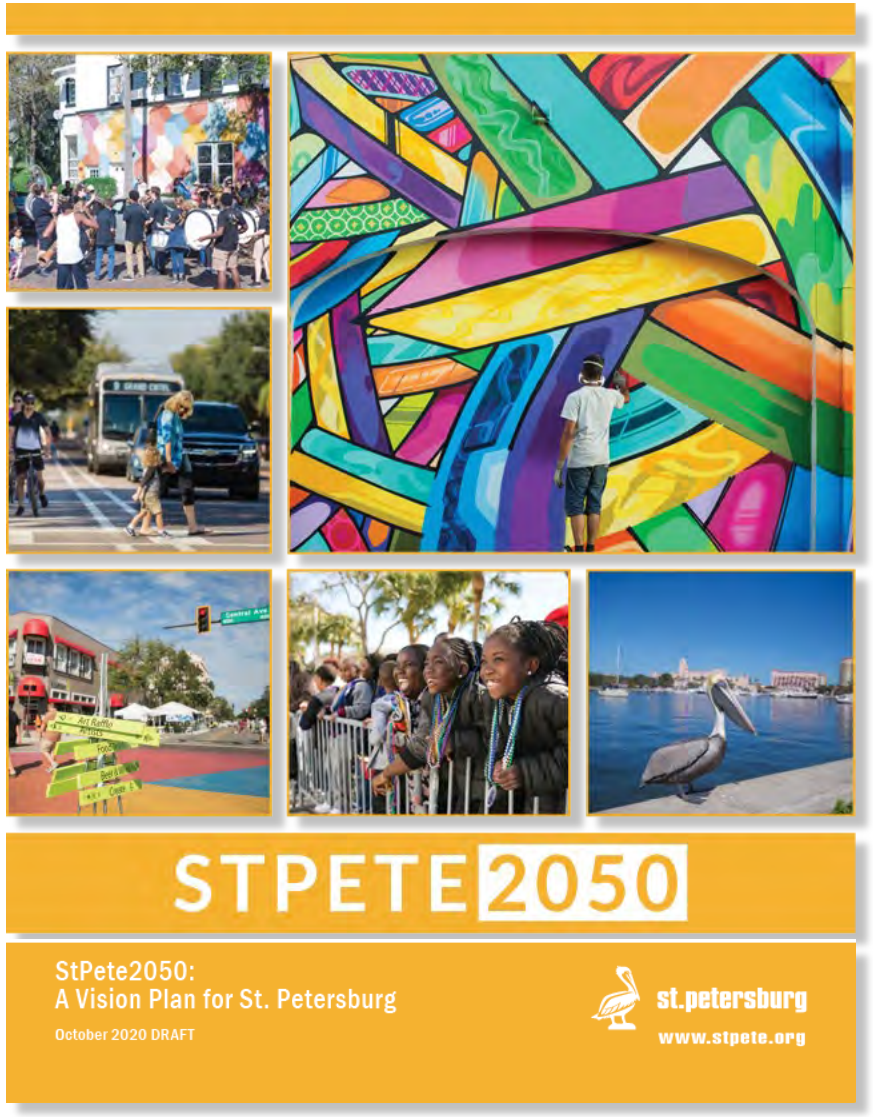
- January/February 2022 – workshop
- Adoption by June 2022

Workforce Housing Pay-in-lieu Fee Increase Analysis

Floor Area Ratio (F.A.R.) Workforce Housing (WFH) Bonus Approvals in the Downtown Center Zoning Districts

2019 DC Code amendment to present (June 2021)

Permitted Projects	Zoning	Construction Cost	Base F.A.R. / Sq. Ft.	Bonus F.A.R. / Sq. Ft.	Total F.A.R. / Sq. Ft.	Bonus Types	Current WFH pay-in-lieu: 0.25% of construction cost	Proposed WFH pay in lieu: 0.5% construciton cost
644 3rd Ave S SPR 20-31000009	DC-2	$ 9,148,500.00	3 60,291	0.3 5,665	3.3 65,956	WFH Pay-in-lieu	$13,722.75	$27,445.50
357 5th St S SPR 20-31000013	DC-2	$ 2,900,000.00	3 18,801	0.8 4,556	3.8 23,357	WFH Pay-in-lieu	$18,850.00	$37,700.00
Total of permitted projects							$32,572.75	$65,145.50
Approved Projects								
302 Grove Street SPR 20-31000002	DC-2	$44,000,000.00	3 87,117	4 116,156	7 203,273	WFH pay-in-lieu Historic TDR's	$220,000.00	$440,000.00
450 1st Ave N SPR 20-31000017	DC-C	$85,000,000.00	4 84,237	4 140,395	8 224,632	WFH Pay-in-lieu Historic TDR's	$425,000.00	$850,000.00
900, 936, 954 and 956 1st Ave N SPR 21-31000002	DC-1	$70,000,000.00	3 244,740	2 162,364	5 407,104	WFH Pay-in-lieu Screen Garage	$350,000.00	$700,000.00
114 4th St S and 333 2nd Ave S SPR 21-31000003	DC-1	$40,000,000.00	3 57,000	4 76,000	7 133,000	WFH Pay-in-lieu LEED Certification Historic TDR's	$200,000.00	$400,000.00
201 17th St S SPR 21-31000005	DC-2	$80,000,000.00	3 373,743	1 124,581	4 498,324	WFH Pay-in-lieu	$400,000.00	$800,000.00
201 4th Ave S and 330 3rd St S SPR 21-31000006	DC-1	$30,000,000.00	3 405,867	1.16 157,347	4.2 563,214	WFH Pay-in-lieu Screen Garage	$105,000.00	$210,000.00
900 Central SPR 20-31000007	DC-1	NA	3 108,900	2 72,600	5 181,500	WFH build (10% = 23 units)	NA	NA
Total of approved projects							$ 1,700,000	$ 3,400,000
Total Approved and Permitted							$ 1,732,572.75	$ 3,465,145.50



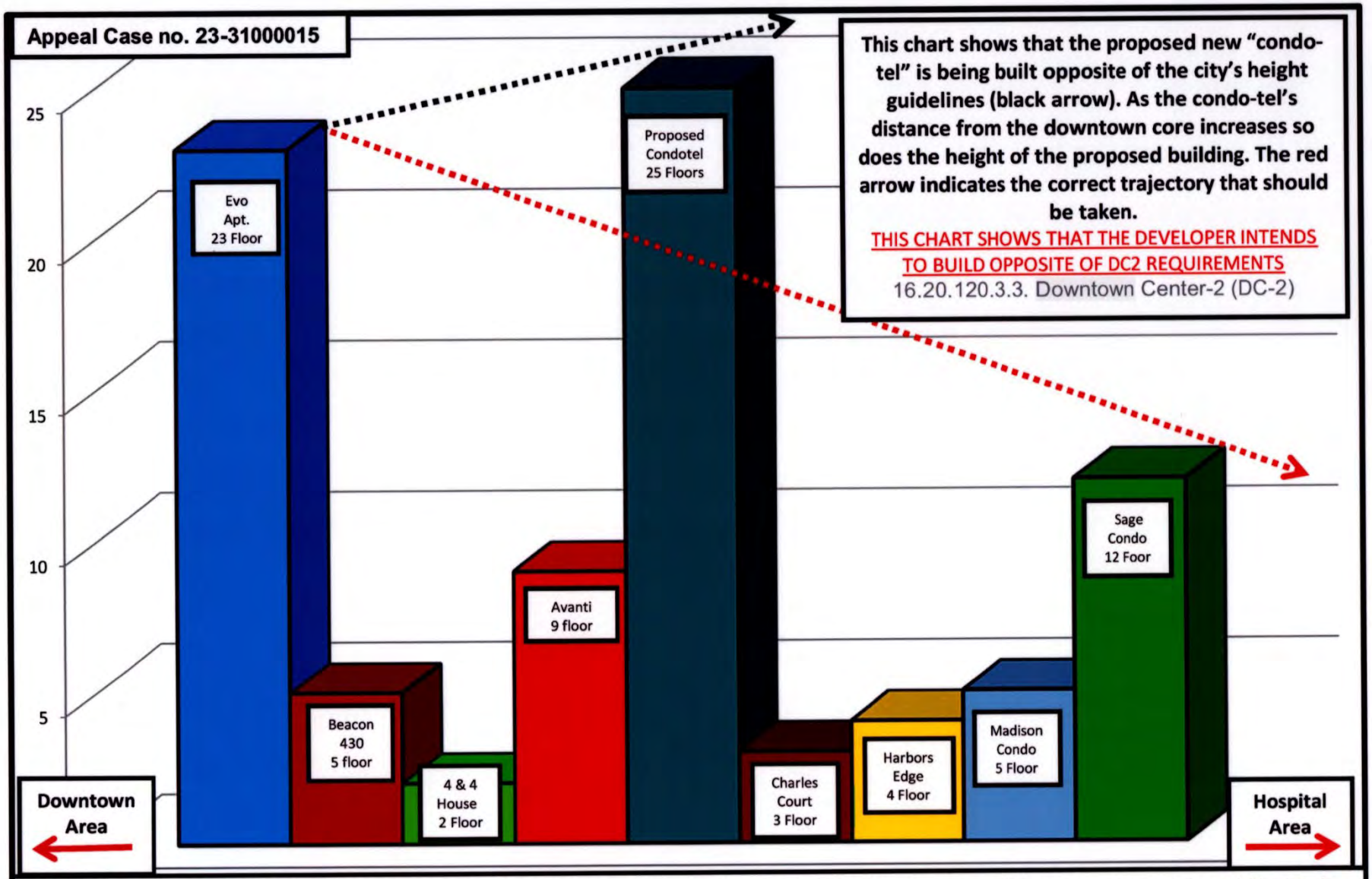
DISCUSSION

Elizabeth Abernethy, Director
Planning and Development Services Department
Elizabeth.Abernethy@stpete.org

DOWNTOWN NEIGHBORHOOD ASSOC.

OCTOBER 13, 2021

Appeal Case no. 23-31000015



This chart shows that the proposed new "condo-tel" is being built opposite of the city's height guidelines (black arrow). As the condo-tel's distance from the downtown core increases so does the height of the proposed building. The red arrow indicates the correct trajectory that should be taken.

THIS CHART SHOWS THAT THE DEVELOPER INTENDS TO BUILD OPPOSITE OF DC2 REQUIREMENTS

16.20.120.3.3. Downtown Center-2 (DC-2)

This district (DC2) provides for intense residential development that still allows for a mixture of uses that enhance and support the core and surrounding neighborhoods, including the domed stadium. The district also allows support retail and office uses which assist the residents with the daily needs of living within this highly urbanized neighborhood. The district establishes performance standards and design guidelines appropriate to urban form residential buildings. Heights in this district begin to taper down as development sites become less proximate to the core and transition to surrounding neighborhoods. However, base setbacks still apply, creating a pedestrian-scale environment at the sidewalk level

Buildings to scale - The numbers on the left side of the chart indicate number of floors



4th St & 2nd Ave S corner

This post was contributed by a community member. The views expressed here are the author's own.

Community Corner

Residents Angry about Noise from Skybar

Residents living near Skybar at the Mondrian Hotel say loud music cane from the trendy bar until 2 a.m. on Sunday, keeping many awake, forcing others to leave their homes to sleep elsewhere for the night

James F. Mills, Neighbor

Posted Mon, May 21, 2012 at 1:45 pm PTUpdated Tue, May 22, 2012 at 1:28 pm PT









It seems the wasn't the only event impacting neighbors over the weekend. Residents living adjacent to Skybar at the Mondrian Hotel on Sunset Boulevard also put up with loud music playing until 2 a.m. on Sunday. The trendy night spot's conditional use permit previously had music ending at 10 p.m., but apparently that was changed last week.

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Below is a letter resident Henry Scott sent to each of the five City Council members as well as City Manager Paul Arevalo:

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Dear Mayor and Council Members:

On this past weekend, some two dozen people were made miserable by a city decision to permit the Mondrian Hotel's Skybar to perform loud music outdoors and past the normal (10 p.m.) cutoff period for such noise. On Saturday, several of my neighbors actually booked hotel rooms or made plans to stay with friends because they would not be able to sleep in their own homes because of noise from the Skybar.

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In this past weekend's case, the city not only allowed loud noise until 2 a.m. Sunday and permitted a live band, it also allowed the Skybar to broadcast the music through outdoor

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Code Compliance manager finally agreed to require the Mondrian to install a previously required noise/sound wall if it wants to broadcast music outside.

That decision was a long time coming, as previously the Code Compliance manager and the Community Development director have simply changed the Mondrian's development permit each time it violated elements of the permit related to noise so that the Mondrian would be in compliance. (A good analogy would be a lax parent who changes a child's curfew to accommodate the child each time he or she violates it.)

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So for this past weekend, the city didn't just change the cutoff hour stated in the noise ordinance, which is usual with such permits, it actually permitted a different action otherwise barred.

Since its opening in 1996, the Skybar has consistently violated the noise ordinance, with little or no response from the City of West Hollywood. My question now, and that of my neighbors, is whether there are any restrictions the city is willing to put on a venue like the Skybar. So far, the answer seems to be no.

If it permits the Skybar to broadcast music outdoors, which is otherwise barred, will it permit the Skybar to hire helicopters to hover over its roof and have dancers slither down ropes to the outdoor pool? Will it permit the Skybar to stage July 4 explosions of fireworks? Will it permit the Skybar to play loud music for 24 continuous hours?

There need to be some limits in this permitting process. We would argue that permits should allow venues only to extend the period in which they can have performances that

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would otherwise violate the noise ordinance, and then only by a reasonable number of hours.

Permits **should not allow a venue to perform activities that otherwise are illegal**, which has been the case here. Also, permits should not be automatically granted. A venue is required to distribute a written notice to neighbors alerting them that a permit has been granted to violate the noise ordinance.

Venues adjacent to residential areas also should be required to distribute a written notice that a permit has been **requested** so that neighbors can contest it. In the case of the Mondrian, the city always grants its permit requests, despite the fact that it has been a consistent violator of the law.

And of course a bigger, and core, issue is why the city would grant a permit for music and entertainment to a venue that lacks a wall and roof.

This is not an issue that will go away, unless you take action on it. City officials so far show much more interest in making the Mondrian and its owners happy than in the quality of life of city residents. As a relative newcomer to West Hollywood, I'm amazed to learn that I live in a city where the quality of life of minks and dogs gets more official attention than that of its residents.

Residents of West Hollywood are asking themselves: Who owns West Hollywood? At some point, we will be successful in effecting the sort of change that allows us to answer: We do!

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Sincerely,

Henry E. Scott

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We've removed the ability to reply as we work to make improvements. Learn more here

The views expressed in this post are the author's own. Want to post on Patch? Register for a user account.

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Crime & Safety | Jan 28

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Phoenix-area homeowners want protections from out-of control short-term rentals

A Scottsdale neighborhood has seen loud parties due to a short-term rental, and residents want politicians to act.

By Jason Barry

Published: Jan. 24, 2024 at 8:31 PM EST

SCOTTSDALE, AZ (3TV/CBS 5) — A Valley couple claims their peaceful neighborhood has been rocked by loud parties and constant chaos due to a short term rental and they want politicians to act.

Blake and Dee Dee Bottle love hanging out and relaxing in their backyard, off 67th Street and Dynamite Boulevard near north Scottsdale. But the couple claims that's just not possible on most weekends because of all the crazy out-of-control parties at the short-term rental house next door. "There's music during the day and loud, there's screaming," said DeeDee Bottle. "They are hitting golf blls into our yard, teeing them up, not chipping, teeing them up. I am afraid for my grandkids." The Bottles are among a growing number of unhappy homeowners who feel they have nowhere to turn when it comes to a short-term rental property Arizona News Watch Live Weather Suns Games Video causing chaos in their community. A few weeks ago, the Bottles say they called to complain about a wild party at their neighbor's house that had people parading across their property and dozens of cars parked out front. It didn't help. "When I called the property manager, we're told you are lying, that didn't happen, we have a security guard," said Blake Bottle. "Here is the security guard's number, call him yourself. My response is, that's not my job, that's your job."

George Chebat, with the Enara Law PPLC, represents the property management company that operates the rental next to the Bottles.

He sent Arizona's Family this statement:

> *Any short-term rental guests associated with the property have complied with all state and local laws and regulations. Any allegation of unlawful activity is baseless and unfounded, as law enforcement reports have never found any unlawful activity at the associated property by short term rental guests.*
>
> — *George Chebe, Enara Law Group*

The Bottles happen to live on a county island, which means the short-term rental next door is not subject to the same regulations as cities like Phoenix and Scottsdale.

Kate Bauer, with the Arizona Neighborhood Alliance, is helping lead the fight to get state lawmakers to pass new laws that would give control of short term rentals back to cities and towns. She said until that happens, homeowners like the Bottles will continue to suffer. "This is a situation that affects every area differently," said Bauer. "Some places are saturated with them, some don't have them at all, so it has to go back to cities and towns so they can control it, as it needs to be controlled."

"We shouldn't have to live like this and people that say everybody should have an Airbnb, it's their right, well, you are not living next door to one," said DeeDee Bottle.

A number of bills have been proposed at the Arizona Legislature to address short-term rental issues, but there are no guarantees any of them will pass, said Bauer.

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Sky Bar owner sues city of North Myrtle Beach over noise ordinance

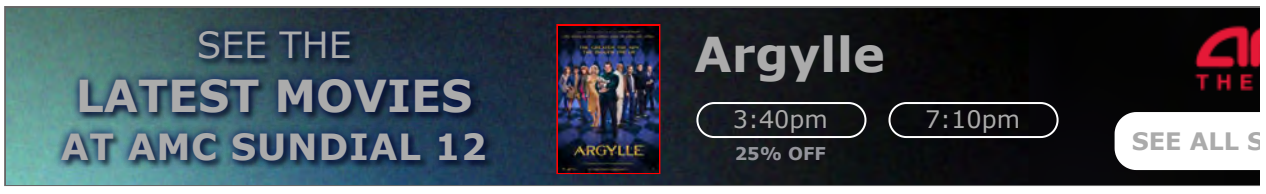
By WMBF News Staff
Published: Jul. 6, 2022 at 10:44 AM EDT

NORTH MYRTLE BEACH, S.C. (WMBF) – A federal lawsuit has been filed against the city of North Myrtle Beach over its noise ordinance.

The American Civil Liberties Union (ACLU) of South Carolina filed the lawsuit on Tuesday. It lists the plaintiff as Michael Moshoures, the owner of the Sky Bar. The defendants named in the case are the city of North Myrtle Beach, Mayor Marilyn Hatley and Police Chief Tommy Dennis.

The lawsuit claims the city's noise ordinance is a violation of free speech, criminalizes protected speech and is "so vague that it promotes discriminatory enforcement."

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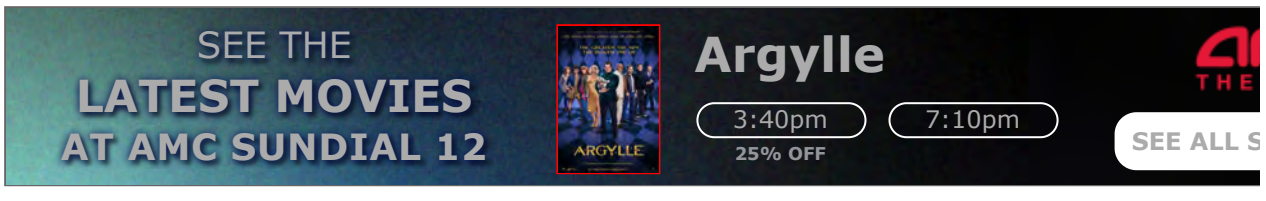
The ordinance states that obscene and vulgar music cannot be louder than 30 decibels between 11 p.m. to 7 a.m. and can't be louder than 50 decibels from 7:01 a.m. to 10:59 p.m.

MORE INFORMATION | North Myrtle Beach noise ordinance

According to the lawsuit, 30 decibels is equivalent to leaves rustling.

The lawsuit argues that by prohibiting what they deem offensive music, even played at low volumes, the city of North Myrtle Beach has criminalized a large amount of protected speech.

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"The Supreme Court has explained that 'music is one of the oldest forms of human expression' and has held that 'the Constitution prohibits any . . . attempts' to "censor musical compositions to serve the needs of the state," according to the lawsuit.

Court documents also claim that Moshoures has received several warnings under the noise ordinance and has caused him to lose business.

"On more than one of those occasions, the police entered Sky Bar 'like a SWAT team,' forced the DJ to stop the music, and turn the lights on. Each time this occurs, Sky Bar loses customers and revenue," the lawsuit states.

The lawsuit seeks to stop the enforcement of the noise ordinance.

WMBF News asked the city of North Myrtle Beach about the lawsuit on Wednesday.

"We are aware a lawsuit has been filed, at this point no documents have been served. It is city policy to not comment on any pending litigation," said North Myrtle Beach spokesperson Donald Graham.

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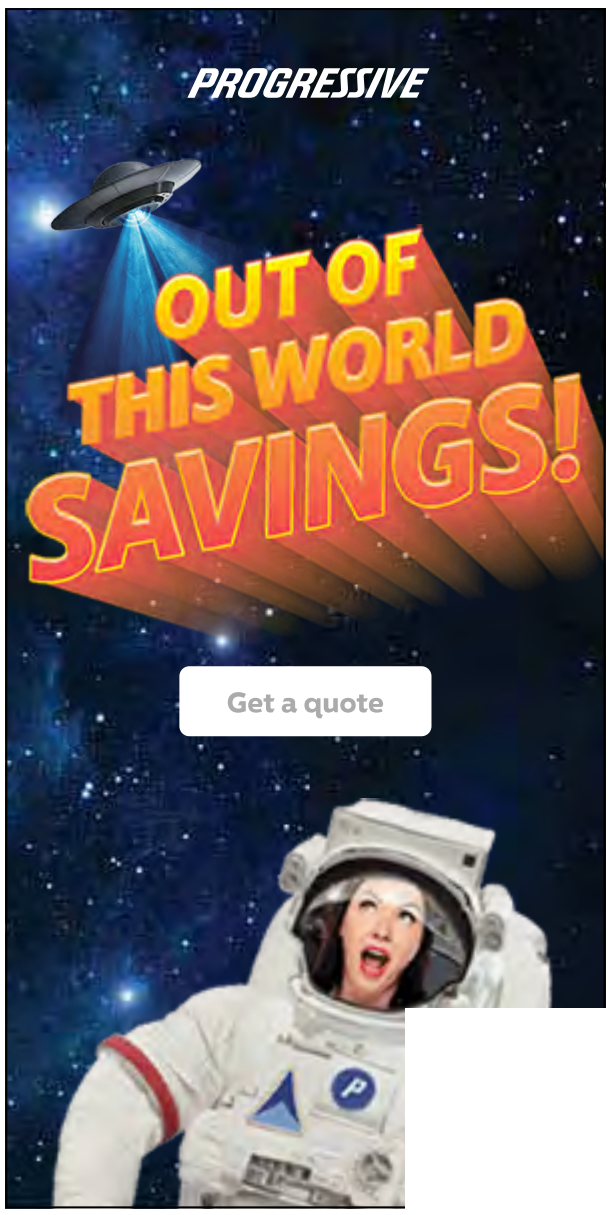
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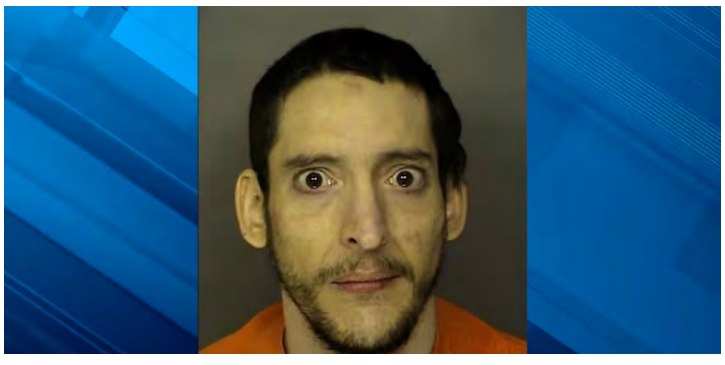




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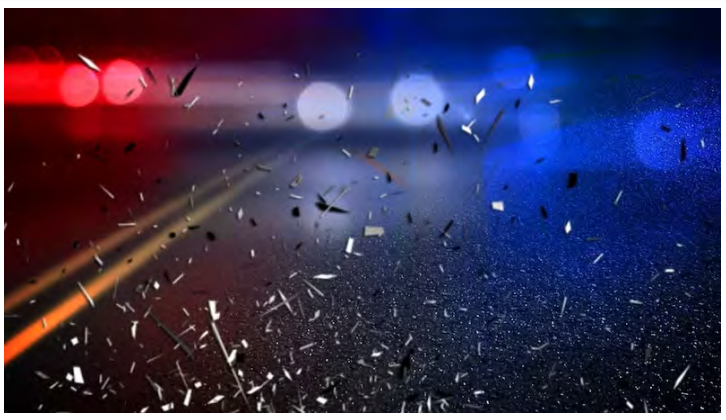


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Vacation rental bill passes in Florida Senate

By MITCH PERRY, Florida Phoenix
Feb 5, 2024



State Sen. Nick DiCeglie, R-Indian Rocks Beach

Florida lawmakers took significant steps Feb. 1 toward regulating short-term vacation rental platforms like Airbnb and Vrbo, but local officials fear that the measure won't resolve the conflicts that have existed for years in their communities.

That said, the Florida Senate passed a measure (SB 280) that includes the issue of occupancy for statewide vacation rental regulations:

The bill says that the maximum overnight occupancy of a vacation rental cannot exceed two persons per bedroom, plus an additional two persons in one common area, or more than two persons per bedrooms if at least 50 square feet per person, plus an additional two persons in one common area, whichever is greater.

The bill also gives the property owner up to 15 days to cure a problem.

South Florida Democratic Sen. Jason Pizzo said that's too long. He said that most short-term renters who may be creating a problem would have ended their stay by that time. Pizzo did not vote for the bill.

The measure also allows local governments to charge a "reasonable fee" to a vacation rental owner to register the property. If there's a problem with that registration, the owner could be fined up to $500.

And a vacation rental registration can be suspended for violations of an ordinance that does not apply solely to vacation rentals — but only if there have been five or more violations on five separate days during a 60-day period. It can be suspended for up to 60 days for one or more violations on five separate days during a 30-day period, and up to 90 days for one or more violations after two prior suspensions.

In addition, the bill says that a responsible party who is "capable" of responding to complaints or emergencies related to a vacation rental must be available by telephone 24 hours a day and seven days a week.

But opponents say that could end up being a 1-800 answering service number.

Overall, state Sen. Nick DiCeglie, a Republican from Indian Rocks Beach, said the legislation is a "fair and balanced" approach to an issue that has divided residential communities and the rights of property owners in recent years.

While conceding that every community in Florida is separate and distinct, he said that a state law is needed to prevent local ordinances, which he says are being used by local governments "as a weapon to stop vacation rentals from operating at all."

"I have a fundamental problem with that," he declared in his closing statement on the Senate floor.

Broward County Democratic Sen. Tiny Polsky said it was impossible to balance the rights of everyone living in areas with vacation rentals, which is why she said the power to regulate these platforms should go to the local governments.

“You talk about the property rights of people,” she said. “I get it … but equally so are the rights of people who buy the house next door, who expect it to be quiet and peaceful and raise their family there. And so how do you ever come up with the right balance in a state this size? You can’t. And that’s why, like so many other things, you shouldn’t preempt local government.”

Pizzo expressed frustration and anger in voicing his opposition to the proposal.

“If someone in my district is harmed by an Airbnb renter, I’m going to blame the people who voted for this bill,” he said.

“That’s not fair,” DiCeglie countered. “That’s not right.”

The measure was supported mostly along party lines, but its equivalent in the Florida House (HB 1537) still has more committee stops to go to try to mesh with the Senate version.

Meanwhile, in a House subcommittee Feb. 1, Panhandle-area Republican Philip Wayne Griffitts Jr. is sponsoring the vacation rental measure and the House and Senate are not the same.

For example, the House limits local governments from charging only $150 to register a vacation rental.

The House version also says that to respond to a complaint or emergency related to a vacation rental, the responsible party would have up until 9 a.m. the next calendar day to respond to that complaint.

Among those who testified in the subcommittee against the proposal was Alison Dennington, who was just elected last November as mayor of Melbourne Beach, which is considered the oldest beach community in Brevard County. In her campaign last year, Dennington said that she wanted to create a hotline to report on problematic short-term rentals.

She said that the controversy over the regulation of short-term vacation rentals is a huge issue for small towns like hers, and the voices of those communities aren’t respected in Tallahassee.

She also told the Florida Phoenix that if the Legislature does approve a measure related to vacation rentals this year, the only solution would be a grassroots effort to put up a citizen’s amendment to the Florida Constitution.

“It’s an assault on single-family zoning,” Dennington said of the state taking over more control over vacation rentals. “In my area we have Democrats and Republicans and No-Party and independents, and I can tell you the only thing that they agree on and all of them are pissed off about is the fact that we can’t regulate short-term rentals,” she told the Phoenix.

The Legislature last addressed the issue of short-term rentals in 2014.

That’s when they allowed local governments to have the ability to handle issues such as noise, parking and trash related to short-term vacation rentals, but still prevented them from regulating the duration or frequency of short-vacation rentals.

That measure came after significant pushback from a 2011 law that prohibited local governments from enacting any new law that restricted the use of vacation rentals, prohibited vacation rentals or regulated vacation rentals, giving that power to the state government.

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SAINT PETERSBURG CITY COUNCIL

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, City Council Chair, and Members of City Council

SUBJECT: **Appeal of the Development Review Commission (DRC) approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus. The subject property is located at 332, 340 and 344 4th Street South. (City File 23-31000015)**

RECOMMENDATION: The Planning and Development Services staff recommend that the appeal be **DENIED**, thereby **UPHOLDING** the Development Review Commission's **APPROVAL** of the Site Plan with special conditions of approval.

INTRODUCTION: The subject property is located at 332, 340 and 344 4th Street South. The subject property is currently developed with three buildings, a 2-story, two-unit apartment building built in 1920, a 2-story, four-unit condominium built in 2003 and a 3-story, 19-unit apartment building built in 1920. The applicant is proposing to demolish the existing improvements.

CURRENT PROPOSAL: The proposed development will operate as a hybrid between a residential condominium and a hotel use. The hybrid use will allow flexibility for the owners to offer their units for short-term rental or to reside there for permanent occupancy. This arrangement is facilitated by a dedicated management team, with 24/7 onsite staff.

The proposed building will be 25-stories. The ground floor of the proposed tower will consist of a residential lobby, commercial space, back of house facilities, two loading spaces, uncovered and covered open space and two parking garage entrances. The parking garage entrance along Charles Court South will provide access to one level of underground parking that provides parking for 36 vehicles and the parking garage entrance along 4th Avenue South will provide access to the three levels of parking located above the ground floor of the tower that will provide parking for 94 vehicles. Floors five through 24 will be devoted towards residential units. The 25th floor will have an amenity area that is being referred to as a sky bar. The residential mix includes studio, one-bedroom, two-bedroom and three-bedroom units.

CRA REVIEW AND DECISION: The Community Redevelopment Agency (CRA) heard the subject application at the January 4, 2024, hearing. After hearing from staff and agent (R. Donald Mastry) for the project, the CRA made a motion to approve the resolution finding the project consistent with the Intown Redevelopment Plan. The motion passed by a vote of 5 to 0.

DRC REVIEW AND DECISION: The Development Review Commission (DRC) heard the subject site plan application at the January 10, 2024, hearing. After hearing testimony from staff, the

agents (R. Donald Mastry, Trenam Law and Marco Sanchez Castro, GVI) and two members of the public, the DRC made three motions, the first two motions were to amend two special conditions of approval and the third motion was to approve the site plan as amended. All three motions passed by a vote of 6 to 0. A copy of the DRC staff report (Case #23-31000015), Results Letter and Vote Record, and Meeting Minutes are attached as Exhibit A.

THE APPEAL: An appeal was filed in a timely manner by Karen Carmichael, Board of Directors VP, Sage Condominiums on January 19, 2024. The appeal letter is attached as Exhibit B.

PROCEDURES: Pursuant to Chapter 16, Section 16.70.010.6., appeals require a supermajority vote of the City Council to overturn the DRC's decision. The standard of review for the appeal is *de novo*, which means that City Council may hear new evidence and may substitute its judgment for that of the DRC. City Council may decide to retain, eliminate, or further amend any of the conditions of approval, as amended. Adding new conditions of approval is also permissible. The burden of proof for all appeals is on the Appellant.

The relevant legal criteria for this appeal of a Site Plan approval are found in Chapter 16, Section 16.70.040.1.4.D. are noted below. It is the responsibility of Council to evaluate and weight these criteria in making their determination.

D. Standards for review. In addition to the standards of review for a zoning and planning decision generally, a decision rendered under this section shall be guided by the following factors:

1. *The use is consistent with the Comprehensive Plan;*
2. *The property for which a site plan review is requested shall have valid land use and zoning for the proposed use prior to the public hearing;*
3. *Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and county roads shall be based on the latest access management standards of FDOT or the county, respectively;*
4. *Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;*
5. *Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;*
6. *Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval of a drainage plan as required City ordinance, county ordinance, or SWFWMD;*
7. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;*
8. *Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;*
9. *Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;*
10. *Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;*

11. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
12. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
13. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
14. Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
15. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
16. Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for: a. Water. b. Sewer. c. Sanitation. d. Parks and recreation. e. Drainage

STAFF ANALYSIS: Staff has reviewed the two grounds for appeal set forth in the appeal letter. Appellants' grounds for appeal are shown below in bold, followed by Staff response.

1. **There are no buildings in the city that have this designation and there is no mention of this type of occupancy in the Vision 2050 plan. A short-term rental could be a hotel which requires a staff person on-site 24-7. A hotel is permitted downtown. Hotels are owned and operated by corporate entities. An AirBnB is not a permitted use in the city code. The closest use classification for an AirBnB is a BnB. A BnB requires an owner-manager to live on-site or within the same building/unit. Short-term rentals within St. Petersburg are subject to distinct zoning and frequency limitations. Properties are only permitted to be rented out up to three times in 365 days. Downtown is a neighborhood in this city. If the rest of the city is subject to these terms then this development should also be required to adhere to this. The building skirts the regulations governing short-term rentals. The project under the terms of ownership as stated in the application is opening up a precedent to the entire downtown. It encourages out of state and out of the country ownership as an investment not a home. Many residents keep a second home here and rent it when out of the state. Those homeowners are subject ot the same rules governing AirBnBs.**

Staff Response:
The StPete2050 plan does not address specific land uses. Rather, it is a broad visioning document that outlines ten priority community themes "to help inform future decisions and guide plans, programs and services throughout the city in support of its sustainable, resilient and equitable growth over the next 30 years". The Community Character and Growth theme identifies downtown as an area for redevelopment and future growth.

On September 7, 1983, the Environmental Development Commission (EDC), approved a Site Plan to convert an existing hotel (Hilton) to a condominium hotel. The approval was for 119-studio units, 101 one-bedroom units, four two-bedroom units and four three-bedroom units. The applicant also received approval for a variance to the minimum floor area requirement for residential units. The subject property is located at 333 1st Street South. The property at the time of the approval was zoned CBD-2.

Use of the units as either a multi-family dwelling or as a hotel room does not conflict with the Land Development Regulations because both uses are allowed as principal uses in this location, and therefore any restrictions related to the length of stay or number of times rented per year do not apply. The Land Development Regulations do not regulate ownership. Section 16.10.020.1, *Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix* defines both a multi-family dwelling and hotel use.

A multi-family dwelling is defined as, *"A building or lot designed for or occupied by two or more families (on the basis of monthly, or longer occupancies, or ownership of individual units) with separate cooking, bathroom and sleeping facilities for each unit. Motels, hotels, and other transient accommodation uses are not multiple-family dwellings. Accessory uses include clubhouses, recreational and laundry facilities."*

A hotel is defined as, "Establishments providing transient accommodation units available for the accommodation of persons more than three times in any consecutive 365-day period, each for a term less than monthly, in which meals may or may not be provided, and in which principal access to all transient accommodation units is through an inside lobby or office supervised by a person in charge at all hours. The term includes, but is not limited to, transient accommodation units, without regard to whether such units are available on a rental basis or by other forms of agreement or property ownership. Hotels may include internal restaurant and accessory commercial uses for guests, fitness facilities, swimming pools, or shuttle services between hotels, airports, or other destination points".

The subject property is located in the Downtown Center-2 (DC-2) zoning district. Multi-family dwellings and hotel uses are both permitted principal uses in the DC-2 zoning district per Section 16.10.020.1. *Matrix: Use Permissions and Parking Requirements Matrix and Zoning Matrix*. As outlined in Section 16.20.120.5. *Permitted uses and uses regulations*, for properties in the DC-2 zoning district a minimum of 75% of the gross square footage of the building shall be devoted towards residential and hotel use.

The applicant is proposing that either use be allowed in any or all of the units. This will allow flexibility for the owners to offer their units for short-term rental or to reside there for permanent occupancy. This arrangement is facilitated by a dedicated management team, with 24/7 onsite staff. The owners can choose to opt in or out of the rental program based on their personal preferences. All rules and regulations, including those pertaining to schedules, noise levels, maintenance, and other relevant issues, will be outlined in the condominium's governing documents. The DRC approval includes special conditions of approval to address impacts of the project to surrounding uses, the project will need to meet the minimum requirements for both uses and be licensed by the state for the hotel occupancy. Because this will not operate as a traditional full-service hotel over 100,000 square feet in area, the requirement for providing a semi-tractor trailer loading space was not applied. An on-site space for local deliveries will be required.

City Code does not regulate the ownership entity for a hotel unit or a hotel establishment. A hotel use does require access to the individual units through an inside lobby and an office that is supervised at all times. The hotel use will be required to be licensed through the State.

2. **Although asked on several occasions, the developer and representative of the developer refuse to comment on the use of the sky bar as a public or building amenity. A building amenity is different from a bar open to the public. We would like some clarity on this as several of our residents have had experience with entertainment venues close to their homes and the noise and general description from an establishment that serves alcohol can create a nuisance in the area.**

Staff response:
As previously noted, the zoning of the property is DC-2. Per Section 16.20.120.5. a minimum of 75% of the gross square footage of the building shall be devoted towards residential and hotel use. This allows 25% of the gross square foot of the building to be used for other permitted uses such as a café, restaurant or bar. The Code does not restrict the use of the roof top to a private building amenity area. Any permitted use can occupy any portion of the proposed building subject to complying with the code. The DRC approval includes a Special Condition of Approval requiring

a noise mitigation and monitoring plan be approved prior to the installation of any outdoor amplified sound system. The noise mitigation and monitoring plan must be properly certified to meet ANSI and ASA and demonstrate how the operation will comply with the noise ordinance and shall, at minimum, include the number and orientation of speakers, noise mitigation methods, operating hours, location of stages and performing areas and monitoring requirements.

The subject property is located in downtown, within the Intown Activity Center and the Intown Redevelopment Area. The downtown and Intown Activity Center were established by the City to encourage urban development with a significantly higher intensity and density than other parts of the City. Redevelopment of existing properties to higher intensities is an expectation and goal of the Comprehensive Plan for the downtown area.

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.*

Policy: LU2.1 To facilitate compact urban development the City shall adopt the following activity centers as part of this Land Use Plan:
1. Gateway 3. Tyrone ***2. Intown*** *4. Central Plaza*

Policy: LU2.2 ***The City shall concentrate growth in the designated Activity Centers*** *and prioritize infrastructure improvements to service demand in those areas. (Note: Site is located within Intown Activity Center, established in LU2.1.)*

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

OBJECTIVE LU3: The Future Land Use Map (Map 2) shall specify the desired development pattern for St. Petersburg through a land use category system that provides for the location, type, density and intensity of development and redevelopment. ***All development will be subject to any other requirements, regulations and procedures outlined in the land development regulations*** *including, but not limited to: minimum lot size, setback requirements, density, floor area ratio, and impervious surface ratio.*

LU3.1 The Future Land Use Element contains the following categories:

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

OBJECTIVE LU23: The City shall ***support sustainable land development patterns*** *through the LDRs and the Comprehensive Plan.*

LU23.2 The City's development review policies and procedures shall acknowledge the GHG emission ***reduction impacts of higher density development and the negative impacts of sprawling, low-density development.***

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

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

The Project application review process was an iterative process which resulted in a balance of the various GOPs which maximized the consistency of the Project with the Comprehensive Plan, considered as a whole.

With respect to compliance with the Land Development Code, the subject property is located in the DC-2 zoning. As demonstrated in the staff report prepared for the DRC, Staff determined that the Project is in compliance with the zoning district standards. The general description of the DC-2 district is as follows:

***"16.20.120.3.3. Downtown Center-2 (DC-2).** This district provides for intense residential development that still allows for a mixture of uses that enhance and support the core and surrounding neighborhoods, including the domed stadium. The district also allows support retail and office uses which assist the residents with the daily needs of living within this highly urbanized neighborhood. The district establishes performance standards and design guidelines appropriate to urban form residential buildings. Heights in this district begin to taper down as development sites become less proximate to the core and transition to surrounding neighborhoods. However, base setbacks still apply, creating a pedestrian-scale environment at the sidewalk level."*

PUBLIC COMMENTS: Prior to the DRC public hearing, staff did receive correspondence from a representative of the Sage Condominium located at 400 4th Avenue South. Concerns were expressed about noise and the operation of the proposed use.

RECOMMENDATION: Planning and Development Services Staff recommend that the City Council **deny** the appeal thereby **upholding** the decision of the DRC and **approving** the site plan.

List of Exhibits:
Exhibit A: Resolutions, DRC Staff Report, Results Letter, Vote Record, Meeting Minutes
Exhibit B: Appeal

"A"

RESOLUTION NO._____

A RESOLUTION **DENYING** THE APPEAL AND **UPHOLDING** THE DEVELOPMENT REVIEW COMMISSION'S **APPROVAL** OF A SITE PLAN TO CONSTRUCT A 25-STORY MULTI-FAMILY BUILDING WITH 152-DWELLING UNITS AND 4,863 SQUARE FEET OF COMMERCIAL SPACE WITH FLOOR AREA RATIO BONUSES AND A BUILDING HEIGHT BONUS FOR THE PROPERTY LOCATED AT 332, 340 AND 344 4TH STREET SOUTH (CITY FILE 23-31000015); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2024, the Development Review Commission (DRC) held a public hearing for approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus. The subject property is located at 332, 340 and 344 4th Street South; and

WHEREAS, the DRC made three motions, the first two motions were to amend two special conditions of approval and the third motion was to approve the site plan as amended. All three motions passed by a vote of 6 to 0, thereby approving the Site Plan; and

WHEREAS, the appellant timely filed the Notice of Appeal of the DRC's decision on January 19, 2024, to come before the City Council to seek a reversal of this decision; and

WHEREAS, the City Council finds that it is appropriate to **deny** the appeal thereby **upholding** the DRC's **approval** of the Site Plan.

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

1. The Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus complies with the City's applicable Land Development Regulations and Comprehensive Plan; and

2. The City Council finds that it is appropriate to **deny** the appeal and **uphold** the DRC's **approval** of the Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus subject to the conditions of the Staff Report, as may be amended.

BE IT FURTHER RESOLVED that under its de novo appellate authority, based upon the foregoing findings of fact based on evidence, this Council hereby **denies** the appeal, and **upholds** the **approval** of the Site Plan to construct 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus, subject to the conditions in the Staff Report, as amended; and

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

APPROVED AS TO FORM AND SUBSTANCE:

/s/ Elizabeth Abernethy — 02/13/2024

Planning and Development Services Department — Date

Michael J Dema — 02/14/2024

City Attorney — Date

"B"

RESOLUTION NO._____

A RESOLUTION **GRANTING** THE APPEAL AND **OVERTURNING** THE DEVELOPMENT REVIEW COMMISSION'S **APPROVAL** OF A SITE PLAN TO CONSTRUCT A 25-STORY MULTI-FAMILY BUILDING WITH 152-DWELLING UNITS AND 4,863 SQUARE FEET OF COMMERCIAL SPACE WITH FLOOR AREA RATIO BONUSES AND A BUILDING HEIGHT BONUS FOR THE PROPERTY LOCATED AT 332, 340 AND 344 4TH STREET SOUTH (CITY FILE 23-31000015); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2024, the Development Review Commission (DRC) held a public hearing for approval of a Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space with floor area ratio bonuses and a building height bonus. The subject property is located at 332, 340 and 344 4th Street South; and

WHEREAS, the DRC made three motions, the first two motions were to amend two special conditions of approval and the third motion was to approve the site plan as amended. All three motions passed by a vote of 6 to 0, thereby approving the Site Plan; and

WHEREAS, the appellant timely filed the Notice of Appeal of the DRC's decision on January 19, 2024, to come before the City Council to seek a reversal of this decision; and

WHEREAS, the City Council finds that it is appropriate to **grant** the appeal thereby **overturn** the DRC's **approval** of the Site Plan.

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

3. The Site Plan to construct a 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus complies with the City's applicable Land Development Regulations and Comprehensive Plan; and

4. The City Council finds that it is appropriate to **grant** the appeal and **overturn** the DRC's **approval** of the Site Plan to construct a25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus subject to the conditions of the Staff Report, as may be amended.

BE IT FURTHER RESOLVED that under its de novo appellate authority, based upon the foregoing findings of fact based on evidence, this Council hereby **grants** the appeal, and **overturns** the **approval** of the Site Plan to construct 25-story multi-family building with 152-dwelling units and 4,863 square feet of commercial space with floor area ratio bonuses and building height bonus, subject to the conditions in the Staff Report, as amended; and

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

APPROVED AS TO FORM AND SUBSTANCE:

/s/ Elizabeth Abernethy	02/13/2024
Planning and Development Services Department	Date
Michael J Dema	2/14/2024
City Attorney	Date

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

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

SITE PLAN REVIEW
PUBLIC HEARING

According to Planning & Development Services Department records, **No Commissioner** or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, January 10, 2024, at 1:00 PM** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO.: 23-31000015 **PLAT SHEET:** E-1

REQUEST: Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

OWNER: 4th South Valor Capital LLC
400 Cleveland St.
Clearwater, FL 33755

AGENT: Donald Mastry – Trenam Law
200 Central Ave., Suite 1600
St. Petersburg, FL 33701

ADDRESS: 332, 340, and 344 4th Street S.

PARCEL ID NUMBER(S): 19-31-17-81864-000-0050, 19-31-17-81864-000-0070, 19-31-17-01502-000-0001, 19-31-17-01502-000-0010, 19-31-17-01502-000-0020, 19-31-17-01502-000-0030, 19-31-17-01502-000-0040

LEGAL DESCRIPTION: On File

ZONING: Downtown Center (DC-2)

SITE AREA TOTAL: 20,000 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	24,090 square feet	1.2 F.A.R.
Proposed:	150,000 square feet	7.5 F.A.R.
Proposed w/exemptions:	140,000 square feet	7.0 F.A.R.
Permitted:	140,000 square feet	7.0 F.A.R.

BUILDING COVERAGE:

Existing:	8,770 square feet	44% of Site MOL
Proposed:	14,745 square feet	74% of Site MOL
Permitted:	19,000 square feet	95% of Site MOL

IMPERVIOUS SURFACE:

Existing:	15,745 square feet	79% of Site MOL
Proposed:	19,000 square feet	95% of Site MOL
Permitted:	NA	

OPEN GREEN SPACE:

Existing:	4,255 square feet	21% of Site MOL
Proposed:	1,000 square feet	5% of Site MOL

PAVING COVERAGE:

Existing:	6,975 square feet	35% of Site MOL
Proposed:	4,255 square feet	21% of Site MOL

PARKING:

Existing:	21; including 0 handicapped spaces
Proposed:	130; including 5 handicapped spaces
Required	62; including 3 handicapped spaces

BUILDING HEIGHT:

Existing:	30 feet
Proposed:	325 feet
Permitted:	Unlimited

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-2 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

Request:

The applicant seeks approval of a site plan to construct a 25-story building with 152-dwelling units, 4,893 square feet of commercial space and a 130-space parking garage. The applicant is requesting floor area ratio bonuses and a building height bonus.

The subject property is located at 332, 340 and 344 4th Street South and is currently developed with three buildings, a 2-story, two-unit apartment building built in 1920, a 2-story, four-unit

condominium built in 2003 and a 3-story, 19-unit apartment building built in 1920. The applicant is proposing to demolish the existing improvements.

Current Proposal:
The proposed development will operate as a hybrid between a residential condominium and a hotel use. The hybrid use will allow flexibility for the owners to offer their units for short-term rental or to reside there for permanent occupancy. This arrangement is facilitated by a dedicated management team, with 24/7 onsite staff. The owners can choose to opt in or out of the rental program based on their personal preferences. All rules and regulations, including those pertaining to schedules, noise levels, maintenance, and other relevant issues, will be outlined in the condominium's governing documents.

The proposed 25-story building will be sited towards the north side of the property leaving a large, uncovered open space along 4th Avenue South. The upper portion of the proposed tower overhangs the ground floor of the building leaving an area for a covered open space along both 4th Street South and 4th Avenue South.

The ground floor of the proposed tower will consist of a residential lobby, commercial space, back of house facilities, uncovered and covered open space and two parking garage entrances. The parking garage entrance along Charles Court South will provide access to one level of underground parking that provides parking for 36 vehicles and the parking garage entrance along 4th Avenue South will provide access to the three levels of parking located above the ground floor of the tower that will provide parking for 94 vehicles. Floors five through 24 will be devoted towards residential units. The 25th floor will have an amenity area that is being referred to as a sky bar. The residential mix includes studio, one-bedroom, two-bedroom and three-bedroom units. The applicant proposes 57 of the residential units to be above 750 square feet and 95 residential units at or below 750 square feet. Pedestrian access to the residential lobby will be from the 4th Avenue South side of the building. The commercial space will be accessible from the 4th Street South side of the building. The loading areas and dumpster will be accessed from the north (Charles Court South) and east (10-foot wide north-south alley) sides of the building.

The style of the building as described by the applicant's architect is 'casual contemporary'. The residential tower consists of a simple, tall volume cladded with a clear glass and stucco envelope, wrapped with corner balconies on every floor overlooking the city; this sleek, light-weight looking building sits on a semi-transparent, cladded 4-story podium that displays movement on the facades that relate to 4th Street and 4th Ave., as a metaphor of the city's progressive and art related spirit.

Building Height
The height of the proposed building will be 325-feet above grade. There is no maximum building height for the subject property. Buildings with a height greater than 300-feet but less than 375-feet above grade require approval by staff with public notice. Staff has reviewed the proposed building height and finds that it complies with all site plan review criteria as outlined in Section 16.70.040.1.1 (D). The subject property is located in the DC-2 zoning district. The Airport Height Limit is 158-feet Above Mean Sea Level (AMSL). The height that is being requested by the applicant is also required to be approved by the F.A.A. and an Airport obstruction permit may be required, see Section 16.70.030.1.13. City Code requires a decorative crown for any project approved for additional building height.

FLOOR AREA RATIO BONUSES:
The base Floor Area Ratio (FAR) within the DC-2 district is 3.0. The applicant is requesting a bonus of 4.0 FAR for a total FAR of 7.0. For projects requesting additional FAR, the following priority shall apply: the project requires following the public hearing process, then the first 0.5 bonus FAR shall be historic preservation, and the next 1.0 bonus FAR shall be workforce housing. Thereafter, any bonus or combination of bonuses are allowed.

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

The applicant is seeking to utilize this bonus to achieve a FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to purchase 10,000 square feet of transfer of development rights (TDRs) from a locally designated landmark or landmark site with available TDRs. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

1.0 FAR – Provide financial support to the City's housing capital improvements projects (HCIP) trust fund or its successor fund equal to one-half of one percent or more of the total construction cost per each 0.5 of FAR bonus.

The applicant is seeking to utilize this bonus to achieve a FAR bonus of 1.0. The total construction cost of the project is approximately $55,000,000. Since the applicant is seeking to utilize this bonus to achieve a bonus of 1.0, the applicant will be required to provide 1.0 of one percent of the total construction cost to the HCIP Trust Fund. Based on the estimated construction cost, a minimum of $550,000 shall be paid to the HCIP Trust Fund. The applicant shall provide the funds to the City prior to the release of building permits. A condition has been added to this report to address this requirement.

2.5 FAR – Any combination of the following FAR bonuses: support workforce housing, historic TDR's, LEED certification or equivalent or streetscape improvement program.

To allow flexibility, the applicant is seeking to utilize any combination of the above FAR bonuses to achieve a FAR bonus of 2.5. To qualify for the bonuses, the application will be required to list on the plans submitted for permitting the FAR bonuses that will be utilized, the amount of each bonus that will be utilized and how the project qualifies for each bonus.

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

1. The use is consistent with the Comprehensive Plan;

Staff Response: The subject property is zoned Downtown Center -2 (DC-2), the Future Land Use is Central Business District (CBD) and is located in the Intown Activity Center. The proposed uses are consistent with the plan.

2. The property for which a site plan review is requested shall have a valid land use and zoning for the proposed use prior to site plan approval;

Staff Response: Residential, hotel and commercial uses are permitted uses in the DC-2 zoning district.

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

Staff Response: The Florida Department of Transportation (FDOT) maintains 4th Street South, which is a three-lane, one-way minor arterial designated for southbound travel. The City of St. Petersburg maintains 4th Avenue South, which is a two-lane, one-way local road designated for westbound travel. Charles Court South is a brick alley that has a platted width of 20 feet. The north-south alley is a brick alley with a platted width of 10 feet.

The applicant proposes ingress and egress to the parking garage basement on Charles Court South and ingress and egress to the parking garage podium on 4th Avenue South. The applicant stated that Charles Court South will provide access to approximately 36 parking spaces; the parking garage has a total of 130 parking spaces. Access to the parking garage on Charles Court South and 4th Avenue South is preferable to access on 4th Street South because 4th Street South is a minor arterial.

The applicant is proposing a drop-off area on 4th Avenue South and two parking spaces and a space for a valet service on 4th Street South. Valet parking regulations are provided in Article VI of Chapter 25 of the City Code.

The Pinellas Suncoast Transit Authority (PSTA) provides service on several roads near the subject property. The SunRunner and Route 4 serve 3rd and 4th Streets and are two of PSTA's most popular routes. Routes 7, 15, 20, and 32 provide service within a block of the subject property, as does the free Downtown Looper Trolley.

Forward Pinellas has developed a multimodal accessibility index (MAX index). MAX scores are assigned to individual quarter-mile grid cells, which Forward Pinellas defines as a reasonable walkable travel shed. The MAX score is based on factors such as bicycle facilities, premium transit services, walkability, roadway level of service, scooter/bike-share locations, transit access, and programmed transportation projects. The countywide average MAX score is 7.5. The subject property has a MAX score of 30.75. The multimodal accessibility to the site exceeds the countywide average by a significant margin.

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

Staff Response: The applicant is proposing 130 parking spaces, which exceeds the minimum requirement of 62 spaces. Based on data in the Institute of Transportation Engineers' (ITE) "Parking Generation Manual" (5th Edition), the peak parking demand for a 152-unit high-rise multifamily development is 84 spaces in a dense multi-use urban location based on two studies.

The applicant is providing a sufficient number of vehicle parking spaces based on the City Code and ITE data.

The applicant meets the minimum space requirement for short-term bicycle parking and long-term bicycle parking. The short-term bicycle parking is located on 4th Street and is within 50 feet of the main entrance, as required under Section 16.40.090.4.2 of the City Code. The long-term bicycle parking is not shown on the site plan. If the site plan application is approved, the applicant shall clearly identify the location and size of the long-term bicycle parking facility on the site plan submitted during permitting and it shall meet the design standards in Section 16.40.090.4.2.

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

Staff Response: The applicant was not required to submit a traffic impact study per Policy T3.1 of the Comprehensive Plan because their project is not on a deficient road. Deficient roads include roads operating at peak hour level of service (LOS) "E" and "F" and/or a volume-to-capacity (v/c) ratio of 0.9 or greater without a mitigating improvement scheduled for construction within three years. The City utilizes the Forward Pinellas' "2023 Annual Level of Service Report" to monitor roadway LOS for major streets, per Policy T3.2 of the City's Comprehensive Plan. According to FDOT, roadway LOS is a quantitative stratification of a performance measure or measures that represent quality of service, measured on an "A" to "F" scale, with LOS "A" representing the best operating conditions from the traveler's perspective and LOS "F" the worst. Before the elimination of state-mandated transportation concurrency regulations, the City's LOS standard was "D" for major roads. The FDOT's current target for state highways in urbanized areas, such as 4th Street South, is "D." LOS "D" can also be viewed as a target for roads not on the state highway system, but it is no longer the City's standard, as noted. According to the 2023 Annual LOS Report, 4th Street South from Central Avenue to 4th Avenue South carried 12,817 vehicles on a typical day in 2022 and had a LOS of "C" and a volume-to-capacity ratio of 0.36.

The Transportation Department calculated the projected number of trips from the proposed development. The applicant was not required to submit a traffic impact study for their project. The residential units are projected to generate 35 a.m. peak hour trips (9 entering and 26 exiting) and 30 p.m. peak hour trips (22 entering and 8 exiting). ITE does not have extensive data for commercial uses in dense multi-use urban settings. Typically, commercial uses such as restaurant and retail establishments in dense multi-use urban settings will attract a high percentage of trips from modes such as walking, bicycling and transit. According to the Pinellas County Property Appraiser website, the subject property has several existing multifamily residential developments, including four condominiums, a duplex, and a 20-unit apartment building. The traffic impact from the proposed development is anticipated to be minimal based only on the number of new residential units. The anticipated impact will be lower after accounting for trips produced by the existing developments.

Located on the southern end of the downtown core, most of the proposed development's entering trips will likely come from areas north of the subject property, and most of the exiting trips will likely travel to areas north of the subject property. Most entering trips are anticipated to approach the site from the east, utilizing 4th Avenue South, since most parking spaces are in the

parking garage podium. Some trips will approach the site from the north, utilizing 4th Street South and Charles Court South. Most of the trips exiting the site will utilize 4th Avenue South and travel west. Motorists can turn right on 5th Street to access the downtown core. The proposed development has convenient access to both eastbound and westbound I-175 for longer distance trips on I-275.

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

Staff Response: The proposed development will be required to comply with the applicable stormwater requirements at time of permitting (Engineering Department memo dated December 15, 2023).

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

Staff Response: Any proposed exterior lighting and signage will need to comply the applicable code requirements at time of permitting.

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

Staff Response: The project provides the required amount of open space, is designed and oriented to address the public realm and is consistent with other projects in the DC-2 zoning district and the Intown Activity Center.

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

Staff Response: The are no historic or archeological resources on site or in the general vicinity. The site is not located within the boundaries of a local or national historic district. The project is compatible with other projects in the DC-2 zoning district and the Intown Activity Center.

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

Staff Response: Residential, hotel and commercial uses are permitted in the DC-2 zoning district. The DC-2 zoning district and Intown Activity Center provides for intense developments. The proposed project is compatible with other developments in the DC-2 zoning district.

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

Staff Response: The project is permitted in the DC-2 zoning district. The development meets all required setbacks and buffers. The applicant proposes to provide amenities for residences of the project. Staff has added special conditions of approval in the staff report to help mitigate for any potential adverse impacts such as noise.

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

Staff Response: As shown on the site plan, the area can accommodate the proposed improvements.

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

Staff Response: The subject property is located in the DC-2 zoning district. The applicant will comply with the landscape section of the Code. There are no wetlands located on the subject project.

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

Staff Response: No historic or archeological resources exist on the subject property or are within 200-feet of the subject property. The site is not located within the boundaries of a local or national historic district.

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

Staff Response: The proposed development is not located in an evacuation zone.

16. Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for:
    a. Water.
    b. Sewer.
    c. Sanitation.
    d. Parks and recreation.
    e. Drainage.

Staff Response: There are available services to accommodate the proposed uses.

Public Comments:

Staff did receive correspondence from a representative of the Sage Condominium located at 400 4th Avenue South. Concerns were expressed about noise and the operation of the proposed use.

III. RECOMMENDATION:

B. Staff recommends APPROVAL of the following:

1. **Floor area ratio bonuses;**
2. **Bonus to building height; and**
3. **The site plan subject to the Special Conditions of Approval.**

C. Special Conditions of Approval:

1. **Public art shall be provided, the value shall be equal to one-half of one percent of the total construction cost up to $100,000.00 and shall be reviewed and approved by the POD of Cultural Affairs prior to issuance of the first certificate of occupancy. All public art shall be visually accessible to the public. In lieu of providing the public art, the applicant may provide financial support to the City's downtown public art program equal to one-quarter of one percent of the total construction cost, up to $50,000.00.**
2. **The applicant shall provide a minimum of 1.0 of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
3. **The applicant shall purchase a minimum of 10,000 square feet of Historic Transfer of Development Rights from an approved transfer site(s) as required to receive the F.A.R. bonus. Applicant shall complete the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
4. **The applicant shall provide, in any combination, to achieve a total bonus of 2.5 FAR by utilizing the following FAR bonuses: support for workforce housing, Historic Transfer of Development Rights, LEED certification or equivalent or financial support to the streetscape fund. To qualify for the bonuses, the applicant will be required to list on the plans submitted for permitting the FAR bonuses that will be utilized, the amount of each bonus that will be utilized and how the project qualifies for each bonus.**
5. **The applicant shall install a decorative crown to receive the additional building height. The final design shall be subject to approval by staff.**
6. **Any modifications to the travel lane, parking spaces and landscape islands surrounding the subject property shall be subject to approval by the City.**
7. **Concrete driveways shall be continuous through all driveway approaches and truncated domes shall be installed.**
8. **The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.**
9. **The parking garage screening shall be approved by staff. The parking garage screening shall incorporate a mullion pattern that mimics the storefront system mullion pattern.**
10. **Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.**
11. **Bicycle parking shall be provided as required by Section 16.40.090.**
12. **Exterior lighting shall comply with Section 16.40.070.**

13. **Mechanical equipment shall be screened from the abutting rights-of-way.**
14. **Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.**
15. **The Construction Action Plan (CAP) shall be submitted to Zoning Official for review and approval prior to the issuance of building permits.**
16. **A noise mitigation and monitoring plan shall be required to be approved prior to the installation of an outdoor amplified sound system.**
17. **The applicant shall receive a notice of no hazard to air navigation issued by the FAA prior to the issuance of building permits.**
18. **The site plan shall be modified as necessary to comply with the comments in the Transportation and Parking Management Department's Memorandum dated December 18, 2023.**
19. **The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated December 15, 2023.**
20. **The site plan shall be modified as necessary to comply with the comments in the Water Resources Department's Memorandum dated January 3, 2024.**

D. STANDARD CONDITIONS OF APPROVAL

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

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

Building Code Requirements:

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

Zoning/Planning Requirements:

1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).

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

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

Engineering Requirements:

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

2. All other applicable governmental permits (state, federal, county, city, etc.) must be obtained before commencement of construction. A copy of other required governmental permits shall be provided to the City Engineering & Capital Improvements Department prior to requesting a Certificate of Occupancy. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.

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

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

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

Landscaping Requirements:

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

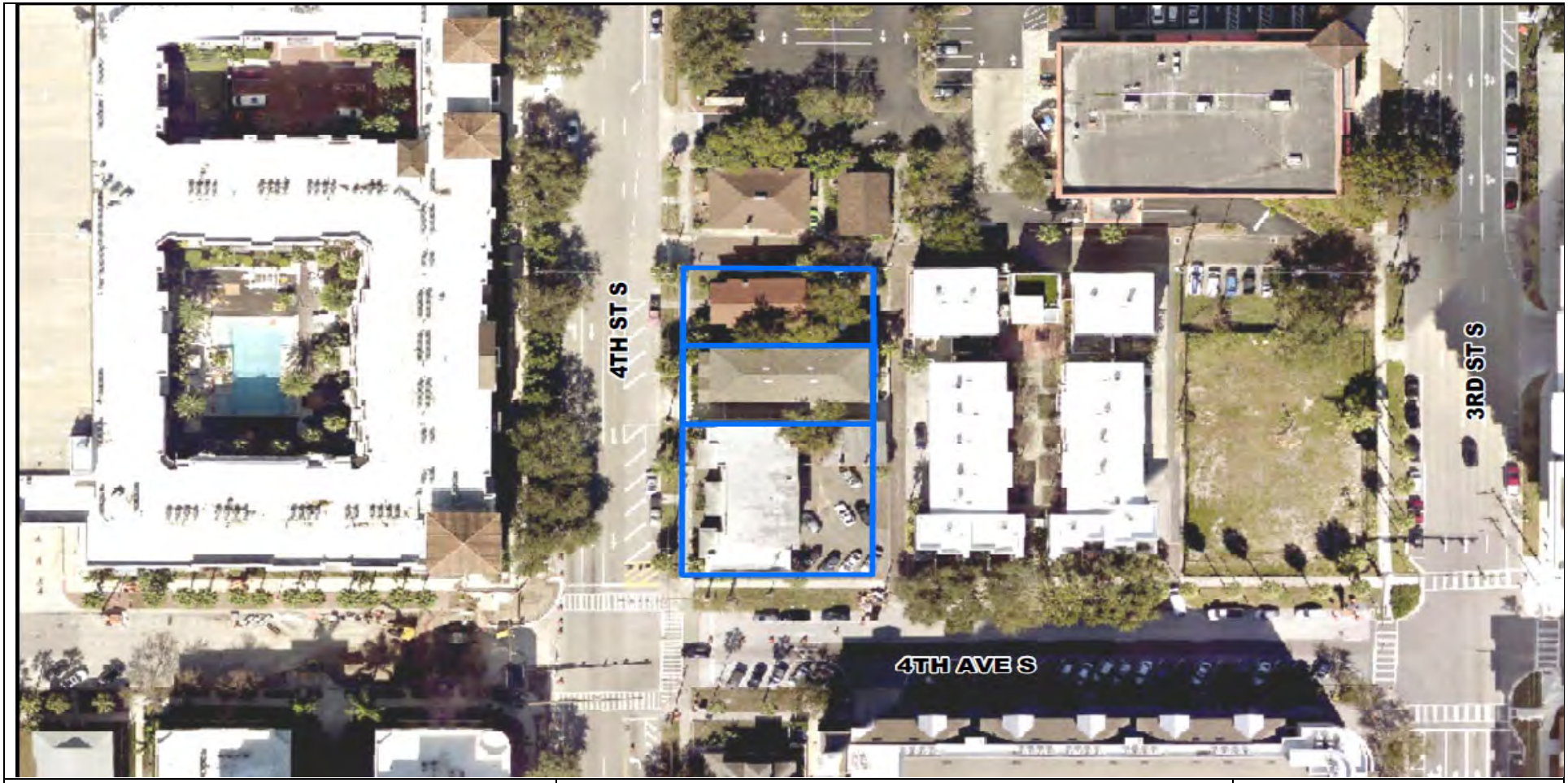
2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.
3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.
4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.
5. Concrete curbing, wheel stops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.

REPORT PREPARED BY:

/s/ Corey Malyszka *1/2/2023*

Corey Malyszka, AICP, Zoning Official (POD) DATE
Development Review Services Division
Planning and Development Services Department

List of Exhibits: Project Location Map, Applicant's Narrative, Site Plans, Elevations



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PROJECT LOCATION MAP
Case No.: 23-31000015
Address:
332, 340, and 344 4th Street S.
City of St. Petersburg, Florida
Planning & Development Services Department

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(nts)

NARRATIVE IN SUPPORT OF SITE PLAN APPLICATION

4th South Valor Capital LLC (the "Developer") is the owner of the property located at 332, 340 and 344 4th St. S. (collectively, the "Property"). The Property is zoned DC-2, which permits various residential and commercial uses by right, with a maximum 7.0 FAR and no maximum height.

The Property was formerly used as apartments and condos. The Developer proposes to redevelop it with a 25-story building containing 152 dwelling units, 4,893 sf of commercial space and a 130-space parking garage (the "Project").

The dwelling units will function as a condotel, which is a hybrid between a residential condo and a short-term rental use. This allows for the units to change between permanent residential occupancy and short-term rentals, in order to meet market conditions and owner desires.

The Developer is requesting site plan/bonus, public hearing approval for the Project. Under the public hearing approval process, the Property has a maximum FAR of 7.0 and no maximum height. The Developer proposes a 7.0 FAR (as set forth in the attached FAR calculations) and a maximum height of 325 ft. A decorative crown feature will be provided as required by Code.

Discussion of Standards of Review for Site Plans

(Sec. 16.70.040.1.4 of the City of St. Petersburg Land Development Code ("Code")

1. *The use is consistent with the Comprehensive Plan;*

   The Property is designated Central Business District and Intown Activity Center in the City's Comprehensive Plan. These designations permit the highest intensity development within the City along with a range of various uses, including those proposed for the Project.

2. *The property for which a site plan review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;*

   The Property's land use (Central Business District and Intown Activity Center) and zoning (DC-2) designations permit the Project.

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

   Access to the Project has been designed in accordance with Code. Vehicular and pedestrian access to the Project will be provided on 4th St. S., Charles Ct. and 4th Ave.

S. Sufficient loading, utility, sanitation and emergency access are provided from these access points.

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

   Parking and loading for the Project have been designed in accordance with Code. Off-street parking and loading will be provided within the Project's new parking garage, which is accessed on Charles Ct. and 4th Ave. S. The parking garage will be screened and the Project will be landscaped in accordance with the Code.

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

   Traffic impact reports are not required in downtown. The entitlements for the Project are already permitted by the Property's land use and zoning designations.

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

   The Project complies with these items and meets or exceeds all Code requirements. The Project includes upgrading the Property's drainage system as required by the Code.

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

   No signage is proposed with this application, but all signage or lighting for the Project will meet or exceed all Code requirements.

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

   The building is oriented towards the corner of 4th St. S. and 4th Ave. S., with onsite open space also located adjacent to this corner.

   The Project meets or exceeds all required setbacks and is consistent with the appearance, harmony and character of other buildings in downtown and the

surrounding high-intensity mixed use neighborhood, which is approved for and contains similar mid to high rise type buildings.

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

   There are no known environmental, historic or archaeological sites on the Property. The Project is compatible with the surrounding high-intensity mixed use neighborhood, which is approved for and contains similar mid to high rise type buildings.

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

    The Project is not expected to cause any detrimental effects on property values in the neighborhood. The surrounding neighborhood consists of similar high-intensity mixed-uses and the Project will likely enhance property values in this area.

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

    The Project meets or exceeds all required setbacks and the parking garage will be screened from surrounding properties. The Project provides amenities which are comparable to other buildings of its type in the City. No adverse effects of noise, lights, dust, fumes and other nuisances are expected given the compatibility of the Project with the surrounding high-intensity, downtown mixed-use neighborhood.

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

    The Property is of sufficient size for the development proposed and is appropriate and adequate for the use and reasonably anticipated operations and expansion thereof.

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

    The Project will be landscaped in accordance with Code. No wetlands exist on the Property. Any tree removal shall be in accordance with Code.

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

No historic or archaeological resources are known to exist on or within 200 ft of the Property.

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

    The Property is not located within a hurricane vulnerability zone.

16. *Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for:*

    a. Water.
    b. Sewer.
    c. Sanitation.
    d. Parks and recreation.
    e. Drainage.

The Project will meet all adopted levels of service.

Discussion of Standards of Review for Planning and Zoning Decisions, Generally
(Sec. 16.70.040.1.E of Code)

E. Standards for review. In reviewing the application for a planning and zoning decision in addition to the standards of review applicable to the decision, the POD, commission or the City Council shall consider whether the proposed amendment is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the plan.

The application is consistent with and furthers the purpose of the Code and other City ordinances and actions designed to implement the Comprehensive Plan, specifically with regard to the promotion of redevelopment and the promotion and expansion of downtown.

FAR SUMMARY:

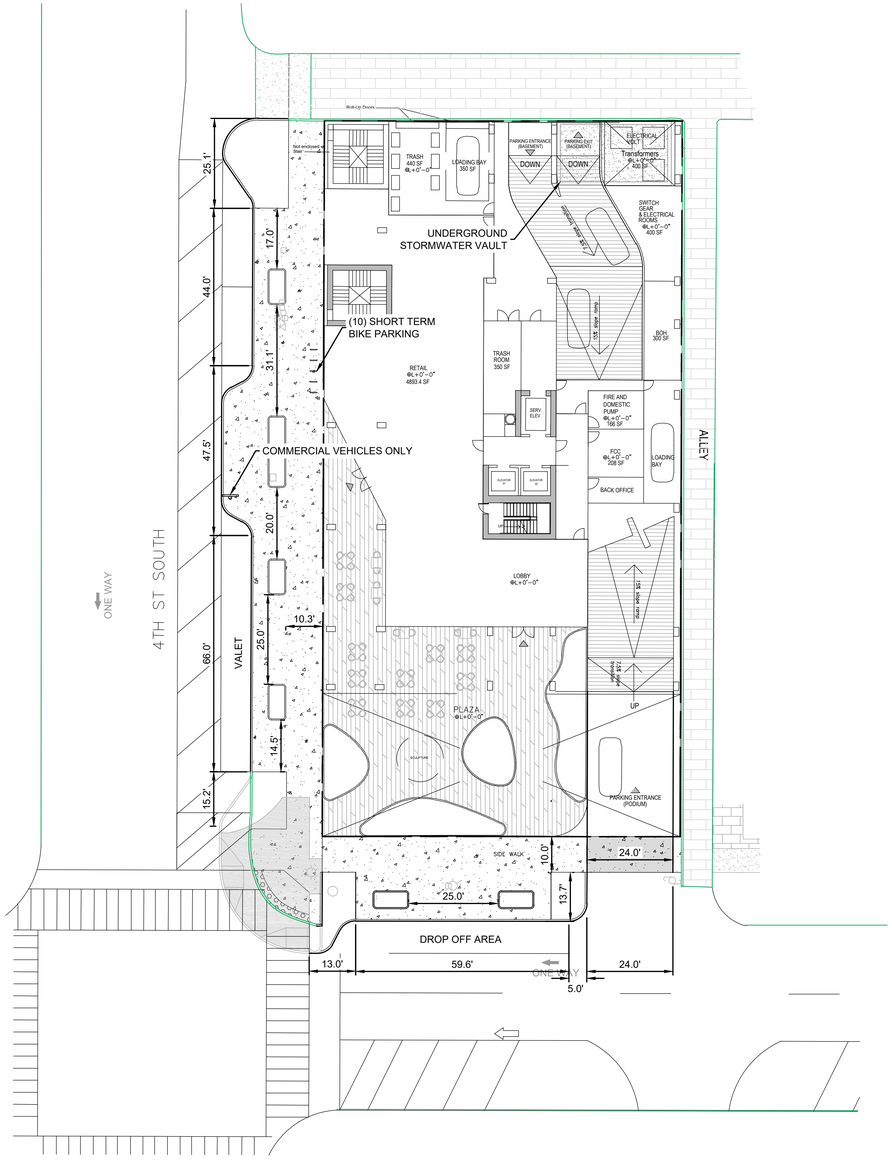
Site Area (SF):	20,000
Site Area (AC):	0.46

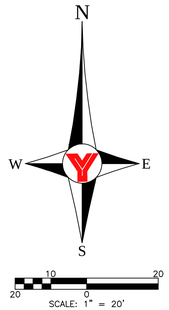
Summary

Area	Square Footage	Note
Development Area Available:		
FAR- 7.0	140,000	Bonus Approval, Public Hearing
Neighborhood scale retail, neighborhood scale cafe or office uses located on ground level, when not located on a pedestrian level "A" street. Such pedestrian-oriented uses shall be incorporated into no less than 60 percent of the linear building frontage abutting all streets.	10,000	0.5 FAR Exemption
Structured Parking	68,000	Fully Exempt From FAR
Total Development Area Available	**218,000**	
Proposed Constructed Area (GSF):		
Residential	145,107	
Retail	4,893	
Structured Parking	68,000	
Total Area to be Built	**218,000**	

FAR BREAKDOWN:

Area	Square Footage	Note
Total	218,000	
Neighborhood scale retail, neighborhood scale cafe or office uses located on ground level, when not located on a pedestrian level "A" street. Such pedestrian-oriented uses shall be incorporated into no less than 60 percent of the linear building frontage abutting all streets.	10,000	
Structured Parking	68,000	
Calculated FAR SF	**140,000**	
Calculated FAR	**7.00**	
Base FAR SF	**60,000**	
Base FAR	**3.00**	
Bonuses Needed FAR SF	**80,000**	
Bonuses Needed FAR	**4.00**	
Workforce housing (financial contribution)	20,000	1.0 FAR
Historic TDRs	10,000	0.5 FAR
Any combination of workforce housing (financial contribution or onsite), historic TDRs, LEED certification or equivalent, streetscape improvement program (financial contribution), or additional ground level open space	50,000	2.5 FAR
Total Bonus SF	**80,000**	
Total Bonus FAR	**4.00**	





OVERALL SITE DATA TABLE

(THE NUMBERS SHOWN BELOW ARE FROM DRC APPLICATION DATA)

1. ZONING	DOWNTOWN CENTER - 2 (DC-2)	
2. EXISTING USE (CURRENTLY EXISTING ON SITE)	RESIDENTIAL	
3. PROPOSED USE (EXISTING + PROPOSED, IF DIFFERENT)	RESIDENTIAL/COMMERCIAL	
4. SITE AREA	20,000 S.F.	0.46 AC
5. VARIANCE REQUESTED (LIST)	N/A	
6. GROSS FLOOR AREA (TOTAL S.F. BUILDING)	EXISTING: PROPOSED: MAX PERMITTED:	24,090 S.F. 218,000 S.F N/A
7. FLOOR AREA RATIO (TOTAL S.F. BUILDING / BY TOTAL S.F. OF SITE)	EXISTING: PROPOSED: MAX PERMITTED:	1.2 7.0 7.0
8. BUILDING COVERAGE	EXISTING: PROPOSED: MAX PERMITTED:	8,770 S.F. (43.9% OF SITE) 14,745 S.F. (73.7% OF SITE) 20,000 S.F. (100% OF SITE)
9. OPEN GREEN SPACE (INCLUDE ALL GREEN SPACE ON SITE)	EXISTING: PROPOSED:	4,255 S.F. (21.3% OF SITE) 1,000 S.F. (5.0% OF SITE)
10. INTERIOR OPEN GREEN SPACE OF THE VEHICULAR AREA (GREEN SPACE WITHIN PARKING LOT AND INTERIOR OF SITE; DO NOT INCLUDE PERIMETER LANDSCAPING)	EXISTING: PROPOSED:	N/A N/A
11. PAVING COVERAGE	EXISTING: PROPOSED:	6,975 S.F. (34.9% OF SITE) 4,255 S.F. (21.3% OF SITE)
12. IMPERVIOUS SURFACE (TOTAL S.F. PAVING, WALKS, AND OTHER HARD SURFACED AREAS, PLUS BUILDING COVERAGE)	EXISTING: PROPOSED: MAX PERMITTED:	15,745 S.F. (78.8% OF SITE) 19,000 S.F. (95.0% OF SITE) 20,000 S.F. (100% OF SITE)
13. DENSITY	EXISTING: PROPOSED: MAX PERMITTED:	26 UNITS 152 UNITS N/A
14. PARKING SPACES	EXISTING: PROPOSED: MIN. REQ.:	21 (INCLUDES 0 HANDICAPPED) 130 (INCLUDES 5 HANDICAPPED) 62 (INCLUDES 3 HANDICAPPED)
BICYCLE PARKING	EXISTING: PROPOSED:	0 167 (10 SHORT TERM, 157 LONG TERM)
15. BUILDING HEIGHT	EXISTING: PROPOSED: MAX PERMITTED:	30 FT 325 FT N/A
16. HOW MUCH OF THE SITE IS THE PROPOSAL ALTERING/CHANGING?	100%	

SETBACKS

WEST AND SOUTH (4TH ST. S AND 4TH AVE S.)	REQUIRED	PROVIDED
ALONG STREETS, EXCLUDING ALLEYS, 0-50 FT HIGH	0 FT	0 FT WEST/35.5 FT SOUTH
ALONG STREETS, EXCLUDING ALLEYS, ABOVE 50 FT HIGH	0 FT*	0 FT WEST/ 40 FT SOUTH

*NO SETBACK REQUIRED AS BUILDING HAS A FIRST FLOOR PLATE OF LESS THAN 16,000 SF

NORTH AND EAST (CHARLES CT. AND ALLEY) DISTANCES BETWEEN BUILDINGS	REQUIRED	PROVIDED
BLANK WALL TO BLANK WALL, UP TO 50 FT HIGH	0 FT	0 FT
ALL CONDITIONS 50 FT TO 200 FT HIGH	30 FT**	40 FT
ALL CONDITIONS ABOVE 200 FT	40 FT**	40 FT

**MEASURED FROM CENTERLINE OF ALLEY

PROPOSED LEGEND

- WHEELSTOP (DETAIL SHEET C07.0)
- HANDICAP SPACE FDOT INDEX 711-001 (SHEET C07.0)
- DETECTABLE WARNING SURFACE @ ADA CURB RAMP
- STORM MANHOLE
- COSP TYPE "II" GRATE INLET
- ADS CATCH BASIN
- STORMWATER VAULT ACCESS LID
- TYPE I-M CURB INLET
- SANITARY MANHOLE
- CLEANOUT
- FIRE HYDRANT ASSEMBLY
- WATER VALVE
- BACKFLOW PREVENTER
- WATER METER
- DEDICATED FIRE SERVICE BACKFLOW PREVENTER

- 4" 3000 PSI CONCRETE PAVEMENT
- ASPHALT PAVEMENT
- PLAZA PAVING

NOTES:
SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND DETAILS
SEE LANDSCAPE/HARDSCAPE PLANS FOR PLAZA DIMENSIONS AND DETAILS

REVISED	NO.	BY	DATE	DESCRIPTION

REVISED	NO.	BY	DATE	DESCRIPTION

	INITIALS	DATE
DESIGN		
DRAWN		
CHECKED		
QUALITY CHK		
SCALE		

PREPARED FOR:
VALOR CAPITAL REAL ESTATE DEVELOPMENT
400 CLEVELAND STREET
CLEARWATER, FL 33755
(727) 441-2144

George F. Young, Inc.
Since 1919
299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 WWW.GEORGEFYOUNG.COM
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CIVIL, TRANSPORTATION, SUBSURFACE & STRUCTURAL ENGINEERING
ECOLOGY | GIS | PLANNING | SURVEYING
ST. PETERSBURG • LAKEWOOD RANCH • TAMPA • GAINESVILLE • LAKE WALES • PUNTA GORDA

TIMOTHY J. RANKIN No. 88735
DATE

4TH AVE S & 4TH ST S
SITE PLAN

SECTION 19, TOWNSHIP 31S., RANGE 17E.

JOB NO. 22008300SC
SHEET NO. SP-1

PLOTTED: 1/9/2023 4:41 PM
LOGIN: Smith, Jana
FILE: \\GFY-SBP\Wp_Projects\Proj\2022\CIVIL\22008300SC\Dwg\CIVIL\22008300SC SP.dwg



LEGEND

SHADE TREE: LIVE OAK, ELM

ORNAMENTAL TREE: LIGUSTRUM, STANDARD INDIAN HAWTHORN, JATROPHA

HEDGE/GROUNDCOVER: PODOCARPUS, INDIAN HAWTHORN, GREEN ISLAND FICUS, VIBURNUM, DURANTA

0 15 30 60

BOOTH DESIGN GROUP
146 SECOND ST. N. STE. 302
ST. PETERSBURG, FL 33701
T/ 727.821.5699

CONSULTANTS

CLIENT
VALOR CAPITOL
400 CLEVELAND ST.
CLEARWATER | FL

CIVIL ENGINEER
GEORGE F. YOUNG INC.
299 DR. MLK JR. ST. N.
ST. PETERSBURG | FL 33701

4TH AND 4TH TOWER

4TH STREET S. & 4TH AVENUE S. ST PETERSBURG, FL

DRC RENDERING

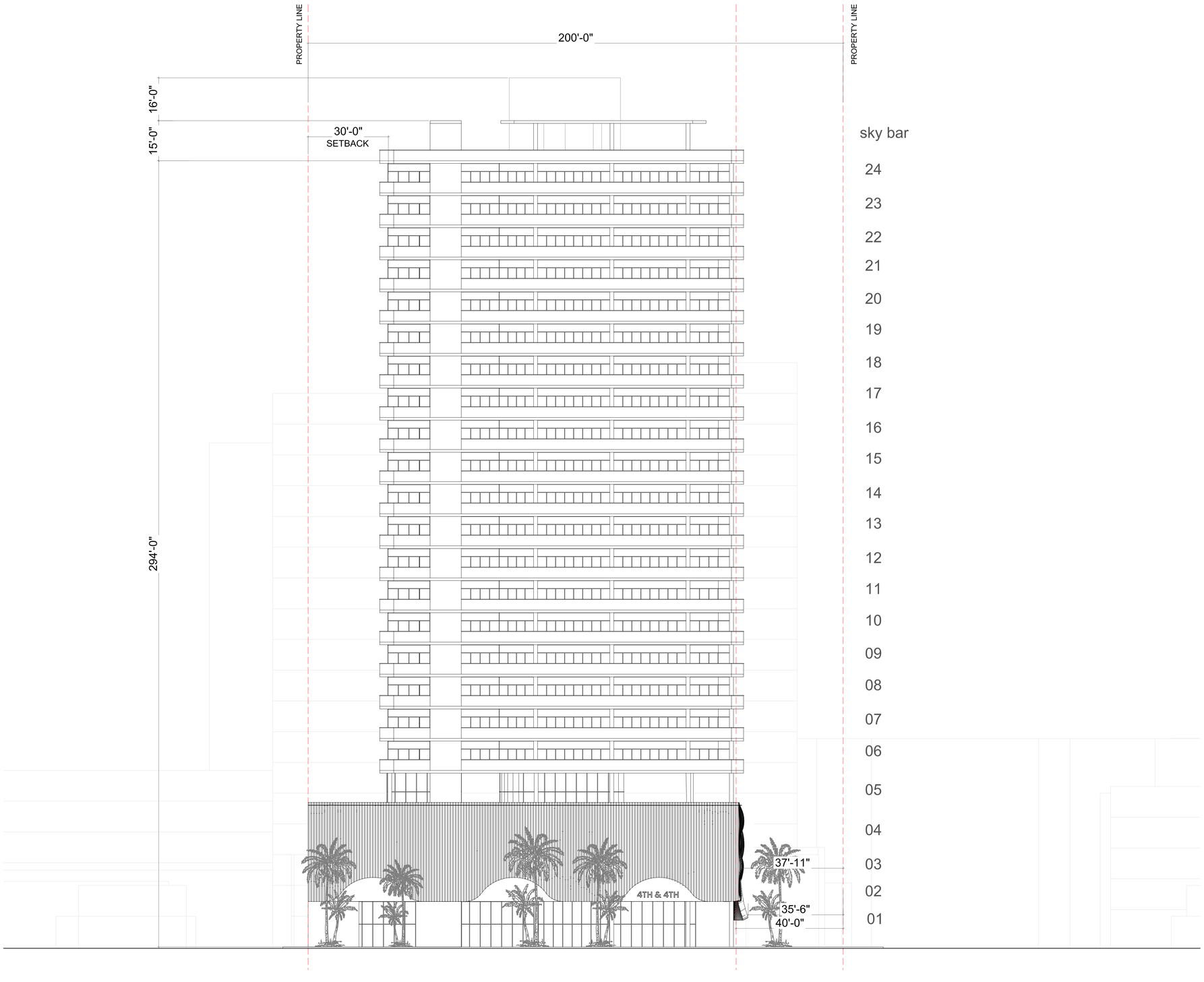
REFERENCE SHEET(S)

REVISIONS

11/10/23

23053

DRC-1



1 West Elevation

SCALE: 1/16" = 1'-0"

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ISSUED SETS

Date	Description

REVISIONS

No.	Date	Description

344 4th Street South

Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA · IGNACIO ARIAS · AR97859 · REGISTERED ARCHITECT

SHEET NAME

WEST ELEVATION

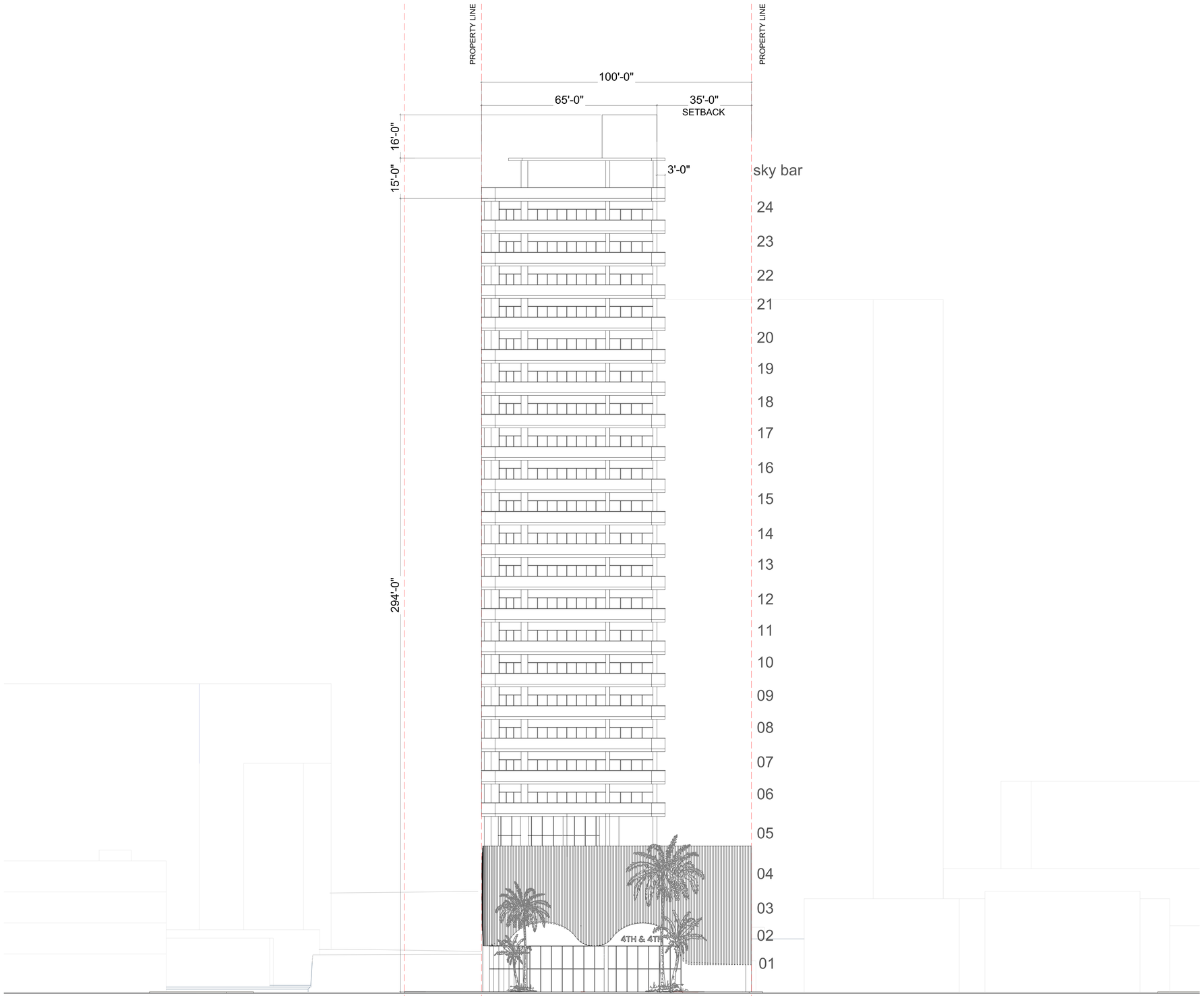
Draftsman		Phase	ENTITLEMENT SET
GVI Approval		Project No.	
Client Approval		File	
Date	11 / 09 / 2023	Code	

SCALE

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A120

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1 South Elevation

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Pinellas County, Saint Petesburg, FL. 33701

PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO AMIGO
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SHEET NAME

SOUTH ELEVATION

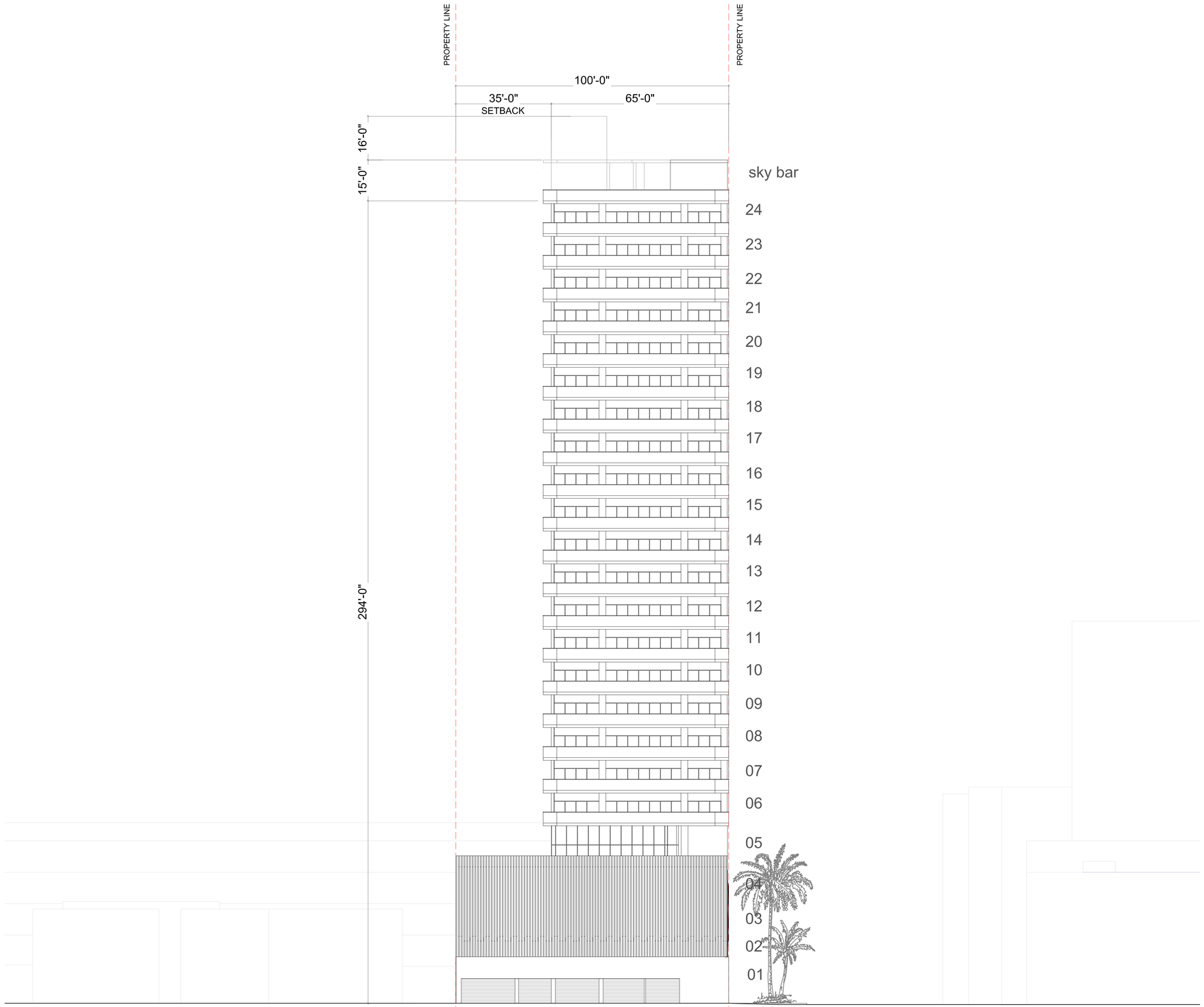
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GVI Approval		Project No.	
Client Approval		File	
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A121

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1 North Elevation

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PROFESSIONAL SEAL

STATE OF FLORIDA
IGNACIO ARIAS
AR97859
REGISTERED ARCHITECT

SHEET NAME

NORTH ELEVATION

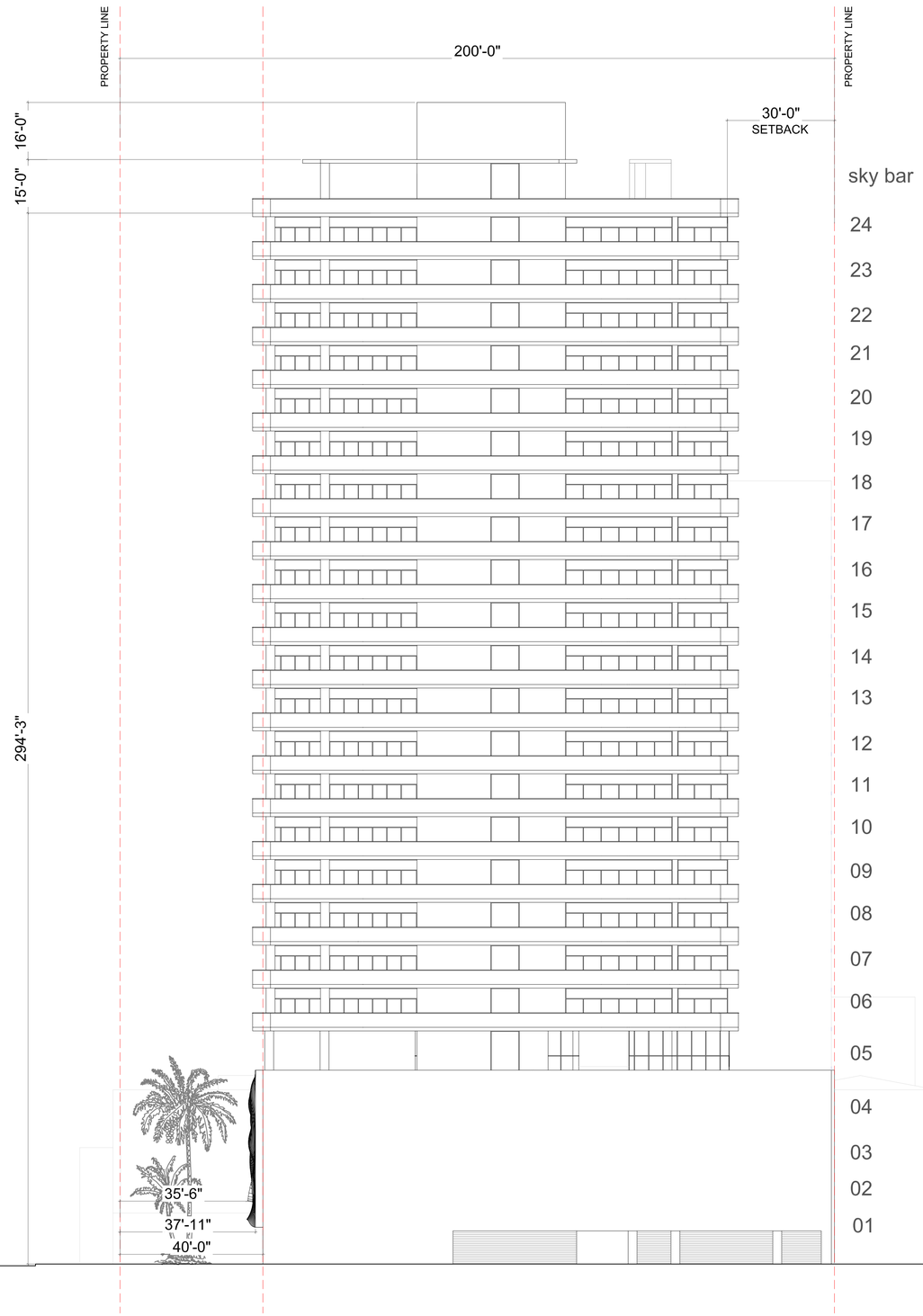
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A122

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1 East Elevation

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SHEET NAME

EAST ELEVATION

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A123

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1 Illustrative view
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SHEET NAME

ILLUSTRATIVE VIEW

Draftsman	Phase ENTITLEMENT SET
GVI Approval	Project No.
Client Approval	File
Date 07 / 24 / 2023	Code

SCALE

SHEET NUMBER

A140

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1 Illustrative view

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PROFESSIONAL SEAL

STATE OF FLORIDA
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REGISTERED ARCHITECT

SHEET NAME

ILLUSTRATIVE VIEW

Draftsman	Phase ENTITLEMENT SET
GVI Approval	Project No.
Client Approval	File
Date 07 / 24 / 2023	Code

SCALE

SHEET NUMBER

A141

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1 Illustrative view

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STATE OF FLORIDA
IGNACIO ALVAREZ
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REGISTERED ARCHITECT

SHEET NAME

ILLUSTRATIVE VIEW

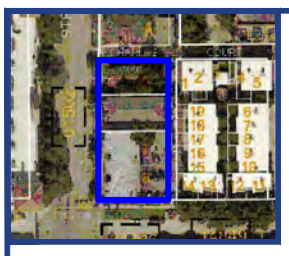
Draftsman	Phase ENTITLEMENT SET
GVI Approval	Project No.
Client Approval	File
Date 07 / 24 / 2023	Code

SCALE

SHEET NUMBER

A142

BOUNDARY SURVEY
332-340-344 4TH ST S, ST PETERSBURG, FLORIDA 33701



LOCATION MAP
NOT TO SCALE

SCALE:1"=30'

LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8, PLAN OF THE JOSEPH C. SIBLEY SUBDIVISION OF BLOCK 59 OF THE REVISED MAP OF THE CITY OF ST. PETERSBURG, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 38, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

CERTIFIED TO:

FLOOD ZONE:
12103C0219H
ZONE: X
EFF: 08/24/2021

SURVEY NOTES:
-DRIVEWAY CROSSES THE BOUNDARY LINE ON WESTERLY AND EASTERLY SIDES OF LOT AS SHOWN.
-BRICK WALK CROSSES THE BOUNDARY LINE ON WESTERLY AND EASTERLY SIDES OF LOT AS SHOWN.
-CONCRETE WALK CROSSES OVER THE WEST PROPERTY LINE AS SHOWN.

LEGEND:

(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

A/C-AIR CONDITIONER	P.O.B.-POINT OF BEGINNING
WM-WATER METER	P.O.C.-POINT OF COMMENCEMENT
AL- ARC LENGTH	U.E.-UTILITY EASEMENT
(C)-CALCULATED	O.R.B.-OFFICIAL RECORDS BOOK
(M)-MEASURED	SQ.FT.-SQUARE FEET
P.B.-PLAT BOOK	DB-DEED BOOK(D)-DEED
PG-PAGE	D.E.-DRAINAGE EASEMENT
AC.-ACRES	P.U.E.- PUBLIC UTILITY EASEMENT
R-RADIUS(R)	L.A.E.-LIMITED ACCESS EASEMENT
(P)-PLAT	L.M.E.-LAKE MAINTENANCE EASEMENT
EOW-EDGE OF WATER	O.H.E-OVERHEAD EASEMENT
TOB-TOP OF BANK	ELEV-ELEVATION
OHL-OVERHEAD LINE	FF-FINISHED FLOOR
C/O-CLEAN OUT	LS-LICENSED SURVEYOR
	LB-LICENSED BUSINESS
	PSM-PROFESSIONAL SURVEYOR & MAPPER

-NUMBER
-ASPHALT
-CONCRETE
-PAVER/BRICK
-WOOD
-WELL
-WATER VALVE
℄ -CENTER LINE
-CATCH BASIN
-FIRE HYDRANT
-FENCE
± -PLUS OR MINUS
-POLE
-MANHOLE
X.XX' -TOPOGRAPHIC ELEVATION
-LIGHT POLE

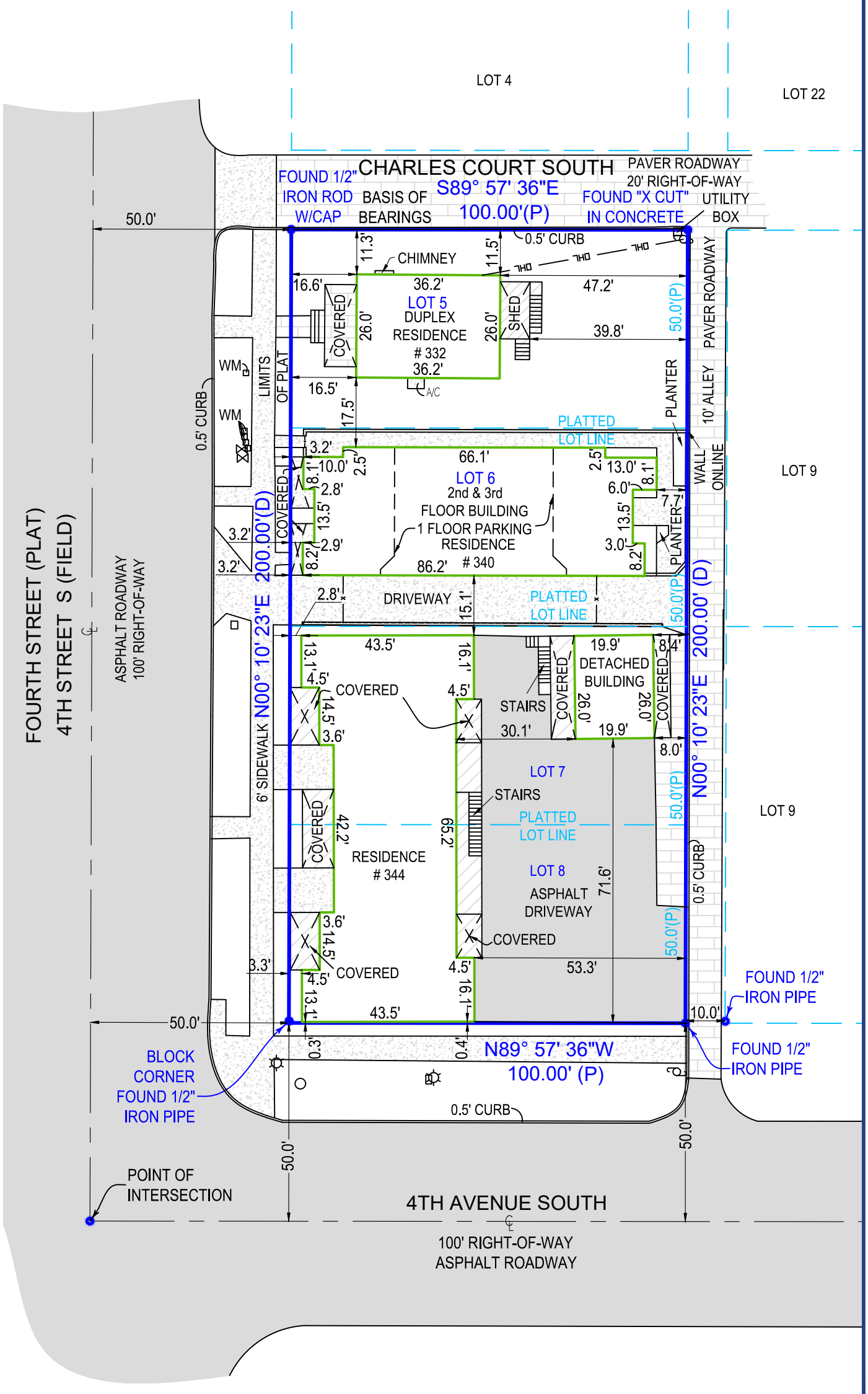
FIELD DATE: 11/11/2020
DRAWN BY: C.C.
ORDER NO: 200486
REVISIONS:

PAGE 1 OF 1

NEXGEN SURVEYING, LLC.
1547 PROSPERITY FARMS ROAD
WEST PALM BEACH, FL 33403
Nexgensurveying.COM
PHONE: 561.508.6272
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LB#8111

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY
CLYDE O. MCNEAL
PSM 2883
ON 11/15/2022



GENERAL NOTES:

1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
7) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)

ECID_FORM_ADMIN_007

MEMORANDUM

CITY OF ST. PETERSBURG, FLORIDA

ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT

TO: Corey Malyszka, Zoning Official Manager

FROM: Ellen Crandall, Permitting & Right of Way Manager

DATE: December 15, 2023

SUBJECT: Site Plan

FILE: 23-31000015

LOCATION: 332, 340 and 344 4th Street South

PARCEL ID: 19-31-17-81864-000-0050, 19-31-17-81864-000-0070, 19-31-17-01502-000-0001, 19-31-17-01502-000-0010, 19-31-17-01502-000-0020, 19-31-17-01502-000-0030, 19-31-17-01502-000-0040

ATLAS: E-1

ZONING: Downtown Center (DC-2)

REQUEST: Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 sq. ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

Disclaimer, standards subject to change. The comments provided are based on current design standards and are subject to change based on statutory requirements and updates.

Disclaimer, Permit coordination. For consistency of permits and work associated with the project, coordinate with ECID Right-of-way (ROW) staff for any impacts in the City Right of Way prior to issuance of building construction permit. Email ECID ROW staff at: ROW_permitting@stpete.org. A ROW work permit issued by ECID must be obtained prior to the commencement of any work within City controlled right-of-way or public easement. All work within right-of-way or public easement shall be installed at the applicant's expense and in accordance with the standards, specifications, and policies adopted by the City.

The Engineering and Capital Improvements Department (ECID) has no objection to the proposed site plan provided the following special conditions and standard comments are added as conditions of approval:

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SPECIAL CONDITIONS OF APPROVAL:

1. Public utilities in abutting rights-of-way are required to be designed for during construction of project and also to allow for future maintenance of utilities. In the platted 10-foot-wide alley of the subject property is an 8-inch PVC sanitary sewer line. Current standards for maintenance require a 20-foot easement, centered on pipe. In the platted 20-foot wide alley (Charles Court) north of the subject property is a 12-inch VCP (clay) sanitary sewer line. Current standards require a 20 easement, centered on pipe. The sewer line appears to be within five feet of the property boundary. Though the alley is wide enough, the existing placement of the sewer line may be challenging to work around.

    - A five-foot public utility easement is requested on the east property line from Charles Court alley extending south to 4th Avenue South.

    - A five-foot public utility easement is requested on the north property line from 4th Street south toward the east to the alley to the east.

    Buildings and structures would not be permitted in the five-foot public utility easement which will have an impact on the building footprint; however, this easement can provide allowances for maintenance of public infrastructure which can help meet the City of St. Petersburg Comprehensive Plan Goals under Utilities (9.2. Sanitary Sewer) which identifies the maintenance of existing facilities as a principal problem. Special construction designs may also be considered which address maintenance concerns of utilities, to be detailed at time of full design and permits to the satisfaction of ECID ROW and Water Resources Department staff.

AT TIME OF PERMITS AND FULL DESIGN:
The submittal for special site plan review is preliminary and conceptual and does not provide information or details for substantive review. As such it is anticipated that additional comments will apply at time of full design and detailed permit review.

2. *Demolition of zero lot line structures requires ROW and TTC. The existing buildings appear to be zero lot line or nearly along 4th Street South, Charles Court alley to the north, and the alley to the east. This placement will make demolition infeasible without impacts to the public right of way. The demolition permit shall include a Right of Way use permit with Temporary Traffic Control as well as permit requirements from FDOT for 4th Street South.*

3. Construction planning for zero lot line development required in advance. Zero lot line developments face significant construction challenges as they typically encompass the entire buildable site which limits options for cranes, foundations, staging, access, etc.

It is the responsibility of the developer and their team to plan for construction in a way which limits the impacts to surrounding property and public rights of way and easements and operates within code defined allowances.

Prior to issuance of a building construction permit, the developer and their team shall coordinate a construction plan which details foundation encroachments, crane and/or hoist location (foundations), sheeting/shoring encroachments, construction vehicle access, staging, deliveries, temporary traffic control (TTC) and other key elements. This may be through a Construction Action Plan (CAP), Right of Way permit, and TTC approval. Construction planning shall be organized in phases to limit road, lane and pedestrian path closures to the minimum needed. Permanent impacts to the public right

of way for temporary construction are not supported, specifically, crane foundations are not supported in the public right of way. Impacts to the public right of way shall be reviewed by Engineering and Capital Improvements Department, contact via ROW_permitting@stpete.org.

4. At time of permit, building foundation encroachments and incidental architectural details are *not* permitted in 4th Street South right of way. This prohibition includes temporary or permanent sheeting / shoring and crane foundations. The project is proposing zero lot line development on 4th Street South, which may include a request for foundation encroachments in the right of way or incidental architectural details overhanging in the right of way; however, 4TH Street South on the west boundary is a Florida Department of Transportation (FDOT) roadway and these encroachments are not permitted. Additionally, the conceptual site plan provided calls out basement parking, but no further detail on the depth is provided. Basement parking will have substantial construction excavation and impacts to surrounding rights of way and utilities will not be permitted. This prohibition may be very impactful to the final construction design and the footprint of the proposed building may need to be changed. It is the responsibility of the development team to design to plan and design accordingly.

5. At time of permit, building foundation encroachments and incidental architectural details are *not* permitted in platted alley to east, nor platted Charles Court alley to north rights of way. This prohibition includes temporary or permanent sheeting / shoring and crane foundations. The project is proposing zero lot line development on multiple property lines which may include a request for foundation encroachments in the right of way; however, due to existing utilities foundation encroachments are ***not*** permitted as per City Code 25-274.b.1. which generally requires that the foundation shall not interfere with any existing unground utilities. Specifically, the alley to the east has an 8-inch PVC sanitary sewer which requires a 20-foot maintenance easement and the current spacing is challenging. No encroachments are permitted to protect public infrastructure. The alley to the north, Charles Court has a 12-inch VCP (clay) sanitary sewer line which requires a 20-foot maintenance easement which is the minimum provided. Due to the size, location and materials and minimal spacing no encroachments are permitted and all construction must remain within the private property boundary. This prohibition may be very impactful to the final construction design and the footprint of the proposed building may need be impacted. It is the responsibility of the development team to design to plan accordingly.

6. At time of permit, any building foundation encroachments and incidental architectural details requested along 4th Avenue South shall be reviewed by Engineering Capital Improvements Department Right of Way permitting Staff. These encroachments are a request and not a by right.

7. At time of permit, design for stormwater with basement parking. The conceptual site plan does not address stormwater locations or methods; however, if does not basement parking which may create challenges with the location and feasibility of stormwater systems such as underground exfiltration trenches or vaults. It is the responsibility of the development team to design to plan accordingly.

8. RIGHT OF WAY PERMIT:

    a. ROW Permit Required, at time of permits. A work permit issued by the City Engineering & Capital Improvements Department must be obtained prior to the commencement of construction within City controlled right-of-way or public easement. All work within right of way or public utility easement shall be in

compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City. All submittals to be made to ROW_Permitting@stpete.org.

*Engineering Standard Details (S10, S20, S30, S40, S50, S60, S70) are available at the City's Website at the following link: https://www.stpete.org/business/building_permitting/forms_applications.php

*City infrastructure maps are available via email request to ECID@stpete.org. All City infrastructure adjacent to and within the site must be shown on the development project's construction plans.

b. Restoration of Right of Way. Use of the public right of way for construction purposes shall include mill and overlay in full lane widths per City ECID standards and specifications.

c. Preservation of granite and brick. Per City Council Resolution, all existing roadway brick and granite roadway curbing must be preserved. Any existing brick and granite curbing which will not be utilized or is contained within streets or alleys to be vacated shall remain the property of the City and shall be neatly stacked, palletized and returned to the City's Maintenance yard by and at the expense of the developer.

d. Coordinate with FDOT on streetscape elements on 4th Street South. All landscaping, curbing, sidewalk, roadway striping and other improvements in 4th Street South shall be coordinated with FDOT. All improvements shall prevent utility conflicts (including but not limited to underground pipes and overhead wires and street lights). Per city records, intersection drawing E-1-04 there is a 12-inch water line and a 2-inch waterline within the parkway of 4th Street South. Additionally, there are Duke power poles that appear to conflict with the proposed streetscaping. Clarify if these are to be underground. These items shall be detailed at time of permit. Elements to be addressed may include 12-foot-wide sidewalks, bulb-outs on southwest corner, etc.

e. Coordinate with ECID ROW on all streetscaping in 4th Avenue South. All landscaping, curbing, sidewalk, roadway striping, and streetscape improvements shall be coordinated with ECID ROW staff. Improvements shall prevent utility conflicts (including but not limited to underground pipes and overhead wires and lights) and comply with visibility requirements. The existing mast arm for traffic signal at northeast corner of 4th Street South and 4th Avenue South shall be protected.

f. Provide sidewalks to current standards. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. Within the DC zoning district a minimum 10-foot wide public sidewalk is required along 4th Avenue South and 4th Street South. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with

roadways and at each side of proposed and existing commercial driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. *All existing public sidewalks adjacent to the entire plat perimeter must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition.

g. Provide curbs to current standards. Upon development or redevelopment, abandoned driveway approaches surrounding the site shall be properly removed. Existing road curb around the perimeter of the site has at least a 4-inch curb reveal above existing or proposed road pavement. Any curbs with substandard reveal must be raised to a 6-inch curb reveal per current City Engineering standards and specifications. New sidewalk construction shall not occur until road curbs meet this requirement.

h. Provide erosion control encompassing entire work area, including ROW. Typically erosion control plans often propose silt fence on the property line; however, the entire work area includes demolition and utility connections in the right of way which will disturb dirt. Erosion control must encompass the entire limits of work, including ROW. Prior to demolition of sidewalk an approved ROW permit and TTC plan is required. Erosion control plan should be phased. The location of construction fencing should be shown to ensure consistency.

i. Design sufficient space to accommodate utility elements which are required to be on private property (not in the public right of way). All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.). Electrical transformers and other services are required to be accommodated on private property. Sanitation staging shall be on private property. Land Development Code required public art must be on private property and not in the right of way.

j. Coordination with Capital Improvement Projects. Redevelopment within this site shall be coordinated as may be necessary to facilitate any City Capital Improvement projects in the vicinity of this site which occur during the time of construction.

k. Obtain Temporary Traffic Control (TTC) approval for any impacts. These plans shall be developed in compliance with FDOT "Uniform Traffic Control Devices for Streets and Highways" and "Roadways and Traffic Design Standards" for submittal to City ECID for approval prior to initiating construction. All Traffic Control Plans shall meet the requirements of the FDOT Standard Plans Index 102-600 – 102-655 and be prepared by or certified by an individual that possesses a current Advanced MOT Course certification. The site specific TTC plan shall provide for pedestrian and vehicular safety during the construction process and shall minimize the use of the public right of way for construction purposes. Roadway travel lane closures are discouraged and will be approved at the discretion of the City's Engineering director pending receipt of adequate justification. Impacts to the Pinellas Trail and bicycle lanes are discouraged and will require approval of a detour plan by City Transportation and City ECID. The TTC plan shall be prepared in compliance with City Engineering's "Temporary Traffic Control Plan Requirements", available upon

request from the City Engineering & Capital Improvements department. Proposed use of on-street public parking spaces for construction purposes must receive prior approval from the City's Transportation and Parking Management division. Refer to the City's "Parking Meter Removal & Space Rental Policy During Construction" procedure, available upon request from the City Transportation and Parking Management department.

l. Contractor to communicate with surrounding properties the impacts of temporary traffic control. Note that contractor introduction letters must be sent to all surrounding businesses, associations, and property owners prior to implementing any Temporary Traffic Control plan. As a minimum, the letter must give a description of the project, provide a list of all right of way impacts (parking impacts, travel lane impacts, sidewalk closures and temporary pedestrian paths, etc.), a schedule for each phase of the TTC implementation, and what to expect with regard to noise, delivery trucks, concrete trucks & pumps, as well as contact information for the on-site contractor's representative with 24 hour availability who is responsible for addressing any and all concerns of impacted citizens. The contractor must personally visit each operating business around the construction site and make direct contact with any active business association or neighborhood association and personally introduce themselves to the business owners and association presidents. The contractor must also meet with any association representatives and property owners periodically to address any concerns that may develop as the project proceeds. The contractor is required to provide a copy of the letter and summary of when and who was contacted prior to implementing any TTC.

m. TTC plans may not inhibit access of adjacent properties. The adjacent 10 foot wide alley is utilized for vehicular access to the adjacent townhomes. As such closures of the alley will not be permitted.

STANDARD COMMENTS

9. POTABLE WATER:

a. Potable water connection, at time of permits. Potable water appears to be in proximity with a 12-inch ductile iron water line in 4th Street South as well as an 8-inch cast iron water line in 4th Avenue South. New connections are anticipated with redevelopment of the proposed parcels. At time of building permit provide a plan detailing existing potable and sanitary connections. The City Water Resources department shall install necessary potable water services (up to and including the necessary meter and backflow prevention device) as required to service the proposed lots at the sole expense of the applicant/property owner. To request an estimate of cost potable water service connections email WRDUtilityReview@stpete.org, or phone 727-892-5334 for additional information. Upon development or redevelopment, the applicant or current property owner is required to provide potable water service to each proposed lot if not existing. The City Water Resources department shall install necessary potable water services (up to and including the necessary meter and backflow prevention device) as required to service the proposed lots at the sole expense of the applicant/property owner.

To request an estimate of cost potable water service connections email WRDUtilityReview@stpete.org, or phone 727-892-5334 for additional information.

b. Backflow Preventer required: Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City's Water Resources department or a variance is granted by the City Water Resources department). Note that the City's Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Coordinate a review with the City's Water Resources department Technical Services Division via email to WRDUtilityreview@stpete.org, or phone 727-892-5334 for additional information.

c. Fire Suppression shall be located on Private Property: All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).

10. SANITARY SEWER:

a. Sanitary sewer connections, at time of permits. Sanitary sewer is within proximity with manhole E001-M255 in the Charles Court alley to the north serviced by a 12-inch VCP line and also an 8-inch PVC in the alley to the east with manhole E001-M299. Upon development, the applicant or future property owner is required to provide connection to the public sanitary sewer collection system with public clean out. The public clean out shall be placed 30 inches inside the public easement boundary and constructed per City ECID detail S30-4 (House Service Connection), S30-8 (Clean out for Non-Traffic Areas), S30-9 (Clean Out Box), and S30-50 (dissimilar pipe coupling). No flexible connectors may be used.

b. Sanitary Sewer Clean Out Details. Public clean out installation may be performed by a licensed contractor working under an ECID utility connection permit or may be performed by the City Water Resources department (preferred option), at the sole expense of the applicant or future property owner. To request an estimate of cost for the city to install the public clean outs email WRDUtilityRequest@stpete.org,or phone 727-892-5334 for additional information and reference this lot line adjustment case number. Work performed by Water Resources Department will be done on the city's schedule and it is the responsibility of the development team to request in advance and plan accordingly.

c. Confirm Wastewater system capacity. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows

(ADF) must be provided by the Engineer of Record on the wastewater Concurrency Form (ECID Form Permit 005), available upon request from the City Engineering department, phone 727-893-7238. If an increase in flow of over 3000 gpd is proposed, the ADF information will be forwarded for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed wastewater Concurrency Form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

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

11. STORMWATER

a. <u>Compliance with Drainage and Surface Water Management regulations required.</u> The scope of this subdivision plat will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Upon development or redevelopment within the plat boundaries, submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10-year 1-hour design storm.

b. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. The BMPTrains model shall be used to verify compliance with Impaired Water Body and TMDL criteria. Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

c. Prior to approval of a plan, the owner's engineer of record shall verify that existing public infrastructure has sufficient capacity or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

12. GRADING:

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

b. Per land development code 16.40.050, habitable floor elevations for commercial projects must be set per FEMA and building code requirements as administered by the building official. Per land development code 16.40.140.4.6 the construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. Adequate swales shall be provided on the lot in any case where filling obstructs the natural ground flow. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum. *It is noted that meeting required building floor elevations often necessitates elevating existing public sidewalks. Please note that transitions to adjacent public sidewalks shall be smooth, consistent, and ADA compliant with maximum cross slope of 2% and maximum longitudinal slope of 5%. Ramps may only be used at driveways and intersections, not mid-block in the main sidewalk path.

13. ELECTRICITY & LIGHTING:

a. Design Professionals to Coordinate with Duke Energy. Please assure that the developer's design professional(s) coordinate with Duke Energy regarding any landscaping proposed under Duke's overhead transmission or distribution systems or necessary Duke pole relocations or installations prior to proceeding with further development of this site plan to assure that the design has provided adequate space for any Duke Energy equipment which may be required to be placed within the private property boundary to accommodate the building power needs. Early coordination is necessary to avoid additional expense and project delays which may occur if plans must be changed later in the building/site design stage as necessary to accommodate power systems on and off site. Please initiate contact via email to newconstruction@duke-energy.com. Street tree planting under Duke power lines, or undergrounding of lines shall be coordinated with Duke.

b. Contact for city coordination on street lighting. Needs for on-street decorative lighting or additional street lighting must be coordinated through Michael.Kirn@stpete.org, the City's liaison with Duke Energy. All lighting shall be installed at the developer's expense.

14. At time of permits, Agency Approvals and Forms required: Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

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

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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

ESC/aw

ec: WRD
Kayla Eger – Development Review Services

st.petersburg
www.stpete.org

CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Corey Malyszka, Zoning Official, Planning and Development Services Department

FROM: Tom Whalen, Regional Transportation Coordinator, Transportation and Parking Management Department

DATE: December 18, 2023

SUBJECT: Approval of a site plan to construct a 25-story multifamily building with 152-dwelling units and 4,893 sq ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

CASE: 23-31000015

The Transportation and Parking Management ("Transportation") Department has reviewed the site plan application for the proposed mixed-use development located at 332, 340, and 344 4th Street South. Standards for site plan review pertaining to transportation are listed in Section 16.70.040.1.4.D of the City Code in paragraphs 3, 4, and 5. The Transportation Department's review of the site plan is discussed in the sections below pertaining to paragraphs 3 and 4. The Transportation Department's review of the potential traffic impact of the proposed development is in the section pertaining to paragraph 5.

Paragraph 3 is stated as follows: "Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, and emergency. Access management standards on state and county roads shall be based on the latest access management standards of FDOT or the county, respectively."

The subject property is bordered by 4th Street South to the west, 4th Avenue South to the south, Charles Court South to the north, and a north-south alley to the east. The Florida Department of Transportation (FDOT) maintains 4th Street South, which is a three-lane, one-way minor arterial designated for southbound travel. The City of St. Petersburg maintains 4th Avenue South, which is a two-lane, one-way local road designated for westbound travel. Charles Court South is a brick alley that has a platted width of 20 feet. The north-south alley is a brick alley with a platted width of 10 feet.

The applicant proposes ingress and egress to the parking garage basement on Charles Court South and ingress and egress to the parking garage podium on 4th Avenue South. Per Section 16.40.090.3.5

of the City Code, parking garages that provide parking for 25 or more motor vehicles are required to have vehicular access from the alley or secondary street. The Transportation Department asked the applicant for more information on the two access points. The applicant stated that Charles Court South will provide access to approximately 32 parking spaces; the parking garage has a total of 130 parking spaces. Access to the parking garage on Charles Court South and 4th Avenue South is preferable to access on 4th Street South because 4th Street South is a minor arterial.

The applicant is proposing a drop-off area on 4th Avenue South and two parking spaces and a space for a valet service on 4th Street South. Valet parking regulations are provided in Article VI of Chapter 25 of the City Code. The property owner would be required to submit an application for a valet parking license to the Transportation Department. The valet operation would be open to the public. Documentation that the FDOT would allow a valet space and operation in the 4th Street South right-of-way shall be submitted with the application. If the site plan is approved, the applicant should contact the Transportation Department at transportation@stpete.org for the application for the valet parking license and more information about the application process and valet service requirements. The Transportation Department would make the decision on whether the valet operation is approved.

Ten-foot-wide sidewalks are shown on 4th Street South and 4th Avenue South. Ten-foot-wide sidewalks are required based on the DC-2 zoning per Section 16.40.140.4.2 of the City Code.

The Pinellas Suncoast Transit Authority (PSTA) provides service on several roads near the subject property. The SunRunner and Route 4 serve 3rd and 4th Streets and are two of PSTA's most popular routes. Routes 7, 15, 20, and 32 provide service within a block of the subject property, as does the free Downtown Looper Trolley.

Forward Pinellas has developed a multimodal accessibility index (MAX index). MAX scores are assigned to individual quarter-mile grid cells, which Forward Pinellas defines as a reasonable walkable travel shed. The MAX score is based on factors such as bicycle facilities, premium transit services, walkability, roadway level of service, scooter/bike-share locations, transit access, and programmed transportation projects. The countywide average MAX score is 7.5. The subject property has a MAX score of 30.75. The multimodal accessibility to the site exceeds the countywide average by a significant margin.

Paragraph 4 is stated as follows: "Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping."

The applicant is proposing 130 parking spaces, which exceeds the minimum requirement of 62 spaces. Based on data in the Institute of Transportation Engineers' (ITE') "Parking Generation Manual" (5th Edition), the peak parking demand for a 152-unit high-rise multifamily development is 84 spaces in a dense multi-use urban location based on two studies. The applicant is providing a sufficient number of vehicle parking spaces based on the City Code and ITE data.

The applicant meets the minimum space requirement for short-term bicycle parking and long-term bicycle parking. The short-term bicycle parking is located on 4th Street and is within 50 feet of the main entrance, as required under Section 16.40.090.4.2 of the City Code. The short-term bicycle

parking will extend into the sidewalk as currently shown and reduce its effective width to less than ten feet. The Transportation Department recommends that the short-term racks be moved closer to the curb. The long-term bicycle parking is not shown on the site plan. If the site plan application is approved, the applicant shall clearly identify the location and size of the long-term bicycle parking facility on the site plan submitted during permitting and it shall meet the design standards in Section 16.40.090.4.2.

Paragraph 5 is stated as follows: "Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts."

The applicant was not required to submit a traffic impact study per Policy T3.1 of the Comprehensive Plan because their project is not on a deficient road. Deficient roads include roads operating at peak hour level of service (LOS) "E" and "F" and/or a volume-to-capacity (v/c) ratio of 0.9 or greater without a mitigating improvement scheduled for construction within three years. The City utilizes the Forward Pinellas' "2023 Annual Level of Service Report" to monitor roadway LOS for major streets, per Policy T3.2 of the City's Comprehensive Plan. According to FDOT, roadway LOS is a quantitative stratification of a performance measure or measures that represent quality of service, measured on an "A" to "F" scale, with LOS "A" representing the best operating conditions from the traveler's perspective and LOS "F" the worst. Before the elimination of state-mandated transportation concurrency regulations, the City's LOS standard was "D" for major roads. The FDOT's current target for state highways in urbanized areas, such as 4th Street South, is "D." LOS "D" can also be viewed as a target for roads not on the state highway system, but it is no longer the City's standard, as noted. According to the 2023 Annual LOS Report, 4th Street South from Central Avenue to 4th Avenue South carried 12,817 vehicles on a typical day in 2022 and had a LOS of "C" and a volume-to-capacity ratio of 0.36.

The Transportation Department calculated the projected number of trips from the proposed development. The applicant was not required to submit a traffic impact study for their project. The residential units are projected to generate 35 a.m. peak hour trips (9 entering and 26 exiting) and 30 p.m. peak hour trips (22 entering and 8 exiting). ITE does not have extensive data for commercial uses in dense multi-use urban settings. Typically, commercial uses such as restaurant and retail establishments in dense multi-use urban settings will attract a high percentage of trips from modes such as walking, bicycling and transit. According to the Pinellas County Property Appraiser website, the subject property has several existing multifamily residential developments, including four condominiums, a duplex, and a 20-unit apartment building. The traffic impact from the proposed development is anticipated to be minimal based only on the number of new residential units. The anticipated impact will be lower after accounting for trips produced by the existing developments.

Located on the southern end of the downtown core, most of the proposed development's entering trips will likely come from areas north of the subject property, and most of the exiting trips will likely travel to areas north of the subject property. Most entering trips are anticipated to approach the site from the east, utilizing 4th Avenue South, since most parking spaces are in the parking garage podium. Some trips will approach the site from the north, utilizing 4th Street South and Charles Court South. Most of the trips exiting the site will utilize 4th Avenue South and travel west. Motorists can turn

right on 5th Street to access the downtown core. The proposed development has convenient access to both eastbound and westbound I-175 for longer distance trips on I-275.

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Corey Malyszka, Zoning Official

FROM: Rebecca Lachance, Designer II, Water Resources

DATE: January 3, 2024

SUBJECT: Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 sq ft. of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

PLAT: E-1

CASE: 23-31000015

LOCATION: 332 4th Street S.; 19-31-17-81864-000-0050, 340 4th St S.; 19-31-17-01502-000-0001, 19-31-17-01502-001-0010, 19-31-17-01502-001-0020, 19-31-17-01502-002-0030, 19-31-17-01502-002-0040, 344 4th ST S.; 19-31-17-81864-000-0070

REMARKS: Water Resources has no objection to the above-referenced subject as long as one of the following required conditions is met.

1. Water Resources has concerns regarding the existing 8-inch PVC sanitary sewer main located within the 10-foot wide alley to the east of the subject property running north and south and the existing 12-inch VCP (clay) sanitary sewer main located within the 20-foot wide alley (Charles Court) north of the subject property

Project file

running east and west.

a. In order to ensure adequate equipment access for any maintenance or repairs that may be required in the future of the existing 8-inch PVC Sanitary Sewer Main and the existing 12-inch VCP (clay) Sanitary Sewer Main, Water Resources is requiring one of the following options from the developer.
    i. Condition Option One (Preferred): Water Resources requires a minimum (5) five-foot public utility easement along the east property line from Charles Court alley extending south to 4th Avenue North and along the north property line from 4th Street South toward the east to the alley to the east. Page 5 of the Public Utilities Department Sewer Service Procedures and Regulations (1998) Section III rule 2. Public Easement Required, details that the developer is to provide easement consistent with minimum easement width in Table I. This table requires a 20-foot easement on center of the sanitary sewer main for an 8-inch and 12-inch sanitary sewer main.
    ii. Condition Option Two for existing 8-inch PVC Sanitary Sewer Main: In lieu of a public utility easement, Water Resources requires fully designed by the engineer of record foundation design plans that show what construction and excavation techniques will be utilized to ensure the protection of our existing sanitary main and the proposed development. The design must take into consideration the worst-case scenario of the sanitary sewer main having to be excavated and repaired or replaced. The design shall include a

plan and profile detailing the depth and distance of the foundation in relation to the existing sanitary main.

iii. Condition Option Two for existing 12-inch VCP (clay) Sanitary Sewer Main: In lieu of an easement, replacement of the 12-inch VCP (clay) pipe in the Charles Court alley from manhole E001-M255 to manhole E001-M155 to modern materials (PVC). Also, required are fully designed by the engineer of record foundation design plans that show what construction and excavation techniques will be utilized to ensure the protection of the new sanitary main and the proposed development. The design must take into consideration the worst-case scenario of the sanitary sewer main having to be excavated and repaired. The design shall include a plan and profile detailing the depth and distance of the foundation in relation to the existing sanitary main.

Project file

From: William Hoth
To: Corey D. Malyszka; DRC
Subject: Case No. 23-31000015 - 340 4th Street S
Date: Wednesday, December 27, 2023 9:40:36 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Malyszka and DRC Representative,

Thank you for your recent mailing regarding the potential construction of a 25 story condo/hotel building at the North East corner of 4th Street South and 4th Avenue South in downtown Saint Petersburg. This proposed new building is directly across the street from the Sage Condominium Building. I have lived at the Sage for approximately 10 years and I am currently the Treasurer of the association. I am sending this letter to you as a private citizen, not representing the Sage Condo Association yet. However, I can tell you that presently nearly all 112 condominium owners that I have spoken to about this building's addition to our neighborhood have the same serious concerns about the use of the building as I do. Some are very vocal about the use of the new building: even going as far as recruiting other building locations around the Sage to form a coalition regarding this case.

If you have never been in our neighborhood before, the best way I can describe it is that it's a quiet residential neighborhood in the middle of a concrete jungle where most residents know their neighbors. It's a very close knit community and nearly everyone you pass on a sidewalk will smile, say good morning, how are you doing? I guess the best way to describe it is as the last real "neighborhood" in downtown Saint Petersburg. A few things have me concerned that the addition of this proposed building will substantially change my neighborhood.

I am very pro-growth for the city. That is one reason that I moved to downtown Saint Petersburg. I am not against a new 25 story building being added to my neighborhood. In fact, I feel that it could be a really nice addition. My concern is how the use of the building will impact my neighborhood that I value so highly. My few concerns are that at this very early planning stage how the new building will be used once completed. My main concerns are listed below:

1. The addition of a "sky lounge" at the top of the building.
A public access "Sky Lounge" in my opinion is a major obstacle that myself and my neighbors and fellow residents of the Sage Condominium oppose. This is a quiet residential area and we absolutely do not want a "bar" and all of the problems that are associated with bars in our neighborhood. Parking in the evenings and weekends is nearly impossible.now, much less when bar patrons begin filling up the few available parking spaces that we do have,

2. The use of the building as an AirB&B / Hotel.
As mentioned previously, this is a quiet residential neighborhood. Nearly everyone who lives in this area would welcome new neighbors to our beautiful community with open arms. What we would not welcome are weekend party animals who would destroy our quality of life. We want neighbors to join our city, not spring breakers who come here, stay a very short while, party and leave our community and expect us to pick up their mess. If we wanted to live on Central Ave we would have purchased there, if we wanted to live on the beach, we would have purchased there. But we didn't. We purchased our homes in a neighborhood and that is where we want to stay.

3. The number of parking spaces versus proposed units.
If the building is being used as a "hotel" then the required number of hotel parking spaces should be required regardless of what the building is officially called. My concern is that there will be 152 units in the building, with less than 60 units over 750 square feet. That would leave 90 plus units that would require street parking. What does the city's zoning require for parking spaces for a new construction 152 unit hotel? The area around the proposed building cannot support an additional 90 vehicles that require street parking.

Unfortunately I will be out of town for the January 10th public hearing to begin discussing this project, however, I will make it a point to attend future meetings related to this proposed project. Once again, I am very pro-development, I have no issues with building height, building design and footprint, additional traffic ect. I would love to welcome this new building to our neighborhood along with all of its new residents. What myself and the vast majority of homeowners in the affected area would like is to have real residents living in the building in this last of the city's downtown residential neighborhoods. We are only asking for the developer to bring us good neighbors. I feel that we are not asking too much with that simple request.

I would like to ask you either email me or USPS mail me any new information about this project as it becomes available. My contact information is below.

Thank you for taking the time to read and understand my concerns. Saint Petersburg did not become the great city that it is today by luck or chance. It became a great city because of its many dedicated and many times unappreciated employees guiding it in the right direction. Thank you for the countless hours of hard work you and all of the city employees do for us every single day of the week.

Kind Regards,

Bill Hoth, Treasurer
The Sage Condominium Assn. of St. Petersburg
400 4th Avenue S. Apt. 509
Saint Petersburg, FL 33701
(727) 480-7570
e-mail: WilliamHoth@gmail.com

From:	Karen Carmichael
To:	Corey D. Malyszka; Elizabeth Abernethy; Adriana P. Shaw; DRC
Cc:	Alfredo Anthony; Jake Zimmerman; John Roll (jrstpetethesage@gmail.com); Richard Montoya; Robin Jones; William Hoth
Subject:	File#23-31000015
Date:	Wednesday, January 03, 2024 10:11:52 AM

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To All DRC members and St Petersburg Planning and Development Representatives,

I have been communicating with the developers for the proposed building on the corner of 4th Ave S and 4th St. They are aware of the concerns outlined in the statement below. I plan to attend the hearing for this project next Wednesday, January 10th, but I would like to be sure this becomes part of the record for this public meeting and am sending it along for that purpose.

****

Regarding File #23-31000015

I have been a member of the Board of Directors for The Downtown Neighborhood Association since 2018 and a resident/property owner of the city for decades. I remember clearly what the area looked like in the 1970s and saw first hand the downtown fold up and be reactivated as the vibrant place that it is today.

Though President of the SPDNA, I am writing this as a neighborhood resident and member of the Sage Board of Directors, even though my contact with residents throughout our downtown neighborhood have made it clear that they share our sentiments.

4th Ave S. is one of the last quiet residential blocks in downtown south of Central Ave. It is a block where you will frequently see people walking their dogs and enjoying the quiet calm of an area so close to the downtown businesses, the university and hospitals. Although we are not happy to lose yet another affordable option for resident renters, we acknowledge that this developer has many beautiful buildings in their portfolio.

We assumed that once this property was sold there would be a larger luxury building that would not be affordable to many St. Petersburg residents placed there. We acknowledge the push by the city planners and developers to continually build larger unaffordable properties that will eliminate the smaller older buildings where our residents and local workers can comfortably continue to live downtown.

We did not expect the building to have a sky bar (possibly open air) open to the public. Nor did we expect short term rentals managed by individual owners, which is essentially an AirBnB. There is no building downtown currently operating in this manner. Allowing this project to be the first of its kind will set a precedent. Both of these proposed elements are concerning for all the reasons you can imagine.

We would ask that you consider:
- The proximity to the highway and the possibility that impaired drivers will be entering and

exiting 175 directly behind the Sage
● The proximity to a peaceful, residential street and how difficult it is to enforce the current noise ordinance
● The redesign of 4th Street to encourage slower traffic and safer pedestrian crossings
● The impact of a building which encourages transient occupancy and a large and noisy entertainment venue that serves alcohol

The representatives we have spoken to claim to understand the “vibe in St. Pete” with claims of having visited the area for years. That is not the same as investing many years as residents witnessing and supporting the growth of the downtown. A developer who builds properties all over the world, even one with Clearwater offices, cannot understand the objections we have presented to them in the meetings we have already had.

Coffee shops, nail salons, massage studios, local retail and restaurants to name a few would be a welcome addition to the area. A rooftop bar with loud music and impaired patrons leaving the establishment would not.

An AirBnB that isn’t properly managed will create a neighborhood nuisance that will have a lasting impact on the city services, the residents, the SPPD and the city workers in general. It has the potential to create a nuisance that will put a strain on those charged with enforcing restrictions on the use of this property.
Whatever official zoning may allow, we are a residential neighborhood at the intersection of 4th Avenue S and 4th Street, not a commercial center which will draw bar patrons and overnight travelers.

The City’s zoning regulations contain numerous references to maintaining the character of neighborhoods, and a public sky bar and short-term rentals, which skirt the City’s regulations on Air B&B’s, is not in character with our neighborhood. Any permit to construct should specifically exclude those uses.

Karen Carmichael
VP Sage Condominiums Board of Directors
Unit 501
718-288-8044

From:	Glenn Larkan
To:	Corey D. Malyszka
Cc:	Tina Fischer; Frederic
Subject:	FW: 340 14th Street North St. Petersburg Townhome Proposal
Date:	Wednesday, January 03, 2024 2:25:25 PM
Attachments:	image004.png image002.png 20240103124103728.pdf C3 SitePlan 340.pdf

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Hi Corey,

We have been discussing this proposal with our team and believe that we can potentially use a fee-simple ownership structure for this project.

The proposal requires that all the parking areas, including the garages located under Building 2, be owned by the HOA and dedicated as exclusive-use areas in the HOA declaration.

There is precedent for this and the Kingston Court Townhomes at 305 8th Avenue North is an example of this. I have attached an extract of their HOA declaration and the site plan for our property for your reference.

We are currently in the final stages of a plan review for this development and wish to commence construction as soon as possible, so time is of the essence.

Would it be possible to discuss this with you so that we can move forward as soon as possible?

Thank you for your kind assistance.
Best
Glenn

Glenn Larkan
Development Manager
Namasté Homes LLC
Cell: 727 655 8389
glarkan@namastehomes.com
WWW.namastehomes.com

From: Tina Fischer <TFischer@ffplegal.com>
Sent: Wednesday, January 3, 2024 12:26 PM
To: Glenn Larkan <glarkan@namastehomes.com>; Frederic <fsamson@namastehomes.com>
Subject: 14th Street Development - Parking Issue

Glenn, attached are the pages from the Declaration for Kingston Court Townhomes. I've highlighted

the provisions that specifically refer to the parking spaces as common area, and the grant of an easement for parking to the owners, subject to specific assignment of parking spaces by the HOA. As we discussed, I did not find any separate easement related to parking in the public records. I would be happy to participate in a call with the City should you need my further assistance.

Kindest Regards,

Tina

Tina M. Fischer
Managing Member



FLETCHER FISCHER POLLACK P.L.

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St. Petersburg, FL 33701

813.898.2831 Direct
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www.ffplegal.com

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Please consider the environment before printing this email

From: S Engel Phillips
To: Corey D. Malyszka; Elizabeth Abernethy; Adriana P. Shaw; DRC; Alfredo Anthony; Jake Zimmerman; John Roll (jrstpetethesage@gmail.com); Richard Montoya; Robin Jones; William Hoth
Subject: Re: File#23-31000015
Date: Wednesday, January 3, 2024 3:10:50 PM

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(As a preliminary note, I find it REALLY ironic that the picture used in the City's website, illustrating "Housing" in Visions2050—supposedly illustrating the type of housing which the City ought to be supporting—is one of the houses being demolished for this project.

Note: All information set of by "quote marks" in the following are direct quotes from either Vision2050 or from the developer and colleagues.

Vision2050, which sets the framework for development and this Commission is filled with references to neighborhoods. Vision2050 says it will "protect the character and viability of neighborhoods." It says it will "consider opportunities to address the emotional infrastructure of our community." Vision2050 says that St. Petersburg has, "traditional neighborhoods marked by architectural character and sense of place," and that, "the need to direct growth will be balanced with protecting community character." In implementation, Vision2050 says that care will be taken to "address the concerns of the community..and preservation of the City's character and historic assets.

I live one block from the proposed project. We live in a residential neighborhood, walkable, characterized by low-rise single-family, multi-family, condo, and co-op homes. Other than occasional events at the Mahaffey or Al Lang Field, we are a low-traffic neighborhood, not a destination for people from throughout the area. Traffic is manageable. It's the sort of place where we walk our dogs, get our 5000 steps a day (if you're my age), say hello to other dog-walkers, even if we don't know their names. We are certainly NOT a commercial area.

We are now told that a 25-story building is slated for our neighborhood at the corner of 4th Ave and 4th. St South. Conversations with the developer reveal plans for an open-air, rooftop bar, similar to the Birchwood on Beach Drive, open to the public. Developers describe plans for condo units which potential owners will be

told can be rented out for short periods of time—as if hotel rooms or Air BnB's.

One partner says that "St Pete is ready for a high-design project with a more cosmopolitan feel typically found in New York/London/LA/San Fran/Sydney/Paris," with a "wow" design that doesn't feel like a "typical waterfront condo." It will be a "tower, less of a residence and more of a destination," and the lobby will be "filled with young people, so you will have to "squeeze through" the crowd. That's the "kind of happening" we want, he said.

This is NOT our neighborhood, and certainly not in keeping with Vision2050.

It is easy to calculate some parts of Vision2050 numerically: FAR credits, square footage, parking spaces. Whether or not a building "fits the space" or is in consonance with an existing neighborhood, or will permanently alter a valued neighborhood, is a harder call, but that is why we have this Commission and are able to submit comments.

In 1964, the Supreme Court was faced with a case on hard-core pornography. In his opinion, Justice Stewart Potter said that he could not describe in writing what was and was not pornography, but that, "I will know it when I see it." It is hard to describe why this building, as currently designed and with its current stated purposes, doesn't fit in our neighborhood, but we "know that when we see it," and would hope that, if a permit is granted, it be for construction and use far more suited to where we live than the proposal before us.

Dec 21, 2023

Community Redevelopment Agency
Corey Malyszka, Zoning Official
175 5th St N
St. Petersburg, FL 33701

Att: St. Petersburg In-Town CRA Board

The purpose of this letter is to voice concerns related to the project at 332, 340 and 344 4th St. South ("4th St. Proposal"), which are summarized below and are followed by suggested remedies. Specific references to the Intown Redevelopment Plan and the Vision 2050 appear as an appendix.

Design

We are concerned about the scale and massing of this structure which, at a proposed height of 325 feet, dwarfs the lower-rise structures on surrounding blocks, some of which are less than five years old.

Further, a more varied pedestal design that replicates existing street frontage, provides stepbacks, public art, and related elements would more fully comply with several sections of the IRP. Examples provided on page 4 of this letter show recently approved projects that have incorporated more varied facade treatments that help offset their verticality and mass.

Loss of Affordable Housing

Much of America's affordable housing operates without subsidy and is sometimes referred to as "Naturally Occurring Affordable Housing" (NOAH). These Class B and C multifamily rental properties are typically found within historic - if not historically designated- buildings greater than 50 years old.

The IRP's Residential Development Program notes the importance of utilizing such structures to meet downtown housing needs. The 4th St. Proposal will result in the demolition of two NOAH buildings, resulting in the loss of downtown affordable housing units.

Protecting Older and Potentially Historic Buildings

A stated objective of the IRP is to ensure that downtown "maintains the historic, cultural, and aesthetic integrity of downtown." The 4th St. Proposal directly contravenes this goal.

(Continues)

Two of the 4th St. Proposal buildings are historic, but are not historically designated. The building at 344 4th St., for example, represents one of the few early multi-story wood frame rooming houses remaining in downtown.

The structure at 332 4th St. S. , now a multi-family building, represents one of the early 1920s single family residences built adjacent to downtown. We encourage the City's preservation staff to address the significance of these buildings as part of the CRA review process.

Recommendations:

1. This project should be denied unless the proposal is modified to more fully comply with the cited sections of the IRP included in this letter.

2. In undertaking its required review of proposals for development and consistency with the IRP, the CRA should recognize the need to assess a proposal's impact upon historic buildings (buildings 50 years of age or greater) and/or buildings providing naturally occurring affordable housing.

3. To better assess such impacts, the CRA staff should identify within their reports: (1) buildings expected to be demolished that are 50 years of age or greater; (2) whether, such buildings could be eligible for designation as a landmark or contributing structure to a landmark district; (3) whether the applicant is proposing relocation of such buildings if the buildings cannot be incorporated into the proposal; (4) the number and affordability of the residential units contained within each building to be demolished and (5) if the proposal is offsetting any loss in affordable units.

Alternatively, a referral item could be made to the HLUT Committee for recommendations as to how the CRA's development consistency review process can be better informed about the development impacts related to the loss of historic buildings (buildings 50 years old or greater), particularly those offering naturally occurring affordable housing (NOAH).

I would welcome the opportunity to discuss these issues further. IRP references are cited below.

Respectfully,

/S/

Manny Leto
Executive Director,
Preserve the 'Burg

(Continues)

Intown Redevelopment Plan References

Design Concerns:

Page 20 of IRP: "Part of developing a unified core area is the ability to evaluate the design and human scale impacts of new development."

Page 40 of IRP: "All new development and redevelopment should provide design elements (trees, canopies, street furniture, entryways, etc.) to bring the building and related activity spaces in scale with human dimensions and perception of space."

Page 41 of IRP: "All infill development should create a sense of place and neighborhood identity by relating to old and new architecture and by developing interrelated open and pedestrian spaces." also "All new development within and adjacent to residential areas should relate in building scale and mass with the surrounding neighborhood."

Page 28 of IRP, under "Residential Development Program":

> *"One important aspect of residential development is the utilization of the existing housing stock.*
>
> *To ensure housing opportunities for all citizens of St. Petersburg, the residential development program focuses on two aspects of the housing market:*
>
> *1. Aid low and middle-income persons in the rehabilitation of their property or investor owners who provide housing for low and middle-income groups; and*
>
> *2. Aid in defining and assisting new middle-income residential development and infill housing, and* ***ensuring its compatibility with the surrounding neighborhood.****"*

IRP Page 8: "Ensure that the form of new development and redevelopment promotes, reinforces and maintains the historic, cultural and aesthetic integrity of the Intown Redevelopment Area."

Vision 2050 Document, page 18: "Historic Preservation: Continue to proactively identify and protect historic resources within the city."

(Continues)

Pedestal design examples incorporating stepbacks, public art, and other elements that reference existing streetscape and rhythms.



Tower approved for lot south MAACM



Project for Fit2Run Location



747 4th Ave North, approved Sept. 2022



Proposed project on Central Ave.

(End)

CITY OF ST. PETERSBURG

DEVELOPMENT REVIEW COMMISSION

PUBLIC HEARING

Council Chambers, City Hall
175 – 5th Street North
St. Petersburg, Florida 33701

January 10, 2024
Wednesday
1:00 P.M.

MEETING MINUTES

Present:	Darren Stowe, Acting Chair Michael Kiernan Tim Clemmons Joseph Griner, III, *Alternate* Chuck Flynt, *Alternate* Sarah-Jane Vatelot, *Alternate*
Commissioners Absent:	Todd Reed, Chair Kevin Reali, Vice-Chair Matt Walker Kiona Singleton
Staff Present:	Corey Malyszka, Zoning Official Michael Dema, Assistant City Attorney Christina Boussias, Assistant City Attorney Kayla Eger, Clerk, Planning and Development Services Department

The public hearing was called to order at 1:00 p.m., a quorum was present.

A. OPENING REMARKS OF CHAIR

B. PLEDGE OF ALLEGIANCE

C. SWEARING IN OF WITNESSES

D. ROLL CALL

E. APPROVAL OF THE MINUTES FROM THE – December 6, 2023, DRC meeting

The minutes from the December 6, 2023, meeting were approved unanimously

F. PUBLIC COMMENTS

G. DEFERRED CASES

DRAFT

1. 23-54000085 – 122 6th Avenue North – Deferred to February 7, 2024, Public Hearing

H. PUBLIC HEARING AGENDA

QUASI-JUDICIAL

3. Case No. 23-31000015 – 332, 340, 344 4th Street South

Request (1:29:44):

Approval of a site plan to construct a 25-story multi-family building with 152-dwelling units and 4,893 square-feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus.

City Staff Presentation (1:30:23):

Corey Malyszka gave a presentation based on the Staff Report.

Questions/Comments Following City Staff Presentation (1:37:08):

(1:37:10) Commissioner Stowe: Thank you. Any questions for Staff?

(1:37:12) Commissioner Clemmons: I have a couple of questions. The building doesn't appear to have a step back above the podium. Is it because of the size of the site or the size of the tower or footprint of the tower?

(1:37:22) Mr. Malyszka: It's the footprint of the first floor, so it's not required to have a 10-foot setback on the street side.

(1:37:28) Commissioner Clemmons: The footprint on the first floor, are you excluding the area under cover?

(1:37:37) Mr. Malyszka: Right. In this case, I would have to get the dimensions out, but it's basically the 16,000 square-feet.

(1:37:46) Commissioner Clemmons: Yeah, I couldn't remember the number. 16,000 is good…and the site is about 20,000 square-feet, plus or minus? Okay. You mentioned the decorative crown. You didn't indicate that this design currently has a decorative crown, you just said at final design?

(1:38:07) Mr. Malyszka: Correct.

(1:38:08) Commissioner Clemmons: They'll be required to incorporate one into the design?

(1:38:09) Mr. Malyszka: Correct.

(1:38:10) Commissioner Clemmons: That's not something we need to review at DRC, that's a Staff review?

(1:38:13) Mr. Malyszka: Right.

(1:38:14) Commissioner Clemmons: Okay. Lastly, there's a letter from Preserve the 'Burg, noting that there was some naturally occurring affordable housing. There are no requirements, no special requirements for how those tenants…those existing residents are relocated or…there's no specific requirements for…that the workforce housing, you know, typically, you have an option

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to either incorporate into the building or contribute to the workforce housing fund. In this situation, there's no specific requirements related to that?

(1:38:56) Mr. Malyszka: There is the FAR Bonus that they contribute money or provide units.

(1:38:58) Commissioner Clemmons: Right.

(1:38:59) Mr. Malyszka: They will do that…

(1:39:00) Commissioner Clemmons: But nothing…above and beyond any general requirements…

(1:39:05) Mr. Malyszka: Right, there's some…there's…Legal may be able to step in on this too, because they might be more familiar with the recently…change where notice does have to be provided to applicants and I believe it's a complexes with more than four dwelling units. If they're going to demo that, of such. I'm not sure…

(1:39:27) Mr. Dema: I thought we had to get rid of that after changes in the legislation last year, where we can't regulate the landlord/tenant relationship.

(1:39:36) Mr. Malyszka: We used to?

(1:39:37) Mr. Dema: Yeah. It was part of a comprehensive preemption coming out of Tallahassee last year.

(1:39:47) Commissioner Griner: I have a question…and this is kind of a general question…the FAR. You know, you outline a couple of them and then the last two and a half FAR Bonuses, you say, 'hey…it could be a combination'. If we're approving the bonuses, why even say any of them or why not say all of them? I see where you say, 'hey, they are going to provide financial…and those are good ones and I agree, but support workforce housing is kind of a…because we were just talking about that. It's kind of a nebulous term and we are being asked to support these FAR Bonus points that are enveloped into the overall request. Typically, don't we get a breakdown of what they're planned FAR…the request of what those bonuses are?

(1:40:49) Mr. Malyszka: We've allowed a little more flexibility recently, just because some of it was from the developer's market changes…you know, either with…you know, we put conditions in these approvals, they're written in such a way that we had to bring them back. How the conditions were written, Staff couldn't…

(1:41:11) Commissioner Clemmons: I didn't get this memo.

(1:41:12) Mr. Malyszka: Huh?

(1:41:13) Commissioner Clemmons: I didn't get this memo.

(1:41:16) Mr. Dema: I was part of that decision. The need to come back and make some of these modifications…

(1:41:24) Commissioner Clemmons: It's not bad to do.

(1:41:25) Mr. Dema: Yeah, well…the choice of FAR is largely irrelevant to what you're doing here in terms of consistency and what not, with the surrounding area. I think it's a point of information too, if these are mandatory anyway, so we have a….and then the 2.5 remainder is permissive and a choice.

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(1:41:54) Commissioner Griner: (*inaudible).*…historical tradition of, 'hey, if these are reasonable requests for FAR, we typically grant them'. No argument about that, I just…if you're saying it doesn't matter what the 2.5 is for, then why is it in front of us?

(1:42:09) Commissioner Clemmons: Because those two are mandated in the code, Joe. If you're going above an FAR of…in this zoning code, above an FAR of five, you have to do the historic and you have to do the workforce housing.

(1:42:21) Commissioner Griner: No, no...and I agree with that, I absolutely agree with that part. I guess what my hangup is – is we're approving something we don't really know if it's one for this…two for that, TDRs, if it's…whatever. I don't see it, so that's all.

(1:42:35) Commissioner Stowe: I know recently…this is not the first one that's come before us, but it has been fairly recent that there's been that flexibility. Good or bad…

(1:42:45) Mr. Malyszka: As the Commission, you're reviewing the impact of a development of this size more so than if they are using leed or streetscape. That's why this is here before you today.

(1:43:00) Commissioner Clemmons: I mean, in a particular project, in a particular location, there may be some reason to say that whether we as a Commission or City Council as CRA, or even the public thinks it would be more appropriate to do streetscape improvements at that particular location or another location to do maybe lean in a little bit on the workforce housing in a case where for example, you're demolishing existing housing that is relatively affordable, but…

(1:43:23) Mr. Malyszka: The streetscape one isn't for this, it would be a fund that the City...

(1:43:29) Mr. Clemmons: Oh, no…I understand.

(1:43:36) Commissioner Griner: Okay, I was just…that was just a Staff question, because I saw it and I was trying to come to grips with what we were approving and I see that it's necessary, but it's a very important part of each development, because without these 2.5 FAR, this project is not economically viable, so it's a big part of the project.

(1:43:59) Commissioner Stowe: I believe that we are ready to hear from the applicant.

Agent Presentation (1:44:10):

Don Mastry, 200 Central Avenue, gave a PowerPoint presentation based on the Staff Report.

Questions/Comments Following Agent Presentation (1:52:13):

(1:52:12) Commissioner Stowe: Thank you. Any questions for the Applicant?

(1:52:13) Commissioner Griner: Quick comment. Is an earlier project you had excess parking, and, on this project, you have excess parking. I personally think the Institute of Transportation Engineers underestimates the number of parking but this condotel, nice term…I haven't seen that one before. But I think this is appropriate to have double the amount. I think the parking is good and if it was less, I'd have more of an objection to it.

(1:52:50) Commissioner Stowe: I have a quick question. The sky bar that's mentioned, I don't think it's in your application, but I think I read it in the Sage letter. That's not going to…will that be open to the public?

(1:52:57) Mr. Mastry: What?

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(1:52:58) Commissioner Stowe: Will the sky bar be open to the public?

(1:53:01) Mr. Mastry: Well, it's…it's going to be a bar, I don't know. That hadn't been decided yet.

(1:53:06) Commissioner Stowe: I didn't know if it was a…

(1:53:07) Mr. Mastry: (*inaudible)* responded to that question in this way, if it is a regular bar, it can be right on the ground floor, it's a permitted use. You ought to be happy it's 25-stories up in the air.

(1:53:22) Commissioner Stowe: Well, it could be.

(1:53:23) Mr. Mastry: Yeah, it could be.

(1:53:24) Commissioner Stowe: I didn't know if you were able to say today that it was an amenity and it was meant for…

(1:53:25) Mr. Mastry: No, but it could be more than just the normal amenity for the building, yes.

(1:53:35) Commissioner Flynt: Couple of questions, Mr. Mastry. The sky bar is on, what, the 25th floor of the roof?

(1:53:40) Mr. Mastry: Yes. Yes.

(1:53:41) Commissioner Flynt: When you look at the elevations of the property, you have the bottom pedestal with a large open area. What is going to be on that upper deck area, which is not directly in the footprint of the main tower feature? Is there a swimming pool, is there anything to show what's on that floor?

(1:54:02) Mr. Mastry: I'm going to let our architect try to answer your questions.

(1:54:20) Mr. Sanchez: Hello everyone, Marco Design Director with GDI Architects, the Design Architect on the job. The top of the podium, the parking garage volume is going to act as the main (*inaudible)* space for the residents. It will have a number of spaces that are going to be used by the residents who will live on the 152-units. It will have a small gym, a small social room, a pool deck, and it will be dedicated mainly for residents, that's not for public use.

(1:55:02) Commissioner Flynt: Okay. On the bottom floor ground floor, it appears there's a bunch of tables, four top tables and some two tops. Is there a restaurant that is going to be part of that ground floor?

Mr. Sanchez (1:55:19): At this point, it's hard to confirm that. We call that as a retail space. That's an activated frontage that opens up to the south of the…to the building where we have the plaza, so it will be an activated space, access from the public, from the street.

(1:55:37) Commissioner Flynt: Okay. It appears some of it does not sit underneath the overhang and but most of the tables that are shown in the drawing are underneath the overhang.

(1:55:48) Mr. Sanchez: That's correct.

(1:55:49) Commissioner Flynt: You're verifying the sky bar is 25 floors up?

(1:55:57): Mr. Sanchez: Correct.

(1:55:58) Commissioner Flynt: That was the initial concern of mine. Where's this bar that's mentioned by the neighbors because you do have the three-story townhomes, immediately to the east on the other side of the alley that remain. I was thinking that was the location, the bar on that…on top of that, and I'm like, 'well, that does put a bar really close to better windows' on the east side of the alley, but 25 floors up, different story.

(1:56:24) Mr. Sanchez: It's on the top floor, yes.

(1:56:26) Commissioner Flynt: Thank you.

(1:56:31) Commissioner Stowe: Any other questions for the Applicant? Yes, sir?

(1:56:33) Mr. Mastry: Corey, are you going to make a wording, a change to Condition 9?

(1:56:38) Mr. Malyszka: Yeah, we can do that before.

(1:56:40) Mr. Mastry: Pardon?

(1:56:41) Mr. Malyszka: We can do that as part of closing.

(1:56:42) Mr. Mastry: Okay. That's fine.

(1:56:43) Commissioner Stowe: I had it in my mind that we need to make that change. Staff have any Cross-Examination?

(1:56:53) Mr. Malyszka: Chair, blue cards.

(1:56:54) Commissioner Stowe: Oh, oh, sorry. Thank you. Karen Carmichael.

Public Comment (1:56:55):

1. **Karen Carmichael**, 400 4th Avenue South, Sage Condominiums Vice-President. I received these plans as a member of the Downtown Neighborhood Association, and you should have received an email from me regarding approval of this building and I'd like to add onto that today.

   Based on the feedback that The Sage Board received from residents and owners, a few of them, along with me – met with the people here from (*inaudible).* We discussed the plans for about an hour, and we were satisfied with the outcome of the meeting because we thought the representatives understood our positions regarding the application as it was originally filed and then we received a notice of this hearing, and we realized that the application had not changed. Clearly, they are waiting for you all to weigh in before they change their design concept.

   We live on 4th Avenue South, and we recognize that the zoning for 4th Street South intersects with that corner, but just because an area is zoned for a type of development it's also important to recognize the outliers to that plan. We have real concerns about the uses of the building for what Valor has referred to as a destination. My understanding is that City Staff found that the building's height and design are consistent with several other residential towers in the immediate area. Examples included The Sage, which is only 12 stories high and the Camden Pier District building that's 18 stories high. There's no mention at all of the two apartments…apartment buildings that are on other corners of 4th Avenue South and they're around 4 stories high. Or the townhomes that are right next to

this site. This building as designed is 25 stories and that doesn't sound consistent to me. We're asking that you consider the area surrounding that intersection when approving any plans and not approve any portion of the plan that would deviate from the current neighborhood character.

Our biggest concerns, as you've already heard, are the public sky bar and the idea that the building be used as a hotel-condominium hybrid. These components are also not consistent with buildings in the area and now there are statements in the press from Zoning Officials that The Mint House and The Edge is a comparison to this building. That's not true. The Mint House is a hotel company that has locations worldwide. The one in the Edge is much smaller. It is not a condominium with individual owners. It is in a designated business district.

The current usage plan is also not consistent with buildings in our area. We welcome new residents to 4th Avenue South and we're asking that anything you approve supports the character of the neighborhood. We're also asking that the design and use of the new buildings align with the current buildings in the area. Just as a matter of you knowing this, the notices for this hearing went to corporate out of state entities that own those two apartment buildings. I stopped by and spoke to the managers of both buildings and neither one of them received any information about these hearings. The residents of those buildings were not notified.

(2:00:20) Commissioner Stowe: Thank you.

(2:00:21) Ms. Carmichael: Okay.

(2:00:22) Commissioner Stowe: Jake Zimmerman.

2. **Jake Zimmerman**, 400 4th Avenue South and I have been sworn in. I support the building project, but only if it's in the requirements of the land development code. I don't think that you should approve stuff that needs variances unless those variances are exposed and approved and discussed at a public meeting. I also wanted to share with you that we were happy with the meeting we had with the developers that came and visited with us and it's my impression that they were in agreement to do the following items and if that is true, I'd like to see that they're added to the development conditions. One of which was to underground the utilities, especially along 4th Street because you have some other complications with construction close enough, because this building is zero lot line.

   You got transmission lines on that property line, and you need a 30-foot cone around those lines to push them back, away from the property line. That'll be something you receive way down the road when the power company looks at the plans, so you need to consider that, and I think it should just be a part of the conditions of approval. There was also a formal commitment to ensuring that the general contractor comply with the City's work hours for construction. I know that sounds repetitive to the City Code, but they repeatedly, the contractors themselves, not the developers, work outside the City's allowable times. I think memorializing that they're going to support us following the rules is the best thing to go for there.

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Another item was one of the existing conditions, and I've never talked to the developers about this one, was to add language to the existing condition that the cost of (*inaudible)* the piers…of the building be excluded as a reason to switch to mechanical pile driving. That's a small issue, technical issue, but it's important because we don't want just, 'oh, it just cost too much to order those' as a reason why you don't do it.

The Staff 's comments pretty much satisfied all of my concerns about the management of the renters and the bad behavior of the residents in a potential bad behavior of residents in a Airbnb type situation and to me, the developers skirting an idea of doing a hybrid…a hybrid doesn't exist in the code. You can't talk about a hybrid. It's either a hotel or a condominium. There is no definition of a hybrid. We need to get away from that. I'm okay with it being a hotel if they want to do short-term rentals but you've got to comply with all the conditions of a hotel and one of those is that you have two tractor trailer loading spots per…or it's one per 100,000, which you need two on this property.

(2:03:46) Commissioner Stowe: Thank you. Does Staff have any cross-examination?

Cross Examination (2:03:51):

City Staff (Mr. Malyszka) and the Agent (Mr. Mastry) waived.

Rebuttal/Closing Remarks (2:03:56):

(2:04:00) Mr. Malyszka: We just wanted to…as Mr. Mastry brought up, amend another condition that provides some clarity. That one was just about the garage screening. I believe Mr. Mastry said it was number 9 in the Staff report. We talked about the garage screening and the mullions, so we're just going to talk about the garage here that's proposed. Actually, if the garage screening is consistent with the drawings where the screening is undulating as articulated either with art, color changes, scopes cut out, etcetera, then the requirement for the mullions would not be required.

(2:04:50) Commissioner Stowe: Closing Statements Mr. Mastry?

(2:05:06) Mr. Mastry: Hi. I think that this clearly is a project that meets the requirements of code. It's a permitted use and there are no variances being requested as might have been suggested. I would tell you that this is in the end town activity center. The character of the neighborhood, I don't believe is decided by the smallest permitted building in a district, otherwise, we would never be able to redevelop any and utilize and build bigger buildings than what's there. That's just not the way it works. There's a four-story building there. That doesn't mean that's the maximum we're going to be able to do. I think this building is consistent in height, size, and mass as well as the Staff agrees, with what's in the district. I would urge your approval. Thank you.

(2:06:07) Commissioner Stowe: Thank you. With that we are in Executive Session.

Executive Session (2:06:07):

(2:06:08) Commissioner Clemmons: I have a question for Staff. On the ground level open space 5% of the side area, in this case, 1,000 square-feet to the ground and open space, at least half of that has to be landscaped. Is…and I know there was some recent changes and part of that being under a canopy or roof, but is…can 100% be under a canopy or roof?

(2:06:34) Mr. Malyszka: No.

(2:06:35) Commissioner Clemmons: Well, I'm confused then, because doesn't the parking garage extend pretty much corner to corner to corner on this…

(2:06:41) Mr. Malyszka: No.

(2:06:43) Mr. Clemmons: It's not clear then on the sites plan. I know…but it looks…I thought the plaza was under the roof to the parking garage.

(2:06:49) Mr. Malyszka: There's a cover plaza and then there's an open-air plaza.

(2:06:52) Commissioner Clemmons: Is the open-air…I can't tell the difference.

(2:06:55) Mr. Malyszka: Can you turn on the PowerPoint, please? Only 50% of the open space can be cover but it has to be covered with like, awnings, or canopies.

(2:07:06) Commissioner Clemmons: Right.

(2:07:07) Mr. Malyszka: Not balconies, correct.

(2:07:08) Mr. Clemmons: Let me get to my issue with…my question about the 16,000.

(2:07:15) Mr. Malyszka: If you look here, this is the 4th Street…4th Avenue.

(2:07:19) Mr. Clemmons: Yep.

(2:07:20) Mr. Malyszka: This is the 40-foot plaza that's open and you can see it…

(2:07:25) Mr. Clemmons: Where…the property line is the red dotted line?

(2:07:28) Mr. Malyszka: Yeah.

(2:07:29) Mr. Clemmons: There?

(2:07:29) Mr. Malyszka: Yeah.

(2:07:30) Mr. Clemmons: And that's 4th Street or 4th Avenue?

(2:07:31) Mr. Malyszka: [*referencing the Staff PowerPoint presentation "Rendered Site Plan" slide*] This is going to be 4th Avenue. I'll show you…and so here, it translates to this area being uncovered.

(2:07:42) Mr. Clemmons: So all that's uncovered? Okay. I thought….I thought the…okay, thank you.

(2:07:46) Mr. Malyszka: Yeah, the parking garage entrance is here.

(2:07:47) Commissioner Clemmons: And, and in the cross (inaudible) just north of that…

(2:07:50) Mr. Malyszka: That's covered.

(2:07:51) Commissioner Clemmons: That is covered. Okay. Thank you.

(2:07:54) Commissioner Stowe: Commissioner Flynt….I think you had….

(2:07:58) Commissioner Flynt: Yeah, clarification on the…the parking requirement for a hotel. How is that calculated again?

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(2:08:06) Mr. Malyszka: Hotel parking is one space for every four rooms.

(2:08:08) Commissioner Flynt: One for four? That's pretty minimal.

(2:08:11) Mr. Malyszka: Right. It's downtown, it's the least.

(2:08:15) Commissioner Flynt: Okay. There was the comment from the gentleman regarding semi-loading zones. Is that in the code requirement for this?

(2:08:27) Mr. Malyszka: Under the parking section, if the use was just a hotel of a certain size, yes there's tractor trailer requirements, correct.

(2:08:38) Commissioner Flynt: Okay. Is this going to trigger that tractor trailer based upon this size?

(2:08:43) Mr. Malyszka: Based on how Staff is looking at this, as a condotel, the primary use is really a condo with the option to do a hotel use. Staff was not requiring that trailer to be part of the development.

(2:08:57) Commissioner Vatelot: The hotel use is secondary?

(2:08:59) Mr. Malyszka: Mm-hm.

(2:09:00) Commissioner Vatelot: Okay.

(2:09:01) Commissioner Flynt: I have a concern about how it's determined though. If somebody wants to rent something over 750 square-feet and all the owners want to use those as hotels because you can get significantly more rental from a, you know, a short-term than from a annual lease, should we consider the entire building to be a hotel? There…there's, there's no legitimate reasonable way to determine if something is used as hotel or residence. I mean…short of having a Staff…a City Staff member visit every single unit every single day to take a count, would we be better off looking at it as 100% hotel?

(2:09:55) Commissioner Clemmons: To be honest, that's true of every residential building downtown. Our code allows…in any zoning district that permits hotel residence, you can Airbnb those residential units. In a way, this applies to every…now, most residential buildings…either condominiums don't allow…through their condo association and apartment buildings again, apartment owner/manager may not allow it for their own internal purposes, but the City doesn't prohibit it.

(2:10:30) Commissioner Flynt: Okay.

(2:10:31) Commissioner Clemmons: I mean…it's still a legitimate question but I'm saying it…you know…

(2:10:36) Commissioner Flynt: Right….(*inaudible).*

(2:10:37) Commissioner Clemmons: They could back here today and say 'this is a residential building' and then the minute it's open, they can start Airbnb or VRBO or any other one they want to use and that is legal within the…

(2:10:49) Commissioner Flynt: Because that always concerns….

(2:10:50) Commissioner Clemmons: (*inaudible).*…open and honest about it.

(2:10:52) Commissioner Flynt: I mean…it just concerns me on all of them where we approved the 750 square-feet or less to not have parking, but there's really no way to verify any of this.

(2:11:09) Commissioner Stowe: Yeah, there's no thresholds, no building thresholds.

(2:11:10) Commissioner Flynt: And we haven't solved the affordability which is the reason we struck the requirement for parking below 750.

(2:11:19) Commissioner Clemmons: I would say regarding the tractor trailer, one of the main reasons for that is that a full-service hotel often has laundry service, restaurant/food service, you know and then there's a lot more deliveries than a residential building with units being rented out to an Airbnb participatory program, you're not going to have the laundry services and the restaurant and food services, so I'm not so concerned about that one. I mean…

(2:11:47) Commissioner Flynt: Well…

(2:11:50) Commissioner Clemmons: (*inaudible).*…how we regulate it.

(2:11:51) Commissioner Flynt: You've got a restaurant on the bottom floor. You've got a bar on the top…

(2:11:56) Commissioner Clemmons: But those by themselves don't require you know, the full-service hotel…often hotels have meeting rooms and, you know…

(2:12:09) Commissioner Flynt: Mm-hmm. But hotels have…loading zones.

(2:12:09) Commissioner Clemmons: Those are the really…it's really not the number of hotel rooms that generates the need for tractor trailers. It's really the services that…the full-service that hotels provide…our code's just not quite fine reigned enough…

(2:12:23) Commissioner Flynt: I see the biggest issue with this project is going to be 'what effect does it have on the neighboring streets for loading and unloading if there are semi-tractor trailers, food delivery trucks, all that. Having a bar on the 25th floor, you know, as far as quality of life, I don't think it's going to affect anybody around there, it's too high. I'd have more concern if it was at that top parking deck because now it puts it pretty close to some condos that are three stories.

(2:12:56) Commissioner Vatelot: But those uses themselves will trigger requirements and I think it's ultimately the hotel use which is not really a hotel use proper in that there is no onsite laundering and all of the things that…the deliveries, the mattresses, all of the things that need storage and…to be accommodated for in a proper hotel. Here we're talking about, essentially, a condo tower with Airbnb usage and so it's not going to trigger the same type of delivery requirements.

(2:13:25) Commissioner Clemmons: And our zoning code does require loading facilities for commercial uses, but I think the thresholds like 50,000 square-feet or something (*inaudible).*

(2:13:36) Mr. Malyszka: Well, for retail operations in all first-floor nonresidential uses with gross floor of up to (*inaudible)* space. It's a typical auto space on there and we do have, I believe, on the plan they do have like a loading area shown, coming in off the alley way as well. This is typical of all the downtown condos and buildings. They usually just have like a loading bay. And they all have retail uses on the ground floor.

(2:14:00) Commissioner Clemmons: More like a panel truck kind of size.

(2:14:05) Mr. Malyszka: And we have other hotel operations smaller but…you know, Tru by Hilton on Central, you know, they use the back of house alley for any of their loadings. Near the high and the one, they have kind of that pass through. I don't think I've ever seen a semi come out of there. No…the Vinoy is a different story, it's a huge complex. You also have the Hilton where they pull into the garage off of 1st.

(2:14:31) Commissioner Flynt: These are comments I need to hear, not being overly familiar with that, but you hear these other comments, you know, explaining how some of these hotels puts me a little at ease on it.

(2:14:45) Commissioner Clemmons: I mean…it is, it is different than just a purely…a normal apartment building. There'll be more different people coming and going, I don't think the number of people coming and going will be more, but it's just different faces on different days.

(2:14:59) Commissioner Griner: I think the discussion is really good because what if the next one comes in and says 'okay, we are a hotel and we have one parking space per four units'? That's why I was mentioning the parking earlier is I really think that that's going to be the bottleneck for these things, and I think this was the appropriate way to size it. But if they came in as a hotel and it was less parking requirements and they gave less parking requirements, like the one that had zero, I think that's a real problem for the City moving forward.

(2:15:35) Commissioner Clemmons: I mean…I think the Tru Hotel has pretty much minimal parking.

(2:15:44) Mr. Malyszka: They have like 24 spaces.

(2:14:46) Commissioner Clemmons: 24 spaces. I know the Pennsylvania Hotel has very minimal parking, but they were in the old zoning code. I'm trying to think of…we have built several new hotels in the…so this zoning requirement, it goes back to 2007, so it's been sixteen years, but the one before (inaudible) I think before 2007, if I recall correctly, is one per two hotel rooms and I think it got reduced to one per four.

(2:16:06) Mr. Malyszka: You'd know better than I.

(2:16:08) Mr. Clemmons: You know, but…gray hair. To be honest, I've talked to some people and working on a hotel is…in downtown, very few people bring cars with them. It's Ubers and valets and…

(2:16:29) Commissioner Stowe: Well, it's the idea, you're coming to the downtown and once you're there

(2:16:31) Commissioner Clemmons: Yeah.

(2:16:33) Commissioner Stowe: …you're going to be walking around.

(2:16:33) Commissioner Clemmons: Yeah…and then people may rent a car to do a day trip or…

(2:16:34) Commissioner Stowe: Right.

(2:16:36) Commissioner Clemmons: …or if they're going to go to Disneyworld for a couple of days, but when you're coming St. Pete, in the downtown, very few people are bringing cars with them.

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(2:16:48) Commissioner Griner: Can I make a motion to modify one of the special conditions of approval?

(2:16:53) Commissioner Stowe: Yeah…I was going to ask Corey…on number 9, can we just delete the second sentence…is that what you…

(2:16:57) Commissioner Griner: That was going to be my motion. That was going to be my motion.

(2:17:00) Commissioner Stowe: I wasn't sure because he's talked a long time.

(2:17:04) Commissioner Griner: Well….he said they would review it….so, I move Special Condition of Approval number 9, the second sentence be deleted.

(2:17:18) Commissioner Kiernan: Second.

(2:17:19) Commissioner Stowe: We have a motion and a second. Roll call please?

(2:17:20) Ms. Eger: Kiernan?

(2:17:21) Commissioner Kiernan: Yes.

(2:17:23) Ms. Eger: Stowe?

(2:17:24) Commissioner Stowe: Yes.

(**2:17:25) Ms. Eger:** Clemmons?

(2:17:25) Commissioner Clemmons: Yes.

(2:17:26) Ms. Eger: Vatelot?

(2:17:26) Commissioner Vatelot: Yes.

(2:17:27) Ms. Eger: Griner?

(2:17:27) Commissioner Griner: Yes.

(2:17:30) Ms. Eger: Flynt?

(2:17:31) Commissioner Flynt: Yes.

(2:17:31) Ms. Egar: That motion passes.

(2:17:32) Commissioner Stowe: Want to keep rolling?

(2:17:36) Commissioner Flynt: Sure. I move approval of a site plan to construct….

(2:17:42) Commissioner Stowe: No…condition number 19.

(2:17:43) Commissioner Griner: Oh.

(2:17:44) Commissioner Stowe: Yeah, we're going to change the date to the one that's in front of you…January 8th.

(2:17:51) Commissioner Griner: Alright. I'd like to make a motion to amend Special Conditions of Approval number 19 to change dated and that date is now…what is the new date?

(2:18:07) Commissioner Stowe: January 8th.

DRAFT

(2:18:08) Commissioner Griner: January 8th, 2024

(2:18:13) Commissioner Stowe: 2024, yep.

(2:18:14) Commissioner Flynt: (*inaudible).*..second.

(2:18:17) Commissioner Stowe: We have a motion and a second. Roll call, please.

(2:18:18) Ms. Egar: Kiernan?

(2:18:19) Commissioner Kiernan: Yes.

(2:18:20) Ms. Eger: Stowe?

(2:18:20) Commissioner Stowe: Yes.

(**2:18:21) Ms. Eger:** Clemmons?

(2:18:22) Commissioner Clemmons: Yes.

(2:18:23) Ms. Eger: Vatelot?

(2:18:24) Commissioner Vatelot: Yes.

(2:18:26) Ms. Eger: Griner?

(2:18:26) Commissioner Griner: Yes.

(2:18:27) Ms. Eger: Flynt?

(2:18:27) Commissioner Flynt: Yes.

(2:18:31) Ms. Egar: Motion passes.

(2:18:31) Commissioner Griner: Are you ready now?

(2:18:31) Commissioner Stowe: Now I'm ready.

(2:18:32) Commissioner Griner: Alright. Approval…move approval of a site plan to construct a 25-story multi-family building, 152-dwelling units and 4,893 square-feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus, subject to the amended special conditions of approval.

(2:18:51) Commissioner Flynt: Second.

(2:18:52) Commissioner Stowe: Motion and a second. Roll call, please.

(2:18:53) Ms. Eger: Kiernan?

(2:18:54) Commissioner Kiernan: Yes.

(2:18:56) Ms. Eger: Stowe?

(2:18:56) Commissioner Stowe: Yes.

(**2:18:57) Ms. Eger:** Clemmons?

(2:18:57) Commissioner Clemmons: Yes.

(2:18:58) Ms. Eger: Vatelot?

DRAFT

(2:18:59) Commissioner Vatelot: Yes.

(2:19:00) Ms. Eger: Griner?

(2:19:00) Commissioner Griner: Yes.

(2:19:01) Ms. Eger: Flynt?

(2:19:02) Commissioner Flynt: Yes.

(2:19:02) Ms. Egar: That motion passes.

(2:19:09) Commissioner Stowe: Alright. Could we have a ten-minute break and we'll be back at about 3:30.

(2:17:18) Motion #1: Commissioner Flynt made a motion to remove the second sentence from Special Condition number nine (9) "The parking garage screening shall incorporate a mullion pattern that mimics the storefront system mullion pattern."

Commissioner Kiernan, Second.

YES – 6 – Kiernan, Stowe, Clemmons, Vatelot, Griner, Flynt.
NO – 0 – None.

Motion passed unanimously.

(2:17:39) Motion #2: Commissioner Flynt moved approval of a motion to revise Special Condition number nineteen (19) from the date December 15, 2023, to January 8, 2024.

Commissioner Flynt, Second.

YES – 6 – Kiernan, Stowe, Clemmons, Vatelot, Griner, Flynt.
NO – 0 – None.

Motion passed unanimously.

(2:18:33) Motion #3: Commissioner Flynt moved approval of a site plan to construct a 25-story multi-family building with 152- dwelling units and 4,893 square-feet of commercial space. The applicant is requesting floor area ratio bonuses and a building height bonus, subject to the amended special conditions of approval.

Commissioner Flynt, Second.

YES – 6 – Kiernan, Stowe, Clemmons, Vatelot, Griner, Flynt.
NO – 0 – None.

Motion passed unanimously.

DRAFT

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PLANNING & DEVELOPMENT SERVICES DEPARTMENT
APPEALS FORM

Appeal From: ☑ Person Officially Designated (POD) ☐ Development Review Commission ☐ Community Planning and Preservation Commission

Appeal to: ☐ Development Review Commission ☐ Community Planning and Preservation Commission ☑ City Council

RECEIVED
JAN 19 2024
CITY CLERK

Contact Information:

Name	Sage Condominums (Karen Carmichael, Board of Directors VP)
Street Address	400 4th Avenue So
City ST ZIP Code	St. Petersburg, Florida 33701
Telephone	718-288-8044
E-Mail Address	sage.kcar@gmail.com
Signature	Karen Carmichael Date 1/18/24

Date of Hearing

Date of Decision	1/4/24council and 1/10/24 DRC

Case No.

Case No.	#23-31000015

Case Address

Case Address	332, 340 and 344 4th St. S.

Submittal Requirements

1. Narrative describing grounds for appeal.

See attached grounds for appeal.

City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471
www.stpete.org/ldr

Attachment to appeal application for case #23-31000015
Address: 332, 340 and 344 4th St. S.

Narrative describing grounds for appeal:
We are confused because the decisions of the council and the DRC seem to be in conflict with some of the things we see in the principles governing neighborhoods and development as laid out in Vision 2050.

1) There are no buildings in the city that have this designation and there is no mention of this type of occupancy in the Vision 2050 plan. A short-term rental could be a hotel which requires a staff person on-site 24-7. A hotel is permitted downtown. Hotels are owned and operated by corporate entities. An AirBnB is not a permitted use in the city code. The closest use classification for an AirBnB is a BnB. A BnB requires an owner/manager to live on-site or within the same building/unit. Short-term rentals within St. Petersburg are subject to distinct zoning and frequency limitations. Properties are only permitted to be rented out up to three times in 365 days. Downtown is a neighborhood in this city. If the rest of the city is subject to these terms then this development should also be required to adhere to this. This building skirts the regulations governing short term rentals. The project under the terms of ownership as stated in the application is opening up a precedent to the entire downtown. It encourages out of state and out of the country ownership as an investment not a home. Many residents keep a second home here and rent it when out of the state. Those homeowners are subject to the same rules governing AirBnBs.

2) Although asked on several occasions, the developer and representative of the developer refuse to comment on the use of the sky bar as a public or building amenity. A building amenity is different from a bar open to the public. We would like some clarity on this as several of our residents have had experience with entertainment venues close to their homes and the noise and general disruption from an establishment that serves alcohol can create a nuisance in the area.

Information on Procedures for Hearing

1) Staff, appellant, applicant, and registered opponent (registered opponent ONLY allowable if timely registered and appellant is the applicant/owner) will have a total of ten (10) minutes each to present their case.
2) The cross-examination phase allows each participant five (5) minutes to ask questions of any individual or party that presented testimony in the presentation phase or public hearing. All questions shall be directed to the Chair who will direct the question to the appropriate person.
3) The rebuttal/closing statements phase allows each participant five (5) minutes to rebut prior arguments and make closing statements.
4) The Commission Chair will then close the proceedings and go into Executive Session and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.

Return form to the Office of City Clerk, at

175 5th Street North, St. Petersburg, FL 33701

Patricia.Beliveau@stpete.org (727) 893-7131

***Fee to Appeal Person Officially Designated: $250.00**
***Fee to Appeal to City Council: $300.00**

***Note: Appellant is also responsible for required public notice and any associated post office mailing fees.**

EMAIL TO DRC & planning & zoning 1/3/24 Karen Carmichael

I have been a member of the Board of Directors for The St.Petersburg Downtown Neighborhood Association since 2018 and a resident/property owner of the city for decades. I remember clearly what the area looked like in the 1970s and saw first hand the downtown fold up and be reactivated as the vibrant place that it is today. Though President of the SPDNA, I am writing as a neighborhood resident and member of the Sage Board of Directors, even though my contact with residents throughout our downtown neighborhood have made it clear that they share our sentiments.

4th Ave S. is one of the last quiet residential blocks in downtown south of Central Ave. It is a block where you will frequently see people walking their dogs and enjoying the quiet calm of an area so close to the downtown businesses, the university and hospitals. Although we are not happy to lose yet another affordable option for resident renters, we acknowledge that this developer has many beautiful buildings in their portfolio.

We assumed that once this property was sold there would be a larger luxury building that would not be affordable to many St. Petersburg residents built there. We acknowledge the push by the city planners and developers to continually build larger unaffordable properties that will eliminate the smaller older buildings where our residents and local workers can comfortably continue to live downtown.

We did not expect the building to have a sky bar open to the public. Nor did we expect short term rentals managed by individual owners, which is essentially an AirBnB. Both of these proposed elements are concerning for all the reasons you can imagine.

We would ask that you consider:

- The proximity to the highway and the possibility that impaired drivers will be entering and exiting 175 directly behind the Sage
- The inability of SPPD to currently enforce the noise ordinance for drivers entering and exiting 175 at 5th Ave S
- The proximity to a peaceful, residential street and how difficult it is to generally enforce the current noise ordinance
- The redesign of 4th Street to encourage slower traffic and safer pedestrian crossings
- The impact of a building which encourages transient occupancy and a large and noisy entertainment venue that serves alcohol

The representatives we have spoken to claim to understand the "vibe in St. Pete" with claims of having visited the area for years. That is not the same as investing many years as residents witnessing and supporting the growth of the downtown. A developer who builds properties all over the world, even one with Clearwater offices, cannot understand the objections we have presented to them in the meetings and email exchanges we have already had.

Coffee shops, nail salons, massage studios, local retail and restaurants to name a few would be a welcome addition to the area. A rooftop bar with loud music and impaired patrons leaving the establishment would not. An AirBnB that isn't properly managed will create a neighborhood nuisance that will have a lasting impact on the city services, the residents, the SPPD and the city workers in general. It has the potential to create a nuisance that will put a strain on those charged with enforcing restrictions on the use of this property.

Whatever official zoning may allow, we are a residential neighborhood at the intersection of 4th Avenue S and 4th Street, not a commercial center which will draw bar patrons and overnight travelers. The City's zoning regulations contain numerous references to maintaining the character of neighborhoods, and a public sky bar and short-term rentals, which skirt the City's regulations on Air B&B's, are not in character with our neighborhood. Any permit to construct should specifically exclude those uses.

Email sent to DRC and zoning regarding the proposal and the DRC hearing

From: William Hoth <williamhoth@gmail.com>
Date: December 27, 2023 at 9:39:53 PM EST
To: Corey.Malyszka@stpete.org, drc@stpete.org
Subject: Case No. 23-31000015 - 340 4th Street S

Dear Mr. Malyszka and DRC Representative,

Thank you for your recent mailing regarding the potential construction of a 25 story condo/hotel building at the North East corner of 4th Street South and 4th Avenue South in downtown Saint Petersburg. This proposed new building is directly across the street from the Sage Condominium Building. I have lived at the Sage for approximately 10 years and I am currently the Treasurer of the association. I am sending this letter to you as a private citizen, not representing the Sage Condo Association yet. However, I can tell you that presently nearly all 112 condominium owners that I have spoken to about this building's addition to our neighborhood have the same serious concerns about the use of the building as I do. Some are very vocal about the use of the new building: even going as far as recruiting other building locations around the Sage to form a coalition regarding this case.

If you have never been in our neighborhood before, the best way I can describe it is that it's a quiet residential neighborhood in the middle of a concrete jungle where most residents know their neighbors. It's a very close knit community and nearly everyone you pass on a sidewalk will smile, say good morning, how are you doing? I guess the best way to describe it is as the last real "neighborhood" in downtown Saint Petersburg. A few things have me concerned that the addition of this proposed building will substantially change my neighborhood.

I am very pro-growth for the city. That is one reason that I moved to downtown Saint Petersburg. I am not against a new 25 story building being added to my neighborhood. In fact, I feel that it could be a really nice addition. My concern is how the use of the building will impact my neighborhood that I value so highly. My few concerns are that at this very early planning stage how the new building will be used once completed. My main concerns are listed below:

1. The addition of a "sky lounge" at the top of the building.
A public access "Sky Lounge" in my opinion is a major obstacle that myself and my neighbors and fellow residents of the Sage Condominium oppose. This is a quiet residential area and we absolutely do not want a "bar" and all of the problems that are associated with bars in our neighborhood. Parking in the evenings and weekends is nearly impossible.now, much less when bar patrons begin filling up the few available parking spaces that we do have,

2. The use of the building as an AirB&B / Hotel.

As mentioned previously, this is a quiet residential neighborhood. Nearly everyone who lives in this area would welcome new neighbors to our beautiful community with open arms. What we would not welcome are weekend party animals who would destroy our quality of life. We want neighbors to join our city, not spring breakers who come here, stay a very short while, party and leave our community and expect us to pick up their mess. If we wanted to live on Central Ave we would have purchased there, if we wanted to live on the beach, we would have purchased there. But we didn't. We purchased our homes in a neighborhood and that is where we want to stay.

3. (comment in original email regarding the parking question has been redacted)

Unfortunately I will be out of town for the January 10th public hearing to begin discussing this project, however, I will make it a point to attend future meetings related to this proposed project. Once again, I am very pro-development, I have no issues with building height, building design and footprint, additional traffic ect. I would love to welcome this new building to our neighborhood along with all of its new residents. What myself and the vast majority of homeowners in the affected area would like is to have real residents living in the building in this last of the city's downtown residential neighborhoods. We are only asking for the developer to bring us good neighbors. I feel that we are not asking too much with that simple request.

I would like to ask you either email me or USPS mail me any new information about this project as it becomes available. My contact information is below.

Thank you for taking the time to read and understand my concerns. Saint Petersburg did not become the great city that it is today by luck or chance. It became a great city because of its many dedicated and many times unappreciated employees guiding it in the right direction. Thank you for the countless hours of hard work you and all of the city employees do for us every single day of the week.

Kind Regards,

Bill Hoth, Treasurer
The Sage Condominium Assn. of St. Petersburg
400 4th Avenue S. Apt. 509
Saint Petersburg, FL 33701
(727) 480-7570
e-mail: WilliamHoth@gmail.com

From: Jeffrey Mann <jmann8435@gmail.com>
Sent: Thursday, January 18, 2024 1:48 PM
To: Keri Palmer <Keri.Palmer@fsresidential.com>
Subject: Fwd: Public Hearing on 332, 340, 344 4th Street S

1 of 2

Here's the email we sent. No reply to date

Sent from my iPhone

Begin forwarded message:

> **From:** Jeffrey Mann <jmann8435@gmail.com>
> **Date:** December 28, 2023 at 1:50:32 PM EST
> **To:** corey.malyszka@stpete.org
> **Subject: Public Hearing on 332, 340, 344 4th Street S**
>
> Hello Corey -
>
> Jeff Mann and Sarah Anderson here from the Sage Condos, unit 1001. Thank you for the notice on this proposed project and opportunity to weigh in.
>
> We are firmly against what would amount to having a busy Airbnb style high rise hotel and rooftop bar right across the street with people coming and going from our city who have no vested interest in city itself the way residents do. This project also does nothing to alleviate the housing affordability crisis in downtown St. Pete.
>
> We are FOR sensible development that full time or even seasonal residents can inhabit, not what's basically a busy high rise hotel for transient visitors that will add to various problems at this corner, including increasing litter, traffic and pedestrian safety risks.
>
> This is a residential neighborhood where not a single hotel currently sits. We prefer to keep it that way. We are also concerned about the scale of this project. 25 stories is not in line with the buildings in the surrounding neighborhood and will negatively alter the character of it.
>
> To sum up, we are a firm no on the way this project is currently being presented but would be open to hearing other more sensible proposals. Please let the record show this at the meeting tomorrow and going forward.

Thank you.

Jeff Mann

Sarah Anderson

400 4th Ave So, #1001

St. Petersburg, FL 33701

917-860-6802

Public comment from January 10th DRC meeting

Karen Carmichael 400 4th Ave S Sage Condominiums VP

I received these plans as a member of the SPDNA. And read the article in the Catalyst this past summer. You should have received an email from me regarding approval of this building. I'd like to add on to that today.

Based on the feedback I've received from residents of the Sage after they also read the article and saw the plans I reached out to the attorneys who sent them to the neighborhood association and asked for a meeting with Valor representatives.

We discussed the plans for about an hour and were satisfied with the outcome of the meeting. We thought the representatives understood our positions regarding the application as it was originally filed.

Then we received the notice of this hearing and realized that the application had not changed. Clearly, they are waiting for this commission to weigh in on their concepts.

We live on 4th Avenue S and recognize that the zoning for 4th St intersects with that corner. Just because an area is zoned for a type of development it's also important to recognize outliers to that plan. We have real concerns about the uses of the building for what Valor has referred to as a "destination".

City staff found that the building's height and design are consistent with several other residential towers in the immediate area. Examples included The Sage on 4th Avenue South, which only encompasses 13 stories, and the 18-story Camden Pier District on 3rd Street South. This building as designed is 25 stories. That doesn't sound consistent.

We are asking you to consider the area surrounding that intersection when approving any plans and not approve any portion of the plan that would deviate from the current neighborhood character.

Our biggest concerns are the public sky bar and the idea that the building be used as a hotel/condominium hybrid. These components are also not consistent with the buildings in the area There are statements in the press from the zoning officials that the Mint House sets precedent for this building. That is not true. The Mint House is a hotel company that has locations worldwide. It is a much smaller building. It is not a condominium with individual owners. So the current usage plan is also not consistent with the buildings in the area.

We welcome new residents to 4th Avenue S and are asking that anything you approve supports the character of the neighborhood. We are also asking that the design and use of any new buildings align with the current buildings in the area.

#23-31000015: 4th Ave S and 4th Street Inbox

Tue, Jan 16, 12:24 PM

Karen Carmichael
<sage.kcar@gmail.com>

to
John.Muhammad,
copley.gerdes,
brandi.gabbard,
ed.montanari,
lisset.hanewicz,
deborah.figgs-sand
ers, gina.driscoll,
richie.floyd,
sengelphillips

Council Members,

I am writing to express my disappointment with the process to approve the building on the corner of 4th Ave S and 4th St S which you approved at the meeting on January 4th. It was then sent to the DRC for a January 10th hearing. It was then approved without any modifications based on the input of residents who wrote to them or appeared to speak.

This piece of property has been on the radar for the residents of the Sage since the summer. A few residents met with and spoke with planning in August to let them know we were tracking this parcel and would like to be informed of each step of the process. The only information we received is what would be done in a regular mailing and notification process.

We reached out to and met with the developer in November after we received the plans from the neighborhood association.

I know the agendas are posted in advance for residents to follow in case there is something we need to address. However, this was the holidays. The developer, the developers attorney and the planning office knew we had concerns. We were never informed that this was going to be heard at your January 4th meeting. Our District 6 council member and two other council members were absent at that meeting. The plans were approved by remaining members,I'm sure, without knowledge of the objections of the nearby residents.

I want to be clear that we understand the height and the design of the building is consistent with the zoning for the area. We have real concerns about the use of this property. Approving the use of this as a short term rental hotel/condo hybrid sets a precedent in the downtown area for more of the same buildings. The skybar would be a nice amenity for a condo. This developer refuses to reveal if the bar will be open to the public. We were told on a few occasions that it hasn't been determined yet. That was again repeated at the DRC meeting.

Downtown is our home. The idea that a small parcel is being sectioned off for 152 individual owners to use as an investment only is troubling. It does nothing to support resident owners and renters who have invested their lives to the betterment of our downtown.

Most of you know that I am fairly active in the neighborhoods. If the process can get past me without my knowledge, what does it say about the residents who aren't as involved. The approval process for developments needs to be reworked so that residents can have some input in what should be a seamless process. It should not require them to check agendas weekly so they can monitor building and development in their neighborhoods.

It shouldn't be this hard.

Regards,

Karen Carmichael

400 4th Ave S

#501

St. Petersburg, FL

718-288-8044

4TH AVE S
dog walkers


FOR
SALE
BY OWNER
2B/2B Townhome next to project on 4th Ave S already for sale- first of many to come

Elizabeth Abernethy

From: Karen Carmichael <sage.kcar@gmail.com>
Sent: Thursday, February 15, 2024 12:33 PM
To: Chandrahasa S. Srinivasa; Corey D. Malyszka; Elizabeth Abernethy
Cc: Alfredo Anthony; Jake Zimmerman; John Roll (jrstpetethesage@gmail.com); Richard Montoya; William Hoth
Subject: Additional evidence for appeal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

https://drive.google.com/drive/folders/1nPxP26z_4a_ZV2NVbtW3WFPbjEA5ftFn?usp=sharing

Hi Liz and Chan,
Here are the additional documents for our appeal of the project on 4th and 4th S scheduled for the council on 2/29 at 9:30AM. Let me know if this is the right way to send this. I have color copies of the graphic of the heights of nearby buildings if you want me to drop them off.

This file includes:
-The vision 2050 presentation from 2021 designed specifically for downtown- no mention of condotels.
-A picture of the section of EVO that is on 4th St S & 2nd Av S
-A graphic of the heights of buildings near the site
-A letter to council stating some code requirements
-A few articles about bars in residential areas and Airbnb issues.

Thanks for getting this where it has to go. I'm available to speak if you have any questions before the hearing on 2/29.

Thanks,
Karen

Karen Carmichael
Unit 501
718-288-8044

02/07/24

St. Petersburg City Council Members
City of St. Petersburg
PO Box 2842
St. Petersburg, FL 33731

RE: 334 4th Street S.

Dear Council Members,

I would like to ask you to carefully consider your vote on the appeal of the Development Review Commission's approval of a building proposed for 334 4th Street S. The basis of my opposition to the building as it is currently proposed does not meet the requirements of the Land Development Code (LDC).

The City Staff has determined that the decision by the developers to market all the units in the proposed building as short-term rentals results in the building being considered a hotel within the City's zoning. The parking requirements of the LDC for hotels require a loading dock for trucks for each 100 hotel units. That would require two loading docks that are not included in the developer's application. Those loading docks are also required to be screened from any surrounding residential uses. All the surrounding uses are residential except for one commercial parcel.

The proposed hotel drop-off for the building is currently shown on 4th Street S. which is an FDOT controlled roadway. The applicant has proposed a valet service in this area. FDOT prohibits commercial activities within its Rights-of-Way. The drop-off will need to be re-located.

The LDC has a mandatory 15' offset between buildings that is being violated in this application. The alley to the east of the proposed building is only 10' wide with portions of the townhomes east of the alley being between 1.5' to 2.5' from the back of curb. The application shows the proposed building at the edge of alley. The proposed building will need to be re-located a few feet inside their property line.

The City's Engineering Department has noted in its review some serious skepticism that the applicant can accomplish locating a subsurface parking lot with a stormwater vault below the parking level and not disturb the surrounding public utilities. There was also a warning to the developer about an existing sanitary sewer line within the 10' alley would require a 15'easement being placed over the alley and part of the proposed parcel which would further move the building away from the property line. The developer's verbal offer to replace the line does not resolve the future expense the city might incur to safely maintain the sewer in the years to come.

The applicant has maximized the use of every setback and technical requirement in the LDC to request the largest building possible. It may appear that the items listed above are minor technicalities but they are legally required. I contend that the applicant has avoided a building setback over 50' by matching the minimum allowed floor plate (footprint) of the building. That setback to 4th Street S. would be triggered if these technical issues were satisfied in the proposed

site plan. The site plan appears to have the minimum open space allowed so there is no room to offset the building plate being smaller.

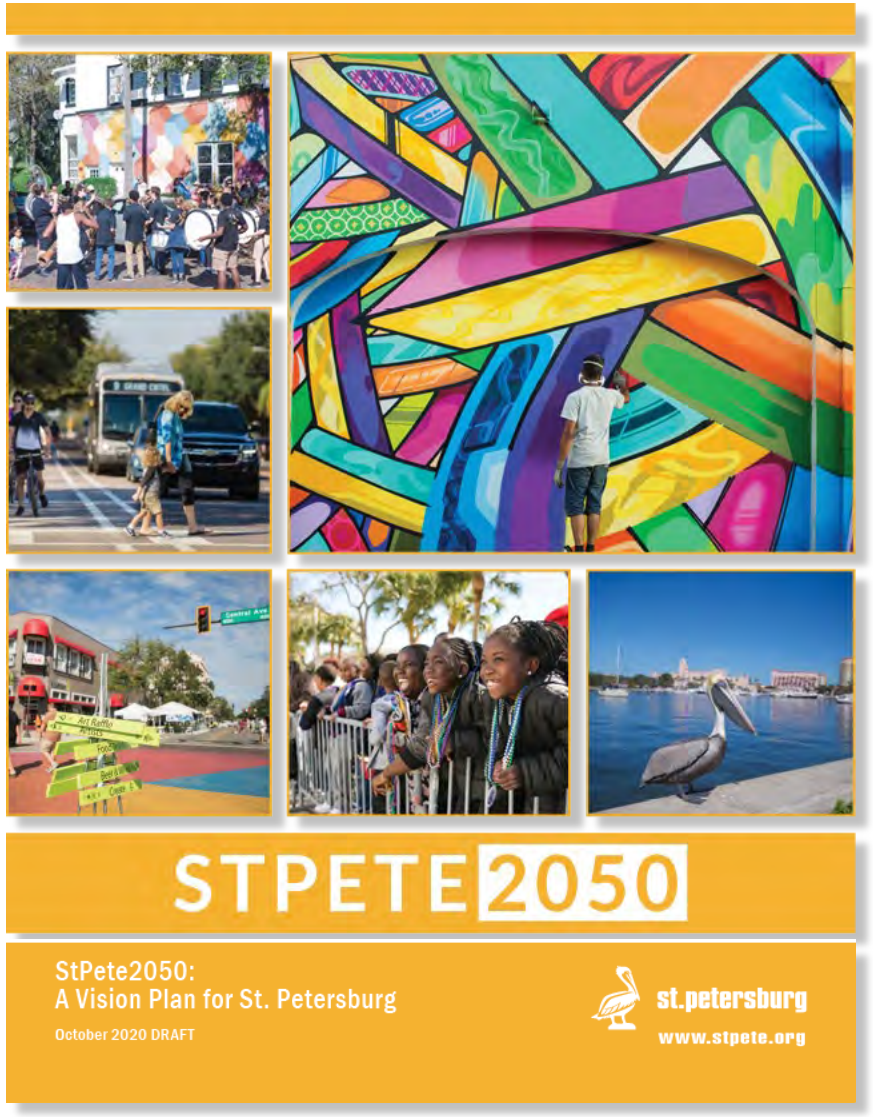
The description for the DC-2 zoning includes a statement that development intensity shall taper down at the edges of the zoning district. I live diagonally across the 4th St S and 4th Ave S. intersection from the proposed building and reside in the DC-3 zoning district. I assert that maximizing height, FAR and intensity of the proposed use is not in aspect a tapering down as stated in the description.

The layout adjustments above would affect the relationship of the FAR requested to the height of the building. My suggestion is that you have the applicant return at a later date with a site plan that meets all the requirements of the LDC. The surrounding homeowners deserve to comment on height, appearance and layout of the actual building that will be built. I am not objecting to a building at this location, but it must comply with the City's LDC requirements. If the City Staff decides to let these requirements be averted, then it would be likely that future development projects will seek similar waivers of LDC requirements. If the city returns to the strict requirements of the LDC, then those future developers could mount legal challenges that would cost taxpayer funds to defend. Let's just pause and get this right.

The use of this building as 150+ short-term rentals with an open-air bar on the top floor is controversial and precedent setting for the city. Approval of this project in its current form has the potential to change the unique residential oriented character of this portion of downtown St. Petersburg. We have an enviable urban area in St. Petersburg. Please do not allow an out-of-town developer to force the chaos of 150+ short term rentals and a roof top bar on my neighborhood just because it is not their business model to provide a traditional hotel or traditional condominium.

Sincerely,

Jacob Zimmerman
400 4th Ave S Apt 1009
St. Petersburg, FL 33701
727-302-0889



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www.stpete.org

STPETE2050 IMPLEMENTATION: COMPREHENSIVE PLAN UPDATE

DOWNTOWN NEIGHBORHOOD ASSOC.

OCTOBER 13, 2021

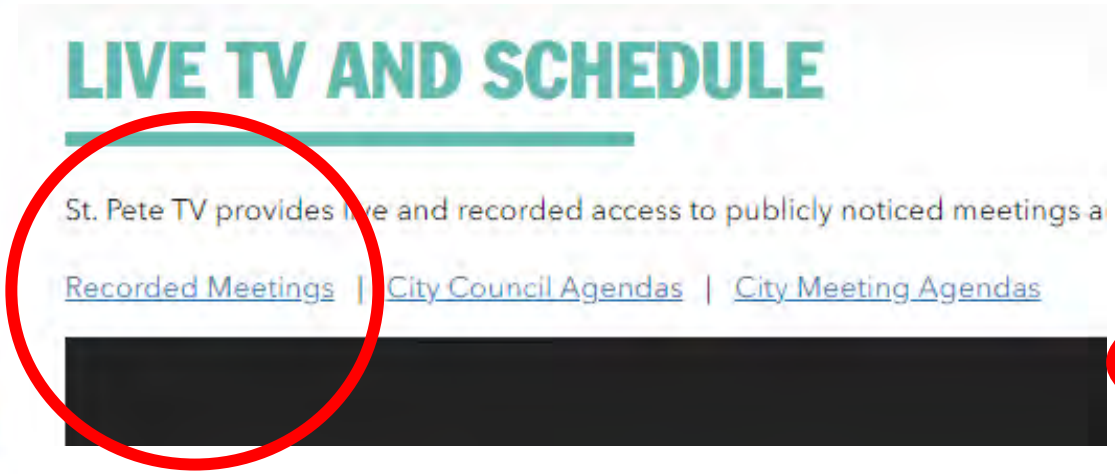
Option 1:

1. STPETE2050.COM
2. FIND “Presentation to Neighborhood…
3. CLICK “C.O.N.A.”

Option 2:

1. STPETE.ORG
2. CLICK “SPTV” Logo
3. SELECT “Recorded Meetings”
4. FIND “Committee of the Whole”





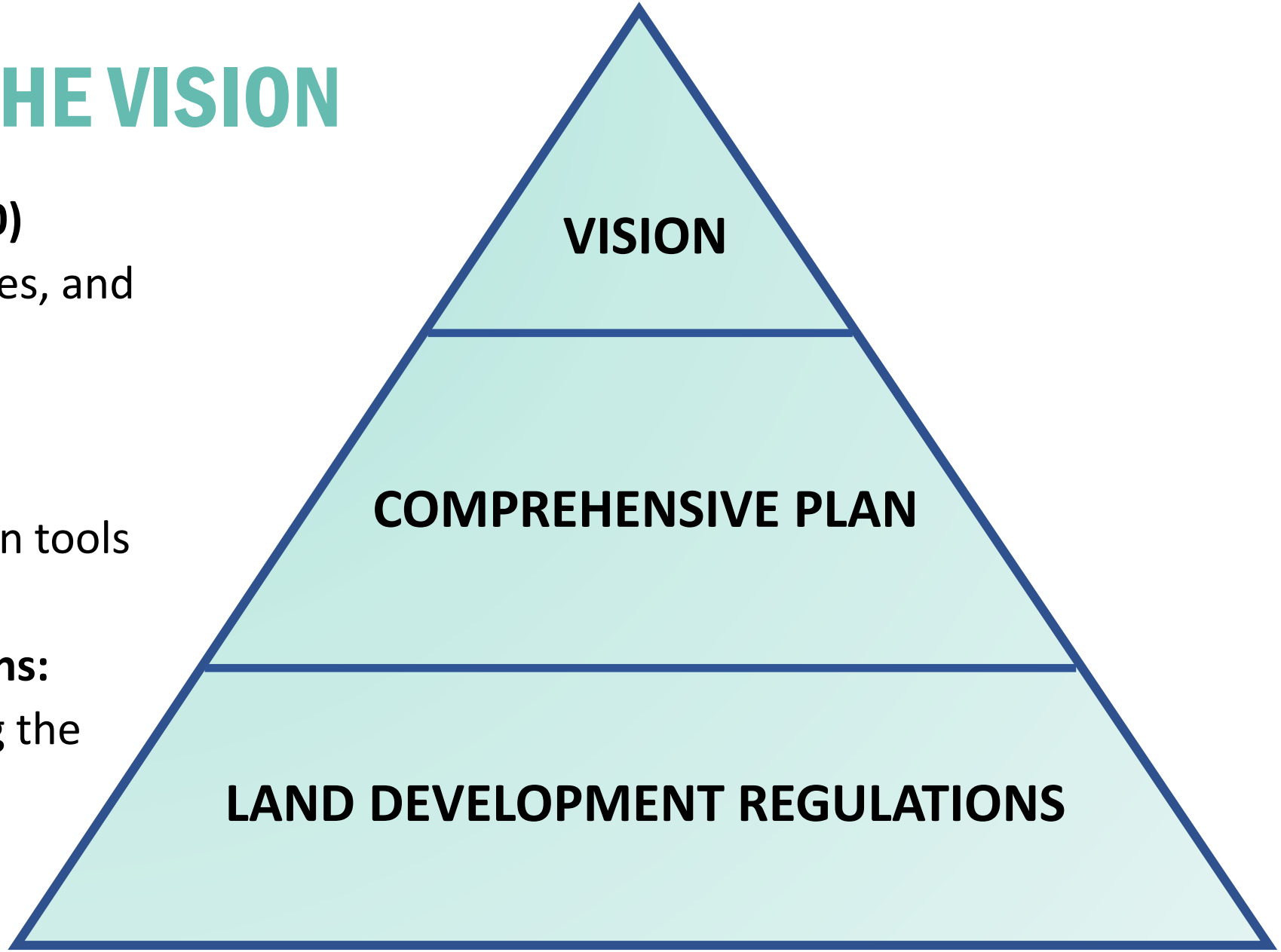


IMPLEMENTING THE VISION

Vision Document (StPete2050)
General guide for plans, policies, and programs.

Comprehensive Plan:
One of the key implementation tools

Land Development Regulations:
Primary tool for implementing the Comprehensive Plan



STPETE2050 PROJECT SCHEDULE

1. Project Initiation	2. Project Development	3. Plan Delivery	4. Plan Implementation
• Community Engagement Plans • Data Collection • Market Assessment • Future Opportunities & Challenges	• Community Engagement • Theme Area Best Practices / Alternatives • Develop Plan	• Community Engagement • Recommendations • Plan Documentation • Final Presentations • Plan Completion	• **Comprehensive Plan** • **Land Development Regulations (LDRs)** • Housing Plan • Other plans

Workshops

- **Where Have We Been?** Fall 2019
- **Where Do We Want To Go?** Spring 2020
- **How Do We Get There?** Fall 2020
- **Let's get it done!** 2021/2022

Community Outreach and Engagement

PLAN IMPLEMENTATION STEPS

SHORT-TERM: Update Comprehensive Plan and Land Development Regulations

- Summer 2021: Community Workshops
- 08/26/21: City Council Committee of the Whole (COW)
- 09/29/21: Community Workshop
- 10/13/21: Repeat Community Workshop (12:00 PM)
- 10/14/21: City Council: Housing Land Use and Transportation (Housing, Etc.)

Pending *Online preference survey*

- 11/04/21: City Council: Housing Land Use and Transportation (PSTA TOD)
- 12/09/21: City Council: Housing Land Use and Transportation (Industrial, Etc.)
- 02/24/22: City Council Committee of the Whole (COW)

Spring/Summer 2022: Adoption public hearings

MEDIUM-TERM: Periodic review of StPete2050; 3-5 years

COMPREHENSIVE PLAN STRUCTURE

Thirteen "Elements" that guide the development of the city

1. Vision
2. Future Land Use
3. Conservation
4. Coastal Management
5. Housing
6. Transportation and Mobility
7. Parks, Recreation and Open Space
8. Utilities
9. Capital Improvements
10. Intergovernmental Coordination
11. Historic Preservation
12. Education
13. Private Property Rights (in process)

FUTURE LAND USE ELEMENT UPDATE

Focus Areas:

- Sustainability & Resilience
- Urban design and community/neighborhood character
- Housing development opportunities
- Transit oriented development
- Industrial land utilization

BACKGROUND: POPULATION GROWTH & PROJECTIONS

Last 6 years

Population Increase: 15,430
Annual % Increase: 1.0%

2014 **252,372**

2020 **267,802**

2050

Population Increase	Annual % Increase	**Total Population**	**Growth Rate**
105,266	1.0%	**373,068**	**High**
59,105	0.6%	**326,907**	**High-Medium**
26,652	0.3%	**294,454**	**Low-Medium**
6,019	0.1%	**273,821**	**Low**

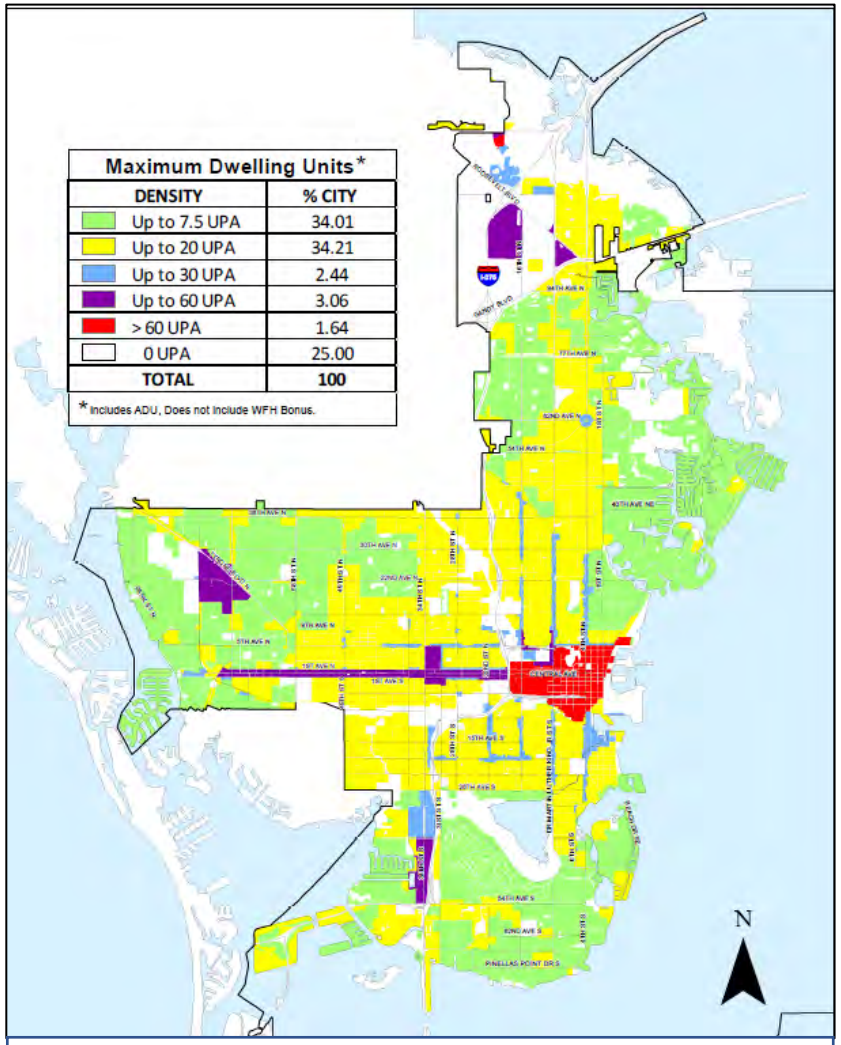
Sources: Census, Bureau of Economic and Business Research, Southwest Florida Water Management District, and Forward Pinellas

BACKGROUND: HOUSING PRODUCTION

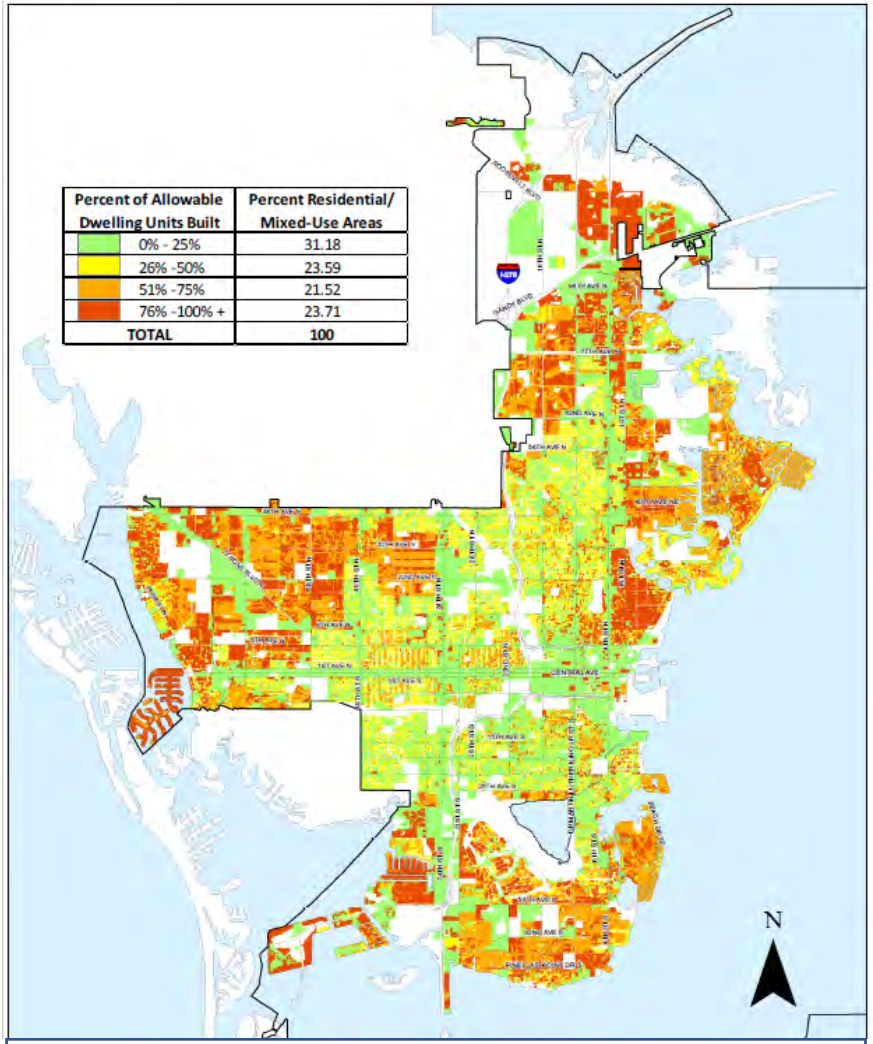
DWELLING UNIT CONSTRUCTION				
Unit Type	FY2001 to FY2020		FY 2021	
	Average Annual Unit Construction	Percent	Year-to-Date Unit Construction	Percent
Single Family	201	23%	292	28%
Townhome	129	15%	40	4%
Duplex	16	2%	18	2%
ADU	7	1%	43	4%
Multifamily 3-4	8	1%	6	1%
Multifamily 5+	526	59%	635	61%
Sub-Total	887	100%	1034	100%
Average Annual Demos	(209)		(161)	
Net Annual Unit Increase	**678**		**873**	

FUTURE DEMAND: Moderate growth scenario = 1,035 units/year; Strong growth scenario: = 1,550/units per year

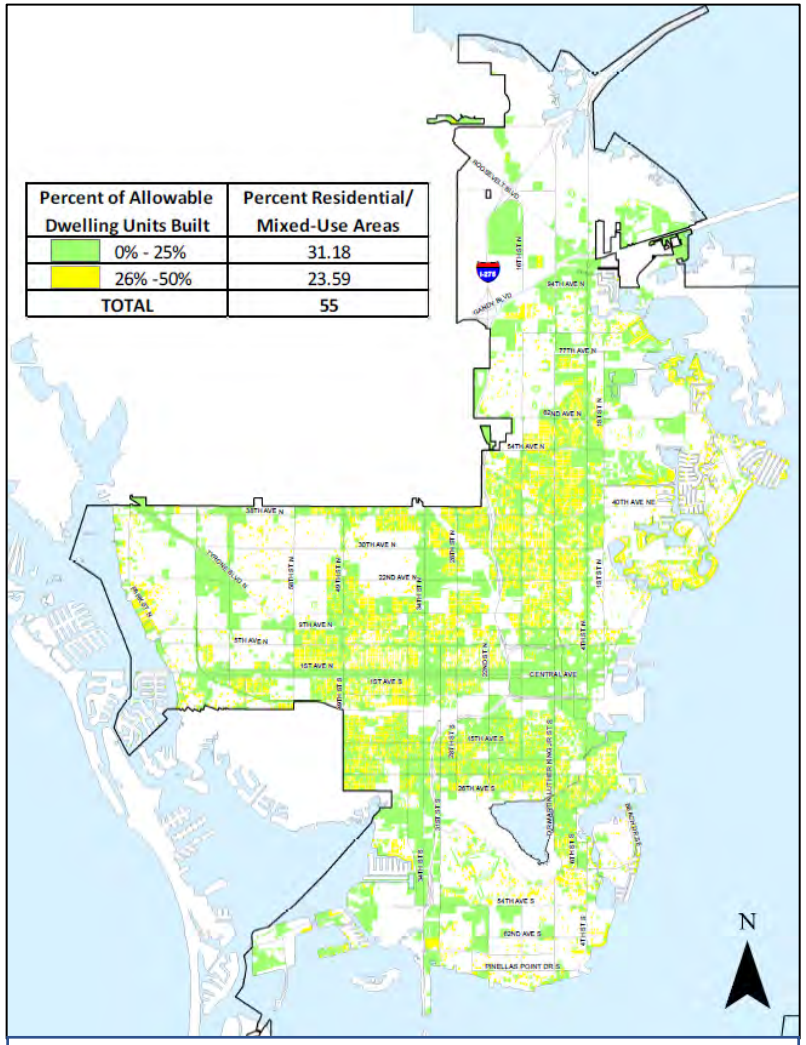
BACKGROUND: DENSITY



Current Allowable



Current Actual



Residential Infill

HOUSING: NTM "MISSING MIDDLE" ZONING CATEGORY

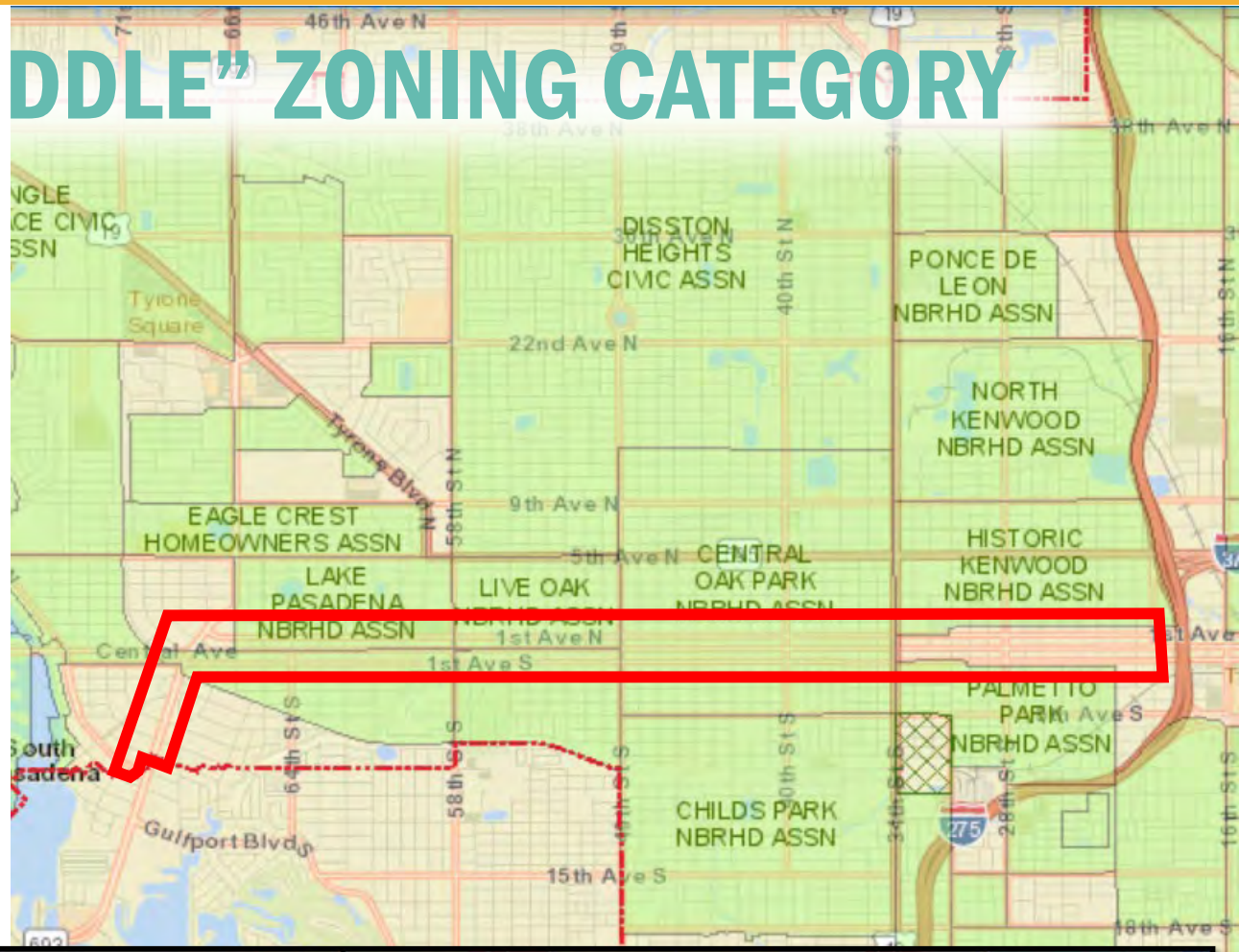


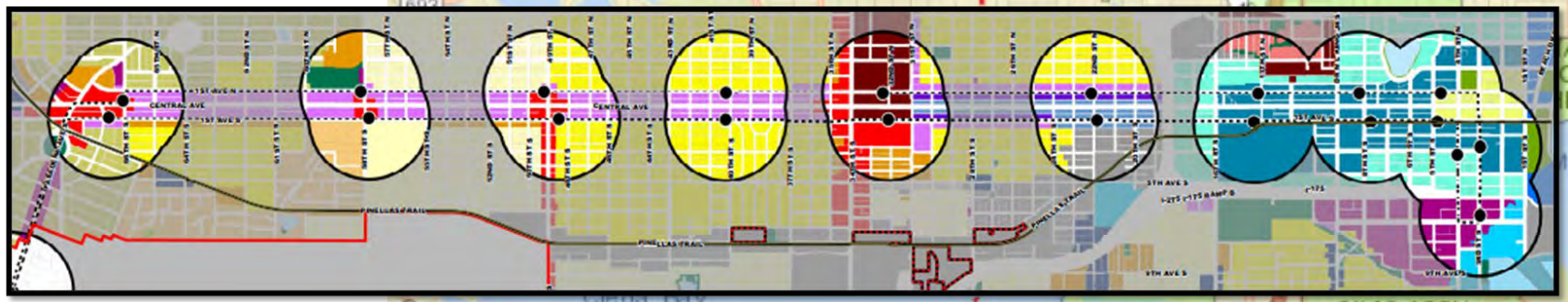




HOUSING: NTM "MISSING MIDDLE" ZONING CATEGORY

- Neighborhoods
- Corridors
  - Bus Rapid Transit
  - High Frequency Transit Routes
  - Future Major Streets
- High-quality bus transit that operates on 15-minute headway times
- The Central Avenue BRT is scheduled to begin service in 2022





HOUSING: NTM "MISSING MIDDLE" ZONING CATEGORY

- Neighborhoods
- Corridors
  - Bus Rapid Transit
  - High Frequency Transit Routes
  - Future Major Streets
- Roads that exist primarily to provide mobility for people and goods and interconnect residential and nonresidential areas; local or service roads are not considered major streets.
- Map 20 Comprehensive Plan



INDUSTRIAL PROPERTIES

STPETE2050 Vision Goals:

- Expand use mixes in industrial districts to reflect changing business and market innovations.

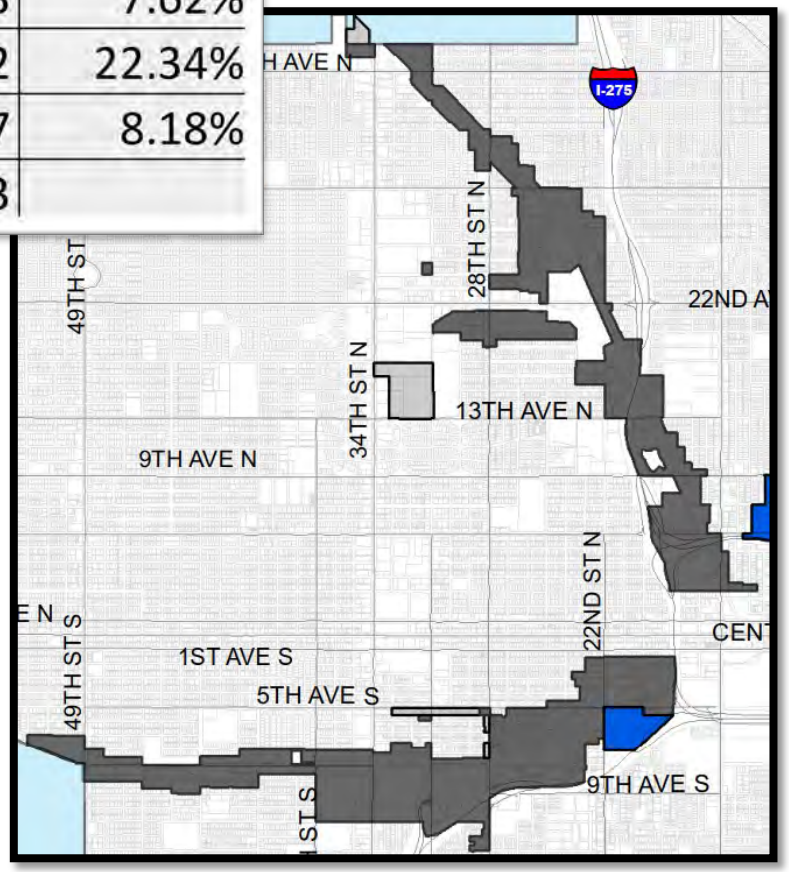
- Preserve industrial / employment centers to provide opportunities for all types of employment generating businesses.

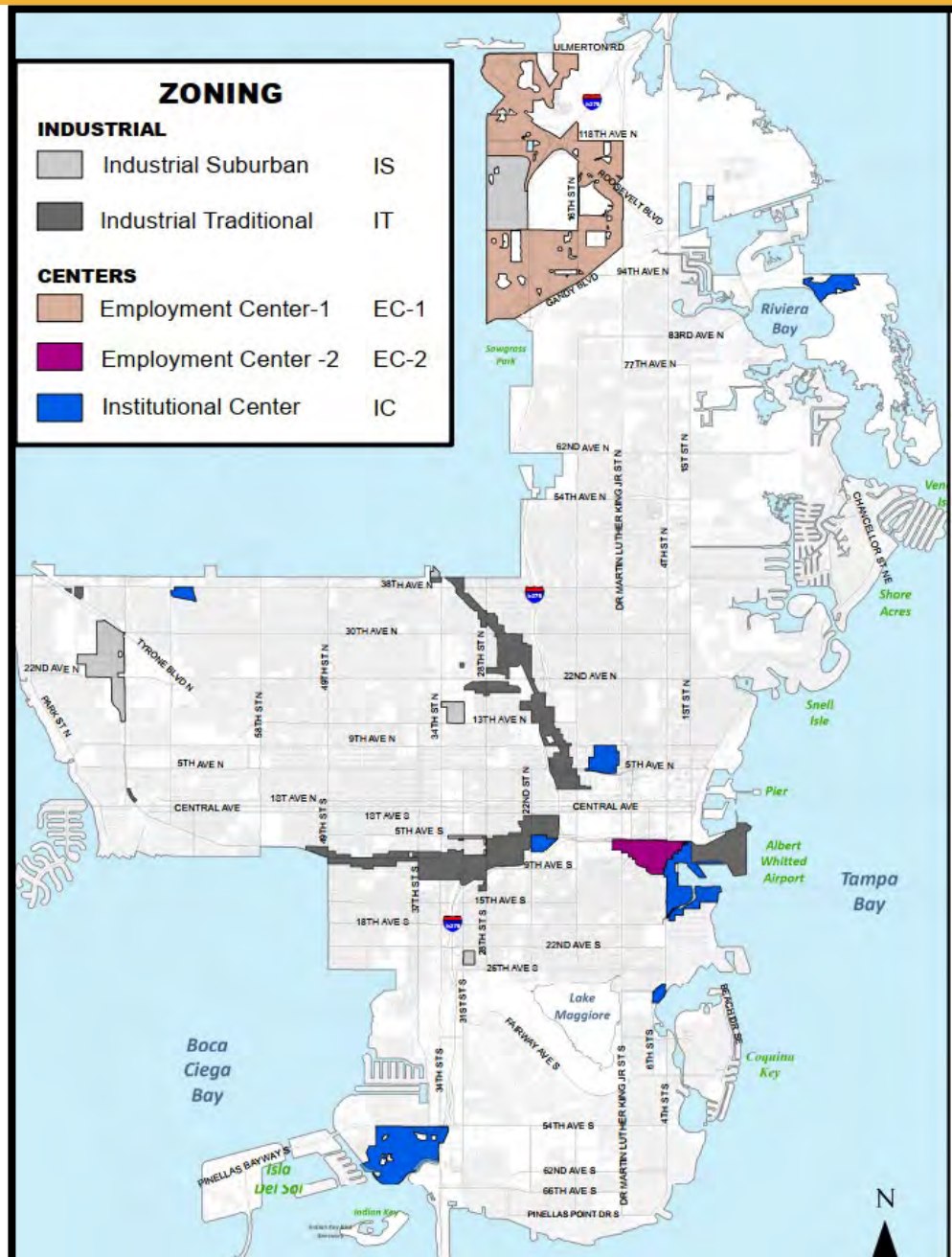


INDUSTRIAL PROPERTIES

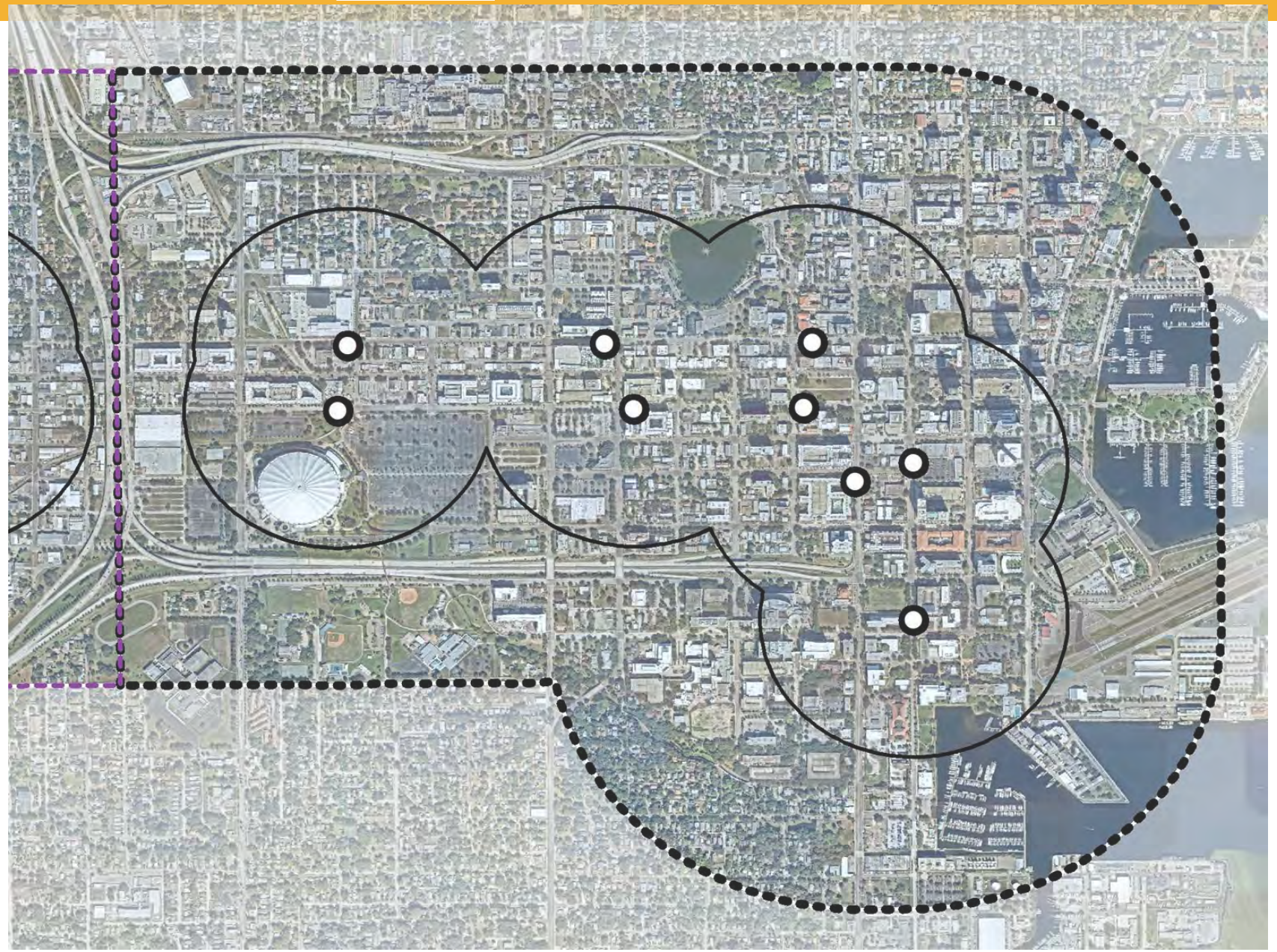
ZONING	ACRES	Vacant	% Vacant
EC-1	1,012.68	153.10	15.12%
EC-2	82.02	9.01	10.98%
IC	455.51	34.73	7.62%
IS	198.36	44.32	22.34%
IT	586.13	47.97	8.18%
Totals	2,334.71	289.13	

- 6% of the city
- IT - 1.5%





PSTA BRT STATION AREAS



TOD Supportive Review

Downtown



TOD Supportiveness

High Medium Low

Downtown

- 5.4 million SF of office
- 2.3 million SF of retail
- 500+ residential units under construction
- 72%-79% hotel occupancy since 2012

DOWNTOWN DEVELOPMENT PROJECTS

July 2021

Development Types: Residential | Hotel | Mixed-use | Commercial | Public

1. The Nolen – 126 4th Ave NE
Development Type: New
Status: Pending Site Plan Review
23-story: 31 DU, 1,260 sq. ft. commercial

2. Reflection – 302 Grove Street N
Development Type: New
Status: Site Plan Approval
18-story: 89 DU, 3,800 sq. ft. commercial

3. Galaxy Hotel – 316 1st Street N
Development Type: New
Status: Under construction
11-story: 100-room hotel

4. 440 3rd Avenue N
Development Type: New
Status: Site Plan Approval
21-story: 270 DU, 10,890 sq. ft. commercial

5. 226 17th Street N
Development Type: New
Status: CRA approval
2-story: 31 DU

6. 200 17th Street N
Development Type: New
Status: Permit review
6-story: 74 DU

7. The District on 9th – 931 Arlington
Development Type: New
Status: Under construction
3-story: 34 town homes



8. 1750 2nd Avenue N
Development Type: New
Status: Permit review
5-story, 33 DU

9. 1725 – 1735 1st Avenue N
Development Type: New
Status: Permit review
6-story, 50 DU

10. Ascent – 225 1st Avenue N
Development Type: New
Status: Under construction
36-story: 172 hotel rooms, 354 DU, 6,000 sq. ft. commercial

11. The Metro – SE corner 1st Avenue and 11th Street N
Development Type: New
Status: Permit review
11-story: 100 DU

12. Belpointe –1000 1st Avenue N
Development Type: New
Status: Site plan approval
Two 15-story, 254 DU, 21,463 sq. ft. commercial

13. 450 1st Avenue N
Development Type: New
Status: Site plan approval
28-story: 110 hotel rooms, 165 DU, 73,145 office, 6,000 sq. ft. commercial

14. 900 Central Ave
Development Type: New
Status: Site plan approval
13-story: 226 DU, 30,361 sq. ft. commercial

15. 400 Central – 400 Central Avenue
Development Type: New
Status: Permitting
46-story: 301 DU, 43,223 sq. ft. office, 61,128 sq. ft. commercial

16. Tropicana Site – 200 16th Street S
Development Type: Redevelopment
Status: Concept Plan Complete
9-million sq. ft. mixed-use development & new stadium

17. The Black –333 2nd Avenue S
Development Type: New
Status: Under construction
20-story: 51 DU, 10,400 sq. ft. commercial

18. Modera – 201 17th Street S
Development Type: New
Status: Under construction
36-story: 172 hotel rooms, 354 DU, 6,000 sq. ft. commercial

19. 334 2nd Ave S. – 334 2nd Avenue S
Development Type: New
Status: Under construction
24-story: 203 DU, 13,887 sq. ft. commercial

20. SW corner of 3rd Avenue S and 7th Street S
Development Type: New
Status: Permit review
3-story: 12 DU

21. 644 3rd Avenue S
Development Type: New
Status: Permit review
8-story: 40 DU

22. Saltaire – 333 1st Street S
Development Type: New
Status: Under construction
35-story: 197 DU, 9,681 sq. ft. commercial space

23. 357 5th Street S
Development Type: New
Status: Permit review
5-story: 25 DU

24. Camden – 201 4th Avenue S
Development Type: New
Status: Site plan approval
Phase II - 18-story: 95 DU

DOWNTOWN DISTRICT CHANGES - 2019

Modifications to Use Permissions and Parking Requirements Matrix

- Drive-thrus no longer permissible
- Reduce parking requirements by 50% for retail, restaurant, brewery and service uses

Additional Purpose and Intent Language

- Clarification of the desired character of the Downtown Center

Modifications to Standards for "A" and "B" Streets

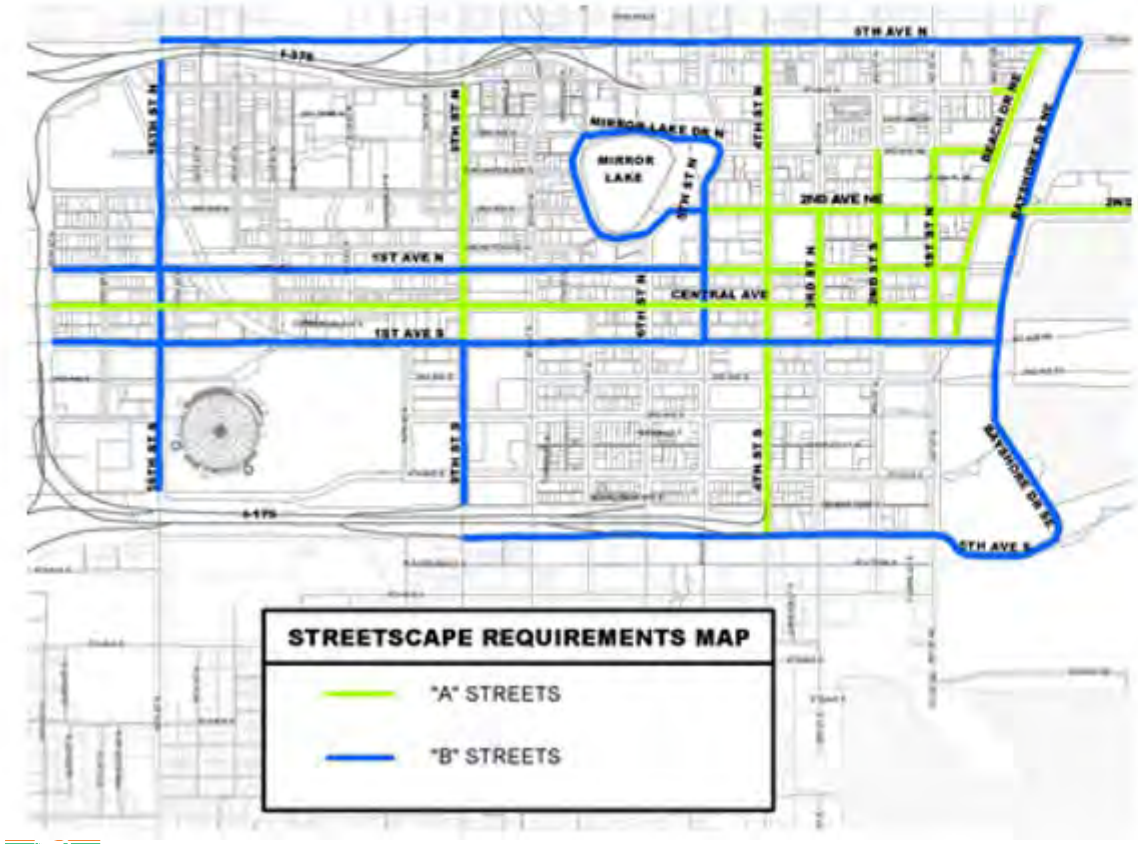
- Elimination of non-residential support services, excluding lobbies, counting towards the required active uses along Pedestrian A and B Streets.
- Require 20% active pedestrian uses including non-residential support services along Pedestrian B Streets.
- Streetscape design flexibility language added

DOWNTOWN DISTRICT CHANGES - 2019

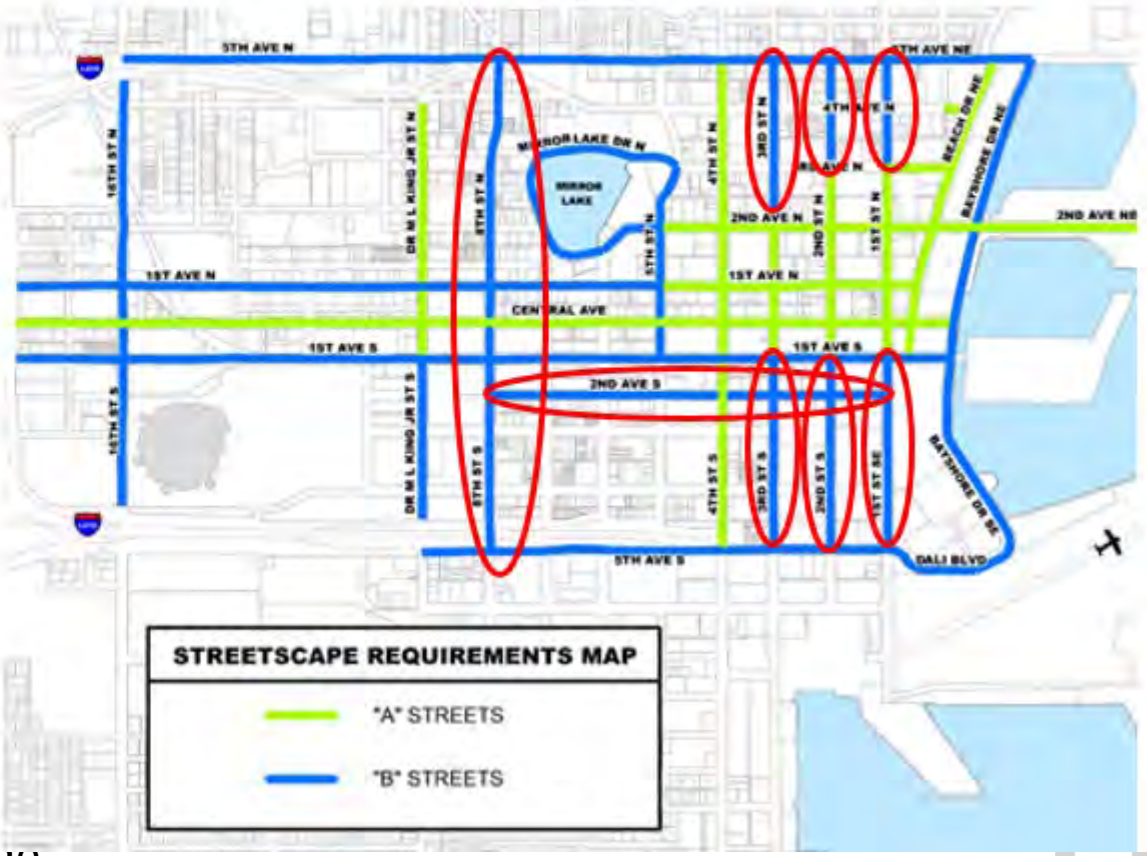
Modification to the Streetscape Requirement Map

- Designate additional “B” level streets

Existing



Proposed



DOWNTOWN DISTRICT CHANGES - 2019

Modification to existing FAR exemptions.

- Increase exemption for workforce housing (currently limited to 0.5 FAR)
- Eliminate DC-Core exemption for 10,000 sq. ft. minimum square foot retail uses (up to 0.5 FAR)
- Eliminate redundant exemptions
- Eliminate exemptions that are required by building design regulations
- Clarify existing exemptions

DOWNTOWN DISTRICT CHANGES - 2019

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- Eliminate redundant exemptions
- Eliminate exemptions that are required by building design regulations
- Clarify existing exemptions

DOWNTOWN DISTRICT CHANGES - 2019

Modification to existing FAR exemptions.

- Prioritize workforce housing as first 1.0 bonus for all approval levels and increase fee to 0.50% of construction value per 0.5 FAR bonus
- Require historic preservation as first 0.5 bonus for projects involving local landmark historic properties
- Eliminate certain bonuses
  (mass transit, public art and screening parking garages)

New FAR Bonus Options

- LEED certification (silver or gold)
- Affordable commercial space

DOWNTOWN DISTRICT CHANGES - 2019

Modifications to existing Open Space requirements.

- Expand payment in lieu option to DC-2 and DC-3
- Allow architectural features to encroach 50% over required open space above 12 feet

Modifications and clarification of existing Site and Building Design Regulations

- Prioritize vehicular connections
- Require neck-outs for ½ block or greater development projects
- Garage screening
- Other design clarifications

DOWNTOWN DISTRICT CHANGES - 2019

Public Art

- New section changes public art from a bonus to a requirement for new construction and additions:
  - 0.50% construction value, up to $100,000 – on-site
  - 0.25% construction value, up to $50,000 – pay-in-lieu option

Building Construction

- New section requiring a “Construction Action Plan” for projects that require site plan review

DOWNTOWN DISTRICT CHANGES - 2019

Modification to Parking and Loading, Design Standards

- Increase allowable off-site parking radius to 1,000 feet
- Allow compact parking spaces for all uses
- Require minimum percent EV parking for parking garages (citywide)
  - Residential - 15% EV Ready, 2% EVSE Ready
  - Non-residential – 20% EV Ready, 2% EVSE installed

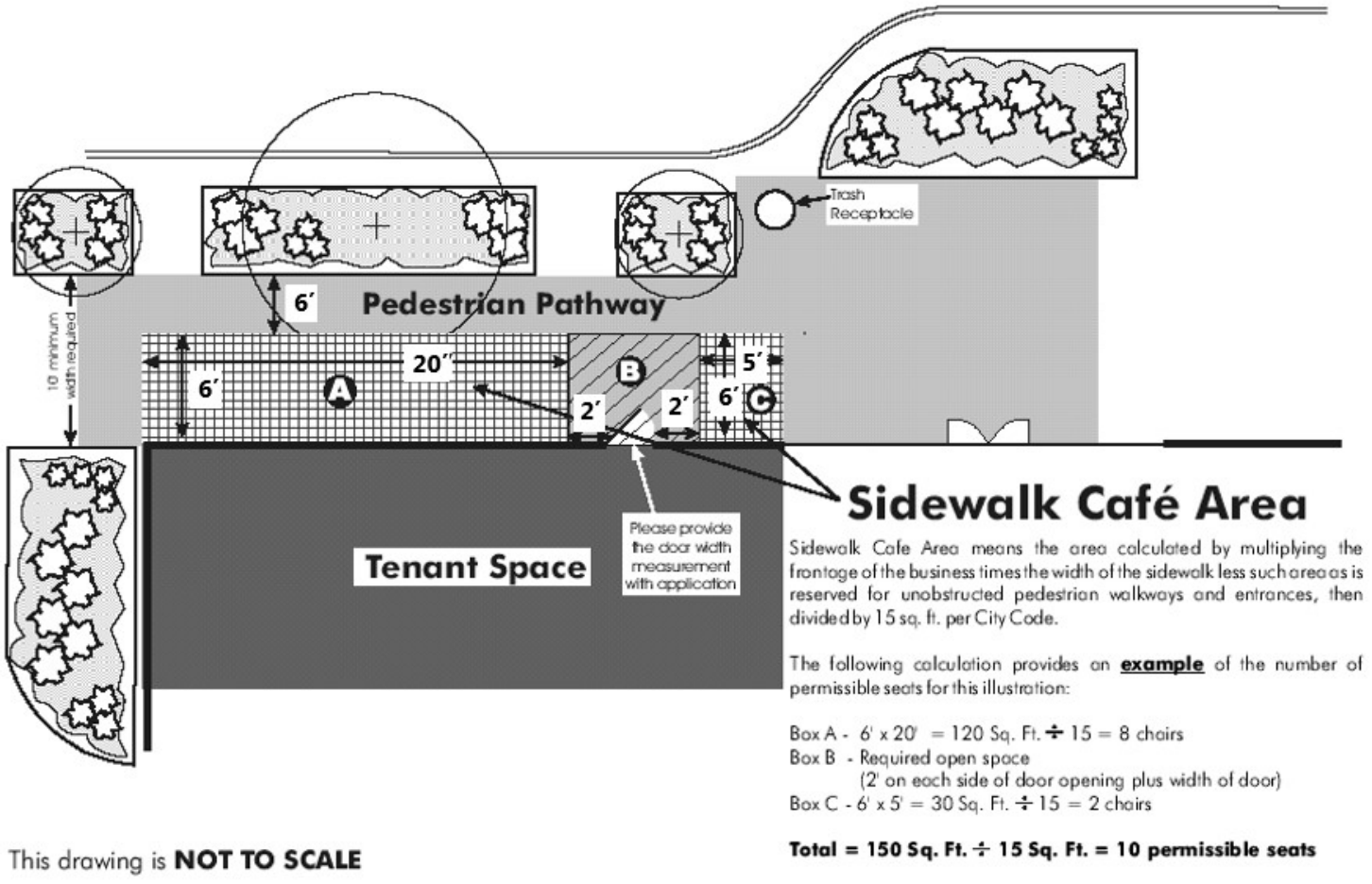
Sidewalks

- Allow reduction in width from 10 feet to 8 up to 50% of length for landscape and street furniture installations

DOWNTOWN DISTRICT CHANGES - 2019

Modifications to Sidewalk Café Requirements

- Increased the minimum pedestrian path to 6 feet



Sidewalk Café Illustration

TENANT NOTICE OF DEVELOPMENT- 03/2020

Projects subject to a planning and zoning decision under 16.70.040 which involve demolition of four or more existing occupied multi-family dwelling units at time of application shall provide a written notice of intent to develop to all tenants residing on the subject property at least 90 days prior to issuance of a building permit. Evidence of notice shall be provided to the POD. No permits shall be issued for the subject property until such time as the 90-day period has expired.

PENDING DOWNTOWN PLANNING INITIATIVES:

DOWNTOWN WORKFORCE HOUSING FEE-IN-LIEU

- First Reading – November 9th
- Second Reading, Public Hearing – December 9th

PLAZA PARKWAY STREETSCAPE UPDATES

- Spring 2022

DOWNTOWN WATERFRONT MASTER PLAN UPDATE

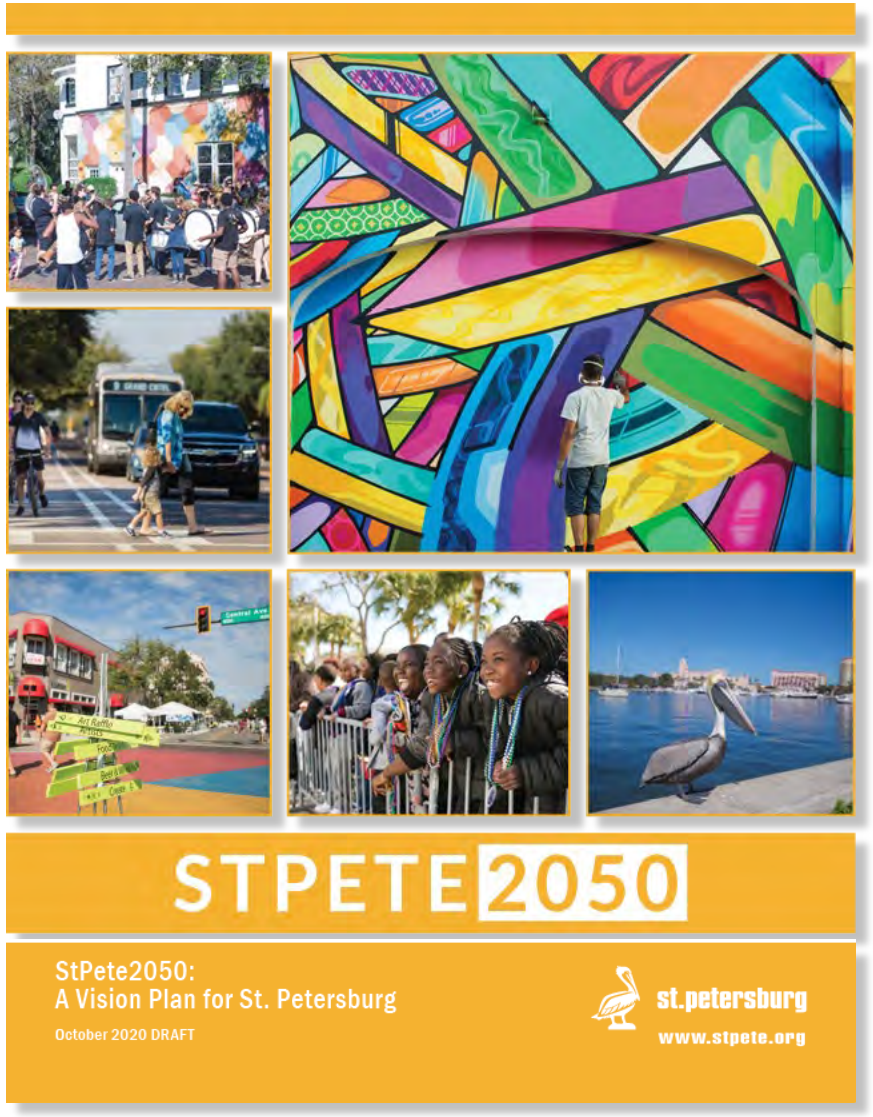
- January/February 2022 – workshop
- Adoption by June 2022

Workforce Housing Pay-in-lieu Fee Increase Analysis

Floor Area Ratio (F.A.R.) Workforce Housing (WFH) Bonus Approvals in the Downtown Center Zoning Districts

2019 DC Code amendment to present (June 2021)

Permitted Projects	Zoning	Construction Cost	Base F.A.R. / Sq. Ft.	Bonus F.A.R. / Sq. Ft.	Total F.A.R. / Sq. Ft.	Bonus Types	Current WFH pay-in-lieu: 0.25% of construction cost	Proposed WFH pay in lieu: 0.5% construciton cost
644 3rd Ave S SPR 20-31000009	DC-2	$ 9,148,500.00	3 60,291	0.3 5,665	3.3 65,956	WFH Pay-in-lieu	$13,722.75	$27,445.50
357 5th St S SPR 20-31000013	DC-2	$ 2,900,000.00	3 18,801	0.8 4,556	3.8 23,357	WFH Pay-in-lieu	$18,850.00	$37,700.00
Total of permitted projects							$32,572.75	$65,145.50
Approved Projects								
302 Grove Street SPR 20-31000002	DC-2	$44,000,000.00	3 87,117	4 116,156	7 203,273	WFH pay-in-lieu Historic TDR's	$220,000.00	$440,000.00
450 1st Ave N SPR 20-31000017	DC-C	$85,000,000.00	4 84,237	4 140,395	8 224,632	WFH Pay-in-lieu Historic TDR's	$425,000.00	$850,000.00
900, 936, 954 and 956 1st Ave N SPR 21-31000002	DC-1	$70,000,000.00	3 244,740	2 162,364	5 407,104	WFH Pay-in-lieu Screen Garage	$350,000.00	$700,000.00
114 4th St S and 333 2nd Ave S SPR 21-31000003	DC-1	$40,000,000.00	3 57,000	4 76,000	7 133,000	WFH Pay-in-lieu LEED Certification Historic TDR's	$200,000.00	$400,000.00
201 17th St S SPR 21-31000005	DC-2	$80,000,000.00	3 373,743	1 124,581	4 498,324	WFH Pay-in-lieu	$400,000.00	$800,000.00
201 4th Ave S and 330 3rd St S SPR 21-31000006	DC-1	$30,000,000.00	3 405,867	1.16 157,347	4.2 563,214	WFH Pay-in-lieu Screen Garage	$105,000.00	$210,000.00
900 Central SPR 20-31000007	DC-1	NA	3 108,900	2 72,600	5 181,500	WFH build (10% = 23 units)	NA	NA
Total of approved projects							$ 1,700,000	$ 3,400,000
Total Approved and Permitted							$ 1,732,572.75	$ 3,465,145.50



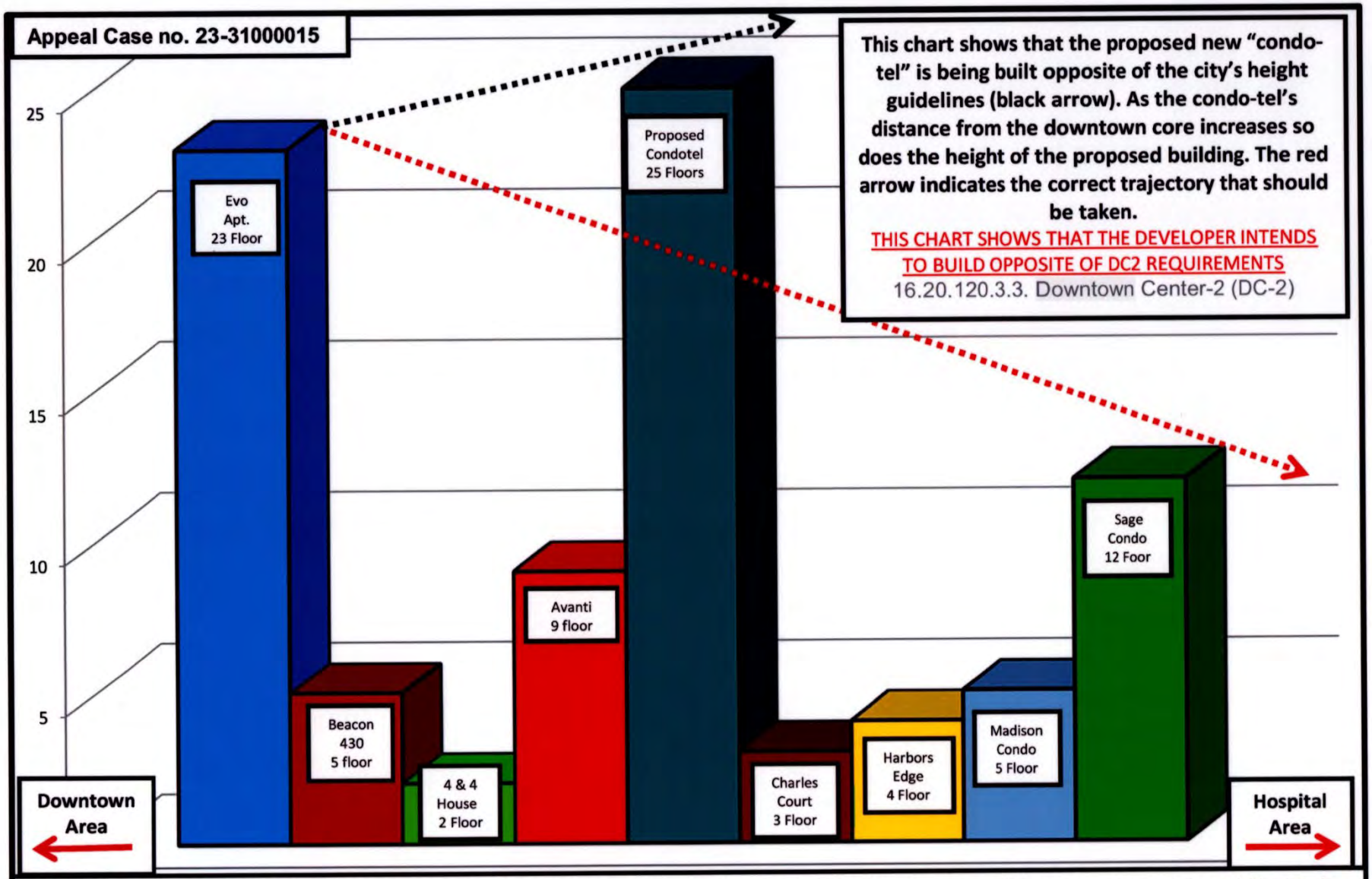
DISCUSSION

Elizabeth Abernethy, Director
Planning and Development Services Department
Elizabeth.Abernethy@stpete.org

DOWNTOWN NEIGHBORHOOD ASSOC.

OCTOBER 13, 2021

Appeal Case no. 23-31000015



This chart shows that the proposed new "condo-tel" is being built opposite of the city's height guidelines (black arrow). As the condo-tel's distance from the downtown core increases so does the height of the proposed building. The red arrow indicates the correct trajectory that should be taken.

THIS CHART SHOWS THAT THE DEVELOPER INTENDS TO BUILD OPPOSITE OF DC2 REQUIREMENTS

16.20.120.3.3. Downtown Center-2 (DC-2)

This district (DC2) provides for intense residential development that still allows for a mixture of uses that enhance and support the core and surrounding neighborhoods, including the domed stadium. The district also allows support retail and office uses which assist the residents with the daily needs of living within this highly urbanized neighborhood. The district establishes performance standards and design guidelines appropriate to urban form residential buildings. Heights in this district begin to taper down as development sites become less proximate to the core and transition to surrounding neighborhoods. However, base setbacks still apply, creating a pedestrian-scale environment at the sidewalk level

Buildings to scale - The numbers on the left side of the chart indicate number of floors



4th St & 2nd Ave S corner

This post was contributed by a community member. The views expressed here are the author's own.

Community Corner

Residents Angry about Noise from Skybar

Residents living near Skybar at the Mondrian Hotel say loud music cane from the trendy bar until 2 a.m. on Sunday, keeping many awake, forcing others to leave their homes to sleep elsewhere for the night

James F. Mills, Neighbor

Posted Mon, May 21, 2012 at 1:45 pm PTUpdated Tue, May 22, 2012 at 1:28 pm PT









It seems the wasn't the only event impacting neighbors over the weekend. Residents living adjacent to Skybar at the Mondrian Hotel on Sunset Boulevard also put up with loud music playing until 2 a.m. on Sunday. The trendy night spot's conditional use permit previously had music ending at 10 p.m., but apparently that was changed last week.

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Below is a letter resident Henry Scott sent to each of the five City Council members as well as City Manager Paul Arevalo:

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Dear Mayor and Council Members:

On this past weekend, some two dozen people were made miserable by a city decision to permit the Mondrian Hotel's Skybar to perform loud music outdoors and past the normal (10 p.m.) cutoff period for such noise. On Saturday, several of my neighbors actually booked hotel rooms or made plans to stay with friends because they would not be able to sleep in their own homes because of noise from the Skybar.

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In this past weekend's case, the city not only allowed loud noise until 2 a.m. Sunday and permitted a live band, it also allowed the Skybar to broadcast the music through outdoor

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Code Compliance manager finally agreed to require the Mondrian to install a previously required noise/sound wall if it wants to broadcast music outside.

That decision was a long time coming, as previously the Code Compliance manager and the Community Development director have simply changed the Mondrian's development permit each time it violated elements of the permit related to noise so that the Mondrian would be in compliance. (A good analogy would be a lax parent who changes a child's curfew to accommodate the child each time he or she violates it.)

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So for this past weekend, the city didn't just change the cutoff hour stated in the noise ordinance, which is usual with such permits, it actually permitted a different action otherwise barred.

Since its opening in 1996, the Skybar has consistently violated the noise ordinance, with little or no response from the City of West Hollywood. My question now, and that of my neighbors, is whether there are any restrictions the city is willing to put on a venue like the Skybar. So far, the answer seems to be no.

If it permits the Skybar to broadcast music outdoors, which is otherwise barred, will it permit the Skybar to hire helicopters to hover over its roof and have dancers slither down ropes to the outdoor pool? Will it permit the Skybar to stage July 4 explosions of fireworks? Will it permit the Skybar to play loud music for 24 continuous hours?

There need to be some limits in this permitting process. We would argue that permits should allow venues only to extend the period in which they can have performances that

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would otherwise violate the noise ordinance, and then only by a reasonable number of hours.

Permits **should not allow a venue to perform activities that otherwise are illegal**, which has been the case here. Also, permits should not be automatically granted. A venue is required to distribute a written notice to neighbors alerting them that a permit has been granted to violate the noise ordinance.

Venues adjacent to residential areas also should be required to distribute a written notice that a permit has been **requested** so that neighbors can contest it. In the case of the Mondrian, the city always grants its permit requests, despite the fact that it has been a consistent violator of the law.

And of course a bigger, and core, issue is why the city would grant a permit for music and entertainment to a venue that lacks a wall and roof.

This is not an issue that will go away, unless you take action on it. City officials so far show much more interest in making the Mondrian and its owners happy than in the quality of life of city residents. As a relative newcomer to West Hollywood, I'm amazed to learn that I live in a city where the quality of life of minks and dogs gets more official attention than that of its residents.

Residents of West Hollywood are asking themselves: Who owns West Hollywood? At some point, we will be successful in effecting the sort of change that allows us to answer: We do!

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Sincerely,

Henry E. Scott

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We've removed the ability to reply as we work to make improvements. Learn more here

The views expressed in this post are the author's own. Want to post on Patch? Register for a user account.

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Crime & Safety | Jan 28

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Phoenix-area homeowners want protections from out-of control short-term rentals

A Scottsdale neighborhood has seen loud parties due to a short-term rental, and residents want politicians to act.

By Jason Barry

Published: Jan. 24, 2024 at 8:31 PM EST

SCOTTSDALE, AZ (3TV/CBS 5) — A Valley couple claims their peaceful neighborhood has been rocked by loud parties and constant chaos due to a short term rental and they want politicians to act.

Blake and Dee Dee Bottle love hanging out and relaxing in their backyard, off 67th Street and Dynamite Boulevard near north Scottsdale. But the couple claims that's just not possible on most weekends because of all the crazy out-of-control parties at the short-term rental house next door. "There's music during the day and loud, there's screaming," said DeeDee Bottle. "They are hitting golf blls into our yard, teeing them up, not chipping, teeing them up. I am afraid for my grandkids." The Bottles are among a growing number of unhappy homeowners who feel they have nowhere to turn when it comes to a short-term rental property Arizona News Watch Live Weather Suns Games Video causing chaos in their community. A few weeks ago, the Bottles say they called to complain about a wild party at their neighbor's house that had people parading across their property and dozens of cars parked out front. It didn't help. "When I called the property manager, we're told you are lying, that didn't happen, we have a security guard," said Blake Bottle. "Here is the security guard's number, call him yourself. My response is, that's not my job, that's your job."

George Chebat, with the Enara Law PPLC, represents the property management company that operates the rental next to the Bottles.

He sent Arizona's Family this statement:

> *Any short-term rental guests associated with the property have complied with all state and local laws and regulations. Any allegation of unlawful activity is baseless and unfounded, as law enforcement reports have never found any unlawful activity at the associated property by short term rental guests.*
>
> — *George Chebe, Enara Law Group*

The Bottles happen to live on a county island, which means the short-term rental next door is not subject to the same regulations as cities like Phoenix and Scottsdale.

Kate Bauer, with the Arizona Neighborhood Alliance, is helping lead the fight to get state lawmakers to pass new laws that would give control of short term rentals back to cities and towns. She said until that happens, homeowners like the Bottles will continue to suffer. "This is a situation that affects every area differently," said Bauer. "Some places are saturated with them, some don't have them at all, so it has to go back to cities and towns so they can control it, as it needs to be controlled."

"We shouldn't have to live like this and people that say everybody should have an Airbnb, it's their right, well, you are not living next door to one," said DeeDee Bottle.

A number of bills have been proposed at the Arizona Legislature to address short-term rental issues, but there are no guarantees any of them will pass, said Bauer.

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Sky Bar owner sues city of North Myrtle Beach over noise ordinance

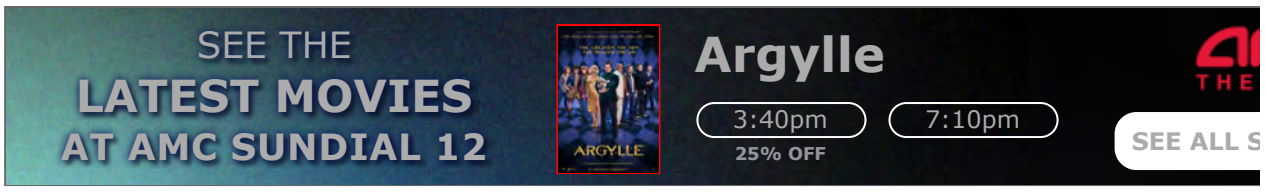
By WMBF News Staff
Published: Jul. 6, 2022 at 10:44 AM EDT

NORTH MYRTLE BEACH, S.C. (WMBF) – A federal lawsuit has been filed against the city of North Myrtle Beach over its noise ordinance.

The American Civil Liberties Union (ACLU) of South Carolina filed the lawsuit on Tuesday. It lists the plaintiff as Michael Moshoures, the owner of the Sky Bar. The defendants named in the case are the city of North Myrtle Beach, Mayor Marilyn Hatley and Police Chief Tommy Dennis.

The lawsuit claims the city's noise ordinance is a violation of free speech, criminalizes protected speech and is "so vague that it promotes discriminatory enforcement."

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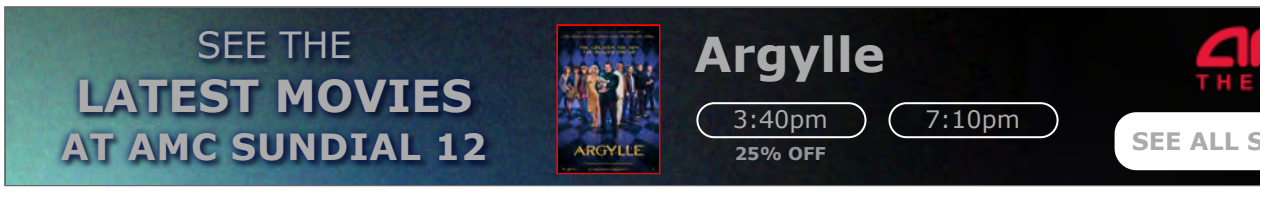
The ordinance states that obscene and vulgar music cannot be louder than 30 decibels between 11 p.m. to 7 a.m. and can't be louder than 50 decibels from 7:01 a.m. to 10:59 p.m.

MORE INFORMATION | North Myrtle Beach noise ordinance

According to the lawsuit, 30 decibels is equivalent to leaves rustling.

The lawsuit argues that by prohibiting what they deem offensive music, even played at low volumes, the city of North Myrtle Beach has criminalized a large amount of protected speech.

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"The Supreme Court has explained that 'music is one of the oldest forms of human expression' and has held that 'the Constitution prohibits any . . . attempts' to "censor musical compositions to serve the needs of the state," according to the lawsuit.

Court documents also claim that Moshoures has received several warnings under the noise ordinance and has caused him to lose business.

"On more than one of those occasions, the police entered Sky Bar 'like a SWAT team,' forced the DJ to stop the music, and turn the lights on. Each time this occurs, Sky Bar loses customers and revenue," the lawsuit states.

The lawsuit seeks to stop the enforcement of the noise ordinance.

WMBF News asked the city of North Myrtle Beach about the lawsuit on Wednesday.

"We are aware a lawsuit has been filed, at this point no documents have been served. It is city policy to not comment on any pending litigation," said North Myrtle Beach spokesperson Donald Graham.

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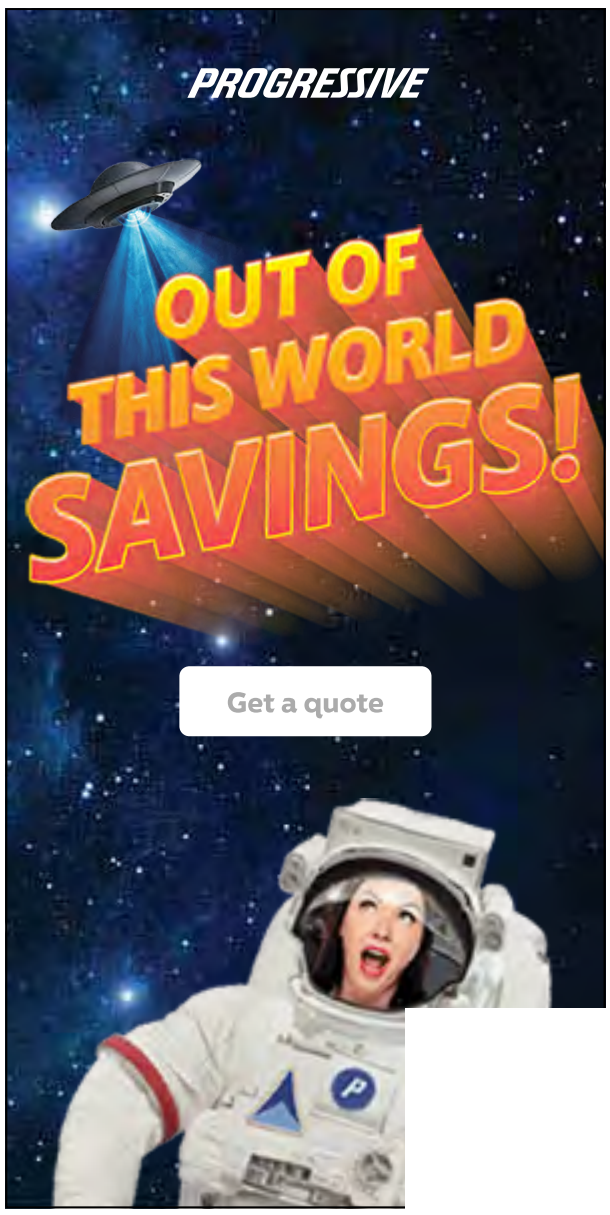
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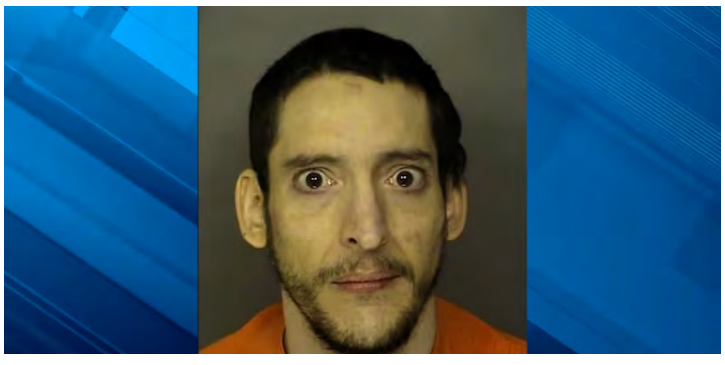




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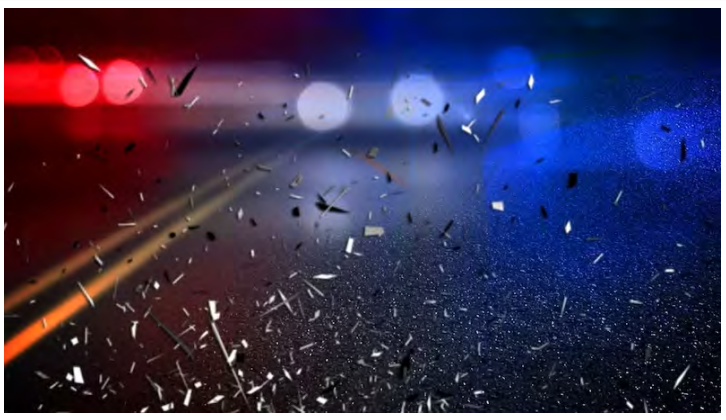


DIGITAL DESK: Bond hearing for suspect connected to murder near Myrtle Beach store



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Man found dead at Myrtle Beach store identified; suspect denied bond

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Vacation rental bill passes in Florida Senate

By MITCH PERRY, Florida Phoenix
Feb 5, 2024



State Sen. Nick DiCeglie, R-Indian Rocks Beach

Florida lawmakers took significant steps Feb. 1 toward regulating short-term vacation rental platforms like Airbnb and Vrbo, but local officials fear that the measure won't resolve the conflicts that have existed for years in their communities.

That said, the Florida Senate passed a measure (SB 280) that includes the issue of occupancy for statewide vacation rental regulations:

The bill says that the maximum overnight occupancy of a vacation rental cannot exceed two persons per bedroom, plus an additional two persons in one common area, or more than two persons per bedrooms if at least 50 square feet per person, plus an additional two persons in one common area, whichever is greater.

The bill also gives the property owner up to 15 days to cure a problem.

South Florida Democratic Sen. Jason Pizzo said that's too long. He said that most short-term renters who may be creating a problem would have ended their stay by that time. Pizzo did not vote for the bill.

The measure also allows local governments to charge a "reasonable fee" to a vacation rental owner to register the property. If there's a problem with that registration, the owner could be fined up to $500.

And a vacation rental registration can be suspended for violations of an ordinance that does not apply solely to vacation rentals — but only if there have been five or more violations on five separate days during a 60-day period. It can be suspended for up to 60 days for one or more violations on five separate days during a 30-day period, and up to 90 days for one or more violations after two prior suspensions.

In addition, the bill says that a responsible party who is "capable" of responding to complaints or emergencies related to a vacation rental must be available by telephone 24 hours a day and seven days a week.

But opponents say that could end up being a 1-800 answering service number.

Overall, state Sen. Nick DiCeglie, a Republican from Indian Rocks Beach, said the legislation is a "fair and balanced" approach to an issue that has divided residential communities and the rights of property owners in recent years.

While conceding that every community in Florida is separate and distinct, he said that a state law is needed to prevent local ordinances, which he says are being used by local governments "as a weapon to stop vacation rentals from operating at all."

"I have a fundamental problem with that," he declared in his closing statement on the Senate floor.

Broward County Democratic Sen. Tiny Polsky said it was impossible to balance the rights of everyone living in areas with vacation rentals, which is why she said the power to regulate these platforms should go to the local governments.

“You talk about the property rights of people,” she said. “I get it … but equally so are the rights of people who buy the house next door, who expect it to be quiet and peaceful and raise their family there. And so how do you ever come up with the right balance in a state this size? You can’t. And that’s why, like so many other things, you shouldn’t preempt local government.”

Pizzo expressed frustration and anger in voicing his opposition to the proposal.

“If someone in my district is harmed by an Airbnb renter, I’m going to blame the people who voted for this bill,” he said.

“That’s not fair,” DiCeglie countered. “That’s not right.”

The measure was supported mostly along party lines, but its equivalent in the Florida House (HB 1537) still has more committee stops to go to try to mesh with the Senate version.

Meanwhile, in a House subcommittee Feb. 1, Panhandle-area Republican Philip Wayne Griffitts Jr. is sponsoring the vacation rental measure and the House and Senate are not the same.

For example, the House limits local governments from charging only $150 to register a vacation rental.

The House version also says that to respond to a complaint or emergency related to a vacation rental, the responsible party would have up until 9 a.m. the next calendar day to respond to that complaint.

Among those who testified in the subcommittee against the proposal was Alison Dennington, who was just elected last November as mayor of Melbourne Beach, which is considered the oldest beach community in Brevard County. In her campaign last year, Dennington said that she wanted to create a hotline to report on problematic short-term rentals.

She said that the controversy over the regulation of short-term vacation rentals is a huge issue for small towns like hers, and the voices of those communities aren’t respected in Tallahassee.

She also told the Florida Phoenix that if the Legislature does approve a measure related to vacation rentals this year, the only solution would be a grassroots effort to put up a citizen’s amendment to the Florida Constitution.

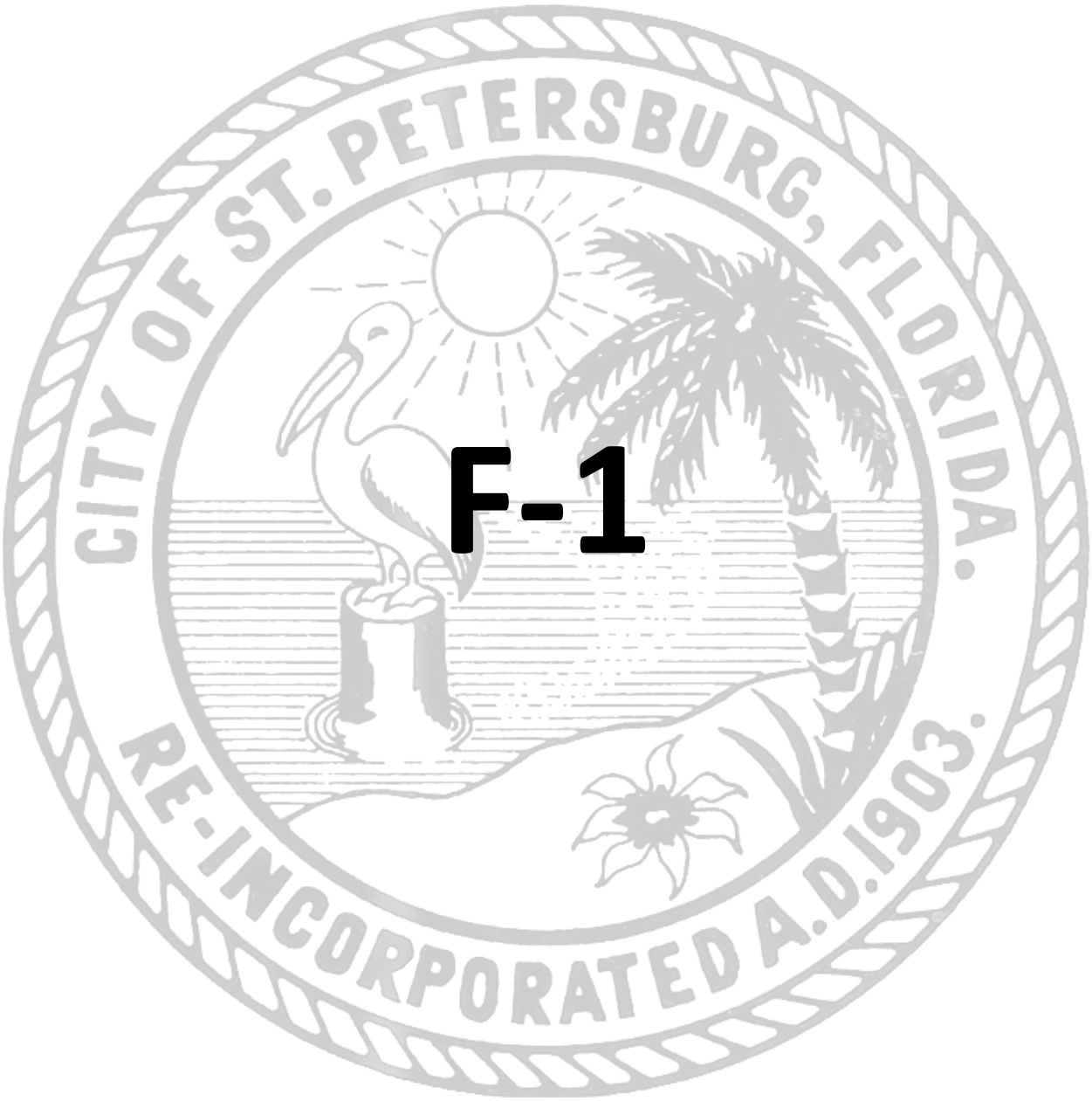
“It’s an assault on single-family zoning,” Dennington said of the state taking over more control over vacation rentals. “In my area we have Democrats and Republicans and No-Party and independents, and I can tell you the only thing that they agree on and all of them are pissed off about is the fact that we can’t regulate short-term rentals,” she told the Phoenix.

The Legislature last addressed the issue of short-term rentals in 2014.

That’s when they allowed local governments to have the ability to handle issues such as noise, parking and trash related to short-term vacation rentals, but still prevented them from regulating the duration or frequency of short-vacation rentals.

That measure came after significant pushback from a 2011 law that prohibited local governments from enacting any new law that restricted the use of vacation rentals, prohibited vacation rentals or regulated vacation rentals, giving that power to the state government.

The following page(s) contain the backup material for Agenda Item: Municipal Services Center (MSC) Maintenance Study
Please scroll down to view the backup material.



F-1

CITY COUNCIL AGENDA
REPORT ITEM

DATE: February 8, 2024

TO: The Honorable Members of City Council

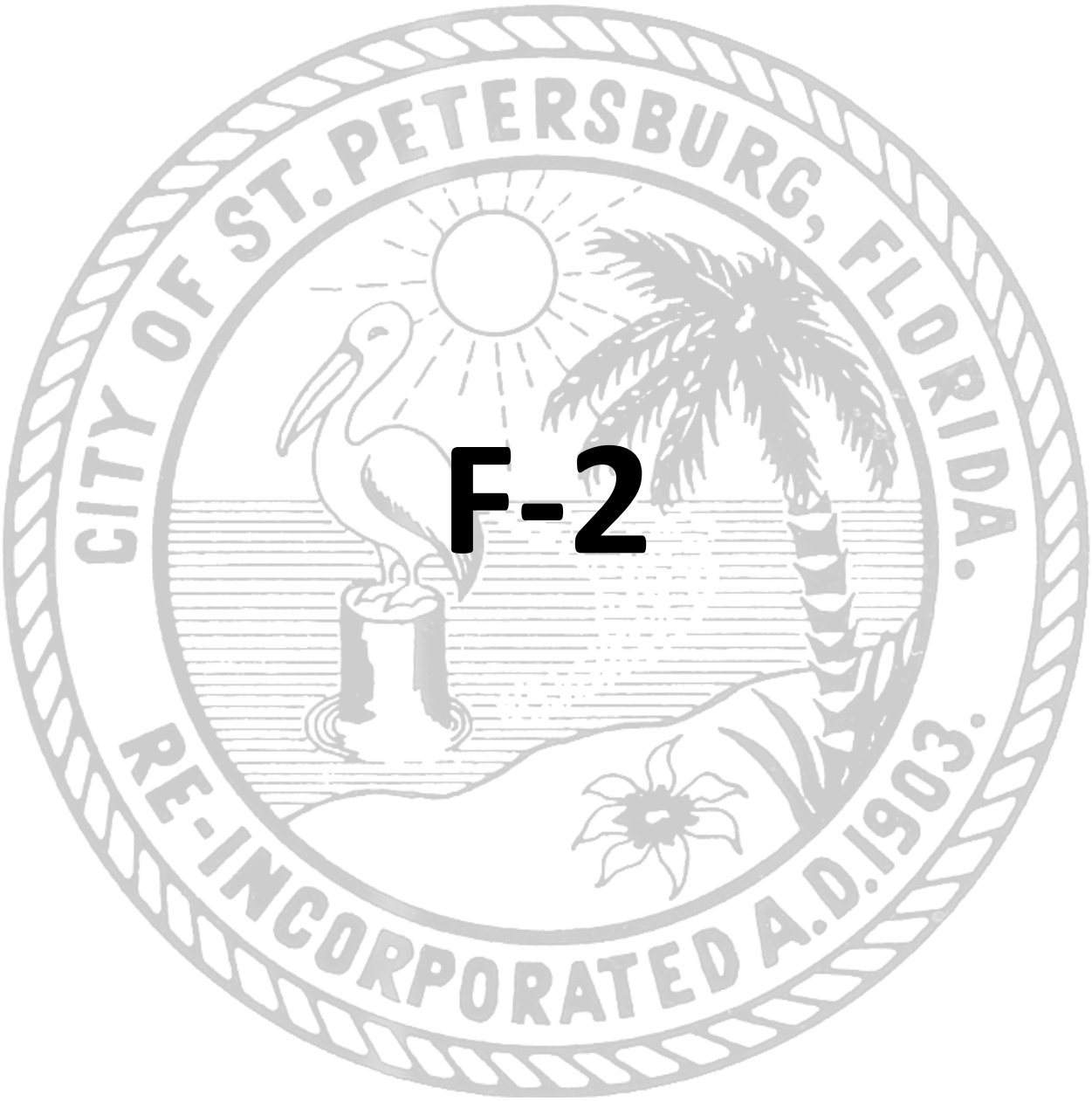
SUBJECT: Municipal Services Center (MSC) Maintenance Study

PRESENTER: Raul Quintana, *City Architect Manager*

SCHEDULE FOR COUNCIL ON: February 29, 2024

Gina L. Driscoll
Council Member, District 6

The following page(s) contain the backup material for Agenda Item: Approving a Resolution finding that $43,500 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the North Shore Elementary Various Locations Safe Routes to School (SRTS) Project (Project), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $43,500 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement (Agreement) between the State of Florida Department of Transportation (FDOT) and the City of St. Petersburg, Florida (City); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for sidewalk maintenance for the sections of the sidewalk associated with the project ; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute 166.241; approving the Agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction and construction engineering inspections services for the Project in an amount not to exceed $1,324,565; authorizing a supplemental appropriation in the amount of $1,199,057 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Improvements Fund (3004), resulting from these additional revenues, to the North Shore Elementary Sidewalks Project (18627); and providing an effective date. (ECID Project No. 22051-112; Oracle No. 18627) (FDOT Financial Project No. 443581-1-58-01)
Please scroll down to view the backup material.



F-2

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: Approving a Resolution finding that $43,500 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the North Shore Elementary Various Locations – Safe Routes to School ("SRTS") Project ("Project"), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $43,500 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for sidewalk maintenance for the sections of the sidewalk associated with the project ; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the Agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction and construction engineering inspections services for the Project in an amount not to exceed $1,324,565; authorizing a supplemental appropriation in the amount of $1,199,057 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Improvements Fund (3004), resulting from these additional revenues, to the North Shore Elementary Sidewalks Project (18627); and providing an effective date. (ECID Project No. 22051-112; Oracle No. 18627) (FDOT Financial Project No. 443581-1-58-01)

EXPLANATION: The proposed agreement will provide Federal Highway grant funding through the FDOT's Local Agency Program ("LAP") for Construction phase work for the City of St. Petersburg's North Shore Elementary Various Locations – Safe Routes to School ("SRTS") Project. This sidewalk will provide a connection for pedestrians and students attending North Shore Elementary to the surrounding neighborhoods.

The scope of work includes construction of a varying 8-foot to 10-foot shared use path along 34th Ave NE from Oak St. NE to Poplar St. NE continuing along Poplar St. to Crisp Park, sidewalk construction along 37th Ave NE, 38th Ave NE, Oak St. NE, Locust St. NE and ADA curb ramp improvements along Monterey Circle NE, 35th Ave NE, and 1st St. The scope of work also includes minor storm drainage reconfiguration, roadway paving, pavement markings and signage.

The project is being developed under FDOT's LAP process. The City received LAP recertification in April 2023 to provide planning, design, and construction/construction administration for federally funded projects within City limits.

This LAP agreement for the North Shore Elementary Various Locations – Safe Routes to School ("SRTS") Project provides funds in the amount of $1,324,565 for the construction phase. Anticipated construction costs are expected to exceed this LAP agreement amount. Additional project funding will be based on the actual bids received.

The City is responsible for repairing and maintaining the improvements on City property and within City rights of way throughout the service life of the Project, at an estimated cost of $43,500.00 over a 15-year life span, including the shared use path and sidewalk along the various locations as stated in the Project scope above.

This project will be performed in accordance with all applicable FDOT procedures, guidelines, manuals, standards, and directives as described in the FDOT LAP Manual.

RECOMMENDATION: Approving a Resolution finding that $43,500 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the North Shore Elementary Various Locations – Safe Routes to School ("SRTS") Project ("Project"), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $43,500 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for sidewalk maintenance for the sections of the sidewalk associated with the project ; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the Agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction and construction engineering inspections services for the Project in an amount not to exceed $1,324,565; authorizing a supplemental appropriation in the amount of $1,199,057 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Improvements Fund (3004), resulting from these additional revenues, to the North Shore Elementary Sidewalks Project (18627); and providing an effective date. (ECID Project No. 22051-112; Oracle No. 18627) (FDOT Financial Project No. 443581-1-58-01)

COST/FUNDING/ASSESSMENT INFORMATION: A portion of the funding, $125,508, has been previously appropriated in the Bicycle/Pedestrian Safety Improvements Fund (3004), North Shore Elementary Sidewalks Project (18627). Additional funding will be available after the approval of a supplemental appropriation in the amount of $1,199,057 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Improvements Fund (3004), resulting from these additional revenues, to the North Shore Elementary Sidewalks Project (18627). Funds for repair and maintenance will be available after the approval of a supplemental appropriation in the amount of $43,500 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement, and Traffic Operation Department, Traffic Support Division (400-1265). The impact to the General Fund reserves for this appropriation will be approximately $2,900 per year and will be included in the Stormwater, Pavement and Traffic Operations Department's annual operating budget.

ATTACHMENTS: Resolution
Council Map
Draft FDOT LAP Phase 58 Agreement

RESOLUTION NO. 2024-__

A RESOLUTION FINDING THAT $43,500 IS AN AMOUNT SUFFICIENT TO PAY FOR SIDEWALK MAINTENANCE OF THE SECTIONS OF THE SIDEWALK LOCATED WITHIN THE PROJECT LIMITS FOR THE NORTH SHORE ELEMENTARY VARIOUS LOCATIONS – SAFE ROUTES TO SCHOOL ("SRTS") PROJECT ("PROJECT") OVER ITS USEFUL LIFE OF FIFTEEN (15) YEARS; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $43,500 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND (0001) TO THE STORMWATER, PAVEMENT AND TRAFFIC OPERATIONS DEPARTMENT, TRAFFIC SUPPORT DIVISION (400-1265) FOR FUTURE SIDEWALK MAINTENANCE REQUIRED BY THE LOCAL AGENCY PROGRAM AGREEMENT ("AGREEMENT") BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") AND THE CITY OF ST. PETERSBURG, FLORIDA ("CITY"); PROVIDING THAT THE MAINTENANCE FUNDS SHALL NOT NEED ANNUAL RE-APPROPRIATIONS AND SHALL BE CONSIDERED ENCUMBERED FOR THE USEFUL LIFE OF THE PROJECT WITH ONLY AUTHORIZED EXPENDITURES BEING FOR SIDEWALK MAINTENANCE FOR THE SECTIONS OF THE SIDEWALK ASSOCIATED WITH THE PROJECT; FINDING THAT EXECUTION OF THE AGREEMENT SHALL NOT BE CONSIDERED AN UNLAWFUL ACT UNDER FLORIDA STATUTE §166.241; APPROVING THE AGREEMENT AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT BETWEEN THE CITY AND FDOT FOR PARTICIPATION BY FDOT IN THE CONSTRUCTION AND CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR THE PROJECT IN AN AMOUNT NOT TO EXCEED $1,324,565; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $1,199,057 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE BICYCLE/ PEDESTRIAN SAFETY IMPROVEMENTS FUND (3004), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE NORTH SHORE ELEMENTARY SIDEWALKS PROJECT (18627); AND PROVIDING AN EFFECTIVE DATE. (ECID PROJECT NO. 22051-112; ORACLE NO. 18627) (FDOT

FINANCIAL PROJECT NO. 443581-1-58-01)

WHEREAS, the State of Florida Department of Transportation ("FDOT") has agreed to participate in the construction and construction engineering inspection services for the North Shore Elementary Various Locations – Safe Routes to School ("SRTS") Project ("Project"); and

WHEREAS, as a requirement for FDOT's participation in the Project, the City of St. Petersburg, Florida ("City") must enter into a Local Agency Program Agreement ("Agreement") setting forth the obligations of FDOT and the City; and

WHEREAS, the source of the funds to be provided to the City pursuant to the Agreement by FDOT is funding from the federal government; and

WHEREAS, federal law governing the use of such funds requires FDOT to cause a project built with such funds to be maintained for the useful life of the project; and

WHEREAS, the Agreement requires the City to maintain the Project for its useful life; and

WHEREAS, Florida Statute §166.241 provides that "…it is unlawful for any officer of a municipal government to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations"; and

WHEREAS, the City's professional staff has advised the City Council that in its professional opinion the sidewalk maintenance of the sections of the sidewalk associated with the Project for its useful life of fifteen (15) years will cost $43,500; and

WHEREAS, City Council finds that $43,500 is an amount sufficient to pay for the sidewalk maintenance of the sections of the sidewalk associated with the Project over its useful life; and

WHEREAS, Administration recommends approval of this Resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that $43,500 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the project limits for the North Shore Elementary Various Locations – Safe Routes to School ("SRTS") Project, ("Project") over its useful life of fifteen (15) years.

BE IT FURTHER RESOLVED that there is hereby approved from the unappropriated balance of the General Fund the following supplemental appropriation for FY24:

General Fund (0001)
Stormwater, Pavement and Traffic Operations Department
Traffic Support Division (400-1265) $43,500

BE IT FURTHER RESOLVED that the appropriation for the sidewalk maintenance for the sections of the sidewalk associated with the Project shall be committed within the General Fund balance which will carry forward from year to year and shall be considered encumbered for the useful life of the Project with the only authorized expenditures from that commitment being for such maintenance associated with the Project.

BE IT FURTHER RESOLVED that at the end of the useful life of the Project any funds remaining in the operating project for maintenance of the Project shall be returned to the City's General Fund.

BE IT FURTHER RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute a Local Agency Program Agreement between the City of St. Petersburg, Florida and the State of Florida Department of Transportation ("FDOT") for participation by FDOT in the construction and construction engineering inspection services for the North Shore Elementary Various Locations – Safe Routes to School ("SRTS") Project in an amount not to exceed $1,324,565.

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Fund (3004) resulting from these revenues the following supplemental appropriation for FY24:

Bicycle/Pedestrian Safety Fund (3004)
North Shore Elementary Sidewalks Project (18627) $1,199,057

This resolution shall become effective immediately upon its adoption.

LEGAL:

00726286

DEPARTMENT:

BUDGET:

LOCAL AGENCY PROGRAM AGREEMENT

FPN: 443581 1 58 01	FPN: 443581 1 68 01	FPN:
Federal No (FAIN): D724 011 B	Federal No (FAIN):	Federal No (FAIN):
Federal Award Date:	Federal Award Date:	Federal Award Date:
Fund: SR2T, LF	Fund: LF	Fund:
Org Code:	Org Code:	Org Code:
FLAIR Approp:	FLAIR Approp:	FLAIR Approp:
FLAIR Obj:	FLAIR Obj:	FLAIR Obj:

County No:15 (Pinellas) Contract No:
Recipient Vendor No: F596000424044 Recipient Unique Entity ID SAM No: LARHMJNJAKS4

Catalog of Federal Domestic Assistance (CFDA): 20.205 Highway Planning and Construction

THIS LOCAL AGENCY PROGRAM AGREEMENT ("Agreement"), is entered into on _____, by and between the State of Florida Department of Transportation, an agency
(This date to be entered by DOT only)
of the State of Florida ("Department"), and the City of St. Petersburg ("Recipient").

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the Parties agree to the following:

1. **Authority:** The Department is authorized to enter into this Agreement pursuant to Section 339.12, Florida Statutes. The Recipient by Resolution or other form of official authorization, a copy of which is attached as **Exhibit "D"** and made a part of this Agreement, has authorized its officers to execute this Agreement on its behalf.

2. **Purpose of Agreement:** The purpose of this Agreement is to provide for the Department's participation in the construction and construction engineering inspection (CEI) services of North Shore Elementary Various Location - Safe Routes to School (SRTS) project, as further described in **Exhibit "A",** Project Description and Responsibilities attached to and incorporated in this Agreement ("Project"), to provide Department financial assistance to the Recipient; state the terms and conditions upon which Department funds will be provided; and to set forth the manner in which the Project will be undertaken and completed.

3. **Term of Agreement:** The Recipient agrees to complete the Project on or before 11/18/2025. If the Recipient does not complete the Project within this time period, this Agreement will expire on the last day of the scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Recipient and granted in writing by the Department prior to the expiration of this Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the term of this Agreement will not be reimbursed by the Department.

4. **Project Cost:**

   a. The estimated cost of the Project is $ 1,819,571.00. This amount is based upon the Schedule of Financial Assistance in **Exhibit "B"**, attached to and incorporated in this Agreement. **Exhibit "B"** may be modified by mutual execution of an amendment as provided for in paragraph 5.i.

   b. The Department agrees to participate in the Project cost up to the maximum amount of $1,324,565.00 and as more fully described in **Exhibit "B"**. This amount includes Federal-aid funds which are limited to the actual amount of Federal-aid participation. The Department's participation may be increased or reduced upon determination of the actual bid amounts of the Project by the mutual execution of an amendment. The Recipient agrees to bear all expenses in excess of the total cost of the Project and any deficits incurred in connection with the completion of the Project.

   c. Project costs eligible for Department participation will be allowed only from the date of this Agreement. It is understood that Department participation in eligible Project costs is subject to:

i. Legislative approval of the Department's appropriation request in the work program year that the Project is scheduled to be committed;

ii. Availability of funds as stated in paragraphs 5.l. and 5.m. of this Agreement;

iii. Approval of all plans, specifications, contracts or other obligating documents and all other terms of this Agreement; and

iv. Department approval of the Project scope and budget at the time appropriation authority becomes available.

5. Requisitions and Payments

a. The Recipient shall provide quantifiable, measurable, and verifiable units of deliverables. Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion. The Project and the quantifiable, measurable, and verifiable units of deliverables are described more fully in **Exhibit "A"**.

b. Invoices shall be submitted by the Recipient in detail sufficient for a proper pre-audit and post-audit based on the quantifiable, measurable and verifiable units of deliverables as established in **Exhibit "A"**. Deliverables must be received and accepted in writing by the Department's Project Manager prior to payments. Requests for reimbursement by the Recipient shall include an invoice, progress report and supporting documentation for the period of services being billed that are acceptable to the Department. The Recipient shall use the format for the invoice and progress report that is approved by the Department.

c. The Recipient shall charge to the Project account all eligible costs of the Project except costs agreed to be borne by the Recipient or its contractors and subcontractors. Costs in excess of the programmed funding or attributable to actions which have not received the required approval of the Department shall not be considered eligible costs. All costs charged to the Project, including any approved services contributed by the Recipient or others, shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.

d. Supporting documentation must establish that the deliverables were received and accepted in writing by the Recipient and must also establish that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in **Exhibit "A"** was met. All costs invoiced shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of charges as described in **Exhibit "F",** Contract Payment Requirements.

e. Bills for travel expenses specifically authorized in this Agreement shall be submitted on the Department's Contractor Travel Form No. 300-000-06 and will be paid in accordance with Section 112.061, Florida Statutes and the most current version of the Disbursement Handbook for Employees and Managers.

f. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes or the Department's Comptroller under Section 334.044(29), Florida Statutes.

☐ If this box is selected, advance payment is authorized for this Agreement and **Exhibit "H"**, Alternative Advance Payment Financial Provisions is attached and incorporated into this Agreement.

If the Department determines that the performance of the Recipient is unsatisfactory, the Department shall notify the Recipient of the deficiency to be corrected, which correction shall be made within a time-frame to be specified by the Department. The Recipient shall, within thirty (30) days after notice from the Department, provide the Department with a corrective action plan describing how the Recipient will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the

Department, the Recipient will not be reimbursed to the extent of the non-performance. The Recipient will not be reimbursed until the Recipient resolves the deficiency. If the deficiency is subsequently resolved, the Recipient may bill the Department for the unpaid reimbursement request(s) during the next billing period. If the Recipient is unable to resolve the deficiency, the funds shall be forfeited at the end of the Agreement's term.

g. Agencies providing goods and services to the Department should be aware of the following time frames. Inspection and approval of goods or services shall take no longer than 20 days from the Department's receipt of the invoice. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved.

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to ***Section 55.03(1), F.S.***, will be due and payable, in addition to the invoice amount, to the Recipient. Interest penalties of less than one (1) dollar will not be enforced unless the Recipient requests payment. Invoices that have to be returned to an Recipient because of Recipient preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Agencies who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516.

h. The Recipient shall maintain an accounting system or separate accounts to ensure funds and projects are tracked separately. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for five years after final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred include the Recipient's general accounting records and the project records, together with supporting documents and records, of the contractor and all subcontractors performing work on the project, and all other records of the Contractor and subcontractors considered necessary by the Department for a proper audit of costs.

i. Prior to the execution of this Agreement, a Project schedule of funding shall be prepared by the Recipient and approved by the Department. The Recipient shall maintain said schedule of funding, carry out the Project, and shall incur obligations against and make disbursements of Project funds only in conformity with the latest approved schedule of funding for the Project. The schedule of funding may be revised by execution of a Local Agency Program ("LAP") Supplemental Agreement between the Department and the Recipient. The Recipient acknowledges and agrees that funding for this project may be reduced upon determination of the Recipient's contract award amount.

j. If, after Project completion, any claim is made by the Department resulting from an audit or for work or services performed pursuant to this Agreement, the Department may offset such amount from payments due for work or services done under any agreement which it has with the Recipient owing such amount if, upon demand, payment of the amount is not made within 60 days to the Department. Offsetting any amount pursuant to this paragraph shall not be considered a breach of contract by the Department.

k. The Recipient must submit the final invoice on the Project to the Department within 120 days after the completion of the Project. Invoices submitted after the 120-day time period may not be paid.

l. The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. If the Department's funding for this Project is in multiple fiscal years, funds approval from the Department's Comptroller must be received each fiscal year prior to costs being incurred. See **Exhibit "B"** for funding levels by fiscal year. Project costs utilizing these fiscal year funds are not eligible for reimbursement if incurred prior to funds approval being received. The Department will notify the Recipient, in writing, when funds are available.

m. In the event this Agreement is in excess of $25,000 and has a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

"The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year."

6. Department Payment Obligations:

Subject to other provisions of this Agreement, the Department will honor requests for reimbursement to the Recipient pursuant to this Agreement. However, notwithstanding any other provision of this Agreement, the Department may elect by notice in writing not to make a payment if:

a. The Recipient shall have made misrepresentation of a material nature in its application, or any supplement or amendment to its application, or with respect to any document or data furnished with its application or pursuant to this Agreement;

b. There is any pending litigation with respect to the performance by the Recipient of any of its duties or obligations which may jeopardize or adversely affect the Project, the Agreement or payments to the Project;

c. The Recipient shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made a related expenditure or incurred related obligations without having been advised by the Department that same are approved;

d. There has been any violation of the conflict of interest provisions contained in paragraph 14.f.; or

e. The Recipient has been determined by the Department to be in default under any of the provisions of the Agreement.

The Department may suspend or terminate payment for that portion of the Project which the Federal Highway Administration ("FHWA"), or the Department acting in lieu of FHWA, may designate as ineligible for Federal-aid.

In determining the amount of the payment, the Department will exclude all Project costs incurred by the Recipient prior to the Department's issuance of a Notice to Proceed ("NTP"), costs incurred after the expiration of the Agreement, costs which are not provided for in the latest approved schedule of funding in **Exhibit "B"** for the Project, costs agreed to be borne by the Recipient or its contractors and subcontractors for not meeting the Project commencement and final invoice time lines, and costs attributable to goods or services received under a contract or other arrangements which have not been approved in writing by the Department.

7. General Requirements:

The Recipient shall complete the Project with all practical dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions in this Agreement, and all applicable laws. The Project will be performed in accordance with all applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's **Local Agency Program Manual** (FDOT Topic No. 525-010-300), which by this reference is made a part of this Agreement. Time is of the essence as to each and every obligation under this Agreement.

a. A full time employee of the Recipient, qualified to ensure that the work being pursued is complete, accurate, and consistent with the terms, conditions, and specifications of this Agreement shall be in responsible charge of the Project, which employee should be able to perform the following duties and functions:

i. Administers inherently governmental project activities, including those dealing with cost, time,

adherence to contract requirements, construction quality and scope of Federal-aid projects;

ii. Maintains familiarity of day to day Project operations, including Project safety issues;

iii. Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;

iv. Visits and reviews the Project on a frequency that is commensurate with the magnitude and complexity of the Project;

v. Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;

vi. Directs Project staff, agency or consultant, to carry out Project administration and contract oversight, including proper documentation;

vii. Is aware of the qualifications, assignments and on-the-job performance of the Recipient and consultant staff at all stages of the Project.

b. Once the Department issues the NTP for the Project, the Recipient shall be obligated to submit an invoice or other request for reimbursement to the Department no less than once every 90 days (quarterly), beginning from the day the NTP is issued. If the Recipient fails to submit quarterly invoices to the Department, and in the event the failure to timely submit invoices to the Department results in the FHWA removing any unbilled funding or the loss of state appropriation authority (which may include the loss of state and federal funds, if there are state funds programmed to the Project), then the Recipient will be solely responsible to provide all funds necessary to complete the Project and the Department will not be obligated to provide any additional funding for the Project. The Recipient waives the right to contest such removal of funds by the Department, if the removal is related to FHWA's withdrawal of funds or if the removal is related to the loss of state appropriation authority. In addition to the loss of funding for the Project, the Department will also consider the de-certification of the Recipient for future LAP Projects. No cost may be incurred under this Agreement until after the Recipient has received a written NTP from the Department. The Recipient agrees to advertise or put the Project out to bid thirty (30) days from the date the Department issues the NTP to advertise the Project. If the Recipient is not able to meet the scheduled advertisement, the Department District LAP Administrator should be notified as soon as possible.

c. If all funds are removed from the Project, including amounts previously billed to the Department and reimbursed to the Recipient, and the Project is off the State Highway System, then the Department will have to request repayment for the previously billed amounts from the Recipient. No state funds can be used on off-system projects, unless authorized pursuant to **Exhibit "I",** State Funds Addendum, which will be attached to and incorporated in this Agreement in the event state funds are used on the Project.

d. In the event that any election, referendum, approval, permit, notice or other proceeding or authorization is required under applicable law to enable the Recipient to enter into this Agreement or to undertake the Project or to observe, assume or carry out any of the provisions of the Agreement, the Recipient will initiate and consummate, as provided by law, all actions necessary with respect to any such matters.

e. The Recipient shall initiate and prosecute to completion all proceedings necessary, including Federal-aid requirements, to enable the Recipient to provide the necessary funds for completion of the Project.

f. The Recipient shall submit to the Department such data, reports, records, contracts, and other documents relating to the Project as the Department and FHWA may require. The Recipient shall make such submissions using Department-designated information systems.

g. Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable federal and state laws, the regulations in 23 Code of Federal Regulations (C.F.R.) and 49 C.F.R., and policies and procedures prescribed by the Division Administrator of FHWA. Federal funds shall not be paid on account of any cost incurred prior to authorization by FHWA to the Department to proceed with the Project or part thereof involving such cost (23 C.F.R. 1.9 (a)). If FHWA or the Department determines that any amount

claimed is not eligible, federal participation may be approved in the amount determined to be adequately supported and the Department shall notify the Recipient in writing citing the reasons why items and amounts are not eligible for federal participation. Where correctable non-compliance with provisions of law or FHWA requirements exists federal funds may be withheld until compliance is obtained. Where non-compliance is not correctable, FHWA or the Department may deny participation in parcel or Project costs in part or in total. For any amounts determined to be ineligible for federal reimbursement for which the Department has advanced payment, the Recipient shall promptly reimburse the Department for all such amounts within 90 days of written notice.

h. For any project requiring additional right-of-way, the Recipient must submit to the Department an annual report of its real property acquisition and relocation assistance activities on the project. Activities shall be reported on a federal fiscal year basis, from October 1 through September 30. The report must be prepared using the format prescribed in 49 C.F.R. Part 24, Appendix B, and be submitted to the Department no later than October 15 of each year.

8. Audit Reports:

The administration of resources awarded through the Department to the Recipient by this Agreement may be subject to audits and/or monitoring by the Department. The following requirements do not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of federal awards or limit the authority of any state agency inspector general, the State of Florida Auditor General, or any other state official. The Recipient shall comply with all audit and audit reporting requirements as specified below.

a. In addition to reviews of audits conducted in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, monitoring procedures may include, but not be limited to, on-site visits by Department staff and/or other procedures including, reviewing any required performance and financial reports, following up, ensuring corrective action, and issuing management decisions on weaknesses found through audits when those findings pertain to federal awards provided through the Department by this Agreement. By entering into this Agreement, the Recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, State of Florida Chief Financial Officer ("CFO"), or State of Florida Auditor General.

b. The Recipient, a non-federal entity as defined by 2 CFR Part 200, as a subrecipient of a federal award awarded by the Department through this Agreement is subject to the following requirements:

i. In the event the Recipient expends a total amount of federal awards equal to or in excess of the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, the Recipient must have a federal single or program-specific audit for such fiscal year conducted in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements. **Exhibit "E"** to this Agreement provides the required federal award identification information needed by the Recipient to further comply with the requirements of 2 CFR Part 200, Subpart F – Audit Requirements. In determining federal awards expended in a fiscal year, the Recipient must consider all sources of federal awards based on when the activity related to the federal award occurs, including the federal award provided through the Department by this Agreement. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR Part 200, Subpart F – Audit Requirements. An audit conducted by the State of Florida Auditor General in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, will meet the requirements of this part.

ii. In connection with the audit requirements, the Recipient shall fulfill the requirements relative to the auditee responsibilities as provided in 2 CFR Part 200, Subpart F – Audit Requirements.

iii. In the event the Recipient expends less than the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, in federal awards, the Recipient is exempt from federal audit requirements for that fiscal year. However, the Recipient must provide a single audit exemption statement to the Department at FDOTSingleAudit@dot.state.fl.us no later than nine months after the end of the Recipient's audit period for each applicable audit year. In the event the Recipient expends less than the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, in federal awards in a fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, the cost of the audit must be paid from non-federal resources (*i.e.*, the cost of such an audit must be paid from the Recipient's resources obtained from other than federal entities).

iv. The Recipient must electronically submit to the Federal Audit Clearinghouse ("FAC") at https://harvester.census.gov/facweb/ the audit reporting package as required by 2 CFR Part 200, Subpart F – Audit Requirements, within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The FAC is the repository of record for audits required by 2 CFR Part 200, Subpart F – Audit Requirements, and this Agreement. However, the Department requires a copy of the audit reporting package also be submitted to FDOTSingleAudit@dot.state.fl.us within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period as required by 2 CFR Part 200, Subpart F – Audit Requirements.

v. Within six months of acceptance of the audit report by the FAC, the Department will review the Recipient's audit reporting package, including corrective action plans and management letters, to the extent necessary to determine whether timely and appropriate action on all deficiencies has been taken pertaining to the federal award provided through the Department by this Agreement. If the Recipient fails to have an audit conducted in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, the Department may impose additional conditions to remedy noncompliance. If the Department determines that noncompliance cannot be remedied by imposing additional conditions, the Department may take appropriate actions to enforce compliance, which actions may include but not be limited to the following:

1. Temporarily withhold cash payments pending correction of the deficiency by the Recipient or more severe enforcement action by the Department;
2. Disallow (deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
3. Wholly or partly suspend or terminate the federal award;
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of the Department, recommend such a proceeding be initiated by the federal awarding agency);
5. Withhold further federal awards for the Project or program;
6. Take other remedies that may be legally available.

vi. As a condition of receiving this federal award, the Recipient shall permit the Department or its designee, the CFO, or State of Florida Auditor General access to the Recipient's records including financial statements, the independent auditor's working papers, and project records as necessary. Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is complete or the dispute is resolved.

vii. The Department's contact information for requirements under this part is as follows:

Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0450
FDOTSingleAudit@dot.state.fl.us

c. The Recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date the audit report is issued and shall allow the Department or its designee, the CFO, or State of Florida Auditor General access to such records upon request. The Recipient shall ensure that the audit working papers are made available to the Department or its designee, the CFO, or State of Florida Auditor General upon request for a period of five years from the date the audit report is issued, unless extended in writing by the Department.

9. Termination or Suspension of Project:

The Department may, by written notice to the Recipient, suspend any or all of the Department's obligations under this Agreement for the Recipient's failure to comply with applicable law or the terms of this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected.

a. If the Department intends to terminate the Agreement, the Department shall notify the Recipient of such termination in writing at least thirty (30) days prior to the termination of the Agreement, with instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.

b. The Parties to this Agreement may terminate this Agreement when its continuation would not produce beneficial results commensurate with the further expenditure of funds. In this event, the Parties shall agree upon the termination conditions.

c. If the Agreement is terminated before performance is completed, the Recipient shall be paid only for that work satisfactorily performed for which costs can be substantiated. Such payment, however, may not exceed the equivalent percentage of the Department's maximum financial assistance. If any portion of the Project is located on the Department's right-of-way, then all work in progress on the Department right-of-way will become the property of the Department and will be turned over promptly by the Recipient.

d. In the event the Recipient fails to perform or honor the requirements and provisions of this Agreement, the Recipient shall promptly refund in full to the Department within thirty (30) days of the termination of the Agreement any funds that were determined by the Department to have been expended in violation of the Agreement.

e. The Department reserves the right to unilaterally cancel this Agreement for failure by the Recipient to comply with the Public Records provisions of Chapter 119, Florida Statutes.

10. Contracts of the Recipient:

a. Except as otherwise authorized in writing by the Department, the Recipient shall not execute any contract or obligate itself in any manner requiring the disbursement of Department funds, including consultant or construction contracts or amendments thereto, with any third party with respect to the Project without the written approval of the Department. Failure to obtain such approval shall be sufficient cause for nonpayment by the Department. The Department specifically reserves the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of such consultant or contractor.

b. It is understood and agreed by the parties to this Agreement that participation by the Department in a project with the Recipient, where said project involves a consultant contract for engineering, architecture or surveying services, is contingent on the Recipient's complying in full with provisions of Section 287.055, Florida Statutes, Consultants' Competitive Negotiation Act, the federal Brooks Act, 23 C.F.R. 172, and 23 U.S.C. 112. At the discretion of the Department, the Recipient will involve the Department in the consultant selection process for all projects funded under this Agreement. In all cases, the Recipient shall certify to the Department that selection has been accomplished in compliance with the Consultants' Competitive Negotiation Act and the federal Brooks Act.

c. The Recipient shall comply with, and require its consultants and contractors to comply with applicable federal law pertaining to the use of Federal-aid funds. The Recipient shall comply with the provisions in the FHWA-1273 form as set forth in **Exhibit "G",** FHWA 1273 attached to and incorporated in this Agreement. The Recipient shall include FHWA-1273 in all contracts with contractors performing work on the Project.

d. The Recipient shall require its consultants and contractors to take emergency steps to close any public road whenever there is a risk to life, health and safety of the travelling public. The safety of the travelling public is the Department's first priority for the Recipient. If lane or road closures are required by the LA to ensure the life, health, and safety of the travelling public, the LA must notify the District Construction Engineer and District Traffic Operations Engineer immediately once the travelling public are not at imminent risk. The Department expects professional engineering judgment be applied in all aspects of locally delivered projects. Defect management and supervision of LAP project structures components must be

proactively managed, monitored, and inspected by department prequalified structures engineer(s). The District Construction Engineer must be notified immediately of defect monitoring that occurs in LAP project construction, whether or not the defects are considered an imminent risk to life, health, or safety of the travelling public. When defects, including but not limited to, structural cracks, are initially detected during bridge construction, the engineer of record, construction engineering inspector, design-build firm, or local agency that owns or is responsible for the bridge construction has the authority to immediately close the bridge to construction personnel and close the road underneath. The LA shall also ensure compliance with the CPAM, Section 9.1.8 regarding actions for maintenance of traffic and safety concerns.

11. Disadvantaged Business Enterprise (DBE) Policy and Obligation:

It is the policy of the Department that DBE's, as defined in 49 C.F.R. Part 26, as amended, shall have the opportunity to participate in the performance of contracts financed in whole or in part with Department funds under this Agreement. The DBE requirements of applicable federal and state laws and regulations apply to this Agreement.

The Recipient and its contractors agree to ensure that DBE's have the opportunity to participate in the performance of this Agreement. In this regard, all recipients and contractors shall take all necessary and reasonable steps in accordance with applicable federal and state laws and regulations to ensure that the DBE's have the opportunity to compete for and perform contracts. The Recipient and its contractors and subcontractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts, entered pursuant to this Agreement.

12. Compliance with Conditions and Laws:

The Recipient shall comply and require its contractors and subcontractors to comply with all terms and conditions of this Agreement and all federal, state, and local laws and regulations applicable to this Project. Execution of this Agreement constitutes a certification that the Recipient is in compliance with, and will require its contractors and subcontractors to comply with, all requirements imposed by applicable federal, state, and local laws and regulations, including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," in 49 C.F.R. Part 29, and 2 C.F.R. Part 200 when applicable.

13. Performance Evaluations:

Recipients are evaluated on a project-by-project basis. The evaluations provide information about oversight needs and provide input for the recertification process. Evaluations are submitted to the Recipient's person in responsible charge or designee as part of the Project closeout process. The Department provides the evaluation to the Recipient no more than 30 days after final acceptance.

a. Each evaluation will result in one of three ratings. A rating of Unsatisfactory Performance means the Recipient failed to develop the Project in accordance with applicable federal and state regulations, standards and procedures, required excessive District involvement/oversight, or the Project was brought in-house by the Department. A rating of Satisfactory Performance means the Recipient developed the Project in accordance with applicable federal and state regulations, standards and procedures, with minimal District involvement/oversight. A rating of Above Satisfactory Performance means the Recipient developed the Project in accordance with applicable federal and state regulations, standards and procedures, and the Department did not have to exceed the minimum oversight and monitoring requirements identified for the project.

b. The District will determine which functions can be further delegated to Recipients that continuously earn Satisfactory and Above Satisfactory evaluations.

14. Restrictions, Prohibitions, Controls, and Labor Provisions:

During the performance of this Agreement, the Recipient agrees as follows, and agrees to require its contractors and subcontractors to include in each subcontract the following provisions:

a. The Recipient will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964, the regulations of the U.S. Department of Transportation issued thereunder, and the assurance by the Recipient pursuant thereto. The Recipient shall include the attached **Exhibit "C",** Title VI Assurances in all contracts

with consultants and contractors performing work on the Project that ensure compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21, and related statutes and regulations.

b. The Recipient will comply with all the requirements as imposed by the ADA, the regulations of the Federal Government issued thereunder, and assurance by the Recipient pursuant thereto.

c. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

d. In accordance with Section 287.134, Florida Statutes, an entity or affiliate who has been placed on the Discriminatory Vendor List, kept by the Florida Department of Management Services, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity.

e. An entity or affiliate who has had its Certificate of Qualification suspended, revoked, denied or have further been determined by the Department to be a non-responsible contractor may not submit a bid or perform work for the construction or repair of a public building or public work on a contract with the Recipient.

f. Neither the Recipient nor any of its contractors or their subcontractors shall enter into any contract, subcontract or arrangement in connection with the Project or any property included or planned to be included in the Project in which any member, officer or employee of the Recipient or the locality during tenure or for 2 years thereafter has any interest, direct or indirect. If any such present or former member, officer or employee involuntarily acquires or had acquired prior to the beginning of tenure any such interest, and if such interest is immediately disclosed to the Recipient, the Recipient, with prior approval of the Department, may waive the prohibition contained in this paragraph provided that any such present member, officer or employee shall not participate in any action by the Recipient or the locality relating to such contract, subcontract or arrangement. The Recipient shall insert in all contracts entered into in connection with the Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of their subcontracts, the following provision:

"No member, officer or employee of the Recipient or of the locality during his tenure or for 2 years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof."

The provisions of this paragraph shall not be applicable to any agreement between the Recipient and its fiscal depositories or to any agreement for utility services the rates for which are fixed or controlled by a governmental agency.

g. No member or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or any benefit arising therefrom.

15. Indemnification and Insurance:

a. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof, a third-party beneficiary under this Agreement, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement. The Recipient guarantees the payment of all just claims for materials, supplies, tools, or labor and other just claims against the Recipient or any subcontractor, in connection with this Agreement.

b. To the extent provided by law, Recipient shall indemnify, defend, and hold harmless the Department against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of Recipient, or any of its officers, agents, or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by Recipient hereunder, to the extent and within the limitations of Section 768.28, Florida Statutes. The foregoing indemnification shall not constitute a waiver of the Department's or Recipient's sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by Recipient to indemnify the Department for the negligent acts or omissions of the Department, its officers, agents, or employees, or for the acts of third parties. Nothing herein shall be construed as consent by Recipient to be sued by third parties in any manner arising out of this Agreement. This indemnification shall survive the termination of this Agreement.

c. Recipient agrees to include the following indemnification in all contracts with contractors, subcontractors, consultants, or subconsultants (each referred to as "Entity" for the purposes of the below indemnification) who perform work in connection with this Agreement:

"To the extent provided by law, [ENTITY] shall indemnify, defend, and hold harmless the [RECIPIENT] and the State of Florida, Department of Transportation, including the Department's officers, agents, and employees, against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of [ENTITY], or any of its officers, agents, or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by [ENTITY].

The foregoing indemnification shall not constitute a waiver of the Department's or [RECIPIENT']'s sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28. Nor shall the same be construed to constitute agreement by [ENTITY] to indemnify [RECIPIENT] for the negligent acts or omissions of [RECIPIENT], its officers, agents, or employees, or third parties. Nor shall the same be construed to constitute agreement by [ENTITY] to indemnify the Department for the negligent acts or omissions of the Department, its officers, agents, or employees, or third parties. This indemnification shall survive the termination of this Agreement."

d. The Recipient shall, or cause its contractor or consultant to carry and keep in force, during the term of this Agreement, a general liability insurance policy or policies with a company or companies authorized to do business in Florida, affording public liability insurance with combined bodily injury limits of at least $200,000 per person and $300,000 each occurrence, and property damage insurance of at least $200,000 each occurrence, for the services to be rendered in accordance with this Agreement. The Recipient shall also, or cause its contractor or consultant to carry and keep in force Workers' Compensation Insurance as required by the State of Florida under the Workers' Compensation Law. With respect to any general liability insurance policy required pursuant to this Agreement, all such policies shall be issued by companies licensed to do business in the State of Florida. The Recipient shall provide to the Department certificates showing the required coverage to be in effect with endorsements showing the Department to be an additional insured prior to commencing any work under this Agreement. Policies that include Self Insured Retention will not be accepted. The certificates and policies shall provide that in the event of any material change in or cancellation of the policies reflecting the required coverage, thirty days advance notice shall be given to the Department or as provided in accordance with Florida law.

16. Maintenance Obligations: In the event the Project includes construction then the following provisions are incorporated into this Agreement:

a. The Recipient agrees to maintain any portion of the Project not located on the State Highway System constructed under this Agreement for its useful life. If the Recipient constructs any improvement on Department right-of-way, the Recipient

☐ shall

☐ shall not

maintain the improvements located on the Department right-of-way for their useful life. If the Recipient is required to maintain Project improvements located on the Department right-of-way beyond final acceptance, then Recipient shall, prior to any disbursement of the state funding provided under this

Agreement, also execute a Maintenance Memorandum of Agreement in a form that is acceptable to the Department. The Recipient has agreed to the foregoing by resolution, and such resolution is attached and incorporated into this Agreement as **Exhibit "D"**. This provision will survive termination of this Agreement.

17. Miscellaneous Provisions:

a. The Recipient will be solely responsible for compliance with all applicable environmental regulations, for any liability arising from non-compliance with these regulations, and will reimburse the Department for any loss incurred in connection therewith. The Recipient will be responsible for securing any applicable permits. The Recipient shall include in all contracts and subcontracts for amounts in excess of $150,000, a provision requiring compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).

b. The Department shall not be obligated or liable hereunder to any individual or entity not a party to this Agreement.

c. In no event shall the making by the Department of any payment to the Recipient constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Recipient and the making of such payment by the Department, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to the Department with respect to such breach or default.

d. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected. In such an instance, the remainder would then continue to conform to the terms and requirements of applicable law.

e. By execution of the Agreement, the Recipient represents that it has not paid and, also agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financing hereunder.

f. Nothing in the Agreement shall require the Recipient to observe or enforce compliance with any provision or perform any act or do any other thing in contravention of any applicable state law. If any of the provisions of the Agreement violate any applicable state law, the Recipient will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and the Recipient to the end that the Recipient may proceed as soon as possible with the Project.

g. In the event that this Agreement involves constructing and equipping of facilities, the Recipient shall submit to the Department for approval all appropriate plans and specifications covering the Project. The Department will review all plans and specifications and will issue to the Recipient a written approval with any approved portions of the Project and comments or recommendations covering any remainder of the Project deemed appropriate. After resolution of these comments and recommendations to the Department's satisfaction, the Department will issue to the Recipient a written approval with said remainder of the Project. Failure to obtain this written approval shall be sufficient cause of nonpayment by the Department.

h. Upon completion of right-of-way activities on the Project, the Recipient must certify compliance with all applicable federal and state requirements. Certification is required prior to authorization for advertisement for or solicitation of bids for construction of the Project, including if no right-of-way is required.

i. The Recipient will certify in writing, prior to Project closeout that the Project was completed in accordance with applicable plans and specifications, is in place on the Recipient's facility, adequate title is in the Recipient's name, and the Project is accepted by the Recipient as suitable for the intended purpose.

j. The Recipient agrees that no federally-appropriated funds have been paid, or will be paid by or on behalf of the Recipient, to any person for influencing or attempting to influence any officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the

making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement. If any funds other than federally-appropriated funds have been paid by the Recipient to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The Recipient shall require that the language of this paragraph be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. No funds received pursuant to this contract may be expended for lobbying the Legislature, the judicial branch or a state agency.

k. The Recipient may not permit the Engineer of Record to perform Construction, Engineering and Inspection services on the Project.

l. The Recipient shall comply with all applicable federal guidelines, procedures, and regulations. If at any time a review conducted by Department and or FHWA reveals that the applicable federal guidelines, procedures, and regulations were not followed by the Recipient and FHWA requires reimbursement of the funds, the Recipient will be responsible for repayment to the Department of all funds awarded under the terms of this Agreement.

m. The Recipient shall:

i. utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by Recipient during the term of the contract; and

ii. expressly require any contractor and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

n. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute the same Agreement. A facsimile or electronic transmission of this Agreement with a signature on behalf of a party will be legal and binding on such party.

o. The Parties agree to comply with s.20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with s.20.055(5), Florida Statutes.

p. If the Project is procured pursuant to Chapter 255, Florida Statutes, for construction services and the cost of the Project is to be paid from state-appropriated funds, then the Recipient must comply with the requirements of Section 255.0991, Florida Statutes.

18. Exhibits:

a. **Exhibits "A"**, **"B"**, **"C", "D"**, **"E"** and **"F"** are attached to and incorporated into this Agreement.

b. ☒ If this Project includes Phase 58 (construction) activities, then **Exhibit "G"**, FHWA FORM 1273, is attached and incorporated into this Agreement.

c. ☐ Alternative Advance Payment Financial Provisions are used on this Project. If an Alternative Pay Method is used on this Project, then **Exhibit "H"**, Alternative Advance Payment Financial Provisions, is attached and incorporated into this Agreement.

d. ☐ State funds are used on this Project. If state funds are used on this Project, then **Exhibit "I"**, State Funds Addendum, is attached and incorporated into this Agreement. **Exhibit "J"**, State Financial Assistance (Florida Single Audit Act), is attached and incorporated into this Agreement.

e. ☐ This Project utilizes Advance Project Reimbursement. If this Project utilizes Advance Project Reimbursement, then **Exhibit "K"**, Advance Project Reimbursement is attached and incorporated into this Agreement.

f. ☐ This Project includes funding for landscaping. If this Project includes funding for landscaping, then **Exhibit "L",** Landscape Maintenance, is attached and incorporated into this Agreement.

g. ☐ This Project includes funding for a roadway lighting system. If the Project includes funding for roadway lighting system, **Exhibit "M"**, Roadway Lighting Maintenance is attached and incorporated into this Agreement.

h. ☒ This Project includes funding for traffic signals and/or traffic signal systems. If this Project includes funding for traffic signals and/or traffic signals systems, **Exhibit "N"**, Traffic Signal Maintenance is attached and incorporated into this Agreement.

i. ☐ A portion or all of the Project will utilize Department right-of-way and, therefore, **Exhibit "O"**, Terms and Conditions of Construction in Department Right-of-Way, is attached and incorporated into this Agreement.

j. ☐ The following Exhibit(s) are attached and incorporated into this Agreement: _____

k. Exhibit and Attachment List

Exhibit A: Project Description and Responsibilities
Exhibit B: Schedule of Financial Assistance
Exhibit C: Title VI Assurances
Exhibit D: Recipient Resolution
Exhibit E: Federal Financial Assistance (Single Audit Act)
Exhibit F: Contract Payment Requirements
* Exhibit G: FHWA Form 1273
* Exhibit H: Alternative Advance Payment Financial Provisions
* Exhibit I: State Funds Addendum
* Exhibit J: State Financial Assistance (Florida Single Audit Act)
* Exhibit K: Advance Project Reimbursement
* Exhibit L: Landscape Maintenance
* Exhibit M: Roadway Lighting Maintenance
* Exhibit N: Traffic Signal Maintenance
* Exhibit O: Terms and Conditions of Construction in Department Right-of-Way

* Additional Exhibit(s):

*** Indicates that the Exhibit is only attached and incorporated if applicable box is selected.**

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

RECIPIENT City of St. Petersburg

By: _____

Name: Brejesh Prayman, P.E
Title: Director, Engineering & Capital Improvements

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: _____

Name: Justin Hall
Title: Director of Transportation Development

Legal Review:

_____

MEMORANDUM

City of St. Petersburg

Engineering & Capital Improvements Department

June 25, 2019

TO: Chan Srinivasa, City Clerk

FROM: Brejesh Prayman, Engineering & Capital Improvements Director

SUBJECT: Signature Authority

The following staff has designated Signature Authority within the Engineering & Capital Improvements Department per Administrative Policy #010202:

- **Brejesh Prayman, Director**
- **Janice MacKinnon, Manager**
- **Evan Birk, Manager**

Approved by:

Claude Tankersley
Public Works Administrator

Kanika Tomalin
Deputy Mayor, City Administrator

BP:sj

cc: Kanika Tomalin
Brejesh Prayman
Evan Birk
Janice MacKinnon
Department File

This signature authority delegation is in full force effective this date.

(for) Chan Srinivasa, City Clerk

Date: 6/25/19 Seal

EXHIBIT A

PROJECT DESCRIPTION AND RESPONSIBILITIES

FPN: 443581 1 58/68 01

This exhibit forms an integral part of the Agreement between the State of Florida, Department of Transportation and

City of St. Petersburg (the Recipient)

PROJECT LOCATION:

☐ The project is on the National Highway System.

☐ The project is on the State Highway System.

PROJECT LENGTH AND MILE POST LIMITS:

PROJECT DESCRIPTION: This project includes the the construction and construction engineering inspection (CEI) services of the North Shore Elementary Various Locations-Safe Routes to School (SRTS) project. This project provides sidewalk and trail connectivity for surrounding areas around North Shore Elementary School for safe routes to schools. This project consists of constructing a 10' shared use path along 34th Avenue NE, an 8' shared use path along Poplar Street, a 6' sidewalk along 37th Ave. NE, 38th Ave. NE, Oak St. NE, Locust St. NE, and ADA curb ramp improvements along Monterey Circle NE, 35th Ave NE, and 1st St. Also, this project entails installation of new pedestrian curb ramps and high emphasis crosswalk markings and will include the installation of RRFB's at various locations. The following items and related components are considered non-participating: signals, landscape/hardscape, mobilization and utilities.

SPECIAL CONSIDERATIONS BY RECIPIENT:

For projects off the State Highway System (Class D), the Agency will submit design plans for review and approval at 60%, 100% and final. For projects on the State Highway System (Class A and B), and Class C projects, the Agency will submit design plans for all project phases.

For projects on the State Highway System (Class A and B), and Class C projects, the agency must contact the Department's District Permits Engineer, Reebie Simms, to coordinate construction permit requirements. She can be reached at reebie.simms@dot.state.fl.us or (813)975-6000.

The Agency will not begin the construction phase until the Department has reviewed, approved plans and issued a Notice to Proceed. Construction related activities, including project advertisement, conducted prior to Notice to Proceed will not be reimbursed and may render the entire project ineligible for federal funding.

The Agency will submit to the Department the project Bid Package to include Specifications, updated construction estimate, draft construction contract, completed LAP Construction Checklist for Construction Contracts (Form No: 525-010-44) and the Agency's Certification Clear Package as specified in the Department approved project schedule but not later than the Final plans submittal. All above items must be reviewed, approved and a Notice to Proceed must be issued by the Department prior to any construction related activities, including project advertisement. The Certification Clear Package must include the following items completed and signed by the authorized Agency representative:

1.Type 1 Categorical Exclusion (CE) Checklist
2.Contamination Clearance Form

3.Right of Way Certification Form
4.Rail Clear Letter
5.Permits Clear Letter and SWFWMD approval letter if applicable
6.Utilities Clear/Coordinated Letter

The Agency shall implement the project using all applicable criteria and standards for the type of project classification as defined in the Local Programs Manual, Chapter 17 – Preliminary Engineering and Design.

The Agency will be responsible for documenting to the Department that the project, as designed, qualifies as one of the types of Type 1 CE project per FDOT's PD&E Manual. This documentation must be approved by the Department prior to any construction related activity, including advertisement.

The Agency shall submit the FDOT Vendor Eligibility Check Prior to Contract Award form (Form No. 375-030-91) for consultants/contractors and their subs to comply with the terms of the LAP agreement.

The Agency will submit to the Department the bid and award intent for review and concurrence prior to award of the contract. The Agency will upload a copy of the Construction Contract into the Grant Application Program (GAP) upon execution of the document.

If federally funded, CEI and material testing that will be implemented by a consultant: The Agency will submit and comply with the requirements of the LAP Checklist for Federally Funded Professional Services Contract (Form No. 525-010-49). The Department must review and concur with the process prior to award of the CEI contract. Upon execution of the contract, the agency will upload a copy of the signed document into the Grant Application Program (GAP).

Grant Application Program (GAP): GAP is a repository for all LAP project documents. Upon receipt of the Notice to Proceed on a project phase, the Local Agency will be responsible for uploading the appropriate project documents into GAP before an invoice can be paid. The efficient management of Local Agency contracts is important to GAP's main goal of improving communication between the Local Agency and FDOT.

The Agency will provide progress billing invoices with appropriate back-up documentation to the Department on a quarterly basis or sooner as of the execution date of the agreement. Progress invoice payments will be made on a pro-rata basis as a percentage of the state grant funding amount compared to the project cost. Final invoices will reimburse eligible participating items, not previously reimbursed, up to the maximum grant funding.

For projects that have participating and non-participating items, the local agency must submit invoices clearly depicting and differentiating the participating and non-participating items of expenditures that are federal or locally funded. Pay item plan sheets must also separate and distinguish between participating and non-participating items. Non-participating costs are the responsibility of the Agency.

The Agency will ensure compliance of the Contractor's proposed staging/storage area with the Endangered Species Act, Section 4(f) and Section 106 of the Code of Federal Regulations. Required Sections 7-1.4 and 7-1.8 of FDOT's Division I Standard Specification are included in FDOT's Division 1 specification package for Local Agencies.

The Agency shall be responsible for identification and remediation, including all associated costs, of any hazardous materials and contamination encountered while implementing the project.

The Agency will notify the Department of any Change Orders whether or not the Department is participating in them. Change orders will not be implemented until the Department has granted approval.

The Agency will process a Project Closeout Package at project completion in accordance with the Local Agency Program Manual for Federal Aid Projects (Department Procedure: 525-010-300). The package must include the project final invoice, the Agency's written notice of final acceptance to the contractor, the approved Final Inspection and Acceptance form, the LAP Record of Final Plans and Documentation form (52501047), and Materials Certification. Final as-built plans should be provided if applicable per the LAP Manual. If applicable, a Project Commitments Record (DOT form 700-011-35) must be provided showing all project commitments have been met. The local agency will coordinate with District Environmental Management Office to generate the form. Appropriate District 7 Documents Spreadsheet must be submitted confirming all required documents have been uploaded to GAP. This process must be completed and accepted by the Department prior to payment of the project Final Invoice.

The Recipient shall commence the project's activities subsequent to the execution of this Agreement and shall perform in accordance with the following schedule:

a) Study to be completed by n/a.
b) Design to be completed and submitted to the Department by 02/01/2024.
c) Right-of-Way requirements identified and provided to the Department by 02/01/2024.
d) Construction contract to be let by 09/29/2024.
e) Construction to be completed by 07/21/2025.

If this schedule cannot be met, the Recipient will notify the Department in writing with a revised schedule or the project is subject to the withdrawal of funding.

SPECIAL CONSIDERATIONS BY DEPARTMENT:
The Department will issue Notice to Proceed to the Agency after final design plans and the project Bid Package to include Specifications, updated construction estimate, draft construction contract, completed Construction checklist and the Agency's Certification Clear Package have been reviewed and approved.

Upon receipt of an invoice, the Department will have twenty (20) working days to review and approve the goods and services submitted for payment.

LOCAL AGENCY PROGRAM AGREEMENT

EXHIBIT B
SCHEDULE OF FINANCIAL ASSISTANCE

RECIPIENT NAME & BILLING ADDRESS:	FINANCIAL PROJECT NUMBER:
City of St. Petersburg PO Box 2842 St Petersburg, FL 33731	443581 1 58/68 01

PHASE OF WORK By Fiscal Year	MAXIMUM PARTICIPATION (1) TOTAL PROJECT FUNDS	(2) LOCAL FUNDS	(3) STATE FUNDS	(4) FEDERAL FUNDS
Design- Phase 38				
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
Total Design Cost	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Right-of-Way- Phase 48				
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
Total Right-of-Way Cost	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Construction- Phase 58				
FY: 2024 (Local Agency Programs)	$ 1,766,087.00	$ 441,522.00	$	$ 1,324,565.00
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
Total Construction Cost	$ 1,766,087.00	$ 441,522.00	$ 0.00	$ 1,324,565.00
Construction Engineering and Inspection (CEI)- Phase 68				
FY: 2024 (Local Agency Programs)	$ 53,484.00	$ 53,484.00	$	$
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
Total CEI Cost	$ 53,484.00	$ 53,484.00	$ 0.00	$ 0.00
(Insert Phase)				
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
FY: (Insert Program Name)	$	$	$	$
Total Phase Costs	$ 0.00	$ 0.00	$ 0.00	$ 0.00
TOTAL COST OF THE PROJECT	$ 1,819,571.00	$ 495,006.00	$ 0.00	$ 1,324,565.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:
I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Marcia Haines
District Grant Manager Name

Signature Date

EXHIBIT C

TITLE VI ASSURANCES

During the performance of this contract, the consultant or contractor, for itself, its assignees and successors in interest (hereinafter collectively referred to as the "contractor") agrees as follows:

(1.) **Compliance with REGULATIONS:** The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") ***Title 49, Code of Federal Regulations, Part 21,*** as they may be amended from time to time, (hereinafter referred to as the ***REGULATIONS***), which are herein incorporated by reference and made a part of this contract.

(2.) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the basis of race, color, national origin, or sex in the selection and retention of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by ***Section 21.5*** of the ***REGULATIONS,*** including employment practices when the contract covers a program set forth in ***Appendix B*** of the ***REGULATIONS.***

(3.) **Solicitations for Sub-contractors, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the ***REGULATIONS*** relative to nondiscrimination on the basis of race, color, national origin, or sex.

(4.) **Information and Reports:** The contractor shall provide all information and reports required by the ***REGULATIONS*** or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such ***REGULATIONS,*** orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *Florida Department of Transportation,* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.

(5.) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Florida Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or

Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

a. withholding of payments to the contractor under the contract until the contractor complies, and/or
b. cancellation, termination or suspension of the contract, in whole or in part.

(6.) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (7) in every sub-contract, including procurements of materials and leases of equipment, unless exempt by the ***REGULATIONS,*** or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the *Florida Department of Transportation* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation,* and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(7.) **Compliance with Nondiscrimination Statutes and Authorities**: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

EXHIBIT D

RECIPIENT RESOLUTION

The Recipient's Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.

EXHIBIT E

FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

CFDA No.:	20.205
CFDA Title:	Highway Planning and Construction Federal-Aid Highway Program, Federal Lands Highway Program
CFDA Program Site:	**https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfda&is_active=true&page=1**
Award Amount:	**$1,324,565.00**
Awarding Agency:	Florida Department of Transportation
Award is for R&D:	No
Indirect Cost Rate:	N/A

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE SUBJECT TO THE FOLLOWING:

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards
http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:

Title 23 – Highways, United States Code
http://uscode.house.gov/browse/prelim@title23&edition=prelim

Title 49 – Transportation, United States Code
http://uscode.house.gov/browse/prelim@title49&edition=prelim

Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”)
https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf

Federal Highway Administration – Florida Division
http://www.fhwa.dot.gov/fldiv/

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)
https://www.fsrs.gov/

EXHIBIT F

CONTRACT PAYMENT REQUIREMENTS
Florida Department of Financial Services, Reference Guide for State Expenditures
Cost Reimbursement Contracts

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.). Supporting documentation shall be submitted for each amount for which reimbursement is being claimed indicating that the item has been paid. Documentation for each amount for which reimbursement is being claimed must indicate that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved agreement budget may be reimbursed. These expenditures must be allowable (pursuant to law) and directly related to the services being provided.

Listed below are types and examples of supporting documentation for cost reimbursement agreements:

Salaries: Timesheets that support the hours worked on the project or activity must be kept. A payroll register, or similar documentation should be maintained. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable.

Fringe benefits: Fringe benefits should be supported by invoices showing the amount paid on behalf of the employee, e.g., insurance premiums paid. If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown. Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.

Travel: Reimbursement for travel must be in accordance with s. 112.061, F.S., which includes submission of the claim on the approved state travel voucher along with supporting receipts and invoices.

Other direct costs: Reimbursement will be made based on paid invoices/receipts and proof of payment processing (cancelled/processed checks and bank statements). If nonexpendable property is purchased using state funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with DMS Rule 60A-1.017, F.A.C., regarding the requirements for contracts which include services and that provide for the contractor to purchase tangible personal property as defined in s. 273.02, F.S., for subsequent transfer to the State.

Indirect costs: If the contract stipulates that indirect costs will be paid based on a specified rate, then the calculation should be shown. Indirect costs must be in the approved agreement budget and the entity must be able to demonstrate that the costs are not duplicated elsewhere as direct costs. All indirect cost rates must be evaluated for reasonableness and for allowability and must be allocated consistently.

Contracts between state agencies may submit alternative documentation to substantiate the reimbursement request, which may be in the form of FLAIR reports or other detailed reports.

The Florida Department of Financial Services, online Reference Guide for State Expenditures can be found at this web address https://www.myfloridacfo.com/Division/AA/Manuals/documents/ReferenceGuideforStateExpenditures.pdf.

EXHIBIT G

FHWA FORM 1273
FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – COMPLIANCE WITH FHWA 1273.

The FHWA-1273 version dated October 23, 2023 is appended in its entirety to this Exhibit. FHWA-1273 may also be referenced on the Department's website at the following URL address:
http://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf

Sub-recipients of federal grants awards for Federal-Aid Highway construction shall take responsibility to obtain this information and comply with all provisions contained in FHWA-1273.



Document Path: S:\ArcGIS\2023\ENG\22051-112 North Shore Elementary - Public Meeting Maps\PublicMeetingMap 11-1-23.aprx

DISCLAIMER:
THE INFORMATION IS PROVIDED FOR YOUR PERSONAL USE AS IS, ALONG WITH THE UNDERSTANDING THAT IT IS NOT GUARANTEED TO BE ACCURATE, CORRECT, OR COMPLETE. INFORMATION SHOULD NOT BE USED TO MAKE FINANCIAL OR OTHER COMMITMENTS AND ANY CONCLUSIONS DRAWN FROM SUCH INFORMATION ARE THE RESPONSIBILITY OF THE USER. WHILE EVERY EFFORT IS MADE TO ENSURE THE ACCURACY, CORRECTNESS, AND TIMELINESS OF THE DATA PRESENTED, THE CITY OF ST. PETERSBURG MAKES NO WARRANTY OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS, OR COMPLETENESS OF ANY OF THE DATA PROVIDED AND ASSUMES NO LIABILITY FOR THE USE OF THESE MAPS AND DATA.

N

NORTH SHORE ELEMENTARY SRTS
ECID PROJECT #22051-112 FPN #443581-1
PROJECT OVERVIEW

Date: 11/29/2023

st.petersburg
www.stpete.org

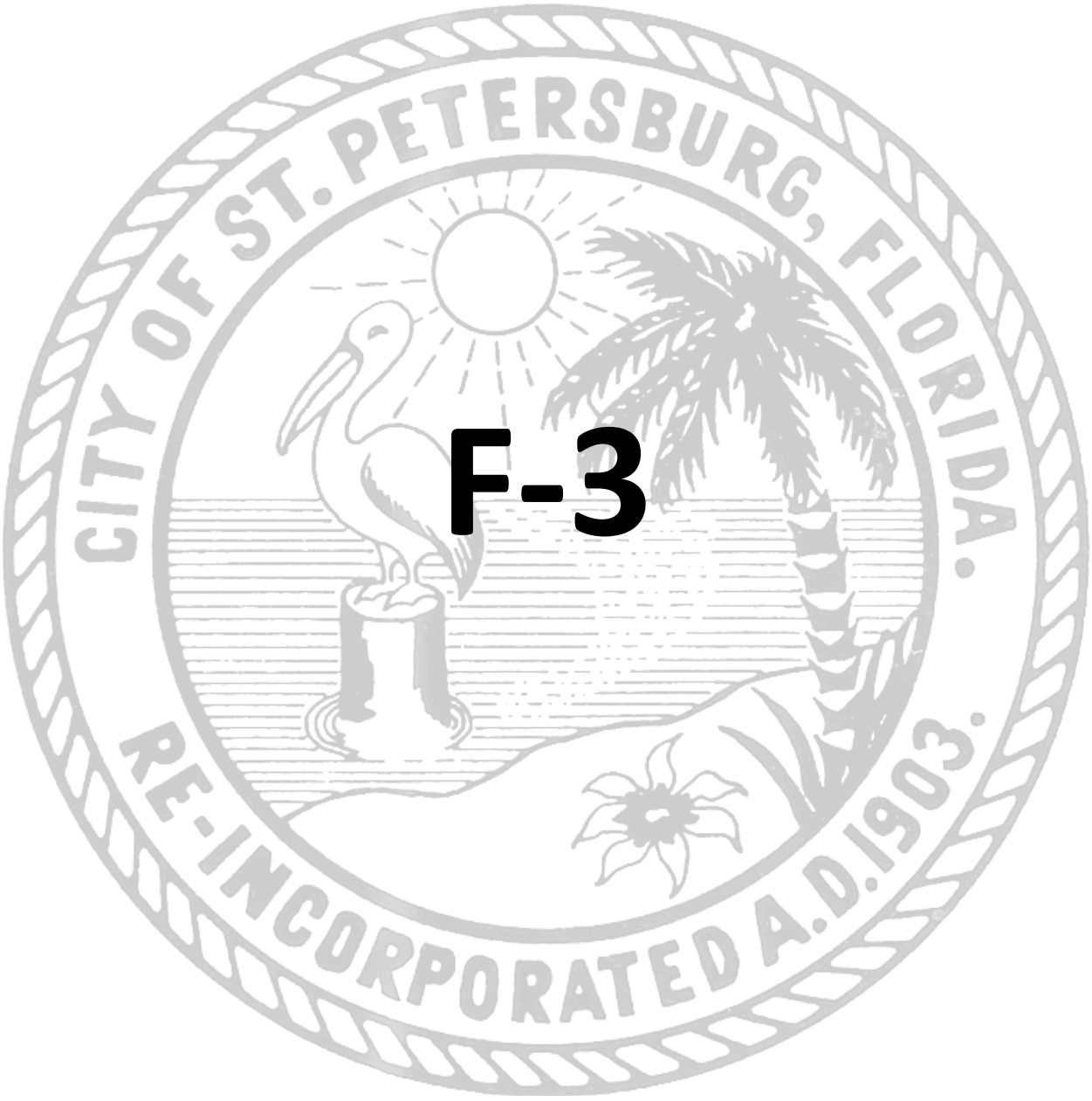
		Request #
st.petersburg www.stpete.org	-- City of St. Petersburg Authorization Request -- **General Authorization**	257722

Name:	Johnson, Sarah B	Request Date:	15-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	Council Approval - 2/29
Message:	22051-112 - FDOT - North Shore Elementary - LAP Agreement
Supporting Documentation:	FDOT - North Shore Elementary - LAP Agreement - Final.pdf

	Approver	Completed By	Response	Response Date	Type
0	Johnson, Sarah B		SUBMITTED	15-FEB-2024	
1	Prayman, Brejesh B	Prayman, Brejesh B	APPROVE	15-FEB-2024	User Defined
2	Wahl, Margaret Brown	Wahl, Margaret Brown	APPROVE	15-FEB-2024	User Defined
3	Tankersley, Claude Duval	Tankersley, Claude Duval	APPROVE	15-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: Accepting a guaranteed maximum price proposal in the amount of $3,746,568 from PCL Construction, Inc. (CMAR) for construction phase services for Citywide Backflow Preventers Replacement; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager At Risk (CMAR) Agreement with a GMP between the City of St. Petersburg, Florida and CMAR, dated February 12, 2024 to incorporate the Guaranteed Maximum Price (GMP) Proposal into the agreement and modify other necessary provisions; approving a transfer in the amount of $3,747,000 from the unappropriated balance of the Stormwater Utility Operating Fund (4011) to the Stormwater Drainage Capital Projects Fund (4013); approving a supplemental appropriation in the amount of $3,747,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), resulting from the above transfer, to the Stormwater Vault/Backflow FY22 Project (18597) (ECID Project No. 22065-110; Oracle Project No. 18597); and providing an effective date.
Please scroll down to view the backup material.



F-3

ST. PETERSBURG CITY COUNCIL

Report

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair, and Members of City Council

SUBJECT: Accepting a guaranteed maximum price proposal in the amount of $3,746,568 from PCL Construction, Inc. ("CMAR") for construction phase services for Citywide Backflow Preventers Replacement; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager At Risk (CMAR) Agreement with a GMP between the City of St. Petersburg, Florida and CMAR, dated February 12, 2024 to incorporate the Guaranteed Maximum Price (GMP) Proposal into the agreement and modify other necessary provisions; approving a transfer in the amount of $3,747,000 from the unappropriated balance of the Stormwater Utility Operating Fund (4011) to the Stormwater Drainage Capital Projects Fund (4013); approving a supplemental appropriation in the amount of $3,747,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), resulting from the above transfer, to the Stormwater Vault/Backflow FY22 Project (18597) (ECID Project No. 22065-110; Oracle Project No. 18597); and providing an effective date.

EXPLANATION: On November 10, 2022, City Council acknowledged the selection of two CMAR firms for the CMAR Continuing Services for Roadway, Structures, and Stormwater projects, for the Engineering & Capital Improvements Department and authorized execution of Construction Manager at Risk Agreements with a Guaranteed Maximum Price with those firms. A Letter Agreement was executed with each firm establishing the terms and conditions of the continuing services CMAR Agreement.

On September 23, 2023, the Engineering and Capital Improvements Department ("ECID") administratively approved the AIA Document A133 – 2019 and AIA Document A201-2017 with PCL Construction, Inc., for pre-construction services including the review of city as-builts, site visits, and bidding services in the amount of $54,035.36.

To address street flooding in St. Petersburg's low-lying coastal neighborhoods during high tide events, the city is initiating a project to upgrade tidal backflow preventer valves at various locations. These critical devices are essential for preventing tidal waters from flowing back into the drainage systems due to increased frequency and severity of high tides. This upgrade aims to enhance flood management and community resilience by installing more advanced and efficient valve systems, thus reducing the impact of flooding on residents and infrastructure.

This GMP will also include a $3 million allowance. This fund is designated for the evaluation and potential replacement of additional valves at other critical locations within the City contingent upon feasibility assessments. This proactive measure ensures that the project scope can be expanded to address and mitigate flood risks more comprehensively, further enhancing the resilience of the community against high tide events and potential flooding.

A $111,985 Owner's Contingency for unforeseen conditions is included in the GMP.

The Engineering and Capital Improvements Department recommends for award:

PCL Construction, Inc ……. $3,746,568

City Code 2-234, Small Business Enterprise Assistance Program, requires a required participation percentage to be assigned to all construction projects of over $50,000. This SBE required participation

percentage for this project will be 15%. When work is issued from the Allowance for a cumulative authorized allowance in excess of $1,000,000, the CMAR will be required to comply with the applicable City Ordinances.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to accept a guaranteed maximum price proposal in the amount of $3,746,568 from PCL Construction, Inc. ("CMAR") for construction phase services for Citywide Backflow Preventers Replacement; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager At Risk (CMAR) Agreement with a GMP between the City of St. Petersburg, Florida and CMAR, dated February 12, 2024 to incorporate the Guaranteed Maximum Price (GMP) Proposal into the agreement and modify other necessary provisions; approving a transfer in the amount of $3,747,000 from the unappropriated balance of the Stormwater Utility Operating Fund (4011) to the Stormwater Drainage Capital Projects Fund (4013); approving a supplemental appropriation in the amount of $3,747,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), resulting from the above transfer, to the Stormwater Vault/Backflow FY22 Project (18597) (ECID Project No. 22065-110; Oracle Project No. 18597); and providing an effective date

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available after the approval of a transfer in the amount of $3,747,000 from the unappropriated balance of the Stormwater Utility Operating Fund (4011) to the Stormwater Drainage Capital Projects Fund (4013) and a supplemental appropriation in the amount of $3,747,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), resulting from the above transfer, to the Stormwater Vault/Backflow FY22 Project (18597).

ATTACHMENTS: GMP Proposal
Resolution

The following page(s) contain the backup material for Agenda Item: Ordinances amending Chapter 16, Land Development Regulations (LDRs) and amending Chapter 8, Building Code, adopting a local technical amendment, pertaining to Floodplain Management and the Floodplain Management Ordinance (FPM) to remain in compliance with the National Flood Insurance Program (NFIP) and to comply with the NFIPs Community Rating System (CRS). (City File: LDR-2024-01)
Please scroll down to view the backup material.



G-1

ST. PETERSBURG CITY COUNCIL

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: Ordinances amending Chapter 16, Land Development Regulations (LDR's) and amending Chapter 8, Building Code, adopting a local technical amendment, pertaining to Floodplain Management and the Floodplain Management Ordinance (FPM) to remain in compliance with the National Flood Insurance Program (NFIP) and to comply with the NFIP's Community Rating System (CRS). (City File: LDR-2024-01)

BACKGROUND:
In June of 2021 the Floodplain Management Ordinance (FPM) was updated to comply with the National Flood Insurance Program (NFIP) based on the State Department of Emergency Management (DEM) model ordinance, to incorporate plan review requirements, and to promote consistency.

This application includes three additional text amendments to Chapter 16, Floodplain Management Ordinance to provide additional clarity and consistency with FEMA and Pinellas County: changing the POD from the Building Official to the Floodplain Manager, updating the market value definition, and clarifications to the measurement of the base elevation of mobile homes. A more detailed description of the changes is provided in the attached DRC staff report.

In addition to the changes to Chapter 16, one change to the Florida Building Code in Chapter 8 is proposed to revert back to the ASCE 24 original language for floodproofing within a Coastal A Zone. This will provide consistency with the Florida Building Code, ASCE 24 and Pinellas County Flood design regulations.

RECOMMENDATION:

Administration: City staff recommends APPROVAL.

Development Review Commission (DRC): On February 7, 2024, the CPPC held a public hearing regarding this matter and voted 6 to 0 making a finding of consistency with the Comprehensive Plan and recommending to City Council **APPROVAL** of the Future Land Use Map amendment and concurrent rezoning.

Recommended City Council Action:
1) CONDUCT the first reading of the attached proposed ordinances; AND
3) SET the second reading and adoption public hearing for March 21, 2024.

Attachments: Ordinances, DRC Staff Report.

Ord. No. _____

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING ITS LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 16.40.050.3.1. TO UPDATE THE PERSON OFFICIALLY DESIGNATED TO PERFORM THE DUTIES SET FORTH IN THE FLOODPLAIN MANAGEMENT ORDINANCE; AMENDING SECTION 16.40.050.9.4. TO UPDATE THE DEFINITION OF MARKET VALUE; AMENDING SECTION 16.40.050.13.4. TO UPDATE GENERAL ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES IN THE COASTAL HIGH HAZARD AREA; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

SECTION ONE. Section 16.40.050.3.1. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.050.3.1. Designation.

The ~~Building Official~~ Floodplain Manager is designated as the person officially designated (POD) and Floodplain Administrator for the purposes of this ordinance. The ~~Building Official~~ Floodplain Manager may delegate the performance of certain duties to other employees.

SECTION TWO. The definition of "Market value" in Section 16.40.050.9.4. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.050.9.4. Definitions.

Market value means the ~~price at which a property will be transferred between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market~~ value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, ~~may be established by a qualified independent appraiser, with a signed, original, certified comparative appraisal, using at least three comparative properties and which is no more than 12 months old, or in the case of unusual properties which are not frequently bought or sold, including, but not limited to, properties such as churches, colleges or hospitals, for example, by other types of appraisals such as actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction),~~ or the Pinellas County Property Appraiser's Replacement Cost Depreciated (RCD)

Value tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

SECTION THREE. Section 16.40.050.13.4. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.050.13.4. General elevation requirement.

All new, relocated, substantially improved, and substantially damaged manufactured homes shall be elevated such that the top of the supporting metal chassis is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2, as modified (Zone A/AE). In areas of shallow flooding (AO Zones) and Unnumbered A zones, all new, relocated, substantially improved, and substantially damaged manufactured homes shall have the top of the supporting metal chassis elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus two feet, or at least four feet above the highest adjacent grade if a depth number is not specified. In coastal high hazard areas (Zone V/VE), <u>replacement manufactured homes shall be elevated such that</u> the bottom of the supporting metal chassis <u>is at or above the elevation required in the Florida Building Code, Residential Section R322.2, and the bottom of the supporting metal chassis</u> shall be the lowest horizontal structural member, where chassis means the supporting metal frame of the manufactured home, exclusive of the body or housing.

SECTION FOUR. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of St. Petersburg. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION FIVE. Coding. As used in this ordinance, all language shall appear in the City Code in the section, subsection, or other location where indicated and in the manner in which it is displayed herein. Struck-through type is language to be deleted from the Florida Building Code, as a local amendment thereto, and shall appear as struck-through type in the City Code. <u>Underlined</u> type is language to be added to the Florida Building Code, as a local amendment thereto, and shall appear as <u>underlined</u> type in the City Code. Language that is neither struck-through nor <u>underlined</u> type is unamended language from the Florida Building Code, and shall appear as such in the City Code. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

SECTION SIX. Severability. The provisions of this ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION SEVEN. COMPLIANCE WITH § 166.041(4), FLORIDA STATUTES. This ordinance is enacted to implement Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits. Therefore, a business impact estimate was not required and was not prepared for this ordinance.

SECTION EIGHT. Effective Date. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day

after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

/s/ Michael J. Dema
City Attorney (designee)
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Ord. No. _____

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING CHAPTER EIGHT OF THE CITY CODE; AMENDING SECTION 8-36(c)(3) TO MAKE A LOCAL TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE (FBC) TO RESCIND PREVIOUS AMENDMENTS TO THE FBC RELATED TO FLOODPROOFING; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of St. Petersburg, Florida and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City of St. Petersburg, Florida was accepted for participation in the National Flood Insurance Program on May 28, 1971 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code (FBC); and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative and technical amendments to the FBC to implement the National Flood Insurance Program; and

WHEREAS, the purpose of this Ordinance is to allow dry floodproofing in Coastal A Zones, in accordance with the FBC by rescinding the previous local technical amendment to Sec. 1612.4.1 subsections 1 and 2, while retaining the local technical amendments previously adopted to Sec. 1612.4.1 which added subsections 3-8; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed local technical amendment to the FBC and the proposed amendment is not more stringent than necessary to address the need identified, does not discriminate against materials, products or construction techniques of demonstrated capabilities, and is in compliance with section 553.73(4), Florida Statutes.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

SECTION ONE. The Florida Building Code (FBC) which has previously been adopted by the City in Chapter Eight of the City Code, is hereby amended by making the following amendment to FBC Section 1612.4.1 in Sec. 8-36(c)(3) to read as follows:

Sec. 8-36. Administrative amendments to the Florida Building Code.

* * *

(c) The following additional amendments are made to the Florida Building Code:

* * *

(3) *Technical amendments to the Florida Building Code, Building.*

* * *

Modify Sec. 1612.4.1 ~~as follows~~ by adding the following subsections 3. to 8.:

~~1612.4.1 *Modification of ASCE 24.*~~

~~Table 6-1 and Section 6.2.1 in ASCE 24 shall be modified as follows:~~

~~1. The title of Table 6.1 shall be "Minimum Elevation of Floodproofing, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE), In Other Flood Hazard areas that are not High Risk Flood Hazard Areas".~~

~~2. Reserved.~~

3. Table 6-1 in ASCE 24 shall be modified for all new and substantial improved construction to include 1 foot (305 mm) of additional freeboard for each flood design class. The minimum elevation of floodproofing allowed for any flood design class shall be, base flood elevation plus 2ft (610 mm), or the design flood elevation, whichever is higher.

4. Table 2-1 in ASCE 24 shall be modified for all new and substantial improved construction other than R2 occupancy, shall include 1 foot (305 mm) of additional freeboard for each flood design class. The minimum lowest floor elevation allowed for any flood design class shall be, base flood elevation plus 2ft (610 mm), or the design flood elevation, whichever is higher. All R2 multi-family dwelling structures with three or more dwelling units attached located in a flood hazard area shall include 3 feet (915 mm) of additional freeboard. The minimum lowest floor elevation allowed for any design class for an R2 multi-family dwelling shall be, base flood elevation plus 4 feet (1220 mm).

5. Table 4-1 in ASCE 24 shall be modified for all new and substantial improved construction other than R2 occupancies, shall include 1 foot (305 mm) of

additional freeboard for each flood design class. The minimum elevation of the bottom of the lowest supporting horizontal structural member of the lowest floor for any flood design class shall be, base flood elevation plus 2ft (610 mm), or the design flood elevation, whichever is higher. All R2 multi-family dwelling structures with three or more dwelling units attached located in a flood hazard area shall include 3 additional feet (915 mm) of freeboard. The minimum elevation of the bottom of the lowest supporting horizontal structural member of the lowest floor for an R2 multi-family dwelling shall be, base flood elevation plus 4 feet (1220 mm).

6. Table 5-1 and 7-1 in ASCE 24 shall be modified for all new and substantial improved construction other than R2 occupancies, shall include the 1 foot (305 mm) of additional freeboard for each flood design class. All R2 multi-family dwelling structures with three or more dwelling units attached located on a flood hazard area shall include 3 feet (915 mm) of additional freeboard.

7. Substantial improvement and Substantial damage as defined in section 202 of this code shall replace the definitions in section 1.2 of ASCE 24.

8. Section 2.7 Enclosures below the design flood elevation and section 4.6 Enclosed areas below design flood elevation shall be modified with the following additional limitations. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. Enclosures and enclosed areas shall not be temperature-controlled. The Building Official reserves the right to inspect enclosures and enclosed areas at any time to ensure compliance with this section.

SECTION TWO. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of St. Petersburg. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION THREE. Coding. As used in this ordinance, all language shall appear in the City Code in the section, subsection, or other location where indicated and in the manner in which it is displayed herein. Struck-through type is language to be deleted from the Florida Building Code, as a local amendment thereto, and shall appear as struck-through type in the City Code. <u>Underlined</u> type is language to be added to the Florida Building Code, as a local amendment thereto, and shall appear as <u>underlined</u> type in the City Code. Language that is neither struck-through nor <u>underlined</u> type is unamended language from the Florida Building Code, and shall appear as such in the City Code. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

SECTION FOUR. Severability. The provisions of this ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION FIVE. COMPLIANCE WITH § 166.041(4), FLORIDA STATUTES. This ordinance is enacted to implement Section 553.73, relating to the Florida Building Code. Therefore, a business impact estimate was not required and was not prepared for this ordinance.

SECTION SIX. Effective Date. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

/s/ Michael J. Dema
City Attorney (designee)
00726181.docx

Staff Report to the St. Petersburg Development Review Commission
Prepared by the Planning & Development Services Department

For Public Hearing Review on Wednesday, February 7, 2024
at 1 p.m. in the Council Chambers, City Hall
175 – 5th Street North, St. Petersburg, Florida 33701

City File: LDR 2024-01

Floodplain Management Ordinance

This is a City-initiated application requesting that the Development Review Commission (DRC), in its capacity as the Land Development Regulations Commission (LDRC), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the following text amendments to the City Code, Chapter 16, Land Development Regulations (LDRs) pertaining to Floodplain Management.

APPLICANT INFORMATION

APPLICANT: City of St. Petersburg
175 5th Street North
St. Petersburg, Florida 33712

STAFF CONTACT: Hannah Rebholz, CFM, Floodplain Manager
Planning and Development Services Department
Hannah.Rebholz@stpete.org
(727) 551-3321

INTRODUCTION

In June of 2021 the Floodplain Management Ordinance (FPM) was updated to comply with the National Flood Insurance Program (NFIP) based on the State Department of Emergency Management (DEM) model ordinance, to incorporate plan review requirements, and to promote consistency.

This application includes three additional text amendments to provide additional clarity and consistency with FEMA and Pinellas County: changing the POD from the Building Official to the Floodplain Manager, updating the market value definition, and clarifications to the measurement of the base elevation of mobile homes.

In early 2023, the Floodplain Manager position was created to elevate the floodplain management program, and the change of the Person Officially Designated (POD) from the Building Official to the Floodplain Manager better reflects the current positions and program structure.

The updated market value definition provides consistency with Pinellas County and other jurisdictions across the state. The City participates in the Local Mitigation Strategy (LMS) with Pinellas County, so it is particularly important that both City and County ordinances are consistent.

In 2021, the design flood elevation for mobile homes was increased two feet above the base elevation required by FEMA. The proposed change provides better clarity as to how that is to be measured, to the bottom of the supporting metal chassis. The proposed amendments are shown below in the Strike-through/Underline format:

16.40.050.3.1. Designation.

The ~~Building Official~~ Floodplain Manager is designated as the person officially designated (POD) and Floodplain Administrator for the purposes of this ordinance. The ~~Building Official~~ Floodplain Manager may delegate the performance of certain duties to other employees.

16.40.050.9.4. Definitions.

Market value ~~means the price at which a property will be transferred between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market~~ means the value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser, with a signed, original, certified comparative appraisal, using at least three comparative properties and which is no more than 12 months old, or~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, ~~in the case of unusual properties which are not frequently bought or sold, including, but not limited to, properties such as churches, colleges or hospitals, for example, by other types of appraisals such as actual cash value (like kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction),~~ or the Pinellas County Property Appraiser's Replacement Cost Depreciated (RCD) Value tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

16.40.050.13.4. General elevation requirement.

All new, relocated, substantially improved, and substantially damaged manufactured homes shall be elevated such that the top of the supporting metal chassis is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2, as modified (Zone A/AE). In areas of shallow flooding (AO Zones) and Unnumbered A zones, all new, relocated, substantially improved, and substantially damaged manufactured homes shall have the top of the supporting metal chassis elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus two feet, or at least four feet above the highest adjacent grade if a depth number is not specified. In coastal high hazard areas (Zone V/VE), replacement manufactured homes shall be elevated such that the bottom of the supporting metal chassis is at or above the elevation required in the Florida Building Code, Residential Section R322.2, and the bottom of the supporting metal chassis shall be the lowest horizontal structural member, where chassis means the supporting metal frame of the manufactured home, exclusive of the body or housing.

In addition to the changes to Chapter 16, one change to the Florida Building Code in Chapter 8 will be presented to City Council concurrently with these changes. The proposed change will revert back to the ASCE 24 original language for floodproofing within a Coastal A Zone. This will provide consistency with the Florida Building Code and ASCE 24.

Background on the Floodplain Management Program

The National Flood Insurance Program (NFIP) is a program run by the Federal Emergency Management Agency (FEMA). It was established in 1968 to provide federally supported (subsidized) flood insurance for properties with significant flood risk. In return, supported communities must meet minimum flood plain management standards. Risk areas are designated and mapped by FEMA with their Flood Insurance Rate Maps (FIRMs). Depicted on the maps are special Flood Hazard Areas (SFHAs). These are areas with a 1% or greater risk of annual flooding. As maps are updated communities must adopt them and enact minimum standards to regulate development in flood designated areas. If a community does not adopt their FIRMs or does not maintain their standards they can be put on probation or suspended from the Program. If a community does not participate with the NFIP, properties within those boundaries cannot purchase reduced rate flood insurance. Individuals in these areas can also face challenges receiving federal disaster assistance in flood hazard areas, or in receiving federally backed mortgages. The minimum standards are intended to:

- Constrict the development of land which is exposed to flood damage where appropriate.
- Guide the development of proposed construction away from locations which are threatened by flood hazards.
- Assist in reducing damage caused by floods.
- Otherwise improve the long-range land management and use of flood-prone areas

Overall, the program reduces the socio-economic impact of disasters by promoting the purchase and retention of Risk Insurance in general, and National Flood Insurance in particular.

The National Flood Insurance Program (NFIP) implemented the Community Rating System (CRS) as a voluntary program that encourages and rewards floodplain management. Communities can participate by implementing local mitigation strategies, floodplain management, and outreach activities. We have adopted Pinellas County's Local Mitigation Strategy (LMS) for use in the CRS program. With the recent County changes to the definition of Market Value, we deemed it necessary and beneficial to adopt the new definition as well. This will not only help us to remain consistent with our LMS, but also with FDEM.

The City of St. Petersburg is currently rated as a Class 5 community, with a 25% discount to all flood insurance premiums within the Special Flood Hazard Area (SFHA). This discount results in a savings of over 10 million dollars a year to those paying flood insurance. Altering our Building Code amendments as well as the Floodplain Management ordinance will promote consistency with our LMS and the Florida Building Code, as well as make a more efficient way to determine market value.

CONSISTENCY with the COMPREHENSIVE PLAN

Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the LDRC, is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs. The following objectives and policies from the City's Comprehensive Plan are applicable to the proposed Land Development Regulations amendment:

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

OBJECTIVE CM11: The City will reduce natural hazard impacts through compliance with FEMA regulations, participation in NFIP's Community Rating System (CRS) and by targeting repetitive flood loss and vulnerable properties for mitigation.

CM11.9 The City shall continue to participate in the Federal Emergency Management Agency's National Flood Insurance Program and Community Rating System to achieve higher flood insurance premium discounts.

CM11.14 In order to reduce flood risk resulting from or associated with high-tide events, storm surge, flash floods, stormwater runoff and the impacts related to sea-level rise, the City shall continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations.

CM11.15 Through implementation of the Land Development Regulations, the City will continue to be consistent with, and in some instances more stringent than, the flood-resistant construction requirements in the Florida Building Code and federal floodplain management regulations.

OBJECTIVE C1: The City of St. Petersburg shall attempt to reduce the potential for property damage and safety hazards caused by storm flooding through complying with or exceeding of minimum FEMA regulations.

C1.1 The City will actively enforce minimum building standards identified in the Florida Building Code and Land Development Regulations for construction within the 100-year flood plain.

C1.2 The City will cooperate with the Federal Emergency Management Agency to regularly update the 100-year flood plain and to continue FEMA regulations.

PUBLIC HEARING PROCESS

The proposed ordinance associated with the LDR text amendment requires one (1) public hearing before the Development Review Commission (DRC) and one (1) City Council public hearing. The City Council first reading is tentatively scheduled for February 29, 2024.

RECOMMENDATION

Staff recommends that the Development Review Commission, in its capacity as the Land Development Regulation Commission, make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the City Code, Chapter 16 LDR text amendments.

City of St. Petersburg
Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately $2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment,* and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City's Housing and Community Development Department.

I. **Initiating Department:** Planning & Development Services Development

II. **Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached amendment to Chapter 16, City Code of Ordinances (City File LDR 2024-01).

III. **Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No X (No further explanation required.)
Yes __ Explanation:

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No X (No further explanation required)
Yes __ Explanation:

IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

_/s/ Elizabeth Abernethy _01/30/2024_
Director, Planning & Development Services (signature) Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development

LDR 2024-01

Floodplain Management Ordinance

First Reading: February 29, 2024

Item G.1.

Public Hearing: March 21, 2024



LDR 2024-01 Floodplain Management Ordinance

Provide additional clarity and consistency with FEMA and Pinellas County:

- Change the POD from Building Official to the Floodplain Manager
- Update the market value definition
- Clarify the measurement of the base elevation of mobile homes

LDR 2024-01 Changes to Floodplain Management Ordinance Section 16.40.050.

- 16.40.050.3.1. Designation
  - In early 2023, the Floodplain Manager position was created to elevate the floodplain management program, and the change of the Person Officially Designated (POD) from the Building Official to the Floodplain Manager better reflects the current positions and program structure.
- 16.40.050.13.4. General elevation requirement
  - In 2021, the design flood elevation for mobile homes was increased two feet above the base elevation required by FEMA. The proposed change provides clarity as to how that is to be measured.

LDR 2024-01 Changes to the Floodplain Management Ordinance 16.40.050. - continued

- 16.40.050.9.4. Definitions
  - *Market Value*- the value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the Pinellas County Property Appraiser's Replacement Cost Depreciated (RCD) Value tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

Section 8.36: Administrative Amendments to the Florida Building Code

- Local Technical Amendment:
  - Remove the restriction of floodproofing in Coastal A Zones, stating “In accordance with the Florida Building Code, dry floodproofing is permitted in Coastal A Zones.”
  - Reverting to the ASCE24 original language for floodproofing within a Coastal A Zone will provide consistency with the Florida Building Code, the ASCE24, and Pinellas County.

LDR 2024-01 Floodplain Management Ordinance

Consistency and Compatibility (with Comprehensive Plan)

- OBJECTIVE LU21: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives
- OBJECTIVE CM11: The City will reduce natural hazard impacts through compliance with FEMA regulations, participation in NFIP's Community Rating System (CRS) and by targeting repetitive flood loss and vulnerable properties for mitigation.
- OBJECTIVE C1: The City of St. Petersburg shall attempt to reduce the potential for property damage and safety hazards caused by storm flooding through complying with or exceeding of minimum FEMA regulations.

LDR 2024-01 Floodplain Management Ordinance

DRC Action

On February 7, 2024, the DRC held a public hearing and voted 6 to 0 making a finding of consistency with the Comprehensive Plan and recommending to City Council **APPROVAL** of the amendment to Chapter 16, the Land Development Regulations

Recommendation

CONDUCT the first reading of the attached proposed ordinances; AND

SET the second reading and adoption public hearing for March 21, 2024.

THANK YOU

Floodplain Management
Hannah Rebholz, CFM
Floodplain Manager

The following page(s) contain the backup material for Agenda Item: Ordinance 1165-V approving a vacation of two (2) street corner easements, generally located at 10000 1st Avenue North; setting forth conditions for the vacation to become effective; and providing for an effective date. (City File No.: DRC 23-33000016)
Please scroll down to view the backup material.



G-2

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ST. PETERSBURG CITY COUNCIL
Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair, and Members of City Council

SUBJECT: Ordinance 1165-V approving a vacation of two (2) street corner easements, generally located at 1000 1st Avenue North. (City File No.: DRC 23-33000016)

RECOMMENDATION: Administration and the Development Review Commission recommend **APPROVAL**.

RECOMMENDED CITY COUNCIL ACTION:
1) Conduct the first reading of the attached proposed ordinance; and
2) Set the second reading and public hearing for March 21, 2024.

The Request: The request is to vacate two (2) street corner easements generally located at 1000 1st Avenue North. The applicant's goal is to vacate the street corner easements in order to consolidate the property for redevelopment.

Discussion: As set forth in the attached report provided to the Development Review Commission (DRC), Staff finds that vacating the subject street corner easements would be consistent with the criteria in the City Code, the Comprehensive Plan, and the applicable special area plan.

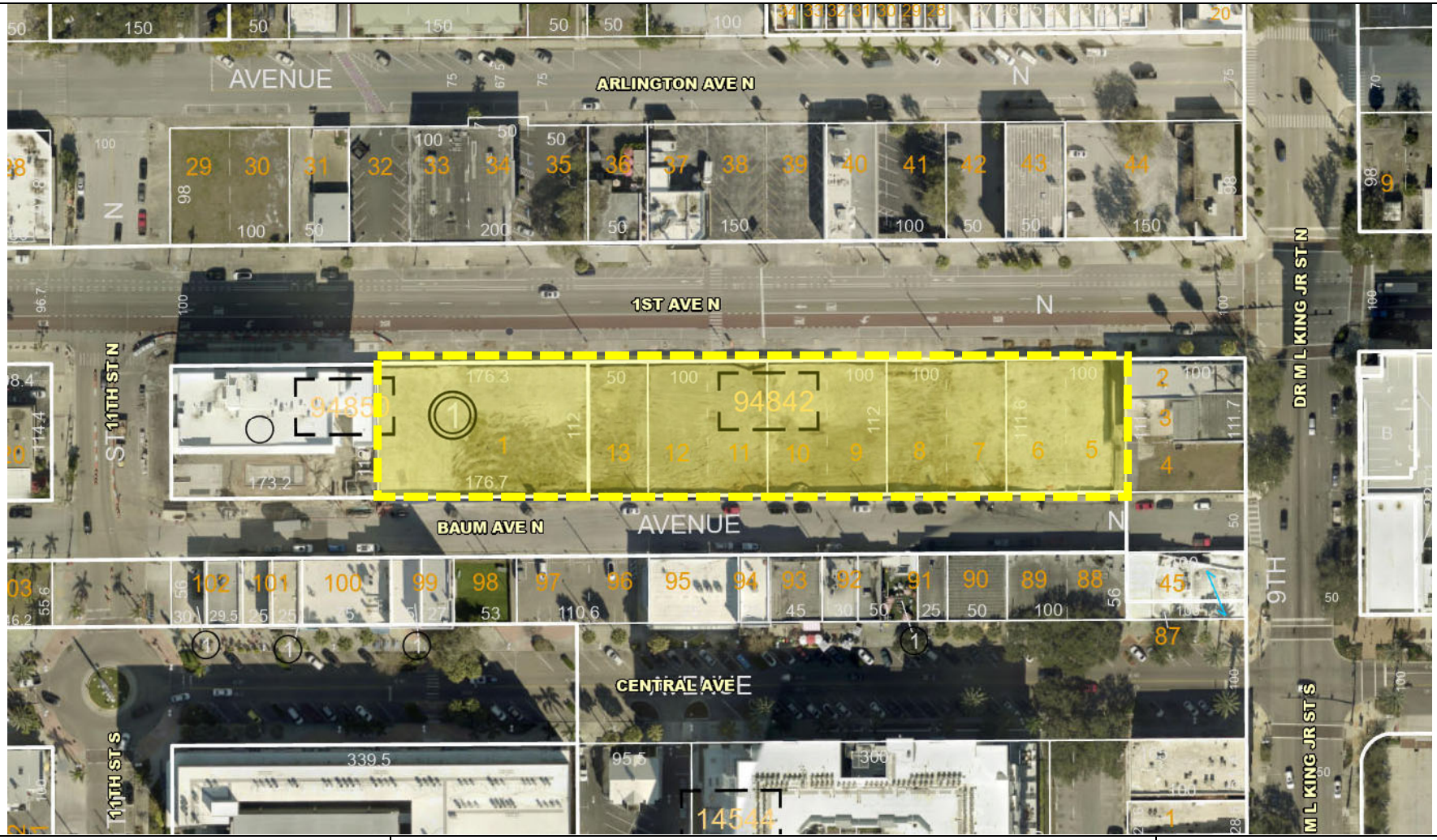
Agency Review: The request was routed to City Departments and Private Utility Providers for review and comments. Engineering, Transportation and Water Resources all stated that they have no objections. Staff has not received any letters objecting to the request from any of the private utility providers.

DRC Action/Public Comments: On February 7, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 6-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

RECOMMENDATION:
The Administration recommends **APPROVAL** of the vacation of the street easements, subject to the following conditions:

As required City Code Section 16.70.050.1.1.F, approval of street corner easement vacations shall lapse unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, by the City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

Attachments: Project Location Map, Ordinance including Exhibit A, DRC Case 23-33000016 Staff Report



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Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 23-33000016
Address: 1000 1st Avenue North

N

(nts)

ORDINANCE NO. 1165-V

AN ORDINANCE APPROVING A VACATION OF TWO (2) STREET CORNER EASEMENTS, GENERALLY LOCATED AT 1000 1ST AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following street corner easements are hereby vacated as recommended by the Administration and the Development Review Commission on February 7, 2024 (City File No. DRC 23-33000016):

Legal Description: See attached Exhibit "A" incorporated as if fully stated herein.

Section 2. The above-mentioned rights-of-way are not needed for public use or travel.

Section 3. The vacation is subject to and conditional upon the following:

1. As required by City Code Section 16.70.050.1.1.F, approval of street corner easement vacations shall lapse unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, by the City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

Section 4. Compliance with §166.041(4), Florida Statutes. This ordinance is enacted to implement Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits. Therefore, a business impact estimate was not required and was not prepared for this ordinance.

Section 5. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

LEGAL:

PLANNING & DEVELOPMENT SERVICES DEPARTMENT:

/s/ Elizabeth Abernethy

LEGAL DESCRIPTION:

THAT CERTAIN STREET EASEMENT LOCATED IN THE NORTHEAST CORNER OF LOT 1 BLOCK 1, WARD AND BAUMS G.T.E. REPLAT AS RECORDED IN PLATS BOOK 83 PAGE 45 IN THE RECORDS OF PINELLAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF LOT 1 BLOCK 1, WARDS AND BAUMS G.T.E. REPLAT, AS RECORDED IN PLAT 83 PAGE 45, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND THE SOUTHERLY RIGHT OF WAY LINE OF 1ST AVENUE NORTH, A 100.00 FOOT RIGHT OF WAY, AND RUNNING THENCE SOUTH 00°18'30" WEST, ALONG THE EAST LINE OF LOT 1 BLOCK 1, WARDS AND BAUMS G.T.E. REPLAT, ALSO BEING THE EAST LINE OF LOT 13, AS RECORDED IN PLAT BOOK 1 PAGE 74, PUBLIC RECORDS OF HILLSBOROUGH COUNTY FLORIDA, 25.14 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, WITH A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.40 FEET, AND A CHORD BEARING OF NORTH 45°50'45" WEST 35.45 FEET; THENCE LEAVING SAID CURVE AND RUNNING EAST ALONG THE SOUTH LINE OF SAID 100 FOOT RIGHT OF WAY OF 1ST AVENUE NORTH FOR 25.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 136 SQUARE FEET OR .003 ACRES.

LEGEND

PB	PLAT BOOK
PBH	PLAT BOOK HILLSBOROUGH
PG	PAGE
R/W	RIGHT OF WAY
CB	CHORD BEARING
CL	CHORD LENGTH
A	ARC LENGTH
R	RADIUS
p	PLAT

NOTES

1. BASIS OF BEARINGS: EAST LINE OF LOT 1 BLOCK 1, N00°18'30"E
2. NOT A BOUNDARY SURVEY
3. THIS SKETCH IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY.
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THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY TREVOR HATCH, PSM NO. 7443 ON DECEMBER 8, 2022.

TREVOR HATCH License Number 7443 STATE OF FLORIDA Professional Surveyor and Mapper

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1st Ave N
Sketch and Legal Description
SECTION 24, TOWNSHIP 31S., RANGE 16E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	MS	12/04/23
CHECKED	TH	12/04/23
FIELD BOOK		
FIELD DATE		

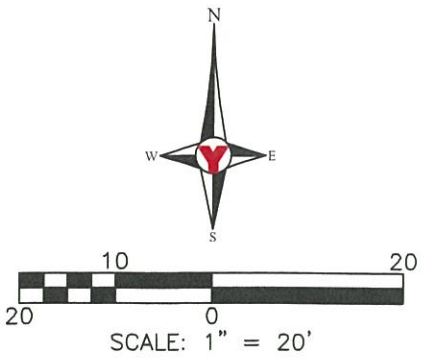
Trevor Hatch
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Date: 2023.12.08 07:55:07 -05'00'
Trevor Hatch PSM LS 7443
DATE

George F. Young, Inc.
299 DR. MARTIN LUTHER KING JR. STREET. N. ST. PETERSBURG, FLORIDA 33701
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JOB NO. 22006901SC

SHEET NO. 1 OF 2

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1ST AVENUE NORTH
(100' R/W)

P.O.B.
NORTHEAST CORNER OF
LOT 1, BLOCK 1
WARD & BAUMS G.T.E.
REPLAT
PLAT BOOK 83, PAGE 45

WEST 25.14'

N0°18'30"E 25.14'

R= 25.00'
A= 39.40'
CB= N45°09'15"W
CL= 35.45'

CB= N45°50'45"E (P)

WARD & BAUMS G.T.E. REPLAT
PLAT BOOK 83, PAGE 45

LOT 1, BLOCK 1

WARD'S & BAUM'S ADD
PB 1, PG 74

LOT 13

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1ST AVE N
SKETCH AND LEGAL

SECTION 24, TOWNSHIP 31S., RANGE 16E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	MS	12/04/23
CHECKED	TH	12/04/23
FIELD BOOK		
FIELD DATE		

SEE PAGE 1 OF 2 FOR
NOTES, SIGNATURE AND SEAL

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SHEET NO. 2 OF 2

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CONTAINING 133 SQUARE FEET OR .003 ACRES.

LEGEND

PB PLAT BOOK
PBH PLAT BOOK HILLSBOROUGH
PG PAGE
R/W RIGHT OF WAY
CB CHORD BEARING
CL CHORD LENGTH
A ARC LENGTH
R RADIUS

NOTES

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Date: 2023.12.08 07:35:27 -05'00'
Trevor Hatch PSM LS 7443
DATE

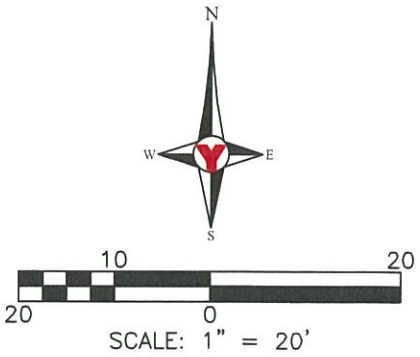
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SHEET NO. 1 OF 2

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SCALE: 1" = 20'

WARD & BAUMS G.T.E. REPLAT
PLAT BOOK 83, PAGE 45

LOT 1, BLOCK 1

WARD'S & BAUM'S ADD
PB 1, PG 74

LOT 13

R= 25.00'
A= 39.10'
CB= N45°00'46"E
CL= 35.24'

CB= N45°11'48"E (P)
CL= 35.29' (P)

N0°18'30"E 24.90'

S89°54'54"E 24.90

P.O.B.
SOUTHEAST CORNER OF
LOT 1, BLOCK 1
WARD & BAUMS G.T.E.
REPLAT
PLAT BOOK 83, PAGE 45

BAUM AVENUE NORTH
(WEST 5TH AVENUE – PER PBH 1, PAGE 74)
(50' R/W)

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1ST AVE N
SKETCH AND LEGAL

SECTION 24, TOWNSHIP 31S., RANGE 16E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	MS	12/04/23
CHECKED	TH	12/04/23
FIELD BOOK		
FIELD DATE		

SEE PAGE 1 OF 2 FOR NOTES, SIGNATURE AND SEAL

George F. Young, Inc.
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JOB NO. 22006901SS

SHEET NO. 2 OF 2

FILE: \\GFY-STP\stp_i\project\sur\2022\22006901SS\DWG\22006901SC-SL-VACATED EASEMENT.dwg
LOGIN: Sferelli, Mariana
PLOTTED: 12/7/2023 9:07 AM

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

DEVELOPMENT REVIEW COMMISSION
STAFF REPORT

VACATION OF RIGHTS-OF-WAY
PUBLIC HEARING

According to Planning & Development Services Department records, **Commissioner Walker** or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, February 7, 2024, at 1:00 PM** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO.:	23-33000016 PLAT SHEET: G-2
REQUEST:	Approval of a vacation of two (2) street corner easements, generally located at 1000 1st Avenue North.
OWNER:	BPOZ 1000 First LLC 255 Glenville Road Greenwich, CT 06831-4173
AGENT:	Ann Pollack, Fletcher Fischer Pollack PL 433 Central Avenue, Suite 400 St. Petersburg, FL 33701
ADDRESSES:	1000 1st Avenue North
PARCEL ID NO.'S:	24-31-16-94850-001-0010
LEGAL DESCRIPTION:	On File
ZONING:	Downtown Center (DC-1)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate two (2) street corner easements generally located at 1000 1st Avenue South. The applicant's goal is to vacate the rights-of-way in order to consolidate the property for redevelopment. The area of the rights-of-way proposed for vacation are depicted on the Location Map (Attachment A) and Sketches and Legal Descriptions (Attachment B).

Analysis. Staff's review of a vacation application is guided by:

A. The City's Land Development Regulations (LDR's);
B. The City's Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant (Attachment C) **does** provide background or analysis supporting a conclusion that vacating the subject rights-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

A. Land Development Regulations

Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. *Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.*

   The application was routed to City Departments and Private Utility Providers for review and comments. Engineering's Memorandum dated January 23, 2024 (see Attachment D) and Water Resources' Memorandum dated December 21, 2023 (see Attachment E) both state that they have no objections. Staff has not received any letters objecting to the request from any of the private utility providers.

2. *The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.*

   Approval of the vacation will not deny access to any lot of record.

3. *The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.*

   The requested vacation will not result in adverse impacts to the existing roadway network. Allowing these obsolete rights-of-way easements to be vacated will facilitate redevelopment of the block with a new project that is consistent with the overall goals of the DC zoning district.

4. *The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

   The subject street corner easements were dedicated to accommodate future intersection widening projects which are no longer planned. The subject rights-of-way easements are no longer necessary.

5. *The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.*

   No other factors have been raised for consideration.

B. Comprehensive Plan

Transportation Element Policy T2.4 states, *"The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use."*

The City's Transportation and Parking Management Department has reviewed the proposed vacation and has no objection (see Attachment F). The proposed vacation of the street corner easements will foster redevelopment which is a goal of the Comprehensive Plan.

Comments from Agencies and the Public:

The request was routed to City Departments and Private Utility Providers for review and comments. Engineering, Transportation and Water Resources all stated that they have no objections. Staff has not received any letters objecting to the request from any of the private utility providers.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed vacation of multiple street corner easements. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, by the City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

/s/ Scot Bolyard *01/25/2024*

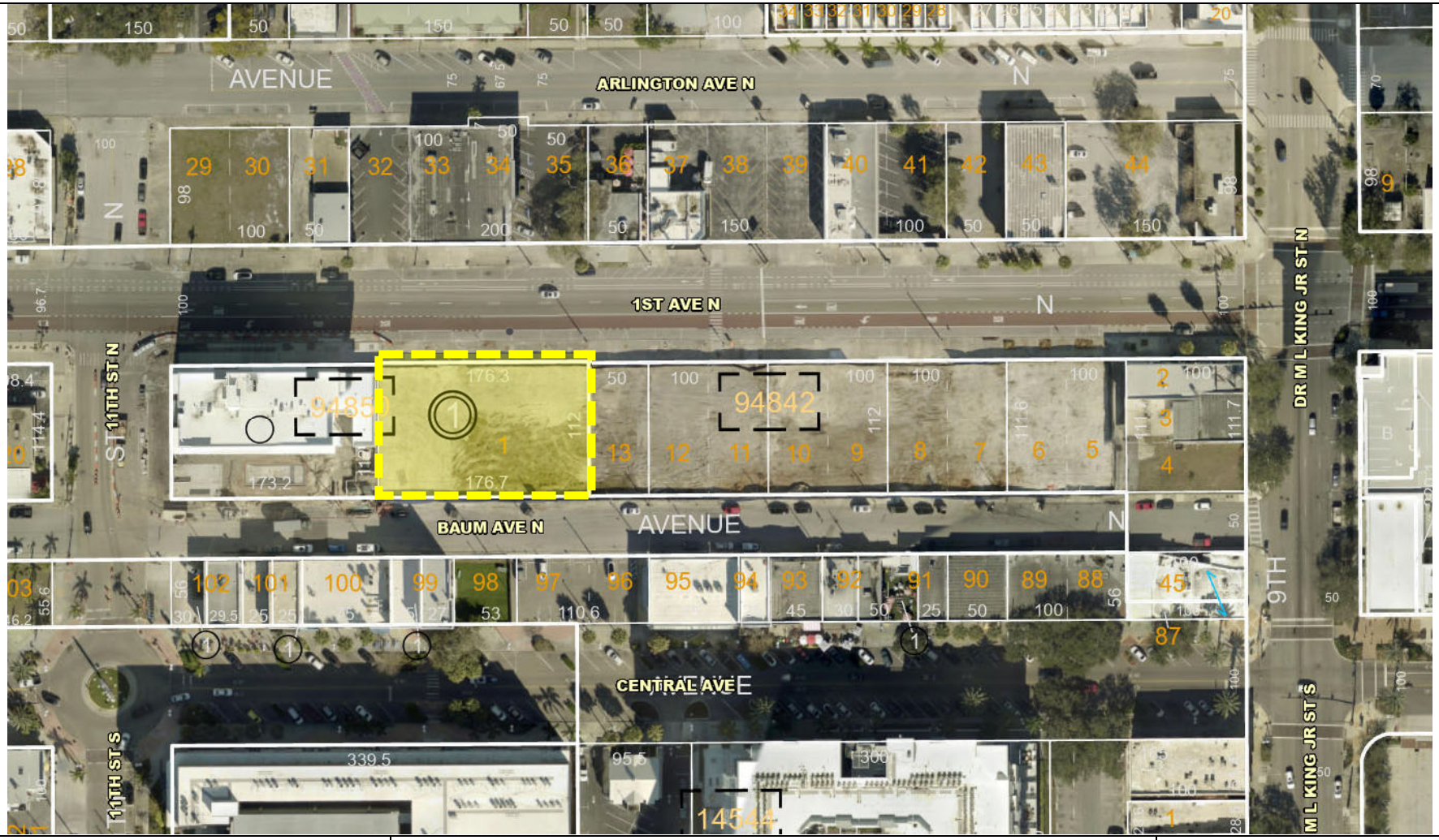
Scot Bolyard, AICP, Deputy Zoning Official Date
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

/s/ Corey Malyszka *01/25/2024*

Corey Malyszka, AICP, Zoning Official (POD) Date
Development Review Services Division
Planning and Development Services Department

List of Exhibits: A - Location Map, B - Sketches and Legal Descriptions, C - Applicant's Narrative, D - Engineering Memorandum dated January 23, 2024, E - Water Resources Memorandum dated December 21, 2023, F - Transportation Memorandum dated January 5, 2024



st.petersburg
www.stpete.org

Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 23-33000016
Address: 1000 1st Avenue North

N

(nts)

LEGAL DESCRIPTION:

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CONTAINING 136 SQUARE FEET OR .003 ACRES.

LEGEND

PB PLAT BOOK
PBH PLAT BOOK HILLSBOROUGH
PG PAGE
R/W RIGHT OF WAY
CB CHORD BEARING
CL CHORD LENGTH
A ARC LENGTH
R RADIUS
p PLAT

NOTES

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THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY TREVOR HATCH, PSM NO. 7443 ON DECEMBER 8, 2022.

TREVOR HATCH License Number 7443 STATE OF FLORIDA Professional Surveyor and Mapper

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1st Ave N
Sketch and Legal Description
SECTION 24, TOWNSHIP 31S., RANGE 16E.

REVISED	BY	DATE	DESCRIPTION

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Trevor Hatch
Trevor Hatch PSM LS 7443
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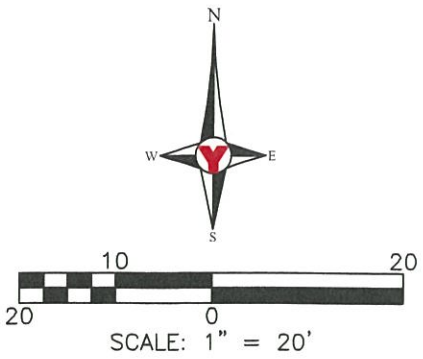
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DN: cn=Trevor Hatch, c=US, o=George F Young, email=thatch@georgefyoung.com
Date: 2023.12.08 07:55:07 -05'00'

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SHEET NO. 1 OF 2

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LOGIN: Sferelli, Mariana
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1ST AVENUE NORTH
(100' R/W)

P.O.B.
NORTHEAST CORNER OF
LOT 1, BLOCK 1
WARD & BAUMS G.T.E.
REPLAT
PLAT BOOK 83, PAGE 45

WEST 25.14'

N0°18'30"E 25.14'

R= 25.00'
A= 39.40'
CB= N45°09'15"W
CL= 35.45'

CB= N45°50'45"E (P)

WARD & BAUMS G.T.E. REPLAT
PLAT BOOK 83, PAGE 45

LOT 1, BLOCK 1

WARD'S & BAUM'S ADD
PB 1, PG 74

LOT 13

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1ST AVE N
SKETCH AND LEGAL

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SEE PAGE 1 OF 2 FOR
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CONTAINING 133 SQUARE FEET OR .003 ACRES.

LEGEND

PB PLAT BOOK
PBH PLAT BOOK HILLSBOROUGH
PG PAGE
R/W RIGHT OF WAY
CB CHORD BEARING
CL CHORD LENGTH
A ARC LENGTH
R RADIUS

NOTES

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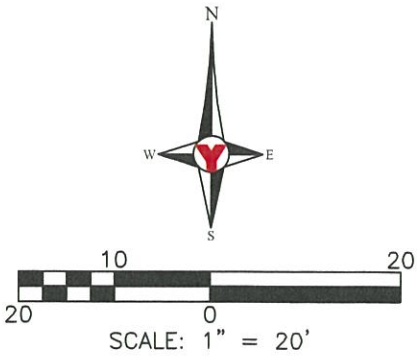
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SCALE: 1" = 20'

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PLAT BOOK 83, PAGE 45

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WARD'S & BAUM'S ADD
PB 1, PG 74

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A= 39.10'
CB= N45°00'46"E
CL= 35.24'

CB= N45°11'48"E (P)
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N0°18'30"E 24.90'

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CONTAINING 136 SQUARE FEET OR .003 ACRES.

LEGEND

PB PLAT BOOK
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PG PAGE
R/W RIGHT OF WAY
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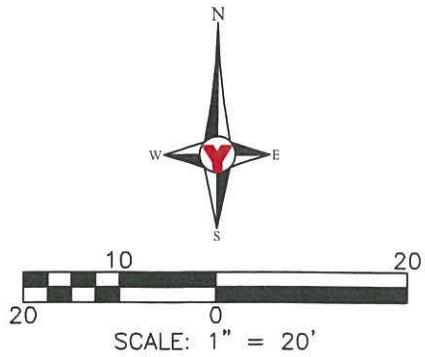
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WARD & BAUMS G.T.E.
REPLAT
PLAT BOOK 83, PAGE 45

WEST 25.14'

N0°18'30"E 25.14'

R= 25.00'
A= 39.40'
CB= N45°09'15"W
CL= 35.45'

CB= N45°50'45"E (P)

WARD & BAUMS G.T.E. REPLAT
PLAT BOOK 83, PAGE 45

LOT 1, BLOCK 1

WARD'S & BAUM'S ADD
PB 1, PG 74

LOT 13

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1ST AVE N
SKETCH AND LEGAL

SECTION 24, TOWNSHIP 31S., RANGE 16E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	MS	12/04/23
CHECKED	TH	12/04/23
FIELD BOOK		
FIELD DATE		

SEE PAGE 1 OF 2 FOR
NOTES, SIGNATURE AND SEAL

George F. Young, Inc.
299 DR. MARTIN LUTHER KING JR. STREET. N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 WWW.GEORGEFYOUNG.COM
BUSINESS ENTITY LB21
CIVIL, TRANSPORTATION, SUBSURFACE & STRUCTURAL ENGINEERING
ECOLOGY | GIS | PLANNING | SURVEYING
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Since 1919

JOB NO. 22006901SS

SHEET NO. 2 OF 2

FILE: \\GFY-STP\stp_i\project\sur\2022\22006901SS\DWG\22006901SC-SL-VACATED EASEMENT.dwg
LOGIN: Sferelli, Mariana
PLOTTED: 12/7/2023 9:14 AM

LEGAL DESCRIPTION:

THAT CERTAIN STREET EASEMENT LOCATED IN THE SOUTHEAST CORNER OF LOT 1 BLOCK 1, WARD AND BAUMS G.T.E. REPLAT AS RECORDED IN PLATS BOOK 83 PAGE 45 IN THE RECORDS OF PINELLAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF LOT 1 BLOCK 1, WARDS AND BAUMS G.T.E. REPLAT, AS RECORDED IN PLAT 83 PAGE 45, PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA AND THE NORTHERLY RIGHT OF WAY OF BAUM AVENUE NORTH, A 50.00 FOOT RIGHT OF WAY, AND RUNNING THENCE SOUTH 89°54'54" EAST ALONG SAID RIGHT OF WAY FOR 24.90 FEET, THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, WITH A RADIUS 25.00 OF FEET, AN ARC DISTANCE OF 39.10 FEET, AND A CHORD BEARING OF NORTH 45°11'48" EAST 35.29 FEET, THENCE LEAVING SAID CURVE RUNNING SOUTH 00°19'30" WEST ALONG THE EAST LINE OF LOT 1 BLOCK 1, WARDS AND BAUMS G.T.E. REPLAT, ALSO BEING THE EAST LINE OF LOT 13, AS RECORDED IN PLAT BOOK 1 PAGE 74, PUBLIC RECORDS OF HILLSBOROUGH COUNTY FLORIDA, 24.90 FEET TO THE POINT OF BEGINNING

CONTAINING 133 SQUARE FEET OR .003 ACRES.

LEGEND

PB PLAT BOOK
PBH PLAT BOOK HILLSBOROUGH
PG PAGE
R/W RIGHT OF WAY
CB CHORD BEARING
CL CHORD LENGTH
A ARC LENGTH
R RADIUS

NOTES

1. BASIS OF BEARINGS: EAST LINE OF LOT 1 BLOCK 1, N00°18'30"E
2. NOT A BOUNDARY SURVEY
3. THIS SKETCH IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS AND REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. THIS DESCRIPTION AND SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
6. THIS SURVEY MAP AND REPORT (IF APPLICABLE) OR COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (IF A HARD COPY), OR THE ADOBE PDF CONTAINING THE ELECTRONIC SIGNATURE HAS NOT BEEN VALIDATED TO BE THE ORIGINAL SINGED AND SEALED VERSION (IF AN ELECTRONIC FILE). IF AN ELECTRONIC FILE, PRINTED COPIES OF THE SURVEY MAP ARE NOT CONSIDERED TO BE VALID SIGNED AND SEALED COPY



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY TREVOR HATCH, PSM NO. 7443 ON DECEMBER 8, 2022.

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1st Ave N
Sketch and Legal Description
SECTION 24, TOWNSHIP 31S., RANGE 16E.

REVISED	BY	DATE	DESCRIPTION

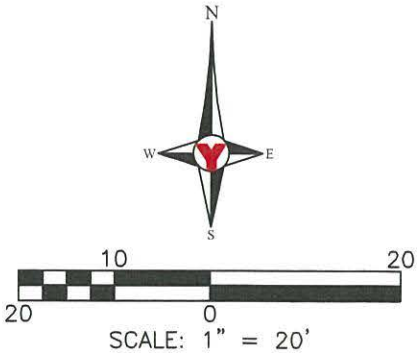
	INITIALS	DATE
CREW CHIEF		
DRAWN	MS	12/04/23
CHECKED	TH	12/04/23
FIELD BOOK		
FIELD DATE		

Trevor Hatch
Digitally signed by Trevor Hatch
DN: cn=Trevor Hatch, c=US, o=George F Young, email=thatch@georgefyoung.com
Date: 2023.12.08 07:35:27 -05'00'
Trevor Hatch PSM LS 7443
DATE

George F. Young, Inc.
299 DR. MARTIN LUTHER KING JR. STREET. N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 WWW.GEORGEFYOUNG.COM
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JOB NO. 22006901SC
SHEET NO. 1 OF 2

PLOTTED: 12/7/2023 9:39 AM LOGIN: Sferelli, Mariana FILE: \\GFY-STP\stp_i\project\sur\2022\22006901SS\DWG\22006901SC-SL-VACATED EASEMENT.dwg



WARD & BAUMS G.T.E. REPLAT
PLAT BOOK 83, PAGE 45

LOT 1, BLOCK 1

WARD'S & BAUM'S ADD
PB 1, PG 74

LOT 13

R= 25.00'
A= 39.10'
CB= N45°00'46"E
CL= 35.24'

CB= N45°11'48"E (P)
CL= 35.29' (P)

N0°18'30"E 24.90'

S89°54'54"E 24.90

P.O.B.
SOUTHEAST CORNER OF
LOT 1, BLOCK 1
WARD & BAUMS G.T.E.
REPLAT
PLAT BOOK 83, PAGE 45

BAUM AVENUE NORTH
(WEST 5TH AVENUE – PER PBH 1, PAGE 74)
(50' R/W)

PREPARED FOR:
Belpointe – Lori Wortz
255 Glenville Rd
Greenwich, CT 06831

1000 1ST AVE N
SKETCH AND LEGAL

SECTION 24, TOWNSHIP 31S., RANGE 16E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	MS	12/04/23
CHECKED	TH	12/04/23
FIELD BOOK		
FIELD DATE		

SEE PAGE 1 OF 2 FOR
NOTES, SIGNATURE AND SEAL

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JOB NO. 22006901SS

SHEET NO. 2 OF 2

PLOTTED: 12/7/2023 9:07 AM LOGIN: Sferelli, Mariana FILE: \\GFY-STP\stp_i\project\sur\2022\22006901SS\DWG\22006901SC-SL-VACATED EASEMENT.dwg

Katie E. Cole

From: Katie E. Cole
Sent: Tuesday, December 5, 2023 11:21 AM
To: variance@stpetecona.org
Cc: 'Walker, Matt'; Scot K. Bolyard
Subject: 1000 1st Ave North
Attachments: Corner Easement Vacation.PDF; 03835.0001 BAUM AVENUE SURVEY (SIGNED 4-23-2020).pdf; 26644400.pdf

Good morning-
As part of the ongoing construction of the new mixed use building generally located at 1000 1st Ave north, the owner is applying to vacate and resolve certain easements on the property which are located within the construction area. Corner easements at the intersection (and not included in this Project area) were previously vacated and these remaining easements are located midblock.

Please let me know if you have any comments or concerns.

Thank you!
Katie

Katie E. Cole
Shareholder

o: 727.724.3900 | d: 727.259.6791 | Katie.Cole@hwhlaw.com | hwhlaw.com
600 Cleveland Street, Suite 800, Clearwater, FL 33755
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602

HILL WARD HENDERSON

vcard bio

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)

TO: Scot Bolyard, Deputy Zoning Official

FROM: Kyle Hurin, Engineering Plans Review Supervisor

DATE: January 23rd, 2024

SUBJECT: Vacation of Right-of-Way

FILE: 23-33000016

LOCATION AND PIN:	922 1st Ave N.	24-31-16-94842-000-0050
	936 1st Ave N.	24-31-16-94842-000-0080
	954 1st Ave N.	24-31-16-94842-000-0090
	956 1st Ave N.	24-31-16-94842-000-0110
	1000 1st Ave N.	24-31-16-94842-001-0010
	1004 1st Ave N.	24-31-16-94842-000-0130

ATLAS: G-2

Zoning: Downtown Center (DC-1)

REQUEST: Approval of a vacation of two (2) street corner easements, generally located at 1000 1st Avenue North.

SPECIAL CONDITIONS OF APPROVAL: The Engineering and Capital Improvements Department (ECID) has no objection to the proposed partial right of way vacation.

Disclaimer, standards subject to change. The comments provided are based on current design standards and are subject to change based on statutory requirements and updates.

Disclaimer, Permit coordination. For consistency of permits and work associated with the project, coordinate with ECID Right-of-way (ROW) staff for any impacts in the City Right of Way prior to issuance of building construction permit. Email ECID ROW staff at: ROW_permitting@stpete.org. A ROW work permit issued by ECID must be obtained prior to the commencement of any work within City controlled right-of-way or public easement. All work within right-of-way or public easement shall be installed at the applicant's expense and in accordance with the standards, specifications, and policies adopted by the City.

1. ECID has no objection to the vacation. The easements do not contain any city assets and are not needed for future use.

KJH/aw

ec: WRD
Kayla Eger – Development Review Services

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Corey Malyszka, Zoning Official

FROM: Thomas Whitman, Designer I, Water Resources

DATE: December 21, 2023

SUBJECT: Approval of a vacation of two (2) street corner easements, generally located at 1000 1st Avenue North.

PLAT: G-2

CASE: 23-33000016

LOCATION: 936 1st Ave N.;24-31-16-94842-000-0080, 954 1st Ave N.;24-31-16-94842-000-0090, 956 1st Ave N.; 24-31-16-94842-000-0110, 1004 1st Ave N.;24-31-16-94842-000-0130, 1000 1st Ave N.;24-31-16-94850-001-0010, 922 1st Ave N.;24-31-16-94842-000-0050

REMARKS: Water Resources has no objection to the above-referenced subject.

Project file

st.petersburg
www.stpete.org

CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Scot Bolyard, Deputy Zoning Official, Planning & Development Services

FROM: Rebecca Moistner, Transportation Planner II, Transportation and Parking Management Department

DATE: January 5, 2024

SUBJECT: Approval of a vacation of two (2) street corner easements, generally located at 1000 1st Avenue North

CASE: 23-33000016

The Transportation and Parking Management Department has reviewed the application to vacate two street corner easements at the property generally located at 1000 1st Avenue North and has no comments or objections.

The following page(s) contain the backup material for Agenda Item: Respectfully requesting a referral to HLUT to provide an update on Namaste Townhomes and an upcoming amendment to their CRA agreement. (Councilmember Gabbard - Staff Request)
Please scroll down to view the backup material.



H-1

CITY COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: February 9, 2024

COUNCIL DATE: February 29, 2024

RE: Update on Namaste Townhomes and amendment to their CRA agreement

---

ACTION DESIRED:

Respectfully requesting a referral to HLUT to provide an update on Namaste Townhomes and an upcoming amendment to their CRA agreement.

This referral is a staff request and I am formally submitting this new business item as a method of informing City Council.

HLUT Committee Chair Brandi Gabbard
Council Member, District 2

The following page(s) contain the backup material for Agenda Item: Respectfully requesting a referral to HLUT to provide an update on ERA2 funding and any program outcomes. (Councilmember Gabbard - Staff Request)
Please scroll down to view the backup material.



H-2

CITY COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: February 9, 2024

COUNCIL DATE: February 29, 2024

RE: Update on ERA2 funding and program outcomes

ACTION DESIRED:

Respectfully requesting a referral to HLUT to provide an update on ERA2 funding and any program outcomes.

This referral is a staff request and I am formally submitting this new business item as a method of informing City Council.

HLUT Committee Chair Brandi Gabbard
Council Member, District 2

The following page(s) contain the backup material for Agenda Item: Respectfully requesting a referral to HLUT to provide an update on Down Payment Assistance in the CRA and proposed amendments to the program. (Councilmember Gabbard - Staff Request)
Please scroll down to view the backup material.



H-3

CITY COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: February 9, 2024

COUNCIL DATE: February 29, 2024

RE: Update on Down Payment Assistance in the CRA and proposed amendments

---

ACTION DESIRED:

Respectfully requesting a referral to HLUT to provide an update on Down Payment Assistance in the CRA and proposed amendments to the program.

This referral is a staff request and I am formally submitting this new business item as a method of informing City Council.

HLUT Committee Chair Brandi Gabbard
Council Member, District 2

The following page(s) contain the backup material for Agenda Item: Respectfully requesting a referral to HLUT to provide an annual update on Housing for All and Employee Rental Assistance. (Councilmember Gabbard - Staff Request)
Please scroll down to view the backup material.



H-4

CITY COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: February 9, 2024

COUNCIL DATE: February 29, 2024

RE: Update on Housing for All and Employee Rental Assistance

ACTION DESIRED:

Respectfully requesting a referral to HLUT to provide an annual update on Housing for All and Employee Rental Assistance.

This referral is a staff request and I am formally submitting this new business item as a method of informing City Council.

HLUT Committee Chair Brandi Gabbard
Council Member, District 2

The following page(s) contain the backup material for Agenda Item: Respectfully requesting a referral to the Budget, Finance and Taxation Committee to discuss a request to reallocate Weeki Wachee funding for the Science Center back to the Weeki Wachee Fund. (Councilmember Driscoll) Please scroll down to view the backup material.



H-5

CITY COUNCIL AGENDA
NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: **February 16, 2024**

COUNCIL DATE: **February 29, 2024**

RE: Reallocating Weeki Wachee funding for the Science Center

ACTION DESIRED:

Respectfully requesting a referral to the Budget, Finance and Taxation Committee to discuss a request to reallocate Weeki Wachee funding for the Science Center back to the Weeki Wachee Fund.

Gina Driscoll
Council Member, District 6

2021-472

A RESOLUTION APPROVING FUNDING FOR THE SCIENCE CENTER PROJECT IN AN AMOUNT NOT TO EXCEED $2,300,000 FROM WEEKI WACHEE FUNDS; MAKING CERTAIN FINDINGS ABOUT THE SCIENCE CENTER PROJECT; APPROVING A TRANSFER IN THE AMOUNT OF $2,300,000 FROM THE UNAPPROPRIATED BALANCE OF THE WEEKI WACHEE FUND (1041) TO THE WEEKI WACHEE CAPITAL PROJECTS FUND (3041); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $2,300,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE WEEKI WACHEE CAPITAL PROJECTS FUND (3041), RESULTING FROM THIS TRANSFER, TO THE SCIENCE CENTER PROJECT (TBD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council adopted Article IV, Chapter 21, St. Petersburg City Code (City Code), which created procedures and criteria for the use of principal and investment proceeds from the sale of the Weeki Wachee property ("Weeki Wachee funds"); and

WHEREAS, as required by Section 21-120(a) of the City Code, the Science Center Project (Project) was recommended in writing to City Council by a City Council Member and placed on the Weeki Wachee Project List by City Council; and

WHEREAS, the Committee of the Whole recommended funding for the Project; and

WHEREAS, the City Council of the City of St. Petersburg hereby approves funding for the Project.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of St. Petersburg, Florida finds that:

- the Project is a new capital project in the "preservation" referendum category;
- only investment income will be expended for the Project;
- the Project is City-owned and will be constructed on land owned or controlled by the City; and

- allowable operating and maintenance costs of $200,000 for ten years are included in the cost of the Project. In accordance with Section 21-123 of the City Code, in the event the annual report required by the City Code indicates that the operating and maintenance for the Project does not have sufficient funds to provide the required ten years of operation and maintenance for the Project, the monies required to make up the insufficiency shall be of the highest priority for appropriations from the Weeki Wachee Fund.

- feasibility study (with City staff as permitted by the Mayor or a consultant) costs in an amount not to exceed $200,000 are included in the cost of the Project.

BE IT FURTHER RESOLVED that the Project shall include signs to ensure that the public is aware that the Project is funded from Weeki Wachee funds.

BE IT FURTHER RESOLVED that funding for the Project in the amount of $2,300,000 from Weeki Wachee funds is hereby approved.

BE IT FURTHER RESOLVED that the following transfer from the unappropriated balance of the Weeki Wachee Fund (1041) to the Weeki Wachee Capital Projects Fund (3041) for Fiscal Year 2021 is hereby approved:

Weeki Wachee Fund (1041)	
Transfer to Weeki Wachee Capital Projects Fund (3041)	$2,300,000

BE IT FURTHER RESOLVED that the following supplemental appropriation from the increase in the unappropriated balance of the Weeki Wachee Capital Projects Fund (3041), resulting from the above transfer, for Fiscal Year 2021 is hereby approved:

Weeki Wachee Capital Projects Fund (3041)	
Science Center Project (TBD)	$2,300,000

BE IT FURTHER RESOLVED that only the allowable operation and maintenance costs and feasibility study costs provided for in this resolution are authorized for expenditure. Any further expenditure from the Science Center Project fund requires approval of City Council.

This Resolution shall become effective immediately upon its adoption.

Adopted at a regular session of the City Council held on the 30th day of September 2021.

Ed Montanari, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Chan Srinivasa, City Clerk

The following page(s) contain the backup material for Agenda Item: Respectfully requesting a referral to the Public Services and Infrastructure Committee for a presentation on the known capital improvement needs and associated costs over the next 30 years broken down into the following categories: 1. Water 2. Wastewater/Reclaimed Water 3. Stormwater 4. Streets 5. Sidewalks 6. Seawalls 7. Sanitation 8. Alleys 9. Bridges 10. City Facilities (Buildings) 11. Port 12. Airport 13. Marina 14. Libraries 15. Parks 16. Pools 17. Recreation Centers 18. Other anticipated capital improvement needs that may not fall within the above categories. (Councilmember Hanewicz)
Please scroll down to view the backup material.



H-6

CITY COUNCIL AGENDA
NEW BUSINESS ITEM

TO: Members of City Council

DATE: February 22, 2024

COUNCIL DATE: February 29, 2024

RE: Referral to the Public Services and Infrastructure Committee for a Presentation on Known Capital Improvement Needs and Associated Costs Over the Next 30 Years

---

ACTION DESIRED:
Respectfully requesting a referral to the Public Services and Infrastructure Committee for a presentation on the known capital improvement needs and associated costs over the next 30 years broken down into the following categories:

1. Water
2. Wastewater/Reclaimed Water
3. Stormwater
4. Streets
5. Sidewalks
6. Seawalls
7. Sanitation
8. Alleys
9. Bridges
10. City Facilities (Buildings)
11. Port
12. Airport
13. Marina
14. Libraries
15. Parks
16. Pools
17. Recreation Centers
18. Other anticipated capital improvement needs that may not fall within the above categories.

Lisset Hanewicz
Council Member, District 4

The following page(s) contain the backup material for Agenda Item: February 8, 2024 Housing, Land Use and Transportation Committee - Action Item
Please scroll down to view the backup material.



I-1

COUNCIL COMMITTEE REPORT
ACTION ITEM

TO:	Members of City Council
DATE:	February 8, 2024
COUNCIL DATE:	February 29, 2024
RE:	February 8, 2024 Housing, Land Use, and Transportation Committee Action Item – Resolution Approving the Mayor's Reappointment of Mr. Derek Keys to the Office of Commissioner of the Housing Authority of the City of St. Petersburg for a Four-Year Term.

ACTION DESIRED:
Respectfully requesting approval of the Mayor's reappointment of Mr. Derek Keys to the Office of Commissioner of the Housing Authority of the City of St. Petersburg for a four-year term.

ATTACHMENTS:
Resolution

Council Member Brandi Gabbard
Chair, Housing, Land Use, and Transportation Committee

RESOLUTION NO. 2024-_____

A RESOLUTION APPROVING THE MAYOR'S REAPPOINTMENT OF MR. DEREK KEYS TO THE OFFICE OF COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF ST. PETERSBURG, FLORIDA, FOR A FOUR-YEAR TERM AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on November 9, 1937, the City Council of the City of St. Petersburg, Florida (the "**City Council**"), adopted resolution 155/33 for the purpose of authorizing the Housing Authority of the City of St. Petersburg, Florida (the "**Authority**") to transact business and exercise its powers within the City of St. Petersburg, Florida; and

WHEREAS, the Authority is governed by a board of commissioners (each a "**Commissioner**") appointed by the Mayor and approved by the City Council in accordance with Florida Statutes section 421.05(1); and

WHEREAS, on October 6, 2022, pursuant to City Council resolution 2022-511, City Council approved the Mayor's appointment of Mr. Derek Keys to the office of Commissioner, to fill the unexpired term of Ms. Stephanie Owens, which was set to end on April 3, 2023; and

WHEREAS, pursuant to Florida Statutes section 421.05(1), although his current term was set to end on April 3, 2023, Mr. Keys remains in office at this time, pending reappointment or appointment of a successor; and

WHEREAS, subject to City Council approval pursuant to Florida Statutes section 421.05(1), Mayor Kenneth T. Welch has now reappointed Mr. Keys for a full four-year term as a Commissioner; and

WHEREAS, pursuant to City Council resolution 2019-49, City Council established that the Housing, Land Use and Transportation Committee (the "**Committee**") is the appropriate entity to meet with each person reappointed to the office of Commissioner by the Mayor and to make a recommendation concerning approval of that person's reappointment by City Council; and

WHEREAS, following the appearance of Mr. Keys before the Committee on February 8, 2024, the Committee voted to recommend that City Council approve the Mayor's reappointment of Mr. Keys to the office of Commissioner; and

WHEREAS, City Council agrees with the Committee's recommendation and desires to approve the Mayor's reappointment of Mr. Keys to the office of Commissioner.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Florida Statutes section 421.05(1), City Council hereby approves the Mayor's reappointment of Mr. Derek Keys to the office of Commissioner for a four-year term running from April 4, 2023, through April 3, 2027.

BE IT FURTHER RESOLVED that City Council hereby requests (i) that Administration file a certificate with the City Clerk to document the reappointment approved by this resolution in accordance with Florida Statutes section 425.01(1); (ii) that the City Clerk place that certificate in the records of the City and transmit a copy to the secretary and executive director of the Authority; and (iii) that the secretary and executive director of the Authority make arrangements for Mr. Keys to be sworn into the office of Commissioner at his earliest possible convenience.

This resolution will become effective immediately upon adoption.

LEGAL: ADMINISTRATION:

The following page(s) contain the backup material for Agenda Item: February 22, 2024 Budget, Finance and Taxation Committee - Action Item
Please scroll down to view the backup material.



I-2

COUNCIL COMMITTEE REPORT
ACTION ITEM

TO:	Members of City Council
DATE:	February 22, 2024
COUNCIL DATE:	February 29, 2024
RE:	February 22, 2024 Budget, Finance, & Taxation Committee Action Item – Resolution Authorizing the Issuance of a Not to Exceed $53 million Public Utility Subordinate Lien Bond Anticipation Note.

ACTION DESIRED:
Respectfully requesting approval of a resolution authorizing the issuance of a not to exceed $53 million Public Utility Subordinate Lien Bond Anticipation Note (Series 2024).

ATTACHMENTS:
Staff Memorandum
PFM Recommendation with RFP Response Summary
Draft Resolution
Exhibit A – Bond Anticipation Note
Exhibit B – Purchaser's Certificate
Exhibit C – Disclosure Letter

Council Vice-Chair Copley Gerdes
Chair, Budget, Finance, & Taxation Committee

ST. PETERSBURG CITY COUNCIL

Meeting of February 29, 2024

TO: The Honorable Deborah Figg-Sanders, Chair, and Members of City Council
FROM: Tom Greene, Assistant City Administrator TG
Anne A. Fritz, Debt Financing Director AAF

SUBJECT: Public Utility financing selected through request for proposals and requesting City Council approval of a resolution authorizing the issuance of a not to exceed $53,000,000 City of St. Petersburg FL Public Utility Subordinate Lien Bond Anticipation Note, Series 2024.

During the February 22, 2024, Budget, Finance & Taxation committee meeting, the Committee reviewed and discussed the agenda submission and recommended approval of the referenced resolution. Attached please find the agenda information.

Recommendation: The City staff recommends approval of the resolution authorizing the issuance of not to exceed $53,000,000 million City of St Petersburg Public Utility Subordinate Lien Bond Anticipation Note, Series 2024.

Attachments:

1.) BFT agenda package
2.) Resolution

February 6, 2024

Recommendation Memorandum

To: Anne Fritz, Director, Debt Financing – City of St. Petersburg

From: Jay Glover, Managing Director – PFM Financial Advisors LLC

Re: Public Utility Subordinate Lien Bond Anticipation Note, Series 2024 – Recommendation Memorandum

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PFM Financial Advisors LLC ("PFM") was engaged by the City of St. Petersburg, Florida (the "City") to serve as financial advisor for the City's proposed issuance of a not to exceed $53,000,000 Public Utility Subordinate Lien Bond Anticipation Note, Series 2024 (the "2024 Note") for the purpose of (i) providing funds on an interim basis, to pay for capital expenditures relating to acquiring, constructing and erecting improvements to the City's public utilities system, prior to the issuance of long term senior lien bonds and (ii) paying the related costs of issuance. Given the current interest rate environment and expectation for the Federal Reserve to start lowering interest rates at some point during the year, PFM recommended the City pursue interim funding via a privately placed direct bank loan, which in today's market was expected to be an efficient and cost-effective method of financing. The Note was originally structured to have a final maturity one (1) year from the closing date giving the City the ability to issue senior lien takeout bonds to repay the Note prior to maturity.

At the City's direction, PFM distributed a request for proposals ("RFP") on January 5, 2024, to a list of local, regional and national financial institutions to identify the institution that could provide the City with a tax-exempt, term loan at the lowest overall borrowing cost, pursuant to certain conditions as determined by the City. Prior to the submittal deadline (2:00 pm on January 26, 2024) the City received six (6) proposals from the following institutions: Bank of America, JP Morgan, Raymond James, RBC Capital Markets, Truist and Wells Fargo. A summary of the proposals is included in **Exhibit A**.

Based on PFM's review and discussions with City staff and Bond Counsel, it was determined that Truist's proposal provided the best combination of interest rate and terms most favorable to the City. Truist proposed a fixed interest rate of 4.16% that would be locked through March 15, 2024, thus eliminating the risk of an increase in the interest rate during the current volatile market conditions between now and closing. Truist also provides the City the ability to prepay the 2024 Note six (6) months prior to closing, which gives the City flexibility on the timing of the senior lien takeout bonds.

As part of the issuance process, the City is also required to request consent to the issuance of additional debt from the Florida Department of Environmental Protection (FDEP) per the terms of outstanding SRF loans. Based on feedback from FDEP, the structure of the Note had to modified to spread the scheduled repayment over two (2) fiscal years to meet the additional bonds test. The revised final maturity is November 1, 2025. This modification resulted in an incresae to the Truist interest rate to 4.24%, which is the final locked interest rate being recommended.

Based on the fixed interest rate and acceptable terms and conditions provided in their proposal, PFM recommends selecting Truist as the loan provider for the 2024 Note. If you have any questions, please feel free to contact me at 407-406-5760 or gloverj@pfm.com.

Exhibit A
Summary of Proposals

City of St. Petersburg
Public Utility Subordinate Lien Bond Anticipation Note, Series 2024
RFP Summary

	Bank of America	JP Morgan	Raymond James
Contact Information	Holly Kuhlman Senior Vice President (239) 598-8805 holly.kuhlman@bofa.com	John T McAuley Managing Director 813-483-8253 john.t.mcauley@jpmorgan.com	Cord D. King Tax-Exempt Lending Manager 727.567.2055 cord.king@raymondjames.com
Type of Facility	Non-Revolving Credit Agreement: The Borrower shall have the option to draw the entire amount of the credit facility at closing at either the variable rate or a fixed rate. The Borrower shall also have the option to draw a portion of the credit facility at closing at a fixed rate with subsequent draws available at a variable rate.	A single maturity Non-Bank Qualified Tax-Exempt Bond Anticipation . The proceeds of the Facility would be fully drawn on the date of issuance.	The obligation shall be in the form of a tax-exempt fixed rate loan evidenced by a Public Utility Subordinate Lien Bond Anticipation Note, Series 2024
Tax-Exempt, Non-Bank Qualified Interest Rate	Variable Rate: 4.68% Fixed Rate: 4.29% (Indicative)	Variable Rate: 4.73% Fixed Rates: a) 4.24% b) 4.33%	Fixed Rate: 4.88% (Indicative)
Rate Set Calculation	Variable Rate: (80% * Daily SOFR Rate) + .42% Daily SOFR is 5.32% Fixed Rate: 12-Month Swap + (- .49%)	Variable Rate: (80% * Adjusted Term SOFR) +.38% Term SOFR is 5.34% (Adjustment is +0.10%) Fixed Rate: Not Provided	See proposal for rate setting/lock requirements
Rate Locked to Closing, or Date to be Set	Rate set 2 business days prior to closing	The fixed interest rates are indicative and are subject to change daily until a written rate lock letter agreement is executed	Rate can be locked up to 30 days before closing
Prepayment Provisions	Variable Rate Option: No Prepayment Penalty Fixed Rate Option: Prepayable in full or in part at any time, subject to prepayment fee	Variable Rate: Prepayable without penalty on SOFR reset date a) No optional redemption b) Prepayable 10/1/24 with no penalty	Prepayable in whole, but not in part at any time upon 30 days' prior written notice at 100% of the then outstanding principal amount, plus any accrued interest
Legal/Other Fees	Commitment Fee: 25 basis points on the actual daily unused amount of the Bank's commitment, paid quarterly in arrears Bank Counsel: Estimated legal fees of $15,000, capped at $20,000 Administrative Fees: $2,500 plus attorney's fees and expenses	Legal Fees: $8,500	Lender's Counsel: $12,500 Original issue discount of 0.25% ($132,500)
Other Conditions & Notes	a) Proposal expires on 2/9/2024 b) Default Rate: Drawn Rate + 6%; 7% if taxable c) Gross-up language in the event of taxability d) The loan document shall contain an additional bonds test for the issuance of additional subordinated debt which shall be defined as net revenues remaining after the payment of senior debt obligations divided by maximum annual debt service on subordinated debt. e) CAFR due within 210 days of fiscal year end f) Downgrade of parity bonds below Ba2/BBB/BBB (or the equivalent) by Moody's, S&P or Fitch, respectively shall not be an Event of Default but shall cause the Default Rate to apply. g) Subject to final credit approval	a) Proposal expires on 2/15/2024 b) Default Rate: Interest Rate + 4.00% c) ACFR within 180 days of fiscal year end; Budget within 60 days of adoption d) City to maintain sufficient capacity under its ABT to refinance the BAN at maturity. e) Gross-up language in the event of taxability	a) Default Rate: Greater of Federal Reserve Bank's Prime Rate +3%, the Federal Funds Rate +5%, or 12% b) The City shall covenant to establish fees sufficient for Net Revenues to cover all debt service requirements not less than 1.15x. Additional Debt may not be issued unless Net Revenues cover pro forma Maximum Annual Debt Service a minimum of 1.15x. c) Gross-up language in the event of taxability - Taxable Rate 6.63% d) ACFR within 270 days of fiscal year end; Budget within 30 days of adoption

City of St. Petersburg
Public Utility Subordinate Lien Bond Anticipation Note, Series 2024
RFP Summary

	RBC Capital Markets	Truist	Wells Fargo
Contact Information	Alex Bugallo Director (407) 867-6372 alex.bugallo@rbccm.com	Adam L. Horn Senior Vice President 813-224-2552 adam.horn@truist.com	Vincent Mattio Director (813) 285-0745 Vincent.Mattio@wellsfargo.com
Type of Facility	RBCCM's proposal is to place the Series 2024 Note with Vanguard (the "Purchaser" or 'Lender"), who, in its capacity as investment advisor to certain funds, would be interested in participating in a private placement of the Series 2024 Note	The Loan will be funded in a single drawdown on the closing date.	The Notes will be issued pursuant to the Resolution and purchased by the Bank pursuant to a Note Purchase Agreement ("NPA") between the Bank and the City.
Tax-Exempt, Non-Bank Qualified Interest Rate	Coupon Rate: 4.50% Fixed Rate: 3.90% (Equates to 4.25% All In TIC - includes structuring and counsel fees)	Variable Rate: 4.50% Fixed Rate: a) 4.16% b) 3.90%	Fixed Rates: a) 4.45% (Indicative) b) 4.14% (Indicative)
Rate Set Calculation	N/A	79% * (One-Month Term SOFR + 0.36%) Term SOFR is 5.34%	Not Provided
Rate Locked to Closing, or Date to be Set	Rate is locked until the earlier of the Closing Date or 3/8/2024, if award is given by 1/29/2024	Rates available through 3/15/024	Rates are indicative as of January 25, 2024 market close. The actual Fixed Rate shall be determined on a date mutually agreeable to the Obligor and the Bank ("Rate Set Date").
Prepayment Provisions	October 1, 2024 at par	Variable Rate: Prepayable anytime Fixed Rate: a) 6 months from closing w/ no penalty b) Non-Callable	a) Prepayable on 10/1/2024 at 100% of par plus accrued interest b) Non-callable
Legal/Other Fees	Purchaser's Counsel Fee: Not to exceed $25,000 Structuring Fee: $50,000 (Includes DTC and CUSIP fee)	Lender's Legal Counsel: $12,500	Bank Counsel Fee: $20,000
Other Conditions & Notes	a) The City will remit to the Purchaser annual audited financial statements within 270 days of fiscal year end. b) The Purchaser requires the Series 2024 Note to be DTC eligible. A CUSIP will also be required and will be requested by RBCCM. The Series 2024 Note will be subject to $100,000 minimum denominations and will be placed with qualified institutional buyers subject to certain transfer restrictions.	a) Term Sheet Expiration: 3/25/2024, if notified by 2/2/2024 b) Default Rate: Prime + 4% c) ACFR due within 270 days of fiscal year end; Budget due within 30 days of adoption	a) Default Rate: Greatest of Bank's Prime Rate plus 4.00%, Federal Funds Rate plus 5.00%, or 10.00% b) Financial covenants contained in the Obligor's other debt instruments including the Rate Covenant and Additional Bonds Test. c) ACFR due within 180 days of fiscal year end; Budget due within 60 days of fiscal year end

RESOLUTION NO. 2024-____

A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED $53,000,000 CITY OF ST. PETERSBURG, FLORIDA PUBLIC UTILITY SUBORDINATE LIEN BOND ANTICIPATION NOTE, SERIES 2024, TO FINANCE AND/OR REIMBURSE THE ACQUISITION, CONSTRUCTION AND ERECTION OF ADDITIONS, IMPROVEMENTS, AND EXTENSIONS TO THE CITY'S PUBLIC UTILITY SYSTEM; PROVIDING FOR THE PAYMENT OF SUCH NOTE FROM A FIRST LIEN ON PROCEEDS OF A SERIES OF SENIOR LIEN BONDS EXPECTED TO BE ISSUED ON OR PRIOR TO THE MATURITY DATE OF SUCH NOTE AND NET REVENUES OF THE CITY'S PUBLIC UTILITY SYSTEM ON A JUNIOR AND SUBORDINATE LIEN BASIS, IN ALL RESPECTS, WITH RESPECT TO CERTAIN BONDS HERETOFORE ISSUED BY THE CITY, AND ON A PARITY LIEN BASIS WITH RESPECT TO LOAN AGREEMENT WW520630 ENTERED INTO WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR THE SALE AND APPROVAL OF THE FORM OF SUCH NOTE; APPOINTING A PAYING AGENT AND REGISTRAR FOR SUCH NOTE; MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City St. Petersburg, Florida (the "City Council"), has previously adopted Resolution No. 99-227 on April 22, 1999, as amended and supplemented from time to time, as particularly amended by Resolution No. 2005-559 adopted by the City Council on October 20, 2005, Resolution No. 2008-256 adopted by the City Council on May 15, 2008, and Resolution No. 2013-400 adopted by the City Council on October 3, 2013, and as may be further amended and supplemented from time to time (collectively, the "Senior Lien Bond Resolution"); and

WHEREAS, pursuant to the Senior Lien Bond Resolution, the City of St. Petersburg, Florida (the "Issuer") has previously issued its Public Utility Revenue Bonds, Series 2014A, Public Utility Refunding Revenue Bonds, Series 2014B, Public Utility Revenue Bonds,

Series 2015, Public Utility Refunding Revenue Bond, Series 2016A, Public Utility Refunding Revenue Bonds, Series 2016B, and Public Utility Revenue Bonds, Series 2016C, Public Utility Refunding Revenue Bonds, Series 2018, Public Utility Revenue Bonds, Series 2019A, Public Utility Refunding Revenue Bonds, Series 2019B, Public Utility Revenue Bonds, Series 2021A, Taxable Public Utility Refunding Revenue Bonds, Series 2021B, Public Utility Refunding Revenue Bond, Series 2022 and Public Utility Revenue Bonds, Series 2022B (collectively, the "Senior Lien Bonds"); and

WHEREAS, the Senior Lien Bonds and any Additional Parity Obligations hereafter issued under the Senior Lien Bond Resolution are secured by a first lien on the Net Revenues of the System; and

WHEREAS, the Issuer intends to issue a series of Additional Parity Obligations and/or may apply to an authority for a financing pursuant to 163.09, Florida Statutes (the "Takeout Refinancing") to refinance the hereinafter defined Bond Anticipation Note; and

WHEREAS, the Issuer has also previously entered into Clean Water State Revolving Fund Loan Agreement WW520630 with the Florida Department of Environmental Protection (the "Parity Lien Loan Agreement"); and

WHEREAS, the Parity Lien Loan Agreement is secured by a lien on the Net Revenues of the System, on a junior and subordinate lien basis, in all respects, with respect to the Senior Lien Bonds and any Additional Parity Obligations hereafter issued; and

WHEREAS, the Senior Lien Bonds and the Parity Lien Loan Agreement are the only obligations currently outstanding with respect to the System; and

WHEREAS, it is necessary and urgent that funds be made immediately available to commence the acquisition, construction and erection of additions, improvements and extensions to the System (the "Project"); and

WHEREAS, the City Council now desires to adopt this resolution to authorize its Public Utility Subordinate Lien Bond Anticipation Note, Series 2024 (the "Bond Anticipation Note") to finance and/or reimburse the costs of the Project in anticipation of the Takeout Refinancing which is expected to occur on or prior to November 1, 2025; and

WHEREAS, the Issuer in good faith intends to issue the Takeout Refinancing within that timeframe; and

WHEREAS, the Bond Anticipation Note shall be secured by a first lien on proceeds of the Takeout Refinancing, and Net Revenues on a junior and subordinate lien basis, in all respects, with respect to the Senior Lien Bonds, and on a parity lien basis with respect to the Parity Lien Loan Agreement; and

WHEREAS, the Bond Anticipation Note shall constitute "Subordinated Debt" for all purposes of the Senior Lien Bond Resolution; and

WHEREAS, following a competitive solicitation of bank loan proposals conducted by the Issuer's financial advisor, the Issuer has determined to accept the proposal from Truist Commercial Equity, Inc. (the "Lender") to purchase the Bond Anticipation Note; and

WHEREAS, the Issuer has determined that it is necessary and desirable to adopt this resolution to provide for various details and other matters with respect to the Bond Anticipation Note.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This resolution is adopted pursuant to the Constitution and laws of the State of Florida, Chapter 166, Part II, Florida Statutes, Chapter 159, Part I, Florida Statutes, Section 215.431, Florida Statutes, the municipal Charter of the Issuer, and other applicable provisions of law, and the Senior Lien Bond Resolution.

SECTION 2. DEFINITIONS. All capitalized undefined terms shall have the same meaning as set forth in the Senior Lien Bond Resolution. In addition, the following terms, unless the context otherwise requires, shall have the meanings specified in this Section. Words importing the singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

"Business Day" shall mean any day except any Saturday or Sunday or day on which banking institutions within the State are authorized or required by law to remain closed.

"Chief Financial Officer" shall mean the Interim Chief Financial Officer of the Issuer, or her designee.

"City Administrator" shall mean the City Administrator of the Issuer, or his designee.

"City Attorney" shall mean the City Attorney or any Assistant City Attorney of the Issuer.

"City Clerk" shall mean the City Clerk or any Deputy City Clerk of the Issuer.

"City Council" shall mean the City Council of the Issuer.

"Code" shall mean the Internal Revenue Code of 1986, as amended, and any Treasury Regulations, whether temporary, proposed or final, promulgated thereunder or applicable thereto.

"Debt Financing Director" shall mean the Debt Financing Director, or her designee.

"Fiscal Year" shall mean the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law.

"Holder" shall mean any persons who shall be the registered owner of the Bond Anticipation Note.

"Maturity Date" shall mean November 1, 2025.

"Mayor" shall mean the Mayor of the Issuer, or his designee. The Mayor is authorized, but is not bound, to designate the City Administrator, the Chief Financial Officer and/or the Debt Financing Director to execute certificates, agreements and all other documents in connection with the issuance of the Bond Anticipation Note.

"Note Counsel" means Bryant Miller Olive P.A, or any other nationally recognized bond counsel firm.

"Paying Agent" shall mean the Paying Agent for the Bond Anticipation Note appointed pursuant to Section 11 hereof and any successors and assigns.

"Permitted Lender" means any affiliate of the Lender or any bank, trust company, savings institution, insurance company or qualified institutional buyer under Rule 144A promulgated under the Securities Act of 1933.

"Project" shall have the meaning ascribed thereto in the WHEREAS clauses above.

"Registrar" shall mean the Registrar for the Bond Anticipation Note appointed pursuant to Section 11 hereof and any successors and assigns.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared that:

A. The Issuer deems it beneficial and in its best financial interest to finance and/or reimburse the costs of the Project through the issuance of the Bond Anticipation Note. The issuance of the Bond Anticipation Note to finance and/or reimburse the Project satisfies a public purpose.

B. The principal of and interest on the Bond Anticipation Note and other payments required hereunder shall be payable from a first lien on proceeds of the Takeout Refinancing, and Net Revenues on a junior and subordinate lien basis, in all respects, with respect to the Senior Lien Bonds, and on a parity lien basis with respect to the Parity Lien Loan Agreement. The Issuer shall never be required to levy ad valorem taxes on any real property therein to pay the principal of and interest on the Bond Anticipation Note or to make any other payments specified herein. The Bond Anticipation Note shall not constitute a lien upon any property owned by or located within the boundaries of the Issuer other than the sources of security described herein.

C. The estimated Net Revenues and the proceeds of the Takeout Refinancing will be sufficient to pay all principal of and interest on the Senior Lien Bonds, Bond Anticipation Note and the Parity Lien Loan Agreement, as the same become due, and to make all required Debt Service Fund, reserve or other payments required by the Senior Lien Bond Resolution.

D. The Issuer has received an offer from the Lender to purchase the Bond Anticipation Note.

E. The Issuer is not in default in the carrying out of any of the obligations assumed under the Senior Lien Bond Resolution and the Parity Lien Loan Agreement, and all payments required by the Senior Lien Bond Resolution and the Parity Lien Loan Agreement to be made into the funds and accounts established thereunder have been made to the full extent required.

F. The Bond Anticipation Note shall constitute "Subordinated Debt" for all purposes of the Senior Lien Bond Resolution.

SECTION 4. AUTHORIZATION OF TAKEOUT REFINANCING; AUTHORIZATION OF PROJECT AND AUTHORIZATION OF BOND ANTICIPATION NOTE. For the purposes of Section 215.431, Florida Statutes, the Issuer hereby authorizes the issuance in the future of the Takeout Refinancing in a principal amount of not to exceed $53,000,000 pursuant to the provisions of the Senior Lien Bond Resolution, further details to be determined pursuant to a supplemental resolution to be adopted by the City Council. The Issuer intends in good faith to issue the Takeout Financing on or prior to November 1, 2025.

The proceeds of any such Takeout Refinancing are hereby pledged to the payment of principal of and interest on the Bond Anticipation Note. The Issuer covenants and agrees to apply the proceeds of such Takeout Refinancing to the payment of the principal of and interest on the Bond Anticipation Note upon its maturity or earlier redemption. In addition, the Net Revenues of the System are hereby pledged to the payment of principal of and interest on the Bond Anticipation Note on a junior and subordinate lien basis, in all respects, with respect to the Senior Lien Bonds and any Additional Parity Obligations hereafter issued.

Subject and pursuant to the provisions of the Senior Lien Bond Resolution and this resolution and in anticipation of the closing of the Takeout Refinancing, an obligation of the Issuer to be known as the "Public Utility Subordinate Lien Bond Anticipation Note, Series 2024," herein defined as the "Bond Anticipation Note," is authorized to be issued in the original principal amount of not to exceed $53,000,000 for the purpose of financing and/or reimbursing the cost of the Project and paying the cost of issuing the Bond Anticipation Note.

Because of the characteristics of the Bond Anticipation Note, prevailing market conditions, and additional savings to be realized from an expeditious sale of the Bond Anticipation Note, it is in the best interest of the Issuer to accept the offer of the Lender to purchase the Bond Anticipation Note at a private negotiated sale, which was based upon a competitive selection process. Prior to the issuance of the Bond Anticipation Note, the Issuer shall receive from the Lender a Purchaser's Certificate, the form of which is attached hereto as Exhibit B and the Disclosure Letter containing the information required by Section 218.385, Florida Statutes, the form of which is attached hereto as Exhibit C.

SECTION 5. THIS RESOLUTION TO CONSTITUTE CONTRACT. In consideration of the acceptance of the Bond Anticipation Note authorized to be issued hereunder by those who shall hold the same from time to time, this resolution shall be deemed to be and shall constitute a contract between the Issuer and such Holder.

SECTION 6. DESCRIPTION OF BOND ANTICIPATION NOTE. The Bond Anticipation Note shall be dated the date of its execution and delivery, which shall be a date agreed upon by the Issuer and the Lender, subject to the following terms:

A. Interest Rate. The initial fixed interest rate on the Bond Anticipation Note shall equal 4.24% (calculated on a 30/360 day count basis). Such interest rate is subject to change upon conditions set forth in the Bond Anticipation Note.

B. Principal and Interest Payment Dates. Principal and interest on the Bond Anticipation Note shall be paid in accordance with the terms in the Bond Anticipation Note.

C. Prepayment of the Bond Anticipation Note. The Bond Anticipation Note shall be subject to early prepayment as provided in the Bond Anticipation Note.

D. Form, Execution and Delivery of the Bond Anticipation Note. The Bond Anticipation Note is to be in substantially the form set forth in Exhibit A attached hereto, together with such non-material changes as shall be approved by the Mayor, such approval to be conclusively evidenced by the execution thereof by the Mayor. The Bond Anticipation Note shall be executed on behalf of the Issuer with the manual signature of the Mayor and the official seal of the Issuer, approved as to form and correctness by the City Attorney, and be attested with the manual signature of the City Clerk. In case any one or more of the officers of the Issuer who shall have signed or sealed the Bond Anticipation Note shall cease to be such officer of the Issuer before the Bond Anticipation Note so signed and sealed has been actually sold and delivered, such Bond Anticipation Note may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bond Anticipation Note had not ceased to hold such office. The Bond Anticipation Note may be signed and sealed on behalf of the Issuer by such person who at the actual time of the execution of such Bond Anticipation Note shall hold the proper office of the Issuer, although, at the date of such Bond Anticipation Note, such person may not have held such office or may not have been so authorized.

E. Original Denomination. The Bond Anticipation Note shall originally be issued in a single denomination in an amount that equals the original principal amount authorized and issued hereunder.

F. No Reserve Account. The Bond Anticipation Note is not secured by any reserve fund or account.

G. Other Terms. The Bond Anticipation Note shall bear interest from the date on which it is issued.

H. No additional Subordinated Debt in excess of $5,000,000 may be issued without the written consent of the Holder.

The principal of and interest on and redemption premium, if any, on the Bond Anticipation Note shall be payable in any coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts and shall be paid when due by the Paying Agent to the person appearing on the registration books of the Issuer by wire transfer to the Holder of the Bond Anticipation Note in accordance

with wire transfer instructions provided by the Holder of the Bond Anticipation Note to the Paying Agent and Issuer. Presentment of the Bond Anticipation Note shall not be required, but the Holder of the Bond Anticipation Note agrees that promptly following the payment in full of the Bond Anticipation Note it shall return the Bond Anticipation Note marked "paid in full" to the Issuer.

SECTION 7. APPLICATION OF PRIOR COVENANTS OF THE ISSUER. The covenants and pledges contained in the Senior Lien Bond Resolution shall be deemed to be for the benefit, protection and security for the payment of the Bond Anticipation Note and for the Holder thereof in like manner as applicable to the Senior Lien Bonds; provided, however, no reserve requirements applicable to the Senior Lien Bonds shall apply to the Bond Anticipation Note. Such covenants and pledges shall be applicable to the Bond Anticipation Note herein authorized and are incorporated by reference herein to the same extent as if set forth in full herein.

SECTION 8. REGISTRATION AND EXCHANGE OF THE BOND ANTICIPATION NOTE; PERSONS TREATED AS HOLDER OF THE BOND ANTICIPATION NOTE. The Bond Anticipation Note is initially registered to the Lender, as the original purchaser of the Bond Anticipation Note. So long as the Bond Anticipation Note shall remain unpaid, the Issuer will keep books for the registration and transfer of the Bond Anticipation Note. The Bond Anticipation Note shall be transferable only upon such registration books. Notwithstanding anything herein to the contrary, the Lender may in the future make transfers of the Bond Anticipation Note or sell participations to Permitted Lenders without the consent of the Issuer; provided, however, such transfers or participations shall not be for less than a $1,000,000 denomination or the principal amount outstanding if less than $1,000,000.

The person in whose name the Bond Anticipation Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of principal and interest on such Bond Anticipation Note shall be made only to or upon the written order of the Holder of the Bond Anticipation Note. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond Anticipation Note to the extent of the sum or sums so paid or the principal amount outstanding.

SECTION 9. APPLICATION OF PROCEEDS OF BOND ANTICIPATION NOTE. The proceeds received from the sale of the Bond Anticipation Note shall be applied by the Issuer simultaneously with the delivery of the Bond Anticipation Note to the Lender, as follows:

A. To the extent not reimbursed therefor by the Lender, the Issuer shall pay all costs and expenses in connection with the preparation, issuance and sale of the Bond Anticipation Note.

B. The remaining proceeds of the Bond Anticipation Note shall be deposited into the "City of St. Petersburg, Florida Public Utility Subordinate Lien Bond Anticipation Note, Series 2024, Construction and Acquisition Fund," which is hereby created and established (the "2024 Construction and Acquisition Fund"), and which may be used to finance and/or reimburse the costs of the Project. Such 2024 Construction and Acquisition Fund shall constitute a trust fund for the Holder of the Bond Anticipation Note. The Issuer is permitted to invest amounts on deposit in the 2024 Construction and Acquisition Fund in investments permitted by applicable law and the Issuer's investment policies. All income received from investment of monies in the 2024

Construction and Acquisition Fund can be used to pay costs of the Project. The Holder of the Bond Anticipation Note shall have a lien on the proceeds of the Bond Anticipation Note until expended.

SECTION 10. BOND ANTICIPATION NOTE MUTILATED, DESTROYED, STOLEN OR LOST. In case the Bond Anticipation Note shall become mutilated or be destroyed, stolen or lost, the Issuer shall issue and deliver a new bond anticipation note of like tenor as the Bond Anticipation Note so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond Anticipation Note upon surrender and cancellation of such mutilated Bond Anticipation Note, or in lieu of and substitution for the Bond Anticipation Note destroyed, stolen or lost, and upon the Holder furnishing the Issuer proof of its ownership thereof and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer may incur. The Bond Anticipation Note so surrendered shall be canceled by the Issuer.

SECTION 11. APPROVAL OF PAYING AGENT AND REGISTRAR. The Issuer is hereby appointed Paying Agent and Registrar for the Bond Anticipation Note.

SECTION 12. TAX COVENANTS. The Issuer covenants to the Holder of the Bond Anticipation Note provided for in this resolution that the Issuer will not make any use of the proceeds of the Bond Anticipation Note at any time during the term of the Bond Anticipation Note which would cause the Bond Anticipation Note to be an "arbitrage bond" within the meaning of the Code. The Issuer will comply with the requirements of the Code and any valid and applicable rules and regulations promulgated thereunder necessary to ensure the exclusion of interest on the Bond Anticipation Note from the gross income of the Holder for purposes of federal income taxation.

SECTION 13. SEVERABILITY. If any one or more of the covenants, agreements or provisions of this resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this resolution or of the Bond Anticipation Note issued thereunder.

SECTION 14. GENERAL AUTHORITY. The members of the City Council, the Mayor, the City Administrator, the Chief Financial Officer and the Debt Financing Director and the Issuer's officers, attorneys and other agents and employees are hereby authorized to perform all acts and things required of them by this resolution or desirable or consistent with the requirements hereof for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Bond Anticipation Note and this resolution, and they are hereby authorized to execute and deliver all documents which shall be required by Note Counsel or the Lender to effectuate the sale of the Bond Anticipation Note. All action taken to date by the members of the City Council, the Mayor, the City Administrator, the Chief Financial Officer and the Debt Financing Director and the Issuer's officers, attorneys and other agents and employees in furtherance of the issuance of the Bond Anticipation Note is hereby approved, confirmed and ratified.

SECTION 15. BUSINESS DAYS. In any case where the due date of interest on or principal of a Bond Anticipation Note is not a Business Day, then payment of such principal or interest need not be made on such date but may be made on the next succeeding Business Day, provided that credit for payments made shall not be given until the payment is actually received by the Holder of the Bond Anticipation Note.

SECTION 16. SPECIAL OBLIGATION OF ISSUER. The Bond Anticipation Note shall not be or constitute a general obligation or indebtedness of the Issuer as a "bond" within the meaning of the Constitution of Florida, but shall be payable from a first lien on proceeds of the Takeout Refinancing, and Net Revenues on a junior and subordinate lien basis, in all respects, with respect to the Senior Lien Bonds, and on a parity lien basis with respect to the Parity Lien Loan Agreement. The Bond Anticipation Note is also secured by amounts on deposit in the 2024 Construction and Acquisition Fund until such moneys have been expended. The Holder of the Bond Anticipation Note shall never have the right to compel the exercise of the ad valorem taxing power of the Issuer or taxation in any form of any real property therein to pay such principal and interest from any other funds of the Issuer, except in the manner provided herein.

SECTION 17. CAPTIONS. The captions and headings in this resolution are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this resolution.

SECTION 18. FINANCIAL INFORMATION. Not later than 270 days following the close of each Fiscal Year, the Issuer shall provide the Holder with an electronic copy of its Comprehensive Annual Financial Report including annual financial statements for each Fiscal Year of the Issuer, prepared in accordance with applicable law and generally accepted accounting principles. In addition, the Issuer shall provide to the Holder the Issuer's annual budget ordinance within 30 days of its adoption, and such other financial and budget information as may be reasonably requested by the Holder from time to time. All accounting terms not specifically defined or specified herein shall have the meanings attributed to such terms under generally accepted accounting principles as in effect from time to time, consistently applied.

SECTION 19. NO THIRD-PARTY BENEFICIARIES. Except such other persons as may be expressly described in this resolution or in the Bond Anticipation Note, nothing in this resolution or therein, expressed or implied, is intended or shall be construed to confer upon any person, other than the Issuer and the Holder, any right, remedy or claim, legal or equitable, under and by reason of any provision hereof or thereof, all provisions hereof and thereof being intended to be and being for the sole and exclusive benefit of the Issuer and a person who shall from time to time be the Holder.

SECTION 20. MEMBERS OF THE CITY COUNCIL NOT LIABLE. No covenant, stipulation, obligation or agreement contained in this resolution shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future elected or appointed official, agent or employee of the Issuer in his or her individual capacity, and neither the members of the City Council nor any person executing the Bond Anticipation Note shall be liable personally on the Bond Anticipation Note or this resolution or shall be subject to any personal liability or accountability by reason of the issuance or the execution of the Bond Anticipation Note or this resolution.

SECTION 21. GOVERNING LAW; APPLICABLE LAW AND VENUE; JURY TRIAL WAIVER. This resolution and the Bond Anticipation Note shall be governed by the laws of the State of Florida. The Issuer and the Lender, by acceptance of the Bond Anticipation Note, knowingly, voluntarily, and intentionally waive any right either may have to a trial by jury, with respect to any litigation or legal proceedings based on or arising out of this resolution or the Bond Anticipation Note. In the event of any legal proceeding arising out of or related to the Bond Anticipation Note, the Issuer and the Lender, by acceptance of the Bond Anticipation Note, each waive any objections to venue for any action brought in state court lying in Pinellas County, St. Petersburg Division. The Issuer and the Lender, by acceptance of the Bond Anticipation Note, also each waive any objection to venue for any action brought in federal court lying in the Middle District of Florida, Tampa Division. The Holder of the Bond Anticipation Note, upon taking possession of the Bond Anticipation Note, and the Issuer each consent to the personal jurisdiction of the aforementioned courts and irrevocably waive any objections to said jurisdiction, agree to waiver of jury trial and the laws of the State of Florida governing this resolution and the Bond Anticipation Note.

SECTION 22. NO ADVISORY OR FIDUCIARY RELATIONSHIP. In connection with all aspects of the transaction contemplated hereunder (including in connection with any amendment, waiver or other modification hereof or of any other documents related hereto), the Issuer acknowledges and agrees, that: (a) (i) it has consulted its own legal, accounting, regulatory and tax advisors to the extent it has deemed appropriate, (ii) it is capable of evaluating, and understands and accepts, the terms, risks and conditions of the transactions contemplated hereby and any other loan documents, (iii) the Lender is not acting as a municipal advisor or financial advisor to the Issuer and (iv) the Lender has no fiduciary duty pursuant to Section 15B of the Securities Exchange Act to the Issuer with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether the Lender has provided other services or is currently providing other services to the Issuer on other matters); (b)(i) the Lender is and has been acting solely as a principal in an arm's length commercial lending transaction and has not been, is not, and will not be acting as an advisor, agent or fiduciary, for the Issuer, or any other person and (ii) the Lender has no obligation to the Issuer, with respect to the transaction contemplated hereby except those obligations expressly set forth in this resolution and in the Bond Anticipation Note; (c) notwithstanding anything herein to the contrary, it is the intention of the Issuer and the Lender that the loan documents represent a commercial loan transaction not involving the issuance and sale of a municipal security, and that any bond, note or other debt instrument that may be delivered to the Lender is delivered solely to evidence the repayment obligations of the Issuer hereunder; and (d) the Lender may be engaged in a broad range of transactions that involve interests that differ from those of the Issuer, and the Lender has no obligation to disclose any of such interests to the Issuer. To the fullest extent permitted by law, the Issuer hereby waives and releases any claims that it may have against the Lender with respect to any breach or alleged breach of agency or fiduciary duty in connection with any aspect of the transaction contemplated hereby. The Issuer has engaged PFM Financial Advisors LLC as a municipal advisor in this transaction with legal fiduciary duties to the Issuer. The transaction contemplated herein and the Bond Anticipation Note is delivered, pursuant to and in reliance upon the bank exemption and/or the institutional buyer exemption provided under the municipal advisor rules of the Securities and Exchange Commission, Rule 15Ba1-1 et seq, to the extent that such rules apply to the transaction contemplated hereunder; *provided*, however, the Issuer makes no representation with respect to the applicability of such rules.

SECTION 23. PATRIOT ACT NOTICE. The Issuer hereby acknowledges that pursuant to the requirements of the USA PATRIOT Act (Title III of Pub. L. 107-56 signed into law October 26, 2001) (the "Patriot Act"), the Lender may be required to obtain, verify and record information that identifies the Issuer, which information includes the name and address of the Issuer and other information that will allow the Lender to identify the Issuer in accordance with the Patriot Act.

SECTION 24. SUPERSEDING OF INCONSISTENT RESOLUTIONS. This resolution supersedes all prior action of City Council inconsistent herewith. All resolutions or parts thereof in conflict herewith are hereby superseded to the extent of such conflict.

SECTION 25. EVENTS OF DEFAULT.

A. The following shall be Events of Default under this resolution:

1. The Issuer shall fail to make a payment of the principal of or interest on the Bond Anticipation Note or any other amount due hereunder when such payment becomes due.

2. If the Issuer shall default in the performance or compliance with any term or covenant contained in this resolution or the Bond Anticipation Note or any representation or warranty made in writing by or on behalf of the issuer in this resolution or the Bond Anticipation Note.

3. Failure by the Issuer to observe and perform any covenant, condition or agreement on its part to be observed or performed under this resolution or the Senior Lien Bond Resolution for a period of thirty (30) days after the earlier of (i) the date written notice specifying such failure and requesting that it be remedied is given to the Issuer by the Holder or (ii) the date the Issuer was required to give notice of the event or condition to the Holder pursuant to paragraph B below, unless the Holder shall agree in writing to an extension of such time prior to its expiration.

4. There shall occur the dissolution or liquidation of the Issuer, or the filing by the Issuer of a voluntary petition in bankruptcy, or the commission by the Issuer of any act of bankruptcy, or adjudication of the Issuer as bankrupt.

B. Notice of Defaults. The Issuer shall within five (5) days after it acquires knowledge thereof, notify the Holder in writing (a) upon the happening, occurrence, or existence of any Event of Default, and (b) any event or condition which with the passage of time or giving of notice, or both, would constitute an Event of Default, and shall provide the Holder, with such written notice, a detailed statement by a responsible officer of the Issuer of all relevant facts and the action being taken or proposed to be taken by the Issuer with respect thereto. Regardless of the date of receipt of such notice by the Holder, such date shall not in any way modify the date of occurrence of the actual Event of Default.

C. Within five (5) days after it acquires knowledge thereof, the Issuer shall notify the Holder in writing of any payment default under the Senior Lien Bond Resolution or any payment default on any Subordinated Debt.

SECTION 26. MODIFICATION OR AMENDMENT. No modification or amendment of this resolution or any resolution amendatory or supplemental hereto may be made without the written consent of the Holder.

SECTION 27. EFFECTIVE DATE. This resolution shall become effective upon its adoption.

LEGAL: DEPARTMENT:



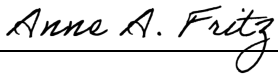


EXHIBIT A

FORM OF BOND ANTICIPATION NOTE

$53,000,000

UNITED STATES OF AMERICA
STATE OF FLORIDA
COUNTY OF PINELLAS
CITY OF ST. PETERSBURG
PUBLIC UTILITY SUBORDINATE LIEN BOND ANTICIPATION NOTE, SERIES 2024

MATURITY DATE	INTEREST RATE	DATED DATE
November 1, 2025	4.24% (subject to adjustment)	March 8, 2024

REGISTERED OWNER: TRUIST COMMERCIAL EQUITY, INC.

PRINCIPAL AMOUNT: FIFTY-THREE MILLION AND NO/100 DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of St. Petersburg, Florida (hereinafter called "Issuer"), for value received, hereby promises to pay to the order of the Registered Owner identified above, as herein provided, on the Maturity Date identified above, from the revenues hereinafter mentioned, the Principal Amount identified above, and to pay solely from said sources, to the Registered Owner hereof, interest on said Principal Amount at the Interest Rate per annum identified above, subject to adjustment as herein provided, on the Maturity Date. Notwithstanding anything herein to the contrary, the Interest Rate shall never exceed the maximum rate allowed by applicable law. All payments due hereunder shall be paid to the Registered Owner by wire transfer in accordance with wire transfer instructions provided by such Registered Owner to the Paying Agent and Issuer.

Interest on this Bond Anticipation Note shall be paid semi-annually on each May 1 and November 1, commencing on November 1, 2024. Unless earlier prepaid, principal on this Note shall be paid as follows:

Date	Principal Installment
May 1, 2025	$26,500,000
November 1, 2025	26,500,000

"Interest Rate" means a fixed per annum rate equal to 4.24%, prior to a Determination of Taxability (as such term is defined below). Except as otherwise provided herein, in the event of a Determination of Taxability, and for as long as this Bond Anticipation Note remains outstanding, the Interest Rate shall be converted to the Taxable Rate and this adjustment shall survive payment on this Bond Anticipation Note until such time as the federal statute of limitations under which the interest on this Bond Anticipation Note could be declared taxable under the Code shall have expired. In addition, upon an Determination of Taxability, the Issuer shall, immediately upon

demand, pay to the Registered Owner (or prior holders, if applicable) (i) an additional amount equal to the difference between (A) the amount of interest actually paid on this Bond Anticipation Note during the Taxable Period and (B) the amount of interest that would have been paid during the Taxable Period had this Bond Anticipation Note borne interest at the Taxable Rate, and (ii) an amount equal to any interest, penalties and additions to tax (as referred to in Subchapter A of Chapter 68 of the Code) owed by the Registered Owner as a result of the Determination of Taxability. Notwithstanding the foregoing, however, after, and during the continuance of, an Event of Default, "Interest Rate" shall mean the Default Rate.

"Determination of Taxability" means, solely as a result of action or inaction of the Issuer, the occurrence after the date hereof of a final decree or judgment of any Federal court or a final action of the Internal Revenue Service determining that interest paid or payable on all or a portion of this Bond Anticipation Note is or was includable in the gross income of the Registered Owner for Federal income tax purposes; provided, that no such decree, judgment, or action will be considered final for this purpose, however, unless the Issuer has been given written notice and, if it is so desired and is legally allowed, has been afforded the opportunity at the Issuer's own expense to contest the same, either directly or in the name of the Registered Owner, and until the conclusion of any appellate review, if sought. For all purposes of this definition, the effective date of any Determination of Taxability will be the first date as of which interest is deemed includable in the gross income of the Registered Owner.

"Prime Rate" shall mean the per annum rate which the Lender's affiliate Truist Bank announces from time to time to be its prime rate, as in effect from time to time. The Prime Rate is a reference or benchmark rate, is purely discretionary and does not necessarily represent the lowest or best rate charged to borrowing customers. The Lender's affiliate Truist Bank may make commercial loans or other loans at rates of interest at, above or below the Prime Rate. Each change in the Prime Rate shall be effective from and including the date such change is announced as being effective.

"Taxable Period" means the period of time between (a) the date that interest on this Bond Anticipation Note is deemed to be includable in the gross income of the Registered Owner for federal income tax purposes as a result of the Determination of Taxability, and (b) the date of the Determination of Taxability and after which this Bond Anticipation Note bears interest at the Taxable Rate.

"Taxable Rate" means the interest rate per annum that shall provide the Registered Owner with the same after tax yield that the Registered Owner would have otherwise received had the Determination of Taxability not occurred, taking into account the increased taxable income of the Registered Owner as a result of such Determination of Taxability. The Registered Owner shall provide the Issuer with a written statement explaining the calculation of the Taxable Rate, which statement shall, in the absence of manifest error, be conclusive and binding on the Issuer.

Upon and during the continuance of an Event of Default, in addition to the remedies set forth in the hereinafter described Resolutions, notwithstanding anything herein to the contrary, this Bond Anticipation Note shall bear interest at the Default Rate. For purposes of this Bond

Anticipation Note, the term "Default Rate" means the lesser of (i) the sum of the Prime Rate plus 4% per annum or (ii) the maximum interest rate permitted by applicable law.

Interest on this Bond Anticipation Note shall be calculated using a 360-day year consisting of twelve 30-day months.

On or after September 9, 2024, the Issuer may prepay the principal of this Bond Anticipation Note in whole or in part without penalty on any Business Day upon at least two (2) Business Days prior notice to the Registered Owner, plus accrued interest to the date fixed for prepayment.

Prior to September 9, 2024, this Bond Anticipation Note may be prepaid in whole or in part on any Business Day subject to the terms hereof and upon at least two Business Days' prior written notice to the Registered Owner specifying the amount of prepayment. The Issuer shall, at the time of any prepayment under this paragraph, pay to the Registered Owner the interest accrued to the date of prepayment on the principal amount being prepaid plus an additional fee or redemption premium equal to the present value of the difference between (1) the amount that would have been realized by the Registered Owner on the prepaid amount for the remaining term of the loan at the rate for fixed-rate payers in U.S. Dollar interest rate swaps as quoted by Bloomberg (the "Swap Rate") for a term corresponding to the term of this Bond Anticipation Note, interpolated to the nearest month, if necessary, that was in effect three Business Days prior to the issuance date of this Bond Anticipation Note, and (2) the amount that would be realized by the Registered Owner by reinvesting such prepaid funds for the remaining term of the loan at the Swap Rate for rates for fixed-rate payers in U.S. Dollar interest rate swaps, interpolated to the nearest month, that was in effect three Business Days prior to the loan repayment date; both discounted at the same interest rate utilized in determining the applicable amount in (2). Should the present value have no value or a negative value, the Issuer may prepay under this paragraph with no additional fee or redemption premium. Should the Bloomberg no longer release rates for fixed-rate payers in U.S. Dollar interest rate swaps, the Issuer may substitute the Bloomberg Index for rates for fixed-payers in U.S. Dollar interest rate swaps with another similar index as determined by the Registered Owner (or an affiliate thereof). If a prepayment is made pursuant to this paragraph, the Registered Owner shall provide the Issuer with a written statement explaining the calculation of the premium due, which statement shall, in absence of manifest error, be conclusive and binding. The application of such fee or prepayment premium is not intended to, and shall not be deemed to be, an increase in the Interest Rate.

Any partially prepaid amount on this Bond Anticipation Note shall be applied in the sole discretion of the Registered Owner.

The authorized principal amount of this Bond Anticipation Note is $53,000,000. This Bond Anticipation Note is being issued to finance and/or reimburse the costs of the Project, under (i) the authority of and in full compliance with the Constitution and laws of the State of Florida, Chapter 166, Part II, Florida Statutes, Chapter 159, Part I, Florida Statutes, Section 215.431, Florida Statutes, the municipal Charter of the Issuer, and other applicable provisions of law, and (ii) by Resolution No. 99-227 adopted by the City Council on April 22, 1999, as amended and supplemented from time to time, as particularly amended by Resolution No. 2005-559 adopted by

the City Council on October 20, 2005, Resolution No. 2008-256 adopted by the City Council on May 15, 2008, Resolution No. 2013-400 adopted by the City Council on October 3, 2013 (the "Senior Lien Bond Resolution"), and by a resolution adopted by the City Council on February 29, 2024 (the "Subordinate Lien Note Resolution," and together with the Senior Lien Bond Resolution, the "Resolutions"), and is subject to all the terms and conditions of such Resolutions. All capitalized undefined terms used herein shall have the meaning set forth in the Resolutions.

This Bond Anticipation Note is payable from a first lien on proceeds of the Takeout Refinancing, and Net Revenues on a junior and subordinate lien basis, in all respects, with respect to the Senior Lien Bonds, and on a parity lien basis with respect to the Parity Lien Loan Agreement.

This Bond Anticipation Note does not constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter provision or limitation, and it is expressly agreed by the Registered Owner of this Bond Anticipation Note that such Registered Owner shall never have the right to require or compel the exercise of the ad valorem taxing power of the Issuer for the payment of the principal of and interest on this Bond Anticipation Note or the making of any sinking fund, reserve or other payments specified in the Resolutions.

It is further agreed between the Issuer and the Registered Owner of this Bond Anticipation Note that this Bond Anticipation Note and the indebtedness evidenced thereby shall not constitute a lien upon the System, or any part thereof, or on any other property of or in the Issuer, other than the sources of security as described herein and in the Subordinate Lien Note Resolution, all in the manner provided therein.

The Issuer in the Resolutions has covenanted and agreed with the Registered Owner of the Bond Anticipation Note to fix, establish, revise from time to time whenever necessary, maintain and collect such fees, rates, rentals and other charges for the use of the products, services and facilities of the System which will always provide Adjusted Net Revenues in each year of not less than 115% of all Bond Service Requirements becoming due in such year on the outstanding Senior Lien Bonds; and that such rates, fees, rentals and other charges will not be reduced so as to be insufficient to provide Gross Revenues for such purposes. The Issuer has entered into certain further covenants with the Registered Owner of this Bond Anticipation Note for the terms of which reference is made to the Resolutions.

This Bond Anticipation Note is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code - Investment Securities of the State of Florida.

All payments by the Issuer pursuant to this Bond Anticipation Note shall apply first to accrued interest, then to other charges due the Registered Owner, and the balance thereof shall apply to the principal sum due.

This Bond Anticipation Note may be exchanged or transferred by the Registered Owner hereof but only upon the registration books maintained by the Issuer and in the manner provided in the Resolutions; provided, however, this Bond Anticipation Note may be transferred to Permitted Lenders in the future without the consent of the Issuer so long as such transfers shall not

be for less than a $1,000,000 denomination or the principal amount outstanding if less than $1,000,000.

The transfer of this Bond Anticipation Note is registrable by the Registered Owner hereof in person or by his attorney or legal representative at the office of the Registrar but only in the manner and subject to the conditions provided in the Subordinate Lien Note Resolution and upon surrender and cancellation of this Bond Anticipation Note.

It is hereby certified and recited that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond Anticipation Note exist, have happened and have been performed in regular and due form and time as required by the Statutes and Constitution of the State of Florida applicable thereto; and that the issuance of this Bond Anticipation Note does not violate any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of St. Petersburg, Florida, has issued this Bond Anticipation Note and has caused the same to be executed by its Mayor, attested by its City Clerk, approved as to form and correctness by its Managing Assistant City Attorney, and the corporate seal of the City, or a facsimile thereof to be impressed, imprinted or otherwise reproduced hereon, all as of the date set forth above.

CITY OF ST. PETERSBURG, FLORIDA

(SEAL)

_____

Kenneth T. Welch, Mayor

ATTESTED:

_____

Chan Srinivasa, City Clerk

APPROVED AS TO FORM AND CORRECTNESS

_____

Macall D. Dyer, Managing Assistant City Attorney

EXHIBIT B

FORM OF PURCHASER'S CERTIFICATE

This is to certify that Truist Commercial Equity, Inc. (the "Purchaser") has not required the City of St. Petersburg, Florida (the "Issuer") to deliver any offering document and has conducted its own investigation, to the extent it deems satisfactory or sufficient, into matters relating to business affairs or conditions (either financial or otherwise) of the Issuer in connection with the issuance of the $53,000,000 City of St. Petersburg, Florida Public Utility Subordinate Lien Bond Anticipation Note, Series 2024 (the "Bond Anticipation Note"), and no inference should be drawn that the Purchaser, in the acceptance of said Bond Anticipation Note, is relying on Note Counsel or the City Attorney as to any such matters other than the legal opinion rendered by Note Counsel, Bryant Miller Olive P.A. and by the Managing Assistant City Attorney, Macall D. Dyer, Esq. ("Issuer's Counsel"). Any capitalized undefined terms used herein not otherwise defined shall have the meaning set forth in Resolution No. 99-227 adopted by the City Council on April 22, 1999, as amended and supplemented from time to time, as particularly amended by Resolution No. 2005-559 adopted by the City Council on October 20, 2005, Resolution No. 2008-256 adopted by the City Council on May 15, 2008, Resolution No. 2013-400 adopted by the City Council on October 3, 2013 (the "Senior Lien Bond Resolution"), and by a resolution adopted by the City Council on February 29, 2024 (the "Subordinate Lien Note Resolution," and together with the Senior Lien Bond Resolution, the "Resolutions"), and is subject to all the terms and conditions of such Resolutions.

We are aware that the loan of the proceeds of the Bond Anticipation Note involves various risks, that the Bond Anticipation Note is not a general obligation of the Issuer or payable from ad valorem tax revenues, and that the payment of the Bond Anticipation Note is secured solely from the sources described in the Resolutions (the "Note Security").

We have made such independent investigation of the Note Security as we, in the exercise of sound business judgment, consider to be appropriate under the circumstances.

We have been provided access to and have reviewed all information about the Issuer we deemed necessary. In making our lending decision, we have relied upon the accuracy of information which has been provided to us by the Issuer and PFM Financial Advisors LLC, the Issuer's financial advisor (the "Financial Advisor"). We acknowledge that the Financial Advisor is not acting as a placement agent. Documentation for the Bond Anticipation Note will be provided by Note Counsel. We have knowledge and experience in financial and business matters and are capable of evaluating the merits and risks of our purchase of the Bond Anticipation Note and can bear the economic risk of our purchase of the Bond Anticipation Note.

We acknowledge that the Resolutions are not being qualified under the Trust Indenture Act of 1939, as amended, and are not being registered, in reliance upon the exemption from registration under Section 3(a)(2) of the Securities Act of 1933, Section 517.051(1), Florida Statutes, and/or Section 517.061(7), Florida Statutes, and that neither the Issuer, Note Counsel nor Issuer's Counsel shall have any obligation to effect any such registration or qualification.

We acknowledge that no CUSIP numbers or credit ratings have been obtained with respect to the Bond Anticipation Note. We are not acting as a broker or other intermediary, and are purchasing the Bond Anticipation Note for our own account and not with a present view to a resale or other distribution to the public. We acknowledge that the Bond Anticipation Note may be transferred only in whole and not in part; provided, however, we acknowledge that the Bond Anticipation Note may only be transferred in accordance with the limitations set forth in the Resolutions.

We are a bank (or wholly-owned subsidiary of a bank), trust company, savings institution, insurance company, dealer, investment company, pension or profit-sharing trust, or qualified institutional buyer as contemplated by Section 517.061(7), Florida Statutes. We are not purchasing the Bond Anticipation Note for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of Chapter 517, Florida Statutes.

We are an "accredited investor" within the meaning of the Securities Act of 1933, as amended, and Regulation D thereunder.

DATED this 8th day of March, 2024.

TRUIST COMMERCIAL EQUITY, INC.

_____

Name: Adam Horn
Title: Authorized Agent

EXHIBIT C

FORM OF DISCLOSURE LETTER

Following a competitive selection process, the undersigned, as purchaser, proposes to negotiate with the City of St. Petersburg, Florida (the "Issuer") for the private purchase of its City of St. Petersburg, Public Utility Subordinate Lien Bond Anticipation Note, Series 2024 (the "Bond Anticipation Note") in the principal amount of $53,000,000. Prior to the award of the Bond Anticipation Note, the following information is hereby furnished to the Issuer:

1. Set forth is an itemized list of the nature and estimated amounts of expenses to be incurred for services rendered to us (the "Lender") in connection with the issuance of the Bond Anticipation Note (such fees and expenses to be paid by the Issuer):

$12,500
Holland & Knight, Lender's Counsel
Legal Fees

2. (a) No other fee, bonus or other compensation is estimated to be paid by the Lender in connection with the issuance of the Bond Anticipation Note to any person not regularly employed or retained by the Lender (including any "finder" as defined in Section 218.386(1)(a), Florida Statutes), except as specifically enumerated as expenses to be incurred by the Lender, as set forth in paragraph (1) above.

(b) No person has entered into an understanding with the Lender, or to the knowledge of the Lender, with the Issuer, for any paid or promised compensation or valuable consideration, directly or indirectly, expressly or implied, to act solely as an intermediary between the Issuer and the Lender or to exercise or attempt to exercise any influence to effect any transaction in the purchase of the Bond Anticipation Note.

3. The amount of the underwriting spread expected to be realized by the Lender is $0.

4. The management fee to be charged by the Lender is $0.

5. Truth-in-Bonding Statement. The following information is provided pursuant to Section 218.385(2), Florida Statutes and does not evidence or alter the terms of the Bond Anticipation Note:

You have disclosed to us that the Bond Anticipation Note is being issued primarily to finance and/or reimburse the costs of the Project as such term is defined in the hereinafter defined Resolutions.

Unless earlier prepaid, the Bond Anticipation Note is expected to be repaid no later than November 1, 2025; at an interest rate of 4.24%, total interest paid over the life of the Bond Anticipation Note is estimated to be $3,139,837.78.

The Bond Anticipation Note will be payable solely from amounts pledged and described in Resolution No. 99-227 adopted by the City Council on April 22, 1999, as amended and supplemented from time to time, as particularly amended by Resolution No. 2005-559 adopted by the City Council on October 20, 2005, Resolution No. 2008-256 adopted by the City Council on May 15, 2008, Resolution No. 2013-400 adopted by the City Council on October 3, 2013 (the "Senior Lien Bond Resolution"), and by a resolution adopted by the City Council on February 29, 2024 (the "Subordinate Lien Note Resolution," and together with the Senior Lien Bond Resolution, the "Resolutions"), and is subject to all the terms and conditions of such Resolutions. Any capitalized undefined terms used herein not otherwise defined shall have the meaning set forth in the Resolutions. Issuance of the Bond Anticipation Note is expected to result in an annual average of approximately $34,081,520.41 of revenues of the Issuer not being available to finance the services of the Issuer during the life of such Bond Anticipation Note.

6. The name and address of the Lender is as follows:

Truist Commercial Equity, Inc.
401 East Jackson Street, 20th Floor
Tampa, Florida 33602

IN WITNESS WHEREOF, the undersigned has executed this Disclosure Letter on behalf of the Lender this 8th day of March, 2024.

TRUIST COMMERCIAL EQUITY, INC.

_____

Name: Adam Horn
Title: Authorized Agent

The following page(s) contain the backup material for Agenda Item: A resolution approving the settlement of the worker's compensation claim and lawsuit of Christopher McClure v. City of St. Petersburg and Commercial Risk Management, Inc., Carrier/Servicing Agent, Claim Nos. C3690020 and C3730466; OJCC Case No. 23-001058RLY, and providing an effective date.
Please scroll down to view the backup material.



J-1

RESOLUTION NO._____

A RESOLUTION APPROVING THE SETTLEMENT OF THE WORKER'S COMPENSATION CLAIM AND LAWSUIT OF CHRISTOPHER MCCLURE V. CITY OF ST. PETERSBURG AND COMMERCIAL RISK MANAGEMENT, INC., CARRIER/SERVICING AGENT, CLAIM NOS. C3690020 AND C3730466; OJCC CASE NO. 23-001058RLY, AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED, by the City Council of the City of St. Petersburg, Florida, that the settlement by and between Christopher McClure v. City of St. Petersburg and Commercial Risk Management, Inc., Carrier/Servicing Agent, Claim Nos. C3690020 and C3730466; OJCC Case No. 23-001058RLY, in the amount of $87,500.00 for a total settlement is approved.

BE IT FURTHER RESOLVED that the City Administration and the City Attorney's Office are authorized to execute the necessary paperwork and pay the funds in accordance with such settlement.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Approved as to Form and Content:

City Attorney (designee)
00720868

The following page(s) contain the backup material for Agenda Item: Approving a three-year blanket purchase agreement with Sunbelt Sod & Grading Company for sod delivery and installation at an estimated annual cost of $250,000.
Please scroll down to view the backup material.

CA-1

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of February 29, 2024

To: **The Honorable Deborah Figgs-Sanders, Chair, and Members of City Council**

Subject: Approving a three-year blanket purchase agreement with Sunbelt Sod & Grading Company for sod delivery and installation at an estimated annual cost of $250,000.

Explanation: The Procurement and Supply Management Department issued IFB 24-031, on November 20, 2023. The bids were opened on December 14, 2023. The Procurement and Supply Management Department received one bid for Sod Delivery and Installation.

The vendor furnishes sod that will be used to maintain parks, ball fields, golf courses and other facilities and projects. The material is also used to re-sod easements when maintaining the City's water and sewer system. The primary users are the Engineering & Capital Improvements, Parks & Recreation, Water Resources, and Stormwater, Pavement & Traffic Operations departments.

The Procurement & Supply Management Department, in cooperation with the Parks and Recreation Department recommends:

Sunbelt Sod & Grading Company (Ruskin, FL).....$750,000
(3 years @ $250,000 per year)

The Sunbelt Sod and Grading Company is a certified SBE and is the lowest responsive and responsible bidder has met the specifications and requirements of IFB No. 24-031 dated November 20, 2023. The agreement will be effective three-years from date of execution with two, one-year renewal options available. Amounts paid to contractors pursuant to this agreement shall not exceed a combined yearly total of $250,000.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001) Parks and Recreation Department (190) various divisions; Water Resources Operating Fund (4001) Water Resources Department (420) various divisions; and the General Capital Improvement Fund (3001), various projects; the Recreation & Culture Capital Improvement Fund (3029), various projects; and the Water Resources Capital Projects Fund (4003), various projects.

Attachments: Resolution

RESOLUTION 2024-____

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF A THREE YEAR AGREEMENT WITH TWO ONE-YEAR RENEWAL OPTIONS TO SUNBELT SOD & GRADING COMPANY FOR SOD DELIVERY AND INSTALLATION FOR A TOTAL CONTRACT AMOUNT OF $750,000 FOR THE INITIAL TERM; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received one (1) bid for sod delivery and installation pursuant to IFB-24-031 dated November 20, 2023; and

WHEREAS, Sunbelt Sod & Grading Company, the lowest responsible and responsive bidder, has met the specifications and requirements of IFB-24-031; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Parks and Recreation Department, recommends approval of this award.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bid is hereby accepted and the award of a three year agreement with two one-year renewal options to Sunbelt Sod & Grading Company for sod delivery and installation for a total contract amount of $750,000 for the initial term is hereby approved.

BE IT FURTHER RESOLVED that the Mayor or his designee is hereby authorized to execute all documents necessary to effectuate this transaction.

This Resolution shall become effective immediately upon its adoption.

LEGAL: DEPARTMENT:



00724092

-- City of St. Petersburg Authorization Request -- **General Authorization**		**Request #** 255917

Name:	Papadopoulos, Briell Marintina	Request Date:	06-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	790-50 Sod Delivery and Install, February 29,
Message:	Submitted for your approval, please find attached Consent Write-up for 790-50 Sod Delivery and Install, scheduled to go before City Council Feb 29, 2024. Resolution currently in development and will be included on the finalized version when posted into City Clerk's Office Questys system. Should you have any questions, please contact me. Thank you.
Supporting Documentation:	790-50 Sod Delivery and Install, February 29, 2024-Conset Write-Up v.4.docx

	Approver	Completed By	Response	Response Date	Type
0	Papadopoulos, Briell Marintina		SUBMITTED	06-FEB-2024	
1	Stanford, Lance N	Stanford, Lance N	APPROVE	06-FEB-2024	User Defined
2	Jefferis, Michael J II	Craft, Richard L	APPROVE	06-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: Approving the renewal of a blanket purchase agreement with Humana Insurance Company for voluntary Dental Health Management Organization (DHMO) and Preferred Provider Organization (PPO) insurance plans in the amount of $1,850,000.
Please scroll down to view the backup material.

CA-2

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of February 29, 2024

To: The Honorable Council Deborah Figgs-Sanders, Chair, and Members of City Council

Subject: Approving the renewal of a blanket purchase agreement with Humana Insurance Company for voluntary Dental Health Management Organization (DHMO) and Preferred Provider Organization (PPO) insurance plans in the amount of $1,850,000.

Explanation: The vendor provides Dental DHMO and PPO insurance to our Active and Retired employees and their dependents who elect coverage. The agreement is solely funded by contributions from employees and retirees.

The Procurement and Supply Management Department, in cooperation with the Human Resources Department, recommends for renewal:

Humana Insurance Company (Tallahassee, FL) …. $1,850,000

On April 1, 2022, the City entered into a two-year blanket purchase agreement with Humana Insurance Company. The agreement has three, one-year renewal options. During the initial term, $2,821,213.37 has been spent. The vendor has agreed to proceed with the first renewal option. Administration recommends renewal of the agreement based on the vendor's past satisfactory performance and demonstrated ability to comply with the terms and conditions of the agreement. The renewal will be effective from April 1, 2024 through March 31, 2025.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Health Insurance Fund (5121), Human Resources Department, Group Benefits Division (090-1177).

Attachments: Resolution

RESOLUTION NO. 2024-

A RESOLUTION APPROVING THE RENEWAL OPTION TO THE BLANKET PURCHASE AGREEMENT WITH HUMANA INSURANCE COMPANY FOR VOLUNTARY DENTAL HEALTH MANAGEMENT ORGANIZATION (DHMO) AND PREFERRED PROVIDER ORGANIZATION (PPO) INSURANCE TO EXTEND THE TERM UNTIL MARCH 31, 2025; PROVIDING THAT THE TOTAL COMBINED PREMIUM FOR THIS RENEWAL TERM SHALL NOT EXCEED $1,850,000; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 1, 2022, City Council approved the award of a two-year blanket purchase agreement with three one-year renewal options to Humana Insurance Company for voluntary dental Dental Health Management Organization (DHMO) and Preferred Provider Organization (PPO) insurance; and

WHEREAS, the City desires to exercise the first renewal option to the agreement to extend the term through March 31, 2025 and increase the contract by $1,850,000 for this renewal term; and

WHEREAS, the Procurement and Supply Management Department, in cooperation with the Human Resources Department, recommends approval of this Resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the renewal option to the blanket purchase agreement with Humana Insurance Company for voluntary Dental Health Management Organization (DHMO) and Preferred Provider Organization (PPO) insurance to extend the term until March 31, 2025 is hereby approved.

BE IT FURTHER RESOLVED that the total combined premium amount for this renewal term shall not exceed $1,850,000.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute all documents necessary to effectuate this transaction.

This Resolution shall become effective immediately upon its adoption.

LEGAL: DEPARTMENT:

Shawn Michnowicz
00724365

Christopher M. Guella

		Request #
st.petersburg www.stpete.org	-- City of St. Petersburg Authorization Request -- **General Authorization**	255704

Name:	Papadopoulos, Briell Marintina	Request Date:	05-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	953-48 Insurance, Dental, February 29, 2024
Message:	Submitted for your approval, please find attached Consent Write-up for 953-48 Insurance, Dental, February 29, scheduled to go before City Council Feb 29, 2024. Resolution currently in development and will be included on the finalized version when posted into City Clerk's Office Questys system. Should you have any questions, please contact me. Thank you.
Supporting Documentation:	953-48 Insurance, Dental, February 29, 2024 - Consent Write-Up v3.docx

	Approver	Completed By	Response	Response Date	Type
0	Papadopoulos, Briell Marintina		SUBMITTED	05-FEB-2024	
1	McKee, Stacey Pevzner	McKee, Stacey Pevzner	APPROVE	05-FEB-2024	User Defined
2	Greene, Thomas Andrew	Greene, Thomas Andrew	APPROVE	08-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: A resolution approving an agreement (“artist agreement”) between the city of st. petersburg, florida and ya la’ford (“artist”) for artist to design, fabricate, and install an exterior artistic sculpture entitled “courageous 12 monument” at the orange station site located at 1301 1st avenue north, st. petersburg florida for a total firm fixed price of $513,000; authorizing the city attorney to make non-substantive changes to the artist agreement; authorizing the mayor or his designee to execute the artist agreement and all other documents necessary to effectuate this transaction; recognizing a commitment from lorna taylor to donate $150,000 to supplement the budget for the courageous 12 monument; approving a transfer in the amount of $400,000 from the unappropriated balance of the general fund (0001) to the art in public places fund (1901); approving a transfer in the amount of $113,000 from the balance of the general fund contingency (0001) to the art in public places fund (1901); approving a supplemental appropriation in the amount of $513,000 from the unappropriated balance of the art in public places fund (1901), resulting from the above transfers, to the courageous 12 monument project (tbd); and providing an effective date.
Please scroll down to view the backup material.

CA-3

ST. PETERSBURG CITY COUNCIL

Consent Agenda

February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair, and Members of City Council

SUBJECT: A resolution approving an agreement ("Artist Agreement") between the City of St. Petersburg, Florida and Ya La'ford ("Artist") for Artist to design, fabricate and install an exterior artistic sculpture entitled, "Courageous 12 Monument" at the Orange Station site, located at 1301 1st Avenue North, St. Petersburg, FL for a total firm fixed price of $513,000; authorizing the City Attorney to make non-substantive changes to the Artist Agreement; authorizing the Mayor or his designee to execute the Artist Agreement and all other documents necessary to effectuate this transaction; recognizing a commitment from Lorna Taylor to donate $150,000 to supplement the budget for the "Courageous 12 Monument"; approving a transfer in the amount of $400,000 from the unappropriated balance of the General Fund (0001) to the Art in Public Places Fund (1901); approving a transfer in the amount of $113,000 from the balance of the General Fund Contingency (0001) to the Art in Public Places Fund (1901); approving a supplemental appropriation in the amount of $513,000 from the unappropriated balance of the Art in Public Places Fund (1901), resulting from the above transfers, to the Courageous 12 Monument Project (TBD); and providing an effective date.

EXPLANATION: During September 2019 support emails were sent to City Council members for a memorial honoring 12 of the 15 black police officers that in 1965 filed a discrimination lawsuit to gain the full rights and authority of their white counterparts. The officers prevailed opening the door for equal rights in the city's law enforcement. On September 19, 2019, City Council requested that administration commence the process to commission and fund commemorative artwork to recognize the fearless actions of the black police officers.

Public Arts Commission member CM Lisa Wheeler-Bowman brought the matter to the Public Arts Commission and on December 1st the Public Arts Commission voted to form a committee for the creation of the Courageous 12 Memorial. On December 16, 2020, the Courageous 12 committee met. Historical context on the Courageous 12 event and Ya La'ford's background was given by CM Lisa Wheeler-Bowman and Courageous Twelve Officer, Mr. Leon Jackson. After a discussion, committee member Binger motioned with committee member Farrell that artist Ya La'ford be selected as the artist for the Courageous Twelve public art project. All were in favor of the motion.

Simultaneously, in August 2020, City Council voted unanimously to support a local firm's plan to redevelop the city's former police headquarters into a mixed-use project with office and retail space, residences and parking. Specifically, the council vote authorized Edge Central Development Partners — a group comprising J Square Developers, Backstreets Capital and DDA Development — to proceed with a lease and development agreement for the roughly two-acre site at 1300 First Ave. North, which included $100,000 towards art in public places.

In August 2023, City Council approved the third amended reiteration to the agreement with Edge Central Development Partners, to change the project plans for the site of the old St. Pete Police headquarters at 1301 Central Ave. “In addition to the increase of the workforce unit count, the partners are also bumping up their financial contribution from $100,000 to $250,000 for a public art piece created by Ya La’ford. The artwork will honor The Courageous 12.”

Ya La’ford presented her renderings for the Courageous 12 Monument during the September 6, 2023 committee meeting with an updated budget. The artist had also secured additional funding of $150,000 from a private donor, Lorna Taylor, to support the $500,000 budget. On September 20th the committee met again and Ya La’ford presented a final rendering and updated budget of $513,000. Both were approved by the committee. On October 3, 2023, the Public Arts Commission approved the Committee’s selection and made a recommendation that City Council approve an agreement for the artist, Ya La’ford to fully design, fabricate, and install “Courageous 12 Monument” at the Orange Station site for a total cost of $513,000.

RECOMMENDATION: Administration recommends that City Council approve a resolution approving an agreement between the City of St. Petersburg, Florida and artist Ya La’ford to design, fabricate and install an exterior artistic sculpture entitled, “Courageous 12 Monument” at the Orange Station site, located at 1301 1st Avenue North, St. Petersburg, FL for a total firm fixed price of $513,000; authorizing the City Attorney to make non-substantive changes to the Artist Agreement; authorizing the Mayor or his designee to execute the Artist Agreement and all other documents necessary to effectuate this transaction; recognizing a commitment from Lorna Taylor to donate $150,000 to supplement the budget for the “Courageous 12 Monument”; approving a transfer in the amount of $400,000 from the unappropriated balance of the General Fund (0001) to the Art in Public Places Fund (1901); approving a transfer in the amount of $113,000 from the balance of the General Fund Contingency (0001) to the Art in Public Places Fund (1901); approving a supplemental appropriation in the amount of $513,000 from the unappropriated balance of the Art in Public Places Fund (1901), resulting from the above transfers, to the Courageous 12 Monument Project (TBD).

COST/FUNDING/ASSESSMENT INFORMATION: Due to the timing of receipt of the developer contribution and donated funds, a transfer from the General Fund (0001) to the Art in Public Places Fund (1901) for the project will be required. Revenues in the amount of $250,000 from the developer for Orange Station, Edge Central Development Partners, and $150,000 from a private donor, Lorna Taylor, will be received and deposited in the General Fund (0001) to refund the General Fund for the initial transfer. The City’s portion of the project, $113,000, will come from the General Fund Contingency. Funding for the project will be available after approval of a transfer in the amount of $400,000 from the unappropriated balance of the General Fund (0001) to the Art in Public Places Fund (1901), a transfer in the amount of $113,000 from the balance of the General Fund Contingency (0001) to the Art in Public Places Fund (1901), and a supplemental appropriation in the amount of $513,000 from the unappropriated balance of the Art in Public Places Fund (1901), resulting from the above transfers, to the Courageous 12 Monument Project

(TBD). Following this transfer the remaining balance of the General Fund Contingency will be $1,004,000 ($326,000 – Gas Plant, $678,000 – Regular Contingency).

ATTACHMENTS: Resolution, Artist Agreement

APPROVALS: Administration: _____

Budget: Kaitlyn Berger

RESOLUTION NO. 2024-_____

A RESOLUTION APPROVING AN AGREEMENT ("ARTIST AGREEMENT") BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND YA LA'FORD ("ARTIST") FOR ARTIST TO DESIGN, FABRICATE, AND INSTALL AN EXTERIOR ARTISTIC SCULPTURE ENTITLED "COURAGEOUS 12 MONUMENT" AT THE ORANGE STATION SITE LOCATED AT 1301 1ST AVENUE NORTH, ST. PETERSBURG FLORIDA FOR A TOTAL FIRM FIXED PRICE OF $513,000; AUTHORIZING THE CITY ATTORNEY TO MAKE NON-SUBSTANTIVE CHANGES TO THE ARTIST AGREEMENT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE ARTIST AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; RECOGNIZING A COMMITMENT FROM LORNA TAYLOR TO DONATE $150,000 TO SUPPLEMENT THE BUDGET FOR THE COURAGEOUS 12 MONUMENT; APPROVING A TRANSFER IN THE AMOUNT OF $400,000 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND (0001) TO THE ART IN PUBLIC PLACES FUND (1901); APPROVING A TRANSFER IN THE AMOUNT OF $113,000 FROM THE BALANCE OF THE GENERAL FUND CONTINGENCY (0001) TO THE ART IN PUBLIC PLACES FUND (1901); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $513,000 FROM THE UNAPPROPRIATED BALANCE OF THE ART IN PUBLIC PLACES FUND (1901), RESULTING FROM THE ABOVE TRANSFERS, TO THE COURAGEOUS 12 MONUMENT PROJECT (TBD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida, is committed to supporting and encouraging the artistic and cultural enrichment of the St. Petersburg community; and

WHEREAS, on September 19, 2019, City Council requested that Administration commence the process to commission and fund artwork to commemorate the Courageous 12, a group of African American police officers who won a historic civil rights victory after suing the City of St. Petersburg police department for equal rights in the 1960s; and

WHEREAS, soon thereafter, the Public Arts Commission voted to commit $100,000 toward the project and to form a public art project committee, the Courageous 12 Project Committee ("Committee"), pursuant to Section 5-58 of the City Code to ensure that proper considerations were given to the design, siting, facility operation, and neighborhood interests for the artwork; and

WHEREAS, at its December 16, 2020 meeting, the Committee unanimously voted to select Ya La'ford ("Artist") as the artist for this project; and

WHEREAS, the Artist presented an initial proposal to the Committee on September 6, 2023; and

WHEREAS, the Artist has since secured a private donor, Lorna Taylor, who has agreed to contribute $150,000 toward this project in three installments ("Donor Contribution"); and

WHEREAS, the developer for the Orange Station Site ("Site"), Edge Central Development Partners, has agreed to commit $250,000 toward this project ("Developer Contribution"); and

WHEREAS, the Artist presented a final proposal to the Committee on September 20, 2023 that included a review of the renderings and a final budget; and

WHEREAS, at that September 20, 2023 meeting, the Committee recommended (i) a location on the Site for the monument to be installed, (ii) approval of the design presented by the Artist, and (iii) a total budget of $513,000; and

WHEREAS, on October 3, 2023, the Artist presented the proposal to the Public Arts Commission; and

WHEREAS, at that October 3, 3023 meeting, the Public Arts Commission approved the Committee's selection and made a recommendation that City Council approve an agreement for Artist to fully design, fabricate, and install "Courageous 12 Monument" at the Site for a firm fixed price of $513,000 ("Artist Agreement"); and

WHEREAS, due to the timing of receipt of the Donor Contribution and Developer Contribution, a transfer from the General Fund (0001) to the Art in Public Places Fund (1901) for the project is required; and

WHEREAS, revenues in the amount of $150,000 from the Donor Contribution and $250,000 from the Developer Contribution, upon receipt, will be deposited in the General Fund (0001) to refund the General Fund (0001) for the initial transfer; and

WHEREAS, the City's portion of the project, $113,000, will come from the General Fund Contingency; and

WHEREAS, funding for the project will be available after approval of a transfer in the amount of $400,000 from the unappropriated balance of the General Fund (0001) to the Art in Public Places Fund (1901), a transfer in the amount of $113,000 from the balance of the General Fund Contingency (0001) to the Art in Public Places Fund (1901), and a supplemental appropriation in the amount of $513,000 from the unappropriated balance of the Art in Public Places Fund (1901), resulting from the above transfers, to the Courageous 12 Monument Project (TBD); and

WHEREAS, following this transfer, the remaining balance of the General Fund Contingency will be $1,004,000 ($326,000 – Gas Plant, $678,000 – Regular Contingency).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that an agreement ("Artist Agreement") between the City of St. Petersburg, Florida and Ya La'ford ("Artist") for Artist to design, fabricate, and install an exterior artistic sculpture entitled "Courageous 12 Monument" at the Orange Station site located at 1301 1st Avenue North, St. Petersburg Florida for a total firm fixed price of $513,000, is hereby approved.

BE IT FURTHER RESOLVED that the City Attorney is authorized to make non-substantive changes to the Artist Agreement.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute the Artist Agreement and all other documents necessary to effectuate this transaction.

BE IT FURTHER RESOLVED that a commitment from Lorna Taylor to donate $150,000 to supplement the budget for the Courageous 12 Monument is hereby acknowledged.

BE IT FURTHER RESOLVED that there is hereby approved the following transfer from the unappropriated balance of the General Fund (0001) to the Art in Public Places Fund (1901) for FY24:

<u>General Fund (0001)</u>	
Transfer to: Art in Public Places Fund (1901)	$400,000

BE IT FURTHER RESOLVED that there is hereby approved the following transfer from the balance of the General Fund Contingency (0001) to the Art in Public Places Fund (1901) for FY24:

<u>General Fund Contingency (0001)</u>	$113,000
Transfer to: Art in Public Places Fund (1901)	

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Art in Public Places Fund (1901) resulting from the above transfers, the following supplemental appropriation for FY24:

Art in Public Places Fund (1901)	
Courageous 12 Monument Project (TBD)	$513,000

This Resolution shall become effective immediately upon its adoption.

LEGAL:	DEPARTMENT:	BUDGET:
00726278		

GIFT AGREEMENT FOR COURAGEOUS 12 ART PROJECT

This gift agreement ("***Gift Agreement***") is made on this 16th day of February, 2024, between Lorna Taylor of St. Petersburg, Florida (the "***Donor***") and the City of St. Petersburg, Florida (the "***City***").

WITNESSETH

WHEREAS, the City desires to commission a piece of exterior public art (the "***Artwork***") to commemorate the Courageous 12, a group of African American police officers who won a historic civil rights victory after suing the City of St. Petersburg police department for equal rights in the 1960s; and

WHEREAS, pursuant to Section 5-58 of the City Code, a project committee ("***Project Committee***") was formed to ensure that proper considerations were given to the design, siting, facility operation, and neighborhood interests for the Artwork; and

WHEREAS, the Project Committee selected Ya LaFord as the artist ("***Artist***") who would design, fabricate, and install the Artwork; and

WHEREAS, the City has committed to contributing $113,000 in City funds to the Artwork; and

WHEREAS, Edge Central Development Partners, the developer group ("***Developer***") that is developing the Orange Station site near where the Artwork will be installed, is contributing $250,000 to the Artwork; and

WHEREAS, the City funding plus the funding from the Developer would provide a total budget of $363,000 for the Artwork;

WHEREAS, the Artist sought a private donor to supplement the budget for the Artwork to enhance the Artwork beyond what the original budget could provide; and

WHEREAS, the Donor desires to contribute a total of $150,000 to the Artwork; and

WHEREAS, in reliance on the Donor's commitment of $150,000, the Artist enhanced the design proposed for the Artwork at an increased budget that included the additional $150,000; and

WHEREAS, the City is entering into an agreement with the Artist (subject to approval by City Council) for the design, fabrication, and installation of the Artwork for an amount not to exceed $513,000.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein (which are an integral part of this Gift Agreement and are incorporated herein by reference),

and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1 **Gifts**: The Donor shall support the Artwork by making the following gifts to the City:

No.	Gift Amount	Due On or Before
1	$50,000	February 29, 2024
2	$50,000	May 1, 2024
3	$50,000	August 1, 2024
Total	**$150,000**	

2 **Personal Gifts:** If a business, foundation, or other third party makes a gift to support the Artwork on the Donor's behalf, the City may elect to reduce the Donor's personal commitment set forth in section 1 by the amount of that third-party gift.

3 **Failure to Proceed:** If the City decides not to move forward with the Artwork, the City shall advise the Donor of such decision. In that event, the Donor may request a refund of any gifts made to the City pursuant to this Gift Agreement, and the City shall refund those gifts to the Donor within 30 days of receiving the Donor's request.

4 **Recognition**: The Donor's commitment to support the Artwork is not anonymous, and the City shall recognize the Donor in all appropriate recognition materials on a plaque on or near the monument as "The Lorna Taylor Family Trust".

5 **Acknowledgment:** The Donor acknowledges that the City is relying upon this Gift Agreement in entering into an artist agreement with the Artist for the Artwork that will obligate the City to pay the Artist a specified amount for the Artwork, which amount was determined based on the Donor's commitment as described herein. The Donor agrees that the commitments made by the Donor in this Gift Agreement are binding upon the Donor's heirs, executors, successors, and assignees.

6 **Entire Agreement; Amendment**: This Gift Agreement represents the entire agreement between the parties with respect to its subject matter, and it replaces all other oral or written agreements with respect to its subject matter. It may be amended or terminated only with the written consent of the parties.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Each party is signing this Gift Agreement on the date stated in the introductory clause.

DONOR

LORNA TAYLOR

CITY OF ST. PETERSBURG, FLORIDA

By: _____

Name: _____

Title: _____

Approved as to Content and Form

_____

City Attorney (Designee)
00720628

ATTEST

_____

Chandrahasa Srinivasa, City Clerk

(SEAL)

ARTIST AGREEMENT

THIS ARTIST AGREEMENT ("**Agreement**") is made and entered into this _____ day of _____, 2024 ("**Effective Date**"), by and between the City of St. Petersburg, Florida**,** a municipal corporation of the State of Florida, ("**City**") and Ya La'ford ("**Artist**") (collectively, "**Parties**").

WHEREAS, the City and Artist desire to establish the terms and conditions under which a work of art shall be designed, fabricated and installed by Artist in the place designated herein.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein (which are an integral part of this Agreement and are incorporated herein by reference), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

ARTICLE 1. DEFINITIONS

1.1 *"**Artwork**"*: The work of art entitled "Courageous 12 Monument" which is to be fully designed, fabricated, and installed by Artist under this Agreement. The Artwork is generally depicted and described in Exhibit A.

1.2 "**Site**": On the Central Avenue side of the Orange Station site, located at 1301 1st Avenue North, as more specifically depicted in Exhibit A.

ARTICLE 2. SCOPE OF SERVICES

2.1. *Independent Contractor*. Artist is an independent contractor and nothing in this Agreement shall be construed as constituting Artist as an employee, agent, or representative of the City. No employee or agent of the City may supervise Artist.

2.2. *Artist Responsibilities*. Artist shall perform or provide all services and furnish all supplies, materials, and equipment necessary for the design, development, fabrication, delivery, and installation of the Artwork and shall comply with the following:

A. Artist shall commence and complete work on this project in accordance with the schedule set forth in ARTICLE 4.

B. Final placement of the Artwork must be coordinated with and approved by the City before installation begins to ensure that no damage is caused to the Site. Artist is responsible for installing the Artwork and working with the Developer (as hereinafter defined) to prepare and install a foundation for the Artwork, all in accordance with construction drawings that have been approved by the City.

C. Artist shall submit monthly progress reports to the City upon written request.

D. Artist shall present to the City in advance, for further review and approval, a written proposal for any significant changes in the scope, design, color, size, material or texture, or location on the Site of the Artwork which affects installation, scheduling, Site preparation or maintenance for the Artwork or the concept of the Artwork as approved by the City.

E. Artist agrees that the Artwork will not utilize any protected patent, trademark, or copyright unless Artist has obtained proper permission and all releases and other necessary documents. If Artist uses any protected material, process, or procedure, Artist shall disclose such patent, trademark, or copyright in the construction drawings and technical specifications.

F. Artist shall provide written instructions for the care, maintenance and preservation requirements for the Artwork ("**Maintenance Plan**"). The City acknowledges that the Artwork may suffer some ordinary wear and tear, but such wear and tear shall not be of such a nature to affect the integrity or overall visual quality of the Artwork. Artist shall ensure the Artwork is designed, constructed, and installed to withstand all conditions that could reasonably be expected to occur at the Site. Artist shall consult with a conservator selected by the City to assist in creating the Maintenance Plan and to ensure that the Artwork is designed to withstand all such conditions that could reasonably be expected to occur at the Site if maintained in accordance with the Maintenance Plan.

G. Artist shall provide a written warranty of the Artwork, guaranteeing the quality of materials and workmanship for a period of not less than five (5) years after Final Completion (as hereinafter defined).

H. Artist is responsible for acquiring all City, county, state or federal permits or variances necessary for the construction and/or installation of the Artwork.

I. Artist and the Artwork shall at all times comply with all current and future federal, state, and local statutes, rules, regulations, and ordinances, the federal and state constitutions, and the orders and decrees of any lawful authorities having jurisdiction over the matter at issue (collectively, "**Laws**"). Artist hereby makes all certifications required by Florida Statute section 287.135.

2.3. *City's Right to Review Progress*. The City has the right to review the progress of the Artwork at all reasonable times.

2.4. *Ownership of Documents*. Upon completion of the Artwork, all studies, drawings, designs, and photographs prepared and submitted to the City under this Agreement by Artist will become the property of the City. The City will not be entitled to any other original drawings

in the possession of Artist.

ARTICLE 3. COMPENSATION

3.1. *Payment*. Provided Artist faithfully performs its obligations contained in this Agreement, the City shall pay Artist an amount not to exceed five hundred and thirteen thousand dollars ($513,000) ("**Payment**"), which will constitute full compensation for all services performed (including any approved services provided prior to the Effective Date) and materials furnished by Artist under this Agreement, including Artist's fee. Artist shall invoice the City for the Payment in accordance with Section 3.3 of this Agreement.

3.2. *Acknowledgement*. Artist acknowledges and agrees that funding for $150,000 worth of the Payment is expected to come to the City from a private donor secured by Artist ("**Donor Contribution**"), and that funding for $250,000 worth of the Payment is expected to come to the City from the developer of the site on which the Artwork will be located ("**Developer Contribution**"), but the exact date the City will receive the Donor Contribution and the Developer Contribution depends on factors outside of the City's control. Accordingly, Artist understands and agrees not to perform any work on the project without receiving a written notice from the City to proceed with that portion of work in accordance with ARTICLE 4. Artist understands, acknowledges, and agrees that any work performed on this project without a corresponding written notice to proceed from the City for that work is at Artist's own risk.

3.3. *Method and Schedule of Payment*. Artist shall invoice the City for the Payment in accordance with the following schedule:

A. Payment for 25% Milestone. Provided the City has issued the applicable notice to proceed in accordance with Section 4.1A, after Artist has completed all requirements for the 25% Milestone (as defined in Section 4.1A), Artist shall invoice the City for one hundred thousand dollars ($100,000) of the Payment. Provided Artist is in compliance with the terms and conditions of this Agreement, the City shall pay such invoice within twenty (20) business days after receipt of a proper invoice from Artist.

B. Payment for 50% Milestone. Provided the City has issued the applicable notice to proceed in accordance with Section 4.1B, Artist shall invoice the City for one hundred fifty thousand dollars ($150,000) of the Payment after Artist has completed all requirements for the 50% Milestone (as defined in Section 4.1B). Provided Artist is in compliance with the terms and conditions of this Agreement, the City shall pay such invoice within twenty (20) business days after receipt of a proper invoice from Artist.

C. Payment for 75% Milestone. Provided the City has issued the applicable notice to proceed in accordance with Section 4.1C, Artist shall invoice the City for one

hundred twenty five thousand dollars ($125,000) of the Payment after Artist has completed all requirements for the 75% Milestone (as defined in Section 4.1C). Provided Artist is in compliance with the terms and conditions of this Agreement, the City shall pay such invoice within twenty (20) business days after receipt of a proper invoice from Artist.

D. Payment for Substantial Completion. Provided the City has issued the applicable notice to proceed in accordance with Section 4.1D, within twenty (20) business days after the final Punch List (as hereinafter defined) is created in accordance with Section 4.1D, the City will make payment of the remaining balance of one hundred thirty eight thousand dollars ($138,000) of the Payment less an amount equal to 150 percent of the estimated cost to complete all items on the Punch List. Such payment may be adjusted for work that is incomplete, not in accordance with the requirements of this Agreement, the subject of a good faith dispute made in writing pursuant to this Agreement, or the subject of a claim brought pursuant to section 255.05, Florida Statutes.

E. Payment for Final Completion. Upon Final Completion, the City will make payment of any remaining balance of the Payment for the completed Artwork.

3.4. *Non-Appropriation*. The obligations of the City as to any funding required pursuant to this Agreement are limited to an obligation in any given year to budget, appropriate and pay from legally available funds, after monies for essential City services have been budgeted and appropriated, sufficient monies for the funding that is required during that year. Notwithstanding the foregoing, the City is not prohibited from pledging any legally available non-ad valorem revenues for any obligations heretofore or hereafter incurred, which pledge will be prior and superior to any obligation of the City pursuant to this Agreement.

3.5. *Travel and Other Expenses*. Travel and other expenses will not be reimbursed except as provided in this Agreement. Artist's sole compensation will be the Payment as described in this ARTICLE 3.

ARTICLE 4. TIME OF PERFORMANCE

4.1. *Time of Performance Described.* Artist shall complete all services and work pursuant to this Agreement in accordance with the following schedule:

A. 25% Milestone. Artist shall commence the work required to meet the 25% Milestone immediately upon receipt of a written notice to proceed with the work for the 25% Milestone and shall complete all work for the 25% Milestone within 10 days after receipt of that notice to proceed. The "**25% Milestone**" includes project initiation, Artist's research, travel, planning, meetings, idea deployment, modeling, project modifications, and initial renders. The Parties acknowledge that

the City is under no obligation to issue any notice to proceed under this Agreement, but that the City may issue a notice to proceed with the work for the 25% Milestone on or about May 16, 2024 if the City has received $100,000 of the Donor Contribution. Any Artist work done toward the 25% Milestone work prior to receipt of a notice to proceed from the City for that work is at Artist's own risk.

B. 50% Milestone. Artist shall commence the work required to meet the 50% Milestone upon receipt of a written notice to proceed with the work for the 50% Milestone and shall complete all work for the 50% Milestone within 190 days after receipt of that notice to proceed. The Parties acknowledge that the City is under no obligation to issue any notice to proceed under this Agreement, but that the City may issue a notice to proceed with the work for the 50% Milestone after the City has received the remaining $50,000 of the Donor Contribution. The "**50% Milestone**" includes 3-D modeling CAD of bronze sculptures and geometric crown work, shop drawings, modeling size configuration; personnel deployment, updated site-survey and field measurement calibration synch with developer site plan, procurement & delivery of all materials needed for the Artwork, engineering review/drawing, and Artist's detailed description and technical specifications of the Artwork, including but not limited to dimensions, color, mounting details, the materials used to create it and its construction and fabrication, which detailed description and technical specifications of the Artwork must be approved by the City. Any Artist work done toward the 50% Milestone work prior to receipt of a notice to proceed from the City for that work is at Artist's own risk.

C. 75% Milestone. Artist shall commence the work required to meet the 75% Milestone upon receipt of a written notice to proceed with the work for the 75% Milestone and shall complete all work for the 75% Milestone within 20 days after receipt of that notice to proceed. The Parties acknowledge that the City is under no obligation to issue any notice to proceed under this Agreement, but that the City may issue a notice to proceed with the work for the 75% Milestone after the City has received the Developer Contribution. The "**75 % Milestone**" includes fabrication of bronze sculptures and geometric crown, mounting hardware completed and crated for delivery/storage until scheduled installation; coordination of permitted excavation, site-work, foundation preparation, concrete form preparation and site construction; mobilization of equipment for installation; engineering inspection; and construction drawings which must be approved by the City. Any Artist work done toward the 75% Milestone work prior to receipt of a notice to proceed from the City for that work is at Artist's own risk.

D. Substantial Completion. Artist shall reach Substantial Completion within fourteen (14) days after receipt of a written notice to proceed with installation. Artist shall not commence installation without a written notice to proceed with installation from the City. "**Substantial Completion**" includes complete installation of the bronze sculpture, geometric crown, lighting element, signage, labels, wayfinding;

photography and video documentation; providing the City with the Maintenance Plan, providing the City with all warranty documentation for the Artwork, and performing all other work necessary so that the Artwork is sufficiently complete in accordance with this Agreement so that the City can utilize it for its intended use.

i. After Artist believes Artist has reached Substantial Completion, Artist shall request the City to schedule an inspection of the Artwork. Upon receipt of the request, the City will (i) perform the inspection and, provided the City agrees that the Artwork has reached Substantial Completion, (ii) within thirty (30) calendar days after the Artwork has reached Substantial Completion, develop a list of items required to render the Artwork complete, satisfactory, and acceptable, including the estimated cost to complete each item on the list (hereinafter, "**Punch List**"). The estimated cost to complete each item on the Punch List will be determined by mutual agreement between the City and Artist or, if no agreement is reached, by decision of the City. Within five (5) calendar days after the City finishes developing and reviewing the Punch List, the City will deliver it to Artist.

E. Final Completion. Artist shall reach Final Completion within thirty (30) calendar days after Artist's receipt of the Punch List unless a longer period of time is identified in the Punch List. When Artist believes that it has satisfactorily completed all items on the Punch List, Artist shall so notify the City to review the completed Artwork. For the purposes of this Agreement, "**Final Completion**" means the status of completion of the Artwork in which all Punch List items have been completed to the satisfaction of the City, and Artist has submitted to the City and obtained the City's approval of the following:

i. Photos and documentation of completed fabrication of the Artwork and evidence that all required permits have been obtained;

ii. A written bill of sale conveying title of the Artwork to the City;

iii. The Maintenance Plan;

iv. A sworn statement of no liens, claims or other encumbrances for the Artwork pursuant to this Agreement;

v. A written warranty for the Artwork pursuant to this Agreement; and

vi. Written assignment of any and all warranties for materials used or labor performed by subcontractors or other persons for the Artwork.

4.2. *Extensions by City*. The City may grant Artist a reasonable extension of time in the event there is a delay on the City's part in performing obligations under this Agreement or if

conditions beyond Artist's control such as acts of God render timely performance of Artist's services impossible or unreasonably burdensome. Artist agrees and understands that the City will be the sole judge of what constitutes "beyond Artist's control" or "unreasonably burdensome." Further, Artist agrees that there will be no extension of time for any reason if such extension of time would result in an increase in the Payment or an obligation on the City's part to return any portion of the Donor Contribution.

4.3. *Special Extensions*. The City's Mayor or his designee has the authority to grant one extension for up to ninety (90) days for good cause, as determined by the City in its sole and absolute discretion.

4.4. *Failure to Fulfill Obligations*. Except as otherwise provided herein, failure to fulfill obligations due to conditions beyond either party's reasonable control will not be considered a breach of this Agreement, provided that such obligations will be suspended only for the duration of such conditions.

4.5. *Presentations of Artwork While in Progress*. During the performance of this Agreement, Artist specifically grants to the City the right, at the City's discretion, to make presentations, photographs, or otherwise reproduce faithful images of the Artwork while in progress for presentation purposes.

ARTICLE 5. GENERAL CONDITIONS

5.1. *Assignment, Transfer or Subcontracting*. A material element of this Agreement is the personal skill, judgment, and creativity of Ya La'ford. Therefore, Artist shall not assign, transfer or subcontract the creative or artistic portions of the Artwork to another party without the prior written approval of the City, which approval may be withheld in the City's sole and absolute discretion.

5.2. *Nameplate*. Artist may, at Artist's expense, include a permanent and proper nameplate, which shall include the name of the Artwork, the name of Artist, and the date of completion. The content, design, and location thereof must be mutually agreed to by Artist and the City. If Artist provides a nameplate or if no nameplate is provided and the City wishes to provide a nameplate, or if the nameplate provided by Artist is replaced, the nameplate should, at a minimum, include the information set forth in this Section 5.2.

5.3. *Books and Public Records*.

A. Artist's Obligations regarding Books and Records. Artist must maintain financial records related to this Agreement in accordance with this Agreement and generally accepted accounting principles and must comply with Florida laws regarding public records, including but not limited to Chapter 119, Florida Statutes (collectively, "**Florida Public Records Laws**"). Without limiting the generality of the foregoing, Artist must: (i) keep and maintain complete and accurate books and records related

to this Agreement for the retention periods set forth in the most recent General Records Schedule GS1-SL for State and Local Government Agencies, or the retention period required pursuant to Florida Public Records Laws, whichever is longer, (ii) make all books and records related to this Agreement open to examination, audit and copying by the City, (including but not limited to independent auditors retained by the City) within a reasonable time after a request not to exceed three (3) business days, (iii) at the City's request, provide all electronically stored public records to the City in a format approved by the City, (iv) ensure that any books and records or portions thereof that the City has designated in writing as confidential or proprietary and therefore exempt from disclosure under Florida Public Records Laws are not disclosed except as authorized by applicable Laws for the term of this Agreement and following the expiration or earlier termination of this Agreement, and (v) comply with all other applicable requirements of Florida Public Records Laws.

B. Informational Statement. **IF ARTIST HAS QUESTIONS REGARDING THE APPLICATION OF FLORIDA PUBLIC RECORDS LAWS AS TO ARTIST'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY CLERK'S OFFICE (THE CUSTODIAN OF PUBLIC RECORDS) AT (727) 893-7448,** CITY.CLERK@STPETE.ORG**, OR 175 FIFTH ST. N., ST. PETERSBURG FL 33701.**

C. Survival. Artist's obligations under this Section 5.3 survive the expiration or earlier termination of this Agreement.

ARTICLE 6. WARRANTIES

6.1. *Warranty of Title*. Artist warrants that the Artwork will be the result of the artistic efforts of Artist and that the Artwork must be unique, an edition of one, and not infringe on any copyright. Artist shall deliver the Artwork free and clear of any liens, claims or other encumbrances of any type arising from the acts of Artist.

6.2. *Warranty of Quality*. Artist warrants that the Artwork will be free of defects in material and workmanship and that Artist shall correct any such defects which appear for a period of five (5) years after Final Completion at Artist's expense. This warranty of quality does not require Artist to correct any damage caused by vandalism or any act of the City so long as such damage is not the result of a defect in material or workmanship of Artist. It is understood by the City that the Artwork has been designed and built by Artist as a work of

art. Any use by the City of the Artwork for purposes other than for adornment of the Site as a work of art hereby voids this warranty of quality.

6.3. *Warranty Regarding Useful Life*. Artist warrants that the Artwork will be designed, fabricated, and installed to have a useful life of at least twenty-five (25) years after Final Completion if maintained in accordance with the Maintenance Plan.

ARTICLE 7. TITLE AND COPYRIGHT

7.1. *Artist Responsibility*. Artist shall execute any and all lawful documents, including assignments, which the City deems necessary or desirable to fully acknowledge the City's ownership interest in the Artwork and to effectuate any assignment and this Agreement.

7.2. *Title*. Title to the Artwork shall vest in the City upon delivery of the Bill of Sale by Artist. As owner of the Artwork, the City may exercise any and all rights of ownership including but not limited to sale, removal, or destruction of the Artwork, subject to the requirements set forth in this Agreement.

7.3. *Copyright*. Except ownership and possession, Artist retains Artist's rights to reproduce images of the Artwork, including all rights under the Copyright Act of 1976, 17 U.S.C. §§ 101 et. seq., except as such rights are limited by this Agreement or waived by Ya La'ford in Exhibit D. In the event Artist records Artist's identity and address with the Copyright Office, Artist shall notify the City of such recordation.

7.4. *Limitations on Artist Copyright*. The Artwork in its final dimension shall be unique. Artist shall not make any exact duplicates of the final Artwork or grant permission to others to do so except with the written permission of the City. This provision is not intended to limit Artist's right to reproduce images of the Artwork as part of Artist's portfolio.

7.5. *License to City*. Artist grants to the City and its assigns an irrevocable license to make reproductions of the Artwork for noncommercial purposes, including but not limited to reproductions used in marketing, advertising, brochures, media publicity, web sites, and catalogues or other similar publications, provided that such reproductions of the Artwork must be made in a professional and tasteful manner.

7.6. *Credit to Artist*. The City shall use reasonable efforts, in all reproductions based on the Artwork, to give credit to Artist. This section 7.6 will not apply if Ya La'ford exercises Ya La'ford's right to prevent the use of Ya La'ford's name as the author of the Artwork in accordance with applicable Laws or if Artist exercises its right to prevent the use of its name in association with the Artwork in accordance with this Agreement.

7.7. *Credit to City*. Artist shall use best efforts to give a credit reading substantially, "all original work owned by the City of St. Petersburg, Florida" in any public showing or distribution

to the public of any reproductions of the Artwork which have been authorized by the City and which are under Artist's control.

ARTICLE 8. RISK OF LOSS AND INSURANCE

8.1. *Damage*. Should any repairs to any structure or the Site become necessary or if the Artwork is damaged in any way prior to Final Completion, the City will not have any liability or responsibility for replacement or repair of the Artwork.

8.2. *Damage to Materials*. If, before Final Completion, the Artwork, art materials, or any portion of the art materials are substantially damaged by fire, explosion, or other casualty or occurrence, the City may elect to repair or replace the art materials or immediately terminate this Agreement. In the event of termination pursuant to this Section 8.2, the City will not be obligated to pay Artist any remaining monies in connection with this Agreement. The City will have no liability to Artist in the event of termination of this Agreement pursuant this Section 8.2, and Artist will not be required to repay any money paid to Artist from the City pursuant to this Agreement, unless such damage was caused or contributed to by the negligence of Artist or Artist's employees, subcontractors, representatives or agents. Nothing contained herein limits the City's rights and remedies against Artist if Artist, any other occupant of the Site, or their respective agents, employees, representatives, guests, invitees, customers, contractors or subcontractors, caused or contributed to the damage.

8.3. *Insurance*. Artist shall arrange for, and/or ensure that Artist and all subcontractors have, or are covered by, public liability and property damage insurance to protect Artist, the Indemnified Parties (as hereinafter defined), and any subcontractor performing work covered by or related to this Agreement, from claims for damage for personal and bodily injury, including accidental death, as well as from claims of property damage, which may arise from operations under this Agreement whether such operations are by Artist and by any subcontractor or anyone directly employed by either of them (i.e., Artist and the subcontractor) in the amounts as follows, which shall remain in effect until Final Completion:

A. General Liability Insurance including contractual liability and products and completed operations with coverage limits of at least $300,000 per occurrence protecting the City against all claims or demands that may arise.

B. Automobile Liability Insurance with minimum limits as set forth by Florida Statute.

C. Workers' Compensation Insurance as required by the laws of the State of Florida. Employers Liability coverage with minimum limits of $100,000 for each accident, $100,000 for each employee for disease, and $500,000 total for all disease.

D. The Indemnified Parties must be shown as an additional named insured with respect to this coverage.

E. Artist hereby waives all subrogation rights of its insurance carriers in favor of the Indemnified Parties. This provision is intended to waive fully, and for the benefit of the Indemnified Parties, any rights or claims which might give rise to a right of subrogation in favor of any insurance carrier.

F. The insurance coverage required must include those classifications, as listed in standard liability insurance manuals, which most nearly reflect the operations of Artist.

G. The insurance policy required above must be issued by a company authorized to do business in the State of Florida, with the following qualifications as to management and financial strength: the company must be rated not less than "A" as to management, and not less than Class "X" as to strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent.

H. Artist shall furnish a certificate of insurance on a standard ACORD form to the City prior to commencement of operations on the Site, which certificate shall clearly indicate that Artist and/or its subcontractors have obtained insurance in the type, amount and classification as required for strict compliance with this Section 8.3 and that no material changes or cancellation of insurance will be effective without thirty (30) days prior written notice to the City, despite changes to or cancellation of insurance.

I. Compliance with the foregoing requirements will not relieve Artist of its liability or other obligations under this Agreement.

8.4. *Public Construction Bond*. Artist shall furnish a public construction bond (and, as applicable, any riders thereto) for the Artwork pursuant to this Agreement ("**Public Construction Bond**"), which Public Construction Bond must be in the form provided by the City and must be approved by the City Attorney's Office. The Public Construction Bond must be executed by a surety company duly authorized to do business in the State of Florida. The amount of the Public Construction Bond must be equal to the full amount of the Payment as security for the faithful performance of this Agreement and as security for the payment by Artist of all persons performing this Agreement. In lieu of the Public Construction Bond, Artist may furnish to the City an alternative form of security in the form of cash, money order, certified check, cashier's check, or a security of a type listed in Chapter 625, Part II, of the Florida Statutes and acceptable to the City Attorney. Any such alternative form of security is subject to the same conditions as those applicable to the Public Construction Bond required by this Agreement and Chapter 255 of the Florida Statutes. Alternative forms of security will be returned to Artist not later than thirty (30)

calendar days following the expiration of the guarantee period. The Public Construction Bond must remain in effect for at least one year beyond the date of Final Completion.

ARTICLE 9. INDEMNIFICATION AND RELEASE

9.1. *Indemnification*.

A. Artist shall defend at its expense, pay on behalf of, hold harmless and indemnify the City, its officers, employees, agents, elected and appointed officials and volunteers (collectively, "**Indemnified Parties**") from and against any and all claims, demands, liens, liabilities, penalties, fines, fees, judgments, losses and damages (collectively, "**Claims**"), whether or not a lawsuit is filed, including, but not limited to Claims for damage to property or bodily or personal injuries, including death at any time resulting therefrom, sustained by any persons or entities; and costs, expenses and attorneys' and experts' fees at trial and on appeal, which Claims are alleged or claimed to have arisen out of or in connection with, in whole or in part, directly or indirectly:

i. The performance of this Agreement (including any amendments thereto) by Artist, its employees, agents, representatives or subcontractors; or

ii. The failure of Artist, its employees, agents, representatives or subcontractors to comply and conform with applicable Laws; or

iii. Any negligent act or omission of Artist, its employees, agents, representatives, or subcontractors, whether or not such negligence is claimed to be either solely that of Artist, its employees, agents, representatives or subcontractors, or to be in conjunction with the claimed negligence of others, including that of any of the Indemnified Parties; or

iv. Any reckless or intentional wrongful act or omission of Artist, its employees, agents, representatives, or subcontractors; or

v. Infringement or alleged infringement of the Artwork or any materials or parts contained in the Artwork upon any copyright, trademark, patent, or trade secret right of any party; or

vi. Artist's failure to maintain, preserve, retain, produce, or protect records in accordance with this Agreement and applicable Laws (including but not limited Florida Public Records Laws).

B. The provisions of this Section 9.1 are independent of, and will not be limited by, any insurance required to be obtained by Artist pursuant to this Agreement or otherwise obtained by Artist, and the provisions will survive the expiration or

earlier termination of this Agreement with respect to any Claims or liability arising in connection with any event occurring prior to such expiration or termination.

9.2. *Notice*. The Parties each agree to give the other party prompt notice of any Claims coming to its knowledge that in any way directly or indirectly affects the other party related to this Agreement or the Artwork.

9.3. *Release*. Artist releases and forever waives any and all present and future claims, covenants not to sue, and holds harmless the Indemnified Parties from and against all actions, claims, damages, liabilities, costs and expenses, including but not limited to, attorneys' fees and costs, on account of injury to any person or property in connection with Artist's performance pursuant to this Agreement, whether arising out of or caused by the negligence of any or all of the Indemnified Parties or otherwise, or whether arising out of or caused by any defect, or presence or absence of any condition of, or in or on any real property of the City, the site on which the Artwork is to be installed, or any City thoroughfare while Artist is participating in any phase of the design, fabrication, or installation of the Artwork. Artist shall require all workers engaged in the performance of this Agreement to execute the Release and Hold Harmless Agreement set forth Exhibit B.

ARTICLE 10. MAINTENANCE, RESTORATION, MODIFICATION, AND REMOVAL

10.1. *Maintenance*. The City recognizes that the maintenance of the Artwork on a regular basis will be necessary and shall clean and maintain the Artwork in conjunction with the normal maintenance and cleaning procedures based on the Maintenance Plan for as long as the Artwork remains at the Site.

10.2. *Failure to Maintain Artwork*. In the event the City fails to maintain the Artwork in good condition, Artist will have the right to prevent the use of Artist's name as author of the Artwork. In such event, Artist may require, by providing written notice to the City of such requirement, that the City remove any references to Artist on the nameplate accompanying the Artwork (if applicable) unless and until the Artwork is repaired to Artist's satisfaction.

10.3. *Restoration*. After Final Completion, the City will have the right to determine when and if repairs and restorations to the Artwork will be made. During Ya La'ford's lifetime, to the extent practical, the City shall give Artist (i.e., Ya La'ford) notice (in accordance with ARTICLE 12) of any intended repairs or restorations and the opportunity for Artist to make or approve all repairs and restorations; provided, however, that Artist shall not unreasonably withhold approval for any repair or restoration of the Artwork. If, within ninety (90) days after the City sends notice of any intended repairs or restorations, Artist does not respond to the City's reasonable attempts to give Artist the opportunity to make or approve any repair or restoration, or if Artist unreasonably fails to approve any repair or restoration, the City will have the right to make such repair or restoration. Nothing contained herein may be construed to prevent the City from making repairs or adjustments to the Artwork without prior notice to Artist if the City deems such repairs or adjustments

necessary for public safety or to avoid exposure by the City to potential liability. To the extent practical, Artist shall be given the opportunity to make or personally supervise significant (as determined by the City) repairs or restoration and will be paid a reasonable fee for any such services, provided that the City and Artist agree in writing, prior to commencement of any significant repairs or restoration, upon Artist's fee for such services. If no agreement is reached as to Artist's fee for such repairs or restoration, then the City may make repairs, restoration, or other arrangements the City deems appropriate for the Artwork.

10.4. *Alteration of the Artwork*. Except to the extent the City may alter the Site or remove, relocate, maintain, restore, sell, donate, dispose of, destroy, or store the Artwork pursuant to this Agreement, the City agrees that it will not intentionally damage, alter, modify, or change the Artwork without the prior written approval of Artist to the extent the City deems it is practical to obtain such approval.

10.5. *Alteration of the Site*. To the extent the City deems practical, the City shall notify Artist of any proposed alteration of the Site that would affect the intended character and appearance of the Artwork and shall consult with Artist in the planning and execution of any such alteration and shall make a reasonable effort to maintain the integrity of the Artwork consistent with the provisions of this Agreement.

10.6. *Removal of Artwork*. The City has the right to remove the Artwork from the Site for any reason in the City's sole and absolute discretion, subject to the requirements of this Agreement. If the City removes the Artwork, the City may then, in the City's discretion, subject to the requirements of this Agreement, place the Artwork on other property of the City that the City deems suitable, store the Artwork in its entirety in a safe location, place the Artwork on non-City owned property that the City deems suitable, or dispose of, destroy, sell, or donate the Artwork.

A. Relocation or Storage. To the extent practical, during Ya La'ford's lifetime, the City shall notify Artist (i.e., Ya La'ford) if the City elects to remove and relocate or store the Artwork and shall give Artist the opportunity to remove the Artwork at Artist's expense, or to personally supervise the removal of the Artwork to the location chosen by the City. In the event that Artist fails, within ninety (90) days of receipt of such notice, to participate in the planning or execution of the removal of the Artwork, the City shall have the right to proceed with the removal and relocation or storage of the Artwork without any input or participation by Artist. Artist expressly acknowledges and understands that removal and subsequent relocation or storage of the Artwork may subject the Artwork to destruction, distortion, mutilation, or other modification, and Artist hereby expressly waives any rights Artist may have to prevent the destruction, distortion, mutilation, or other modification of the Artwork that may result from the Artwork's removal and relocation or storage.

B. Disposition, Destruction, Sale, or Donation. To the extent practical, during Ya La'ford's lifetime, the City shall give Artist (i.e., Ya La'ford) reasonable notice and opportunity (not to exceed ninety (90) days) to have the Artwork returned to Artist at Artist's expense in the event the City elects to dispose of, destroy, sell, or donate the Artwork; provided, however, that the Parties must mutually agree on a price if the City elects to sell the Artwork to Artist. Artist hereby expressly waives any rights Artist may have to prevent the destruction, distortion, mutilation, or other modification of the Artwork that may occur as a result of such disposition, destruction, sale, or donation of the Artwork.

ARTICLE 11. DEFAULT AND TERMINATION

11.1. *Default Defined*. Failure of either party to comply with any provisions of this Agreement shall place that party in default. Except for (i) a default by Artist of Section 5.3 related to compliance with Florida Public Records Laws (for which there is no cure period) or (ii) any default by Artist that is impossible to cure within 30 days, the defaulting party will be entitled to thirty (30) days to cure the default upon receipt of written notice from the other party specifying the default.

11.2. *Termination for default*. In the event the default is not timely cured pursuant to the period referenced in Section 11.1 (if applicable), this Agreement may be terminated immediately by written notice. Prior to terminating this Agreement and except as otherwise provided herein, the non-defaulting party shall notify the defaulting party in writing stating specifically the provisions which are alleged to give rise to the default. If the City terminates this Agreement pursuant to this Section 11.2 before Final Completion, Artist shall immediately repay all payments paid to Artist under this Agreement. If Artist terminates this Agreement pursuant to this Section 11.2, the City forfeits any right to repayment of any payments made through the date Artist notifies the City that the Agreement is terminated. In addition to the termination provisions set forth in this Section 11.2, the City may terminate this Agreement as provided in Florida Statute sections 287.135 and 448.095.

11.3. *Termination for Convenience.* This Agreement may be terminated at any time by the City for convenience upon thirty (30) days written notice. In the event of termination for convenience, the City will only be liable to Artist for payment milestones reached prior to the effective date of termination. In the event of termination pursuant to this section, the City may pay Artist for services performed up to the effective date of termination, provided such payment is owned to Artist pursuant to this Agreement. In no event will the City be obligated to pay Artist for any work performed prior to the City issuing a notice to proceed for that work. Artist will provide the City with all completed or partially completed work prior to the receipt of payment for services performed up to the effective date of termination. The foregoing payment constitutes Artist's sole compensation in the event of termination of this Agreement for convenience. Except as set forth above in this Section 11.3, the City will have no other liability to Artist related to termination of this Agreement.

Without limiting the generality of the foregoing, the City will have no liability to Artist for lost profits or lost opportunity costs in the event of termination of this Agreement by the City for any reason.

ARTICLE 12. NOTICE TO PARTIES

12.1. *Notice of Documents*. All notices, requests, demands, or other communications hereunder shall be in writing and shall be deemed to be served as of the delivery date appearing upon the return receipt if sent by certified mail, postage prepaid with return receipt requested, at the address listed below, or upon the actual date of delivery if hand delivered to the address below:

TO CITY:
City of St. Petersburg
Attention: Celeste Davis
P.O. Box 2842
St. Petersburg, FL 33731

TO ARTIST:
Ya La'ford
12651 N. Dale Mabry Hwy #270772
Tampa FL 33618-9998

12.2. *Change of address*. Any party may change its address for the giving of notice pursuant to notice given in accordance with the provisions of ARTICLE 12, which notice shall be effective upon receipt by the other party.

12.3. *Failure to Notify City of Change of Address*. If Artist fails to notify the City of a change of address, Artist waives all rights that are granted in this Agreement that require notice to Artist.

ARTICLE 13. MISCELLANEOUS

13.1. *Entirety of Agreement; Amendments*. This writing embodies the entire agreement and understanding between the Parties hereto, and there are no other agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby. No amendment, alteration, change, or modification of the terms of this Agreement will be valid unless made in writing and signed by both Parties hereto.

13.2. *Surviving Covenants*. All obligations and rights of any party arising during or attributable to the period prior to expiration or earlier termination of this Agreement, including but not limited to those obligations and rights related to indemnification, survive such expiration or earlier termination.

13.3. *Severability*. If any provision of this Agreement is contrary to, prohibited by, or deemed invalid by applicable Laws of any jurisdiction in which it is sought to be enforced, then such provision will be deemed inapplicable and omitted, but such omissions will not invalidate the remaining provisions of this Agreement.

13.4. *Captions*. Captions are for convenience only and do not control or affect the meaning or construction of any of the provisions of this Agreement.

13.5. *Waiver*. No provision of this Agreement will be deemed waived by either party unless expressly waived in writing signed by the waiving party. No waiver may be implied by delay or any other act or omission of either party. No waiver by either party of any provision of this Agreement will be deemed a waiver of such provision with respect to any subsequent matter relating to such provision, and the City's consent respecting any action by Artist does not constitute a waiver of the requirement for obtaining the City's consent respecting any subsequent action.

13.6. *City Consent and Action*. For purposes of this Agreement, any required written permission, consent, acceptance, approval, or agreement by the City means the approval of the Mayor or his authorized designee, unless otherwise set forth in this Agreement or unless otherwise required to be exercised by City Council pursuant to the City Charter or applicable Laws y policies. For purposes of this Agreement, any right of the City to take any action permitted, allowed, or required by this Agreement may be exercised by the Mayor or his authorized designee, unless otherwise set forth in this Agreement or unless otherwise required to be exercised by City Council pursuant to the City Charter or applicable Laws or City policies.

13.7. *Governing Law and Venue*. The laws of the State of Florida govern this Agreement. Venue for any action brought in state court must be in Pinellas County, St. Petersburg Division. Venue for any action brought in federal court must be in the Middle District of Florida, Tampa Division, unless a division is created in St. Petersburg or Pinellas County, in which case the action must be brought in that division. Each party waives any defense, whether asserted by motion or pleading, that the aforementioned courts are an improper or inconvenient venue. Moreover, the Parties consent to the personal jurisdiction of the aforementioned courts and irrevocably waive any objections to said jurisdiction.

13.8. *Construction*. Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not construe it against one party more strictly by reason of the rule of interpretation that a document is to be construed more strictly against the party who itself or through its agents prepared the same, as each party has participated in the preparation of this Agreement and each party consulted with independent legal counsel of its own selection or waived its right to do so prior to the execution of this Agreement.

13.9. *No Third Party Beneficiaries*. Neither Artist nor the City intends to directly or indirectly benefit a third party by this Agreement. Therefore, the Parties agree that no third party shall be entitled to assert a claim against either of the Parties based upon this Agreement. The Parties expressly acknowledge that it is not their intent to create any rights or obligations in any third person or entity under this Agreement.

13.10. *Incorporation of Exhibits*. Exhibits A, B, and D are all incorporated into and made a part of this this Agreement by their reference herein. Composite Exhibit C: the Bill of Sale, Warranty, Contractor's Affidavit, Affidavit of No Liens, Approval and Acceptance of Artwork, Certification of Completion and Installation, and Copyright Agreement and Assignment are upon their execution by a party to this Agreement incorporated into and made a part of this Agreement.

13.11. *Further Assurances*. The Parties shall promptly execute all documents reasonably required and take such other steps in addition to the execution of this Agreement to effectuate the intent and purpose of this Agreement.

13.12. *Exhibits*. Each exhibit to this Agreement is an essential part hereof and is incorporated herein by reference.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the Parties hereto have executed these presents for the purposes herein expressed.

CITY OF ST. PETERSBURG, FLORIDA
By:_____
Print: _____
Title: _____
Address: P. O. Box 2842
St. Petersburg, FL 33731

ATTEST:

_____ (SEAL)
City Clerk

YA LA'FORD:

Sign: _____
Print: _____
Address: _____
_____

APPROVED AS TO FORM AND CONTENT:

_____
City Attorney (designee)
00726597

ATTACHMENTS:

Exhibit A – Final Design and Description of Artwork

Exhibit B - Release of any person working on the Site or the Artwork

Composite Exhibit C - Bill of Sale, Warranty, Contractor's Affidavit, Affidavit of No Liens, Approval and Acceptance of Artwork, Certification of Completion and Installation and Copyright Agreement and Assignment

Exhibit D – Release and Waiver of Rights under 17 U.S.C. § 106A

Exhibit A
Final Design and Description of Artwork and Site

Courageous 12
Public Art Tribute

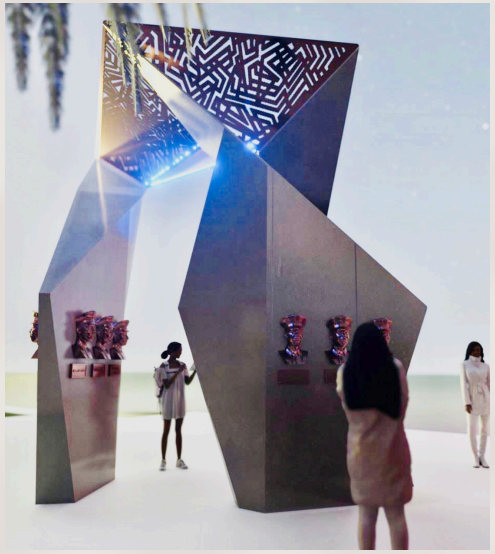


ORANGE STATION
ST. PETERSBURG, FLORIDA

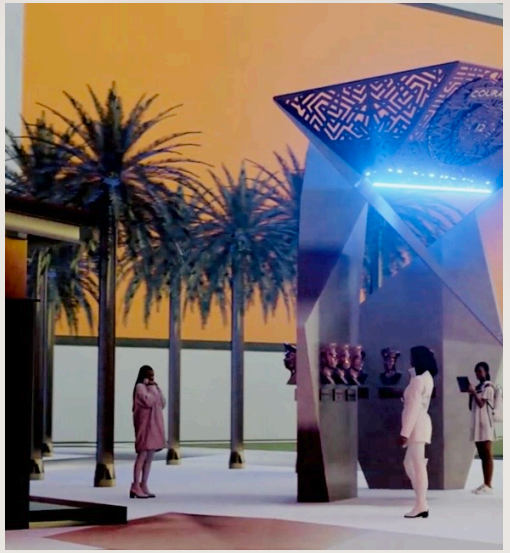
SCULPTURE PROPOSAL
SEPTEMBER 2023

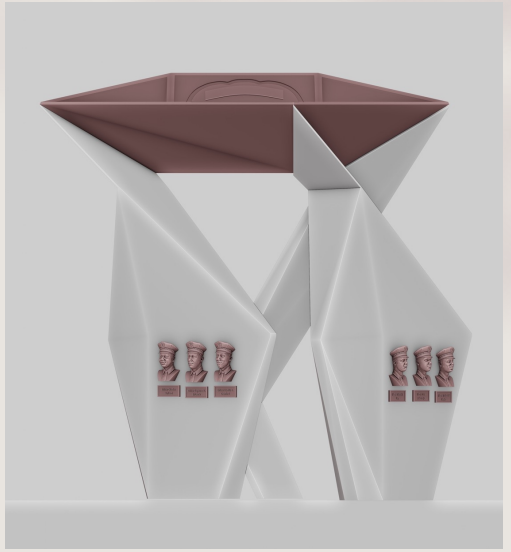
Ya La'ford
fine Art

Conceptual Presentation
Badge of Honor



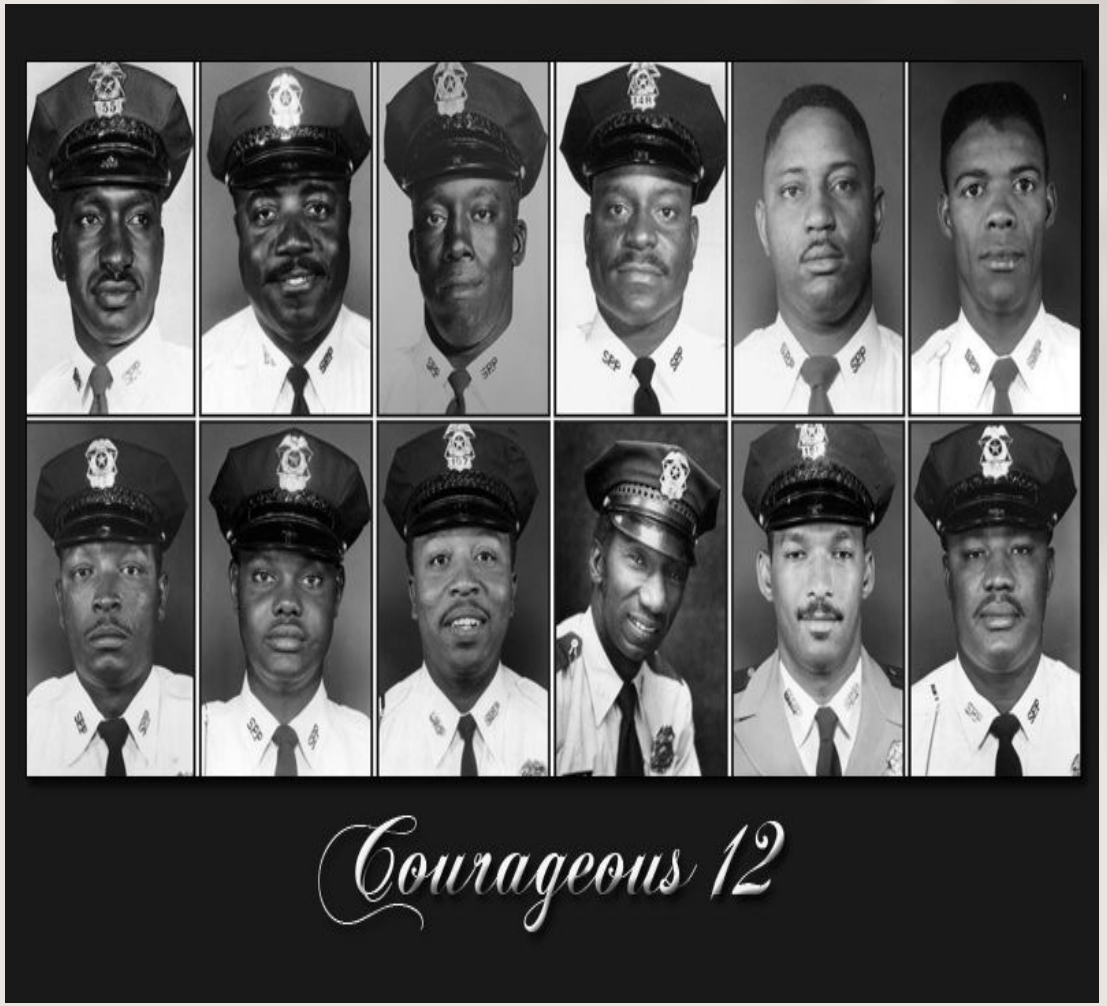




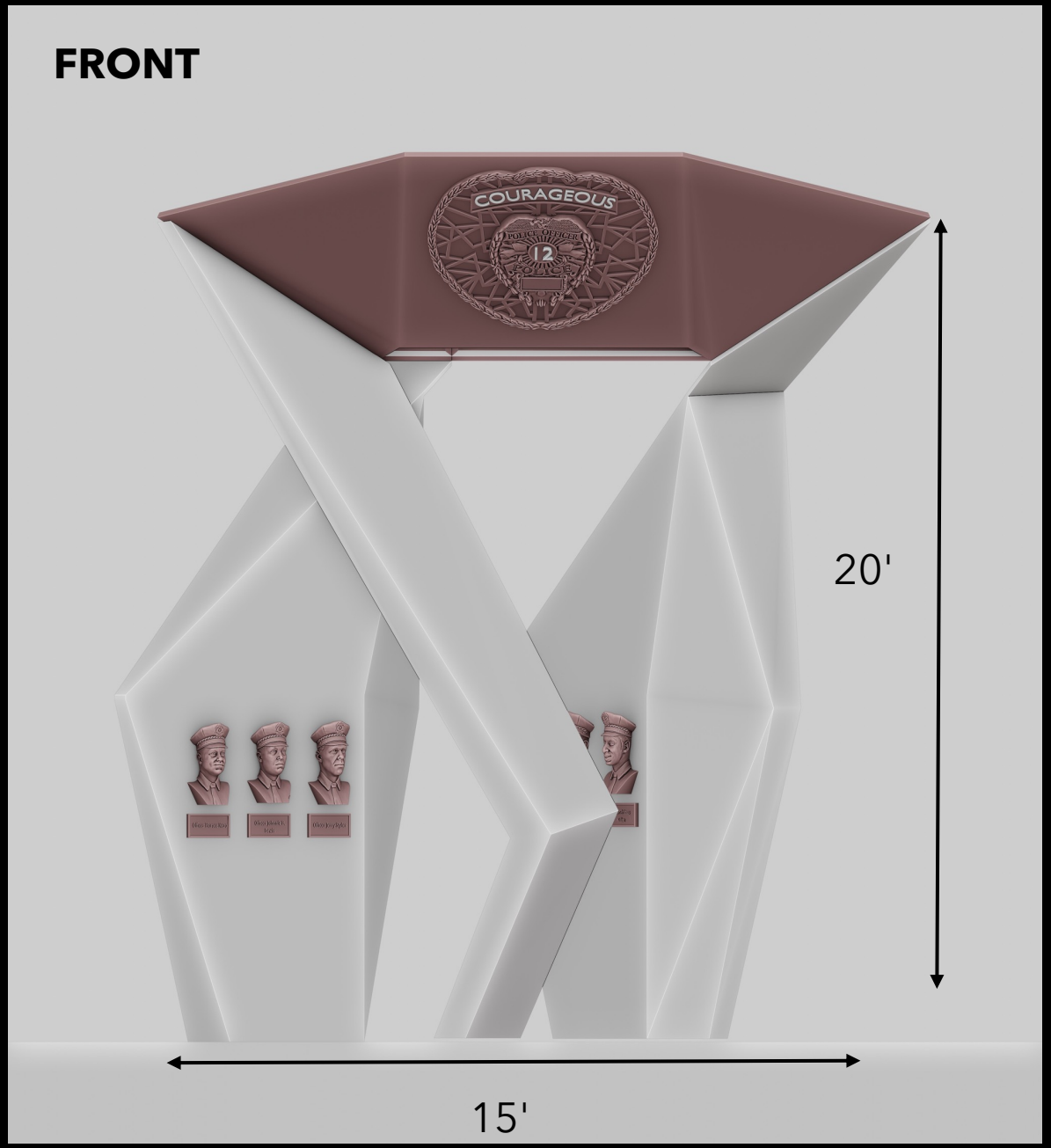


Ya La’ford Fine Art is proud to present a concept for the Courageous 12 Tribute Sculpture. The heroic sculpture tribute includes, 12 bronze elements and a large-scale geometric police cover with shield signifying the nexus of the 12 officers' path to justice, the obstacles they encountered and their eventual triumph for equality. Bearing the burden of balancing justice, the iconic eagle emblem pursues a flight of freedom yet shrouded by the police officer's badge recognized as a symbol of authority, mission, sacrifice, duty and service. The 12 bronze busts replicate each officer in their traditional class A uniform.

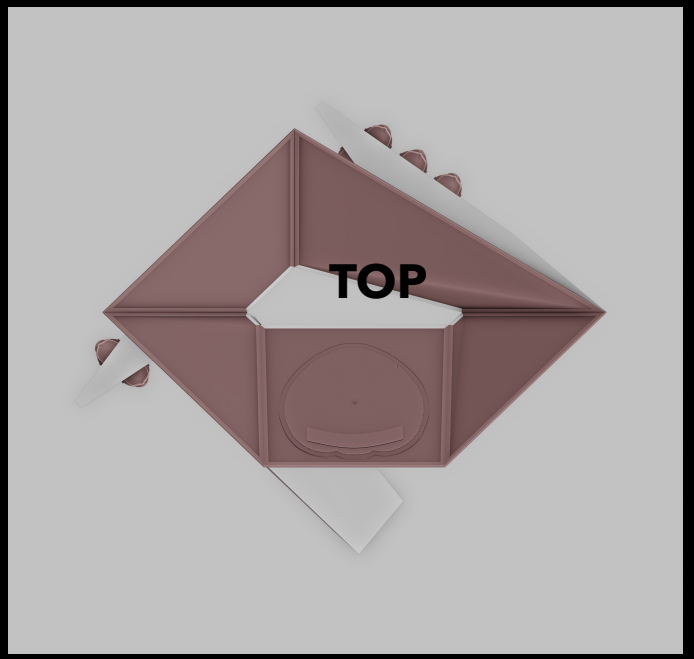
The BRONZE OFFICERS--
are in formations of three installed on geometric vertical concrete columns, designed to share a visual story that will stand the testament of time. Individual sets of foot-markers will be placed under the center of the main cover to allow visitors to join the ranks of the officers in pursuit of a heightened level of justice and equality.



FRONT



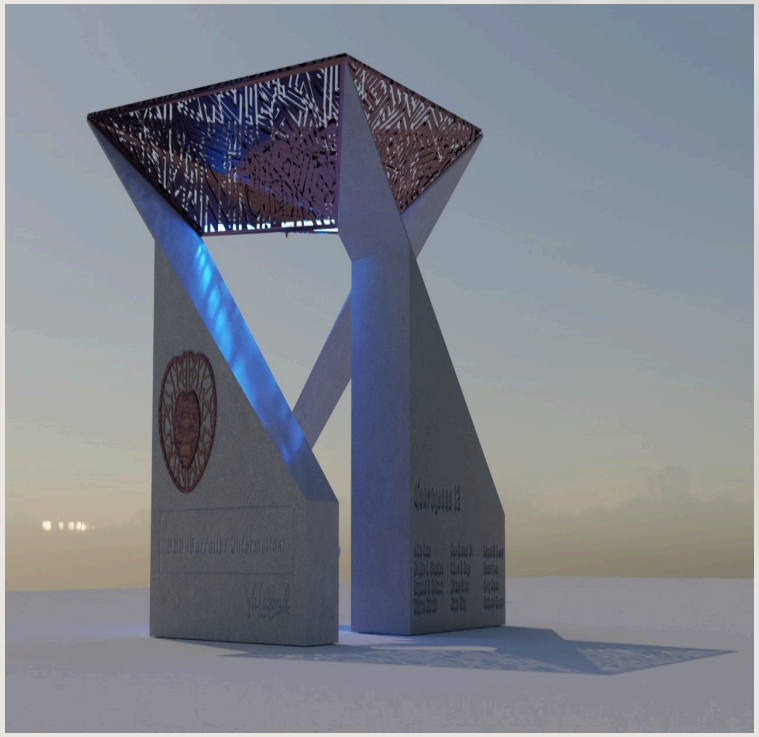
Approximate Dimensions:



MATERIALS:

The Courageous 12 Tribute Sculpture is composed from a cadre of weather suited materials.

Aluminum: Aluminum has been chosen as a primary material for this public art installation due to its versatility, durability, and symbolic significance. Aluminum is known for its resistance to corrosion and weathering, making it an excellent choice for outdoor installations, ensuring the longevity of the artwork. Its lightweight nature allows for ease of installation and maintenance while offering a sleek and modern aesthetic.



Precast Concrete Columns: The use of precast concrete columns serves a dual purpose within the installation. First, these columns provide a stable and visually impactful base for the bronze busts of the esteemed Courageous 12 police officers. Second, concrete represents the foundation and strength of our community, serving as a metaphor for the unwavering support and solidarity between law enforcement and the public and our recognition of the past, present and a promising future.

Bronze Busts: The bronze busts of the Courageous 12 police officers are at the heart of this artwork, embodying the essence of honor, courage, and service. Bronze is a timeless and prestigious material known for its ability to capture intricate details and expressions. Each bust is meticulously sculpted to reflect the unique characteristics and personalities of the officers, creating a profound connection between the viewers and the subjects.

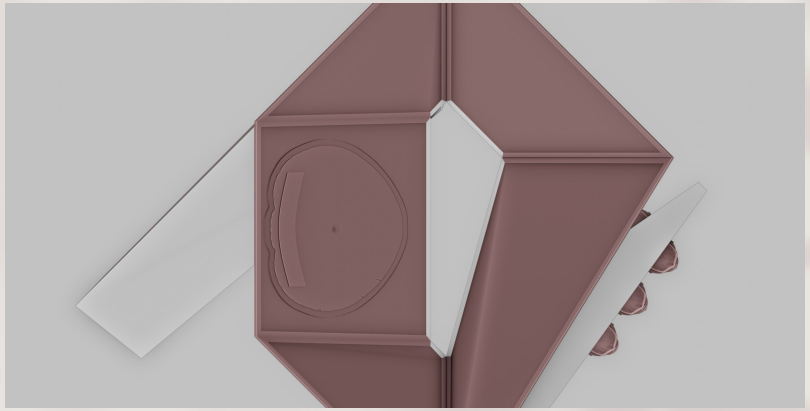
Symbolism: Collectively, these materials tell a powerful story of resilience, unity, and remembrance. The aluminum, concrete, and bronze components come together to honor the dedication and sacrifice of the Courageous 12 police officers, who served as pillars of strength within our community. The materials also reflect the collaborative efforts of the St. Petersburg law enforcement's efforts and the community they protect, emphasizing that together, we stand strong against adversity.

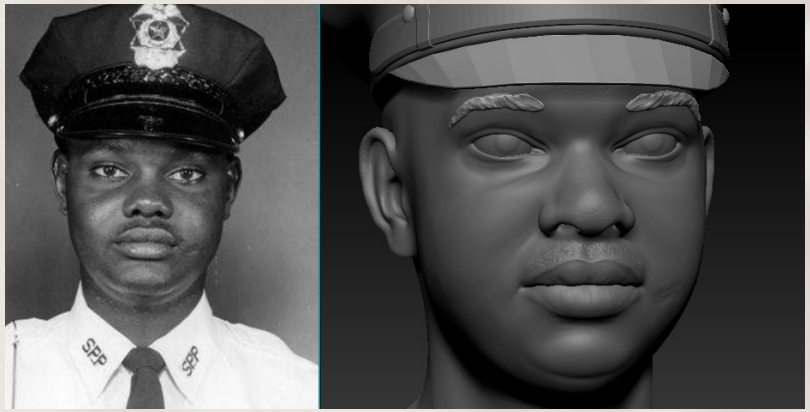
Maintenance and Sustainability: We acknowledge the importance of long-term sustainability and minimal maintenance. The selected materials have been chosen not only for their visual impact but also for their ability to withstand the test of time and environmental factors. Routine inspections and maintenance will be conducted to ensure the preservation of this tribute to our 12 heroes.

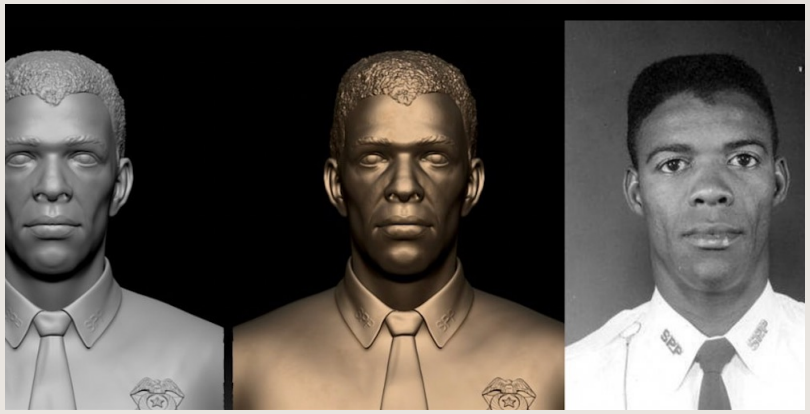
In conclusion, the choice of aluminum, precast concrete, and bronze as materials for the Courageous 12 Badge of Honor public art tribute is intentional and symbolic, embodying the values of honor, strength, and community support. This installation aims to pay homage to the dedication of these 12 police officers and foster a sense of

FABRICATION:

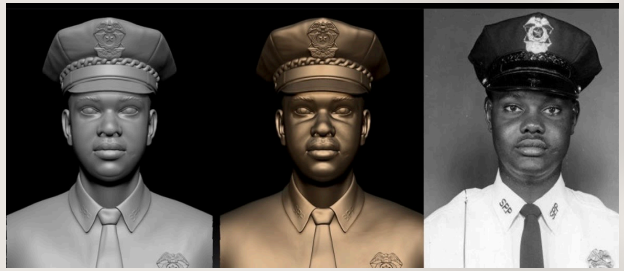
The Badge of Honor sculpture will be made from multiple sources of material. The crown of the sculpture will be made several sections of laser cut paneling and joined to resemble a police cover with anchor fasteners. The vertical support columns will be made with precast concrete to meet engineering requirements. 12 bronze busts representing each of the members of the courageous 12 will be fabricated to a height and width of 24"x 24', and divided for placement on each of the vertical columns. LED lighting will also be a component of the sculpture and feature dusk-to-dawn activation.

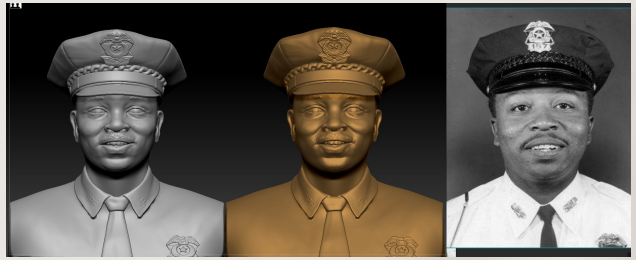
















Transportation:
The geometric police cover or top portion of the sculpture will be transported, along with the LED luminaries and power supply. The 12 Courageous bronze sculptures will be individually crated and transported to the site via Ya Laford studio enclosed trailer.

Installation:
Components of the Courageous 12 sculpture will be assembled onsite such as the geometric top section. The concrete columns section will be formed and poured in place along with the supporting footer. The 12 bronze officers will be affixed to the columns via hanging hardware along with the various wayfinding information/signage The LED lighting will be installed inside the folded channel of the aluminum panels and is accessible for maintenance service.

Maintenance:
The primary component of the courageous 12 sculptures are made from bronze. The upper section is made from aluminum that will be treated with a 15-year powder coating. The support columns are made from formed concrete. Due to the longstanding reliability of these material selections for exterior use, these sculptures and overall tribute plaza will require very little maintenance.

Lighting:
The lighting of the sculpture will add an enhanced experience for each visitor. The top section of the sculpture contains a geometric lighting element detailed in the color blue. Ground mounted LED units can also be installed for additional lighting options from dusk to dawn.

Schedule:
The fabrication process will take approximately 9 months starting once all agreements are completed and initial payment schedule has commenced.

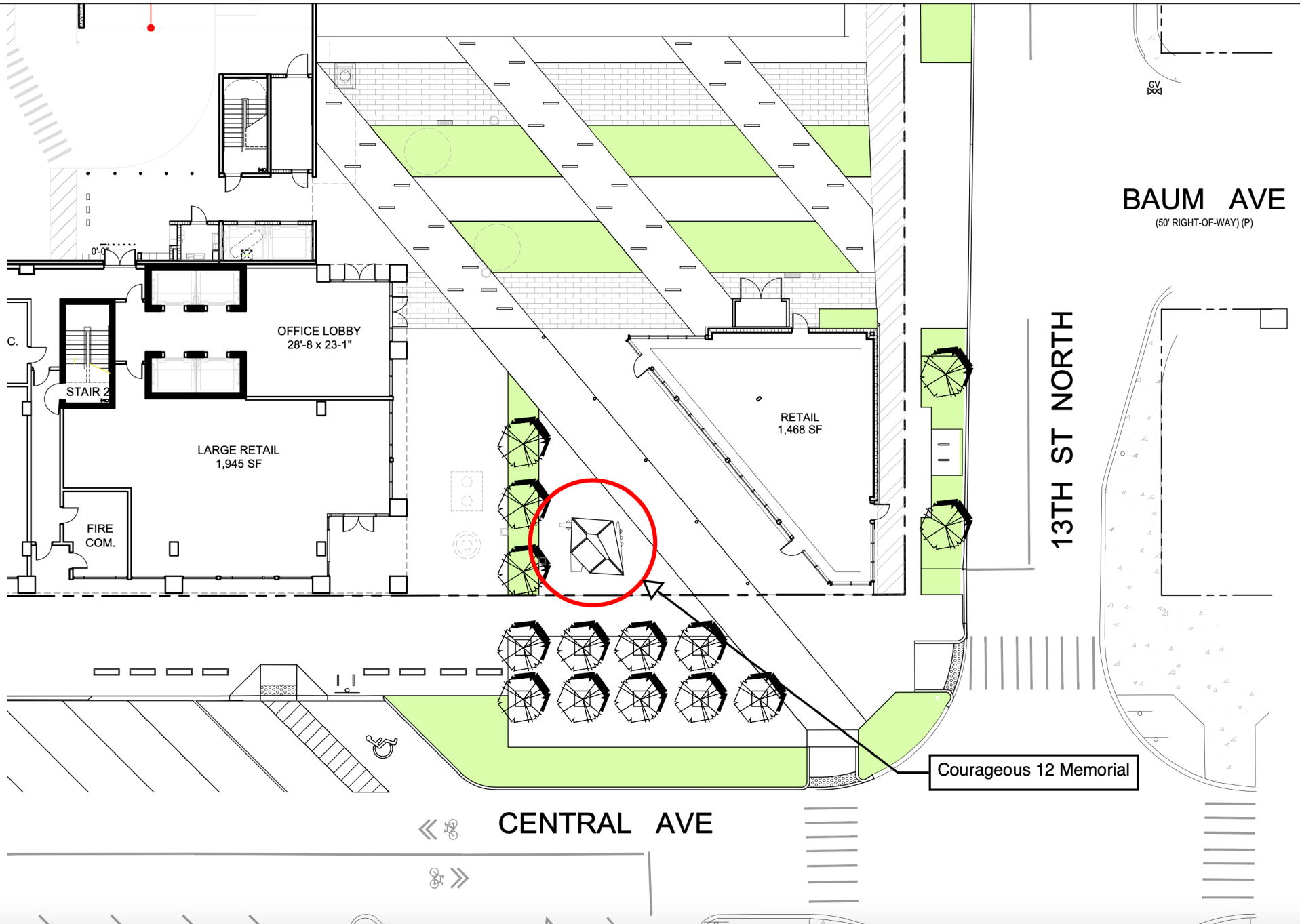

BAUM AVE
(50' RIGHT-OF-WAY) (P)
13TH ST NORTH
OFFICE LOBBY
28'-8 x 23-1"
STAIR 2
LARGE RETAIL
1,945 SF
FIRE
COM.
RETAIL
1,468 SF
Courageous 12 Memorial
CENTRAL AVE

Exhibit B
Release and Hold Harmless Agreement

THIS RELEASE and HOLD HARMLESS AGREEMENT ("Agreement") is made this ___ day _____, 20__, by _____, its heirs, successors and assigns (collectively "Worker") for the benefit of the City of St. Petersburg, Florida ("City").

WHEREAS, at the request of Ya La'ford ("Artist"), the City has agreed to purchase a work of art (herein "Artwork") and Worker has agreed with Artist to help implement the Artwork by providing labor or other services.

WHEREAS, pursuant to the artist agreement between the Artist and the City dated _____, 20__ ("Artist Agreement"), Worker must execute this Agreement in favor of the City prior to working on the Artwork or Site (as defined in the Artist Agreement) in order to protect the Releasees (as defined herein) from certain liabilities.

NOW, THEREFORE, in order to induce the City to fund the Artwork and allow Worker to work for Artist on the Artwork or Site and as consideration therefore, the Worker agrees as follows:

1. Worker hereby releases and forever waives any and all present and future claims, covenants not to sue, and holds harmless the City of St. Petersburg, its City Council, its employees, servants, representatives, officers, agents, successors, assigns and volunteers (hereinafter referred to as "Releasees"), from and against all actions, claims, damages, liabilities, costs and expenses, including but not limited to attorney's fees and costs, on account of injury to the person or property or resulting in death of the undersigned, whether arising out of or caused by the negligence of any or all of the Releasees, or otherwise, or whether arising out of or caused by any defect, or presence or absence of any condition of, or in or on any real property, premises, City property, the Site or any thoroughfare while the undersigned is participating in any phase of the Artwork.

2. Worker agrees to indemnify and hold and save the Releasees harmless from any and all damages, loss or liability occurring by reason of any injury of any person or property which may occur as a result of or in connection with the implementation of the Artwork or occasioned by an act or omission, neglect, or wrongdoing of the Worker.

3. Worker will, at Worker's own cost and expense, defend and protect the Releasees against any and all such claims or demands which may be claimed to have arisen as a result of or in connection with the implementation of the Artwork.

4. The undersigned expressly agrees personally that this Agreement is intended to be as broad and inclusive as is permitted by the law of the State of Florida, and if any portion thereof is held to be invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

WORKER

Sign:_____
Print:_____
Address: _____
_____

COMPOSITE EXHIBIT C

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that Ya La'ford, for and in consideration of the sum of five hundred thirteen thousand dollars ($513,000), lawful money of the United States, and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer and deliver to the City of St. Petersburg, Florida, its successors and assigns, a work of art consisting of bronze, aluminum, concrete and LED lighting, entitled "Courageous 12 Monument" installed at Orange Station located at 1301 1st Avenue North, St. Petersburg, Florida.

TO HAVE AND TO HOLD the same unto the City of St. Petersburg, Florida, its successors and assigns forever.

IN WITNESS WHEREOF, Ya La'ford, has hereunto set her hand and seal this ____ day of _____, 20___.

_____
Sign: _____
Address: 12651 N. Dale Mabry Hwy #270772
Tampa FL 33618-9998

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign_____
Print_____
State of _____
My Commission No.:_____
My Commission expires:_____

WARRANTY

Ya La'ford ("Artist"), hereby warrants the work of art, consisting of bronze, aluminum, concrete, LED lighting, entitled "Courageous 12 Monument," installed at the Orange Station site located at 1301 1st Avenue North, St. Petersburg, Florida to be free from defects in materials or workmanship for five (5) years from the date of Final Completion (as defined in the Artist Agreement between Artist and the City of St. Petersburg, Florida ("City") dated the _____ day of _____, 20___) thereof by the City. Artist shall immediately correct any such defects which appear during that period at Artist's own cost and expense.

This warranty is in addition to all other warranties, statutory or otherwise, express or implied, all other representations to the City and all other obligations or liabilities with respect to such work of art including implied warranties of merchantability and fitness.

IN WITNESS WHEREOF, Ya La'ford has hereunto set her hand and seal this ____ day of _____, 20___.

_____

Sign: _____

Address: 12651 N. Dale Mabry Hwy #270772
Tampa FL 33618-9998

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign_____
Print_____
State of _____
My Commission No.:_____
My Commission expires:_____

CONTRACTOR'S AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF PINELLAS)

On this day personally appeared before me, the undersigned authority, duly authorized to administer oaths and take acknowledgments, Ya La'ford, who after being first duly sworn by me, on oath, deposes and says:

That I am a general contractor under an agreement executed on the _____ day of _____, 2024, between Ya La'ford and the City of St. Petersburg, Florida, that I installed and completed the work of art consisting of bronze, aluminum, concrete, and LED lighting, entitled "Courageous 12 Monument" installed at the Orange Station site located at 1301 1st Avenue North, St. Petersburg, Florida, for a total price of five hundred thirteen thousand dollars ($513,000), to be paid to Ya La'ford and that said installation is now completed and finished.

That Ya La'ford has paid and discharged all subcontractors, laborers and materialmen and that there are no liens outstanding of any nature nor any debts or obligations out of which could arise a lien or encumbrance.

That I am making this affidavit upon consideration of the payment of five hundred thirteen thousand dollars ($513,000), in full satisfaction and discharge of said agreement.

Sign:_____
Address:_ 12651 N. Dale Mabry Hwy #270772
Tampa FL 33618-9998

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign_____
Print_____
State of _____
My Commission No.:_____
My Commission expires:_____

AFFIDAVIT OF NO LIENS

STATE OF _____)
COUNTY OF _____)

On this day personally appeared before me, the undersigned authority, duly authorized to administer oaths and take acknowledgments, Ya La'ford, who after being first duly sworn by me on oath deposes and says:

1. Ya La'ford is the owner of a work of art consisting of a sculpture made of bronze, aluminum, concrete, LED lighting entitled "Courageous 12 Monument" installed at Orange Station located at 1301 1st Avenue North, St. Petersburg, Florida.

2. There are no liens, claims or other encumbrances on the work of art and Ya La'ford is the sole owner and creator of said work of art.

3. Ya La'ford has paid and discharged all subcontractors or materialmen, if any, and there are no liens outstanding of any nature nor any debts or obligations out of which could arise a lien or encumbrances on the work of art.

4. I am making this Affidavit upon consideration of the payment of five hundred thirteen thousand dollars ($513,000).

Sign: _____
Address: 12651 N. Dale Mabry Hwy #270772
Tampa FL 33618-9998

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign_____
Print_____
State of _____
My Commission No.:_____
My Commission expires:_____

APPROVAL AND ACCEPTANCE OF ARTWORK

"Courageous 12 Monument**"**

Ya La'ford ("Artist") has completed the work of art consisting of bronze, aluminum, concrete, and LED lighting, entitled "Courageous 12 Monument" ("Artwork") installed at the Orange Station site located at 1301 1st Avenue North, St. Petersburg, Florida in a manner that meets all the requirements of the Artist Agreement dated _____, 20___, by and between Artist and the City of St. Petersburg, Florida ("Owner"). Owner hereby approves and accepts ownership of the Artwork.

DATE:_____

CITY OF ST. PETERSBURG, FLORIDA

BY:_____
Print: _____
Address: P. O. Box 2842
St. Petersburg, FL 33731

CERTIFICATION OF COMPLETION AND INSTALLATION

"Courageous 12 Monument"

Artist: Ya La'ford
Artwork: Public Art Tribute Sculpture entitled "Courageous 12 Monument"
Location: Orange Station site located at 1301 1st Avenue North, St. Petersburg, Florida

The above-named artwork is installed and 100% completed as required by the Artist Agreement entered into on _____, 20___, by and between Ya La'ford and the City of St. Petersburg, Florida.

Date:_____

Sign: _____
Address: 12651 N. Dale Mabry Hwy #270772
Tampa FL 33618-9998

COPYRIGHT AGREEMENT AND ASSIGNMENT

Ya La'ford, for and in consideration of the purchase by the City of St. Petersburg of the work of art consisting of bronze, aluminum, concrete and LED lighting, entitled "Courageous 12 Monument" installed Orange Station located at 1301 1st Avenue North, St. Petersburg, Florida which work of art ("Artwork") is owned by Ya La'ford, hereby assigns to the City of St. Petersburg, Florida, title and full rights of ownership as well as the irrevocable license to make reproductions of the Artwork for noncommercial purposes, including but not limited to reproductions used in marketing, advertising, brochures, media publicity, web sites, and catalogues or other similar publications, provided that such reproductions of the Artwork must be made in a professional and tasteful manner.

Ya La'ford further assigns to the City of St. Petersburg, Florida, any and all warranties for materials used and labor performed by subcontractors or other persons, if any, which Ya La'ford holds to the City of St. Petersburg, Florida.

Ya La'ford further agrees to execute any and all further lawful documents including assignments which the City of St. Petersburg, Florida shall deem necessary or desirable to fully effectuate this Copyright Agreement and Assignment.

Sign: _____
Address: 12651 N. Dale Mabry Hwy #270772
Tampa FL 33618-9998

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign_____
Print_____
State of _____
My Commission No.:_____
My Commission expires:_____

Exhibit D
Release and Waiver of Rights under 17 U.S.C. § 106A

In consideration of payment received by Ya La'ford ("Artist") from the City of St. Petersburg, Florida ("City") for Artist to design, fabricate, and install a work of art ("Artwork") to be installed at the Orange Station site located at 1301 1st Avenue North, St. Petersburg, Florida, pursuant to the agreement between the City and Artist dated the ____ day of _____, 20___ ("Agreement"), and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, Ya La'ford, hereby waive, disclaim and terminate my rights to prevent any intentional or accidental distortion, damage, destruction, or mutilation of the Artwork, which would be prejudicial to my honor or reputation and the right to prevent any intentional or grossly negligent destruction of the Artwork if it is of a recognized stature as provided under 17 U.S.C. § 106A (Visual Artist Rights Act of 1990), in the following circumstances:

- The distortion, damage, destruction, or mutilation results, in whole or in part, from the acts of a party other than the City or the City's officers, employees, agents, elected or appointed officials acting in their official capacity; or
- The distortion, damage, destruction, or mutilation occurs as a result of the City's failure to repair or restore the Artwork, regardless of the cause necessitating such repair or restoration; or
- The distortion, damage, destruction, or mutilation occurs as a result of the City's attempts to repair or restore the Artwork, provided that the City first gave Artist a reasonable opportunity to perform the repairs or restoration if required by the Agreement; or
- The distortion, damage, destruction, or mutilation occurs as a result of the City's alteration of the installation site, provided the City complies with the requirements set forth in the Agreement regarding consultation with the City for alteration of the installation site; or
- The distortion, damage, destruction, or mutilation occurs as a result of the City's temporary or permanent removal of the Artwork from the installation site and/or subsequent relocation, storage, disposition, destruction, sale, or donation of the Artwork, provided that the City complied with the requirements set forth in Section 10.6 of the Agreement; or
- The distortion, damage, destruction, or mutilation otherwise occurs in accordance with the process set forth in Section 10.6 of the Agreement.

This waiver applies to the use of the Artwork to enhance the site at which it is installed or to enhance any other site chosen by the City in the event the City relocates the Artwork to another site.

I am retaining my rights to disclaim authorship of the Artwork as granted by 17 U.S.C. § 106A(a)(1)-(2); provided, however, that I agree if I exercise such rights to disclaim authorship, I thereby waive all other rights to the Artwork set forth in 17 U.S.C. § 106A, including all rights to prevent its distortion, damage, destruction, or mutilation, however caused.

I have read and voluntarily sign this Release and Waiver, and further agree that no oral representations, statements or inducements apart from the foregoing written release and waiver have been made.

I acknowledge that I have been hereby encouraged to seek the advice of attorney prior to signing this Release and Waiver, and have been given the opportunity to seek such counsel.

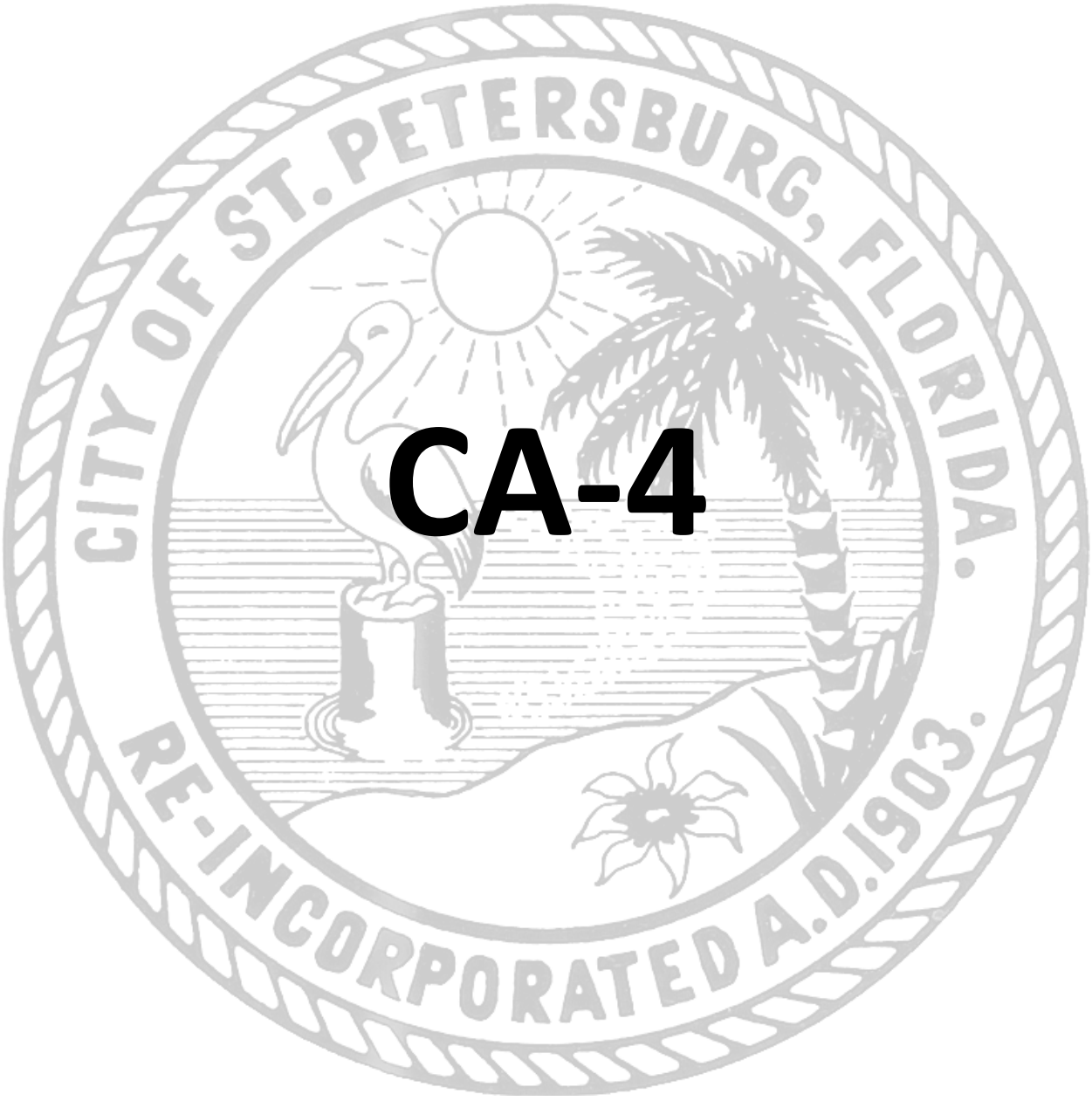
I acknowledge the fact that this Release and Waiver could become a public record pursuant to Chapter 119, Florida Statutes, and will be available to members of the public upon their request.

By signing this Release and Waiver I am waiving and releasing valuable legal rights. I have read this Release and Waiver carefully before signing it.

IN WITNESS WHEREOF, the undersigned has caused this Release and Waiver to be executed this ____ day of _____, 20__.

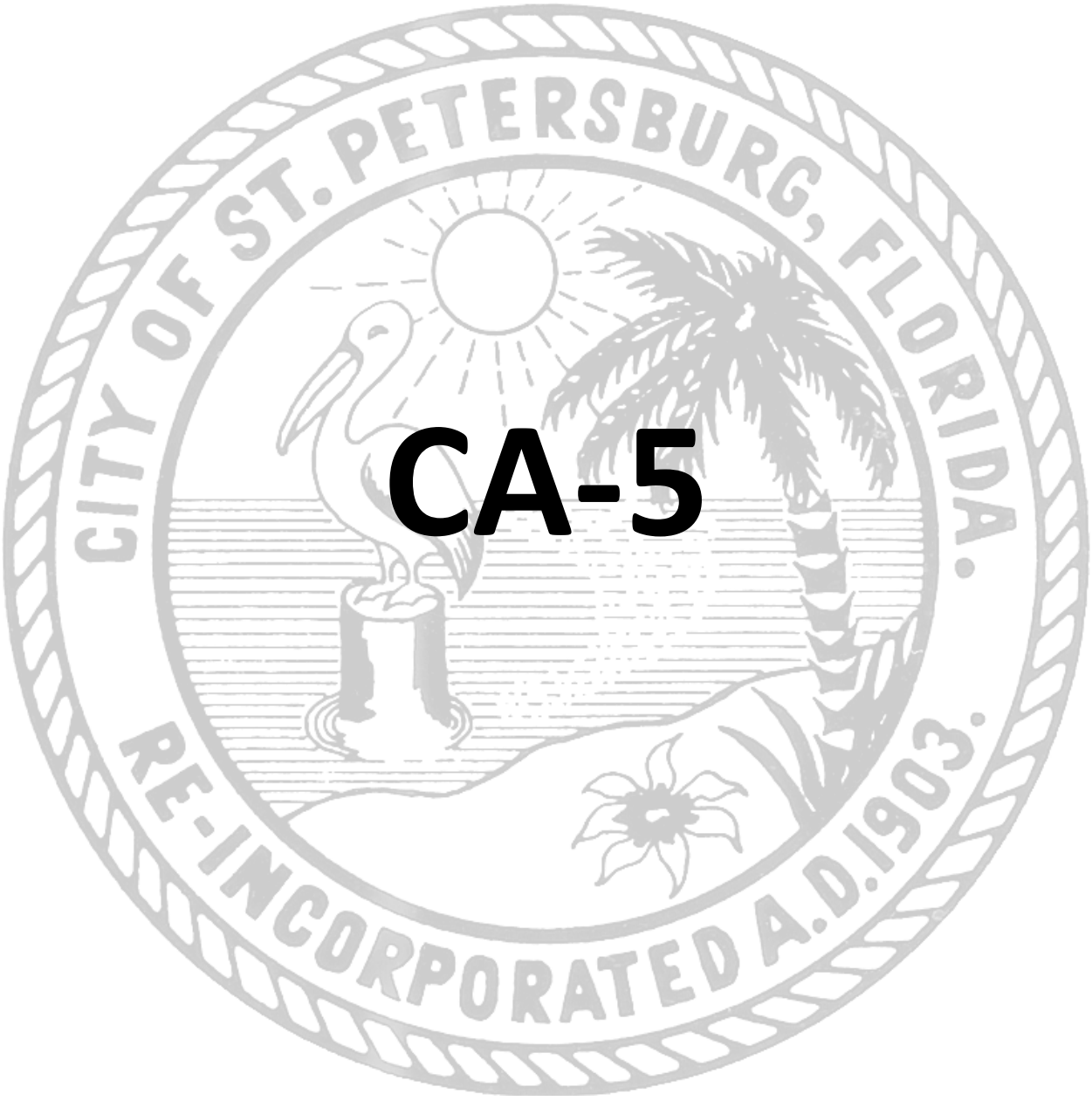
BY:
Sign:_____ Telephone: _____
Ya La'ford
Address:_____

The following page(s) contain the backup material for Agenda Item: Approving a Resolution finding that $43,500 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the North Shore Elementary Various Locations Safe Routes to School (SRTS) Project (Project), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $43,500 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement (Agreement) between the State of Florida Department of Transportation (FDOT) and the City of St. Petersburg, Florida (City); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for sidewalk maintenance for the sections of the sidewalk associated with the project ; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute 166.241; approving the Agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction and construction engineering inspections services for the Project in an amount not to exceed $1,324,565; authorizing a supplemental appropriation in the amount of $1,199,057 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Improvements Fund (3004), resulting from these additional revenues, to the North Shore Elementary Sidewalks Project (18627); and providing an effective date. (ECID Project No. 22051-112; Oracle No. 18627) (FDOT Financial Project No. 443581-1-58-01) (MOVED TO REPORTS AS AGENDA ITEM F-2)
Please scroll down to view the backup material.



CA-4

The following page(s) contain the backup material for Agenda Item: Approving a Resolution finding that $25,000 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project (“Project”), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $25,000 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement (“Agreement”) between the State of Florida Department of Transportation (“FDOT”) and the City of St. Petersburg, Florida (“City”); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the scoped improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the Agreement and authorizing the Mayor or his designee to execute a Local Agency Program Agreement between the City of St. Petersburg, Florida and the State of Florida Department of Transportation (“FDOT”) for participation by FDOT in the construction activities related to the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project in an amount not to exceed $674,846; and providing an effective date. (ECID Project No. 22045-112; Oracle No. 18921) (FDOT Financial Project No. 441215 1 58 01)
Please scroll down to view the backup material.



CA-5

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: Approving a Resolution finding that $25,000 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project ("Project"), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $25,000 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department, Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the scoped improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the Agreement and authorizing the Mayor or his designee to execute a Local Agency Program Agreement between the City of St. Petersburg, Florida and the State of Florida Department of Transportation ("FDOT") for participation by FDOT in the construction activities related to the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project in an amount not to exceed $674,846; and providing an effective date. (ECID Project No. 22045-112; Oracle No. 18921) (FDOT Financial Project No. 441215 1 58 01)

EXPLANATION: The proposed agreement will provide Federal Highway grant funding through the FDOT's Local Agency Program ("LAP") for Construction phase work for the City of St. Petersburg's 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project. This shared use path will provide a connection from the Pinellas trail to bicycle and pedestrian sidewalk network within north St. Petersburg and surrounding areas.

The scope of work includes construction of a shared use path along the west side of 71st Street North from the Pinellas Trail along side of Tyrone Boulevard to 38th Avenue North, ADA curb ramp upgrades, curb and gutter reconstruction, and roadway resurfacing. Design was funded and administered by FDOT. Construction will be funded utilizing Federal funds through this LAP Agreement and administered by the City.

The project is being developed under FDOT's LAP process. The City received LAP recertification in April 2023 to provide planning, design, and construction/construction administration for federally funded projects within City limits.

This LAP agreement for the 71st St Trail Connector project provides funds in the amount of $674,846 for the construction phase. Anticipated construction costs are expected to exceed this LAP agreement amount. Additional project funding will be allocated based on the actual bids received.

The City is responsible for repairing and maintaining the improvements on City property and within City rights of way throughout the service life of the Project, at an estimated cost of $25,000.00 over a 15-year life span, including the shared use path along 71st St from 30th Ave N to 38th Ave N.

This project will be performed in accordance with all applicable FDOT procedures, guidelines, manuals, standards, and directives as described in the FDOT LAP Manual.

RECOMMENDATION: Approving a Resolution finding that $25,000 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the Project limits for the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project ("Project"), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $25,000 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement and Traffic Operations Department Traffic Support Division (400-1265) for future sidewalk maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the scoped improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the Agreement and authorizing the Mayor or his designee to execute a Local Agency Program Agreement between the City of St. Petersburg, Florida and the State of Florida Department of Transportation ("FDOT") for participation by FDOT in the construction activities related to the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project in an amount not to exceed $674,846; and providing an effective date. (ECID Project No. 22045-112; Oracle No. 18921) (FDOT Financial Project No. 441215 1 58 01)

COST/FUNDING/ASSESSMENT INFORMATION: Funds have been previously appropriated in the Bicycle/Pedestrian Safety Improvements Fund (3004), 71st Street Trail Connector Project (18921). Funds for repair and maintenance will be available after the approval of a supplemental appropriation in the amount of $25,000 from the unappropriated balance of the General Fund (0001) to the Stormwater, Pavement, and Traffic Operations Department, Traffic Support Division (400-1265). The impact to the General Fund reserves for this appropriation will be approximately $1,667 per year and will be included in the Stormwater, Pavement and Traffic Operations Department's annual operating budget.

ATTACHMENTS: Resolution
Council Map
Draft FDOT LAP Phase 58 Agreement

RESOLUTION NO. 2024-__

A RESOLUTION FINDING THAT $25,000 IS AN AMOUNT SUFFICIENT TO PAY FOR SIDEWALK MAINTENANCE OF THE SECTIONS OF THE SIDEWALK LOCATED WITHIN THE PROJECT LIMITS FOR THE 71ST ST TRAIL CONNECTOR FROM PINELLAS TRAIL TO 38TH AVE NORTH MULTI USE TRAIL PROJECT ("PROJECT") OVER ITS USEFUL LIFE OF FIFTEEN (15) YEARS; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $25,000 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND (0001) TO THE STORMWATER, PAVEMENT AND TRAFFIC OPERATIONS DEPARTMENT, TRAFFIC SUPPORT DIVISION (400-1265) FOR FUTURE SIDEWALK MAINTENANCE REQUIRED BY THE LOCAL AGENCY PROGRAM AGREEMENT ("AGREEMENT") BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") AND THE CITY OF ST. PETERSBURG, FLORIDA ("CITY"); PROVIDING THAT THE MAINTENANCE FUNDS SHALL NOT NEED ANNUAL RE-APPROPRIATIONS AND SHALL BE CONSIDERED ENCUMBERED FOR THE USEFUL LIFE OF THE PROJECT WITH ONLY AUTHORIZED EXPENDITURES BEING FOR SIDEWALK MAINTENANCE OF THE SECTIONS OF THE SIDEWALK ASSOCIATED WITH THE PROJECT; FINDING THAT EXECUTION OF THE AGREEMENT SHALL NOT BE CONSIDERED AN UNLAWFUL ACT UNDER FLORIDA STATUTE §166.241; APPROVING THE AGREEMENT AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT BETWEEN THE AND FDOT FOR PARTICIPATION BY FDOT IN THE CONSTRUCTION AND CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR THE PROJECT IN AN AMOUNT NOT TO EXCEED $674,846; AND PROVIDING AN EFFECTIVE DATE. (ECID PROJECT NO. 22045-112; ORACLE NO. 18921) (FDOT FINANCIAL PROJECT NO. 441215 1 58 01)

WHEREAS, the State of Florida Department of Transportation ("FDOT") has agreed to participate in the construction and construction engineering inspection services for the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project ("Project"); and

WHEREAS, as a requirement for FDOT's participation in the Project, the City of

St. Petersburg, Florida ("City") must enter into a Local Agency Program Agreement ("Agreement") setting forth the obligations of FDOT and the City; and

WHEREAS, the source of the funds to be provided to the City pursuant to the Agreement by FDOT is funding from the federal government; and

WHEREAS, federal law governing the use of such funds requires FDOT to cause a project built with such funds to be maintained for the useful life of the project; and

WHEREAS, the Agreement requires the City to maintain the Project for its useful life; and

WHEREAS, Florida Statute §166.241 provides that "…it is unlawful for any officer of a municipal government to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations"; and

WHEREAS, the City's professional staff has advised the City Council that in its professional opinion the sidewalk maintenance of the sections of the sidewalk associated with the Project for its useful life of fifteen (15) years will cost $25,000; and

WHEREAS, City Council finds that $25,000 is an amount sufficient to pay for the sidewalk maintenance of the sections of the sidewalk associated with the Project over its useful life; and

WHEREAS, Administration recommends approval of this Resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that $25,000 is an amount sufficient to pay for sidewalk maintenance of the sections of the sidewalk located within the project limits for the 71st St Trail Connector from Pinellas Trail to 38th Ave North Multi Use Trail Project ("Project") over its useful life of fifteen (15) years.

BE IT FURTHER RESOLVED that there is hereby approved from the unappropriated balance of the General Fund (0001) the following supplemental appropriation for FY24:

<u>General Fund (0001)</u>	
Stormwater, Pavement and Traffic Operations Department	
Traffic Support Division (400-1265)	$25,000

BE IT FURTHER RESOLVED that the appropriation for the sidewalk maintenance for the sections of the sidewalk associated with the Project shall be committed within the General Fund balance which will carry forward from year to year and shall be considered encumbered for the useful life of the Project with the only authorized expenditures from that commitment being

for such maintenance associated with the Project.

BE IT FURTHER RESOLVED that at the end of the useful life of the Project any funds remaining in the operating project for maintenance of the Project shall be returned to the City's General Fund.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute a Local Agency Program Agreement between the City of St. Petersburg, Florida and the State of Florida Department of Transportation ("FDOT") for participation by FDOT in the construction and construction engineering inspection services for the Project in an amount not to exceed $674,846.

This Resolution shall become effective immediately upon its adoption.

LEGAL:

00726400

DEPARTMENT:

BUDGET:

LOCAL AGENCY PROGRAM AGREEMENT

FPN: 441215 1 58 01	FPN: 441215 1 68 01	FPN:
Federal No (FAIN): D723 065 B	Federal No (FAIN):	Federal No (FAIN):
Federal Award Date:	Federal Award Date:	Federal Award Date:
Fund: TALU, LF	Fund: LF	Fund:
Org Code:	Org Code:	Org Code:
FLAIR Approp:	FLAIR Approp:	FLAIR Approp:
FLAIR Obj:	FLAIR Obj:	FLAIR Obj:

County No:15 (Pinellas) Contract No:
Recipient Vendor No: F596000424044 Recipient Unique Entity ID SAM No: LARHMJNJAKS4

Catalog of Federal Domestic Assistance (CFDA): 20.205 Highway Planning and Construction

THIS LOCAL AGENCY PROGRAM AGREEMENT ("Agreement"), is entered into on _____, by and between the State of Florida Department of Transportation, an agency
(This date to be entered by DOT only)
of the State of Florida ("Department"), and the City of St. Petersburg ("Recipient").

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the Parties agree to the following:

1. **Authority:** The Department is authorized to enter into this Agreement pursuant to Section 339.12, Florida Statutes. The Recipient by Resolution or other form of official authorization, a copy of which is attached as **Exhibit "D"** and made a part of this Agreement, has authorized its officers to execute this Agreement on its behalf.

2. **Purpose of Agreement:** The purpose of this Agreement is to provide for the Department's participation in the construction and construction engineering inspection (CEI) services of 71st St Trail Connector from Pinellas Trail to 38th Ave North multi-use trail project , as further described in **Exhibit "A",** Project Description and Responsibilities attached to and incorporated in this Agreement ("Project"), to provide Department financial assistance to the Recipient; state the terms and conditions upon which Department funds will be provided; and to set forth the manner in which the Project will be undertaken and completed.

3. **Term of Agreement:** The Recipient agrees to complete the Project on or before 07/31/2025. If the Recipient does not complete the Project within this time period, this Agreement will expire on the last day of the scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Recipient and granted in writing by the Department prior to the expiration of this Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the term of this Agreement will not be reimbursed by the Department.

4. **Project Cost:**

   a. The estimated cost of the Project is $ 841,499.00. This amount is based upon the Schedule of Financial Assistance in **Exhibit "B"**, attached to and incorporated in this Agreement. **Exhibit "B"** may be modified by mutual execution of an amendment as provided for in paragraph 5.i.

   b. The Department agrees to participate in the Project cost up to the maximum amount of $674,846.00 and as more fully described in **Exhibit "B"**. This amount includes Federal-aid funds which are limited to the actual amount of Federal-aid participation. The Department's participation may be increased or reduced upon determination of the actual bid amounts of the Project by the mutual execution of an amendment. The Recipient agrees to bear all expenses in excess of the total cost of the Project and any deficits incurred in connection with the completion of the Project.

   c. Project costs eligible for Department participation will be allowed only from the date of this Agreement. It is understood that Department participation in eligible Project costs is subject to:

i. Legislative approval of the Department's appropriation request in the work program year that the Project is scheduled to be committed;

ii. Availability of funds as stated in paragraphs 5.l. and 5.m. of this Agreement;

iii. Approval of all plans, specifications, contracts or other obligating documents and all other terms of this Agreement; and

iv. Department approval of the Project scope and budget at the time appropriation authority becomes available.

5. Requisitions and Payments

a. The Recipient shall provide quantifiable, measurable, and verifiable units of deliverables. Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion. The Project and the quantifiable, measurable, and verifiable units of deliverables are described more fully in **Exhibit "A"**.

b. Invoices shall be submitted by the Recipient in detail sufficient for a proper pre-audit and post-audit based on the quantifiable, measurable and verifiable units of deliverables as established in **Exhibit "A"**. Deliverables must be received and accepted in writing by the Department's Project Manager prior to payments. Requests for reimbursement by the Recipient shall include an invoice, progress report and supporting documentation for the period of services being billed that are acceptable to the Department. The Recipient shall use the format for the invoice and progress report that is approved by the Department.

c. The Recipient shall charge to the Project account all eligible costs of the Project except costs agreed to be borne by the Recipient or its contractors and subcontractors. Costs in excess of the programmed funding or attributable to actions which have not received the required approval of the Department shall not be considered eligible costs. All costs charged to the Project, including any approved services contributed by the Recipient or others, shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.

d. Supporting documentation must establish that the deliverables were received and accepted in writing by the Recipient and must also establish that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in **Exhibit "A"** was met. All costs invoiced shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of charges as described in **Exhibit "F",** Contract Payment Requirements.

e. Bills for travel expenses specifically authorized in this Agreement shall be submitted on the Department's Contractor Travel Form No. 300-000-06 and will be paid in accordance with Section 112.061, Florida Statutes and the most current version of the Disbursement Handbook for Employees and Managers.

f. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes or the Department's Comptroller under Section 334.044(29), Florida Statutes.

☐ If this box is selected, advance payment is authorized for this Agreement and **Exhibit "H"**, Alternative Advance Payment Financial Provisions is attached and incorporated into this Agreement.

If the Department determines that the performance of the Recipient is unsatisfactory, the Department shall notify the Recipient of the deficiency to be corrected, which correction shall be made within a time-frame to be specified by the Department. The Recipient shall, within thirty (30) days after notice from the Department, provide the Department with a corrective action plan describing how the Recipient will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the

Department, the Recipient will not be reimbursed to the extent of the non-performance. The Recipient will not be reimbursed until the Recipient resolves the deficiency. If the deficiency is subsequently resolved, the Recipient may bill the Department for the unpaid reimbursement request(s) during the next billing period. If the Recipient is unable to resolve the deficiency, the funds shall be forfeited at the end of the Agreement's term.

g. Agencies providing goods and services to the Department should be aware of the following time frames. Inspection and approval of goods or services shall take no longer than 20 days from the Department's receipt of the invoice. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved.

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to ***Section 55.03(1), F.S.***, will be due and payable, in addition to the invoice amount, to the Recipient. Interest penalties of less than one (1) dollar will not be enforced unless the Recipient requests payment. Invoices that have to be returned to an Recipient because of Recipient preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Agencies who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516.

h. The Recipient shall maintain an accounting system or separate accounts to ensure funds and projects are tracked separately. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for five years after final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred include the Recipient's general accounting records and the project records, together with supporting documents and records, of the contractor and all subcontractors performing work on the project, and all other records of the Contractor and subcontractors considered necessary by the Department for a proper audit of costs.

i. Prior to the execution of this Agreement, a Project schedule of funding shall be prepared by the Recipient and approved by the Department. The Recipient shall maintain said schedule of funding, carry out the Project, and shall incur obligations against and make disbursements of Project funds only in conformity with the latest approved schedule of funding for the Project. The schedule of funding may be revised by execution of a Local Agency Program ("LAP") Supplemental Agreement between the Department and the Recipient. The Recipient acknowledges and agrees that funding for this project may be reduced upon determination of the Recipient's contract award amount.

j. If, after Project completion, any claim is made by the Department resulting from an audit or for work or services performed pursuant to this Agreement, the Department may offset such amount from payments due for work or services done under any agreement which it has with the Recipient owing such amount if, upon demand, payment of the amount is not made within 60 days to the Department. Offsetting any amount pursuant to this paragraph shall not be considered a breach of contract by the Department.

k. The Recipient must submit the final invoice on the Project to the Department within 120 days after the completion of the Project. Invoices submitted after the 120-day time period may not be paid.

l. The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. If the Department's funding for this Project is in multiple fiscal years, funds approval from the Department's Comptroller must be received each fiscal year prior to costs being incurred. See **Exhibit "B"** for funding levels by fiscal year. Project costs utilizing these fiscal year funds are not eligible for reimbursement if incurred prior to funds approval being received. The Department will notify the Recipient, in writing, when funds are available.

m. In the event this Agreement is in excess of $25,000 and has a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

"The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year."

6. Department Payment Obligations:

Subject to other provisions of this Agreement, the Department will honor requests for reimbursement to the Recipient pursuant to this Agreement. However, notwithstanding any other provision of this Agreement, the Department may elect by notice in writing not to make a payment if:

a. The Recipient shall have made misrepresentation of a material nature in its application, or any supplement or amendment to its application, or with respect to any document or data furnished with its application or pursuant to this Agreement;

b. There is any pending litigation with respect to the performance by the Recipient of any of its duties or obligations which may jeopardize or adversely affect the Project, the Agreement or payments to the Project;

c. The Recipient shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made a related expenditure or incurred related obligations without having been advised by the Department that same are approved;

d. There has been any violation of the conflict of interest provisions contained in paragraph 14.f.; or

e. The Recipient has been determined by the Department to be in default under any of the provisions of the Agreement.

The Department may suspend or terminate payment for that portion of the Project which the Federal Highway Administration ("FHWA"), or the Department acting in lieu of FHWA, may designate as ineligible for Federal-aid.

In determining the amount of the payment, the Department will exclude all Project costs incurred by the Recipient prior to the Department's issuance of a Notice to Proceed ("NTP"), costs incurred after the expiration of the Agreement, costs which are not provided for in the latest approved schedule of funding in **Exhibit "B"** for the Project, costs agreed to be borne by the Recipient or its contractors and subcontractors for not meeting the Project commencement and final invoice time lines, and costs attributable to goods or services received under a contract or other arrangements which have not been approved in writing by the Department.

7. General Requirements:

The Recipient shall complete the Project with all practical dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions in this Agreement, and all applicable laws. The Project will be performed in accordance with all applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's **Local Agency Program Manual** (FDOT Topic No. 525-010-300), which by this reference is made a part of this Agreement. Time is of the essence as to each and every obligation under this Agreement.

a. A full time employee of the Recipient, qualified to ensure that the work being pursued is complete, accurate, and consistent with the terms, conditions, and specifications of this Agreement shall be in responsible charge of the Project, which employee should be able to perform the following duties and functions:

i. Administers inherently governmental project activities, including those dealing with cost, time,

adherence to contract requirements, construction quality and scope of Federal-aid projects;

ii. Maintains familiarity of day to day Project operations, including Project safety issues;

iii. Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;

iv. Visits and reviews the Project on a frequency that is commensurate with the magnitude and complexity of the Project;

v. Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;

vi. Directs Project staff, agency or consultant, to carry out Project administration and contract oversight, including proper documentation;

vii. Is aware of the qualifications, assignments and on-the-job performance of the Recipient and consultant staff at all stages of the Project.

b. Once the Department issues the NTP for the Project, the Recipient shall be obligated to submit an invoice or other request for reimbursement to the Department no less than once every 90 days (quarterly), beginning from the day the NTP is issued. If the Recipient fails to submit quarterly invoices to the Department, and in the event the failure to timely submit invoices to the Department results in the FHWA removing any unbilled funding or the loss of state appropriation authority (which may include the loss of state and federal funds, if there are state funds programmed to the Project), then the Recipient will be solely responsible to provide all funds necessary to complete the Project and the Department will not be obligated to provide any additional funding for the Project. The Recipient waives the right to contest such removal of funds by the Department, if the removal is related to FHWA's withdrawal of funds or if the removal is related to the loss of state appropriation authority. In addition to the loss of funding for the Project, the Department will also consider the de-certification of the Recipient for future LAP Projects. No cost may be incurred under this Agreement until after the Recipient has received a written NTP from the Department. The Recipient agrees to advertise or put the Project out to bid thirty (30) days from the date the Department issues the NTP to advertise the Project. If the Recipient is not able to meet the scheduled advertisement, the Department District LAP Administrator should be notified as soon as possible.

c. If all funds are removed from the Project, including amounts previously billed to the Department and reimbursed to the Recipient, and the Project is off the State Highway System, then the Department will have to request repayment for the previously billed amounts from the Recipient. No state funds can be used on off-system projects, unless authorized pursuant to **Exhibit "I",** State Funds Addendum, which will be attached to and incorporated in this Agreement in the event state funds are used on the Project.

d. In the event that any election, referendum, approval, permit, notice or other proceeding or authorization is required under applicable law to enable the Recipient to enter into this Agreement or to undertake the Project or to observe, assume or carry out any of the provisions of the Agreement, the Recipient will initiate and consummate, as provided by law, all actions necessary with respect to any such matters.

e. The Recipient shall initiate and prosecute to completion all proceedings necessary, including Federal-aid requirements, to enable the Recipient to provide the necessary funds for completion of the Project.

f. The Recipient shall submit to the Department such data, reports, records, contracts, and other documents relating to the Project as the Department and FHWA may require. The Recipient shall make such submissions using Department-designated information systems.

g. Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable federal and state laws, the regulations in 23 Code of Federal Regulations (C.F.R.) and 49 C.F.R., and policies and procedures prescribed by the Division Administrator of FHWA. Federal funds shall not be paid on account of any cost incurred prior to authorization by FHWA to the Department to proceed with the Project or part thereof involving such cost (23 C.F.R. 1.9 (a)). If FHWA or the Department determines that any amount

claimed is not eligible, federal participation may be approved in the amount determined to be adequately supported and the Department shall notify the Recipient in writing citing the reasons why items and amounts are not eligible for federal participation. Where correctable non-compliance with provisions of law or FHWA requirements exists federal funds may be withheld until compliance is obtained. Where non-compliance is not correctable, FHWA or the Department may deny participation in parcel or Project costs in part or in total. For any amounts determined to be ineligible for federal reimbursement for which the Department has advanced payment, the Recipient shall promptly reimburse the Department for all such amounts within 90 days of written notice.

h. For any project requiring additional right-of-way, the Recipient must submit to the Department an annual report of its real property acquisition and relocation assistance activities on the project. Activities shall be reported on a federal fiscal year basis, from October 1 through September 30. The report must be prepared using the format prescribed in 49 C.F.R. Part 24, Appendix B, and be submitted to the Department no later than October 15 of each year.

8. Audit Reports:

The administration of resources awarded through the Department to the Recipient by this Agreement may be subject to audits and/or monitoring by the Department. The following requirements do not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of federal awards or limit the authority of any state agency inspector general, the State of Florida Auditor General, or any other state official. The Recipient shall comply with all audit and audit reporting requirements as specified below.

a. In addition to reviews of audits conducted in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, monitoring procedures may include, but not be limited to, on-site visits by Department staff and/or other procedures including, reviewing any required performance and financial reports, following up, ensuring corrective action, and issuing management decisions on weaknesses found through audits when those findings pertain to federal awards provided through the Department by this Agreement. By entering into this Agreement, the Recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, State of Florida Chief Financial Officer ("CFO"), or State of Florida Auditor General.

b. The Recipient, a non-federal entity as defined by 2 CFR Part 200, as a subrecipient of a federal award awarded by the Department through this Agreement is subject to the following requirements:

i. In the event the Recipient expends a total amount of federal awards equal to or in excess of the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, the Recipient must have a federal single or program-specific audit for such fiscal year conducted in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements. **Exhibit "E"** to this Agreement provides the required federal award identification information needed by the Recipient to further comply with the requirements of 2 CFR Part 200, Subpart F – Audit Requirements. In determining federal awards expended in a fiscal year, the Recipient must consider all sources of federal awards based on when the activity related to the federal award occurs, including the federal award provided through the Department by this Agreement. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR Part 200, Subpart F – Audit Requirements. An audit conducted by the State of Florida Auditor General in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, will meet the requirements of this part.

ii. In connection with the audit requirements, the Recipient shall fulfill the requirements relative to the auditee responsibilities as provided in 2 CFR Part 200, Subpart F – Audit Requirements.

iii. In the event the Recipient expends less than the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, in federal awards, the Recipient is exempt from federal audit requirements for that fiscal year. However, the Recipient must provide a single audit exemption statement to the Department at FDOTSingleAudit@dot.state.fl.us no later than nine months after the end of the Recipient's audit period for each applicable audit year. In the event the Recipient expends less than the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, in federal awards in a fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, the cost of the audit must be paid from non-federal resources (*i.e.*, the cost of such an audit must be paid from the Recipient's resources obtained from other than federal entities).

iv. The Recipient must electronically submit to the Federal Audit Clearinghouse ("FAC") at https://harvester.census.gov/facweb/ the audit reporting package as required by 2 CFR Part 200, Subpart F – Audit Requirements, within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The FAC is the repository of record for audits required by 2 CFR Part 200, Subpart F – Audit Requirements, and this Agreement. However, the Department requires a copy of the audit reporting package also be submitted to FDOTSingleAudit@dot.state.fl.us within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period as required by 2 CFR Part 200, Subpart F – Audit Requirements.

v. Within six months of acceptance of the audit report by the FAC, the Department will review the Recipient's audit reporting package, including corrective action plans and management letters, to the extent necessary to determine whether timely and appropriate action on all deficiencies has been taken pertaining to the federal award provided through the Department by this Agreement. If the Recipient fails to have an audit conducted in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, the Department may impose additional conditions to remedy noncompliance. If the Department determines that noncompliance cannot be remedied by imposing additional conditions, the Department may take appropriate actions to enforce compliance, which actions may include but not be limited to the following:

1. Temporarily withhold cash payments pending correction of the deficiency by the Recipient or more severe enforcement action by the Department;
2. Disallow (deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
3. Wholly or partly suspend or terminate the federal award;
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of the Department, recommend such a proceeding be initiated by the federal awarding agency);
5. Withhold further federal awards for the Project or program;
6. Take other remedies that may be legally available.

vi. As a condition of receiving this federal award, the Recipient shall permit the Department or its designee, the CFO, or State of Florida Auditor General access to the Recipient's records including financial statements, the independent auditor's working papers, and project records as necessary. Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is complete or the dispute is resolved.

vii. The Department's contact information for requirements under this part is as follows:

Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0450
FDOTSingleAudit@dot.state.fl.us

c. The Recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date the audit report is issued and shall allow the Department or its designee, the CFO, or State of Florida Auditor General access to such records upon request. The Recipient shall ensure that the audit working papers are made available to the Department or its designee, the CFO, or State of Florida Auditor General upon request for a period of five years from the date the audit report is issued, unless extended in writing by the Department.

9. Termination or Suspension of Project:

The Department may, by written notice to the Recipient, suspend any or all of the Department's obligations under this Agreement for the Recipient's failure to comply with applicable law or the terms of this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected.

a. If the Department intends to terminate the Agreement, the Department shall notify the Recipient of such termination in writing at least thirty (30) days prior to the termination of the Agreement, with instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.

b. The Parties to this Agreement may terminate this Agreement when its continuation would not produce beneficial results commensurate with the further expenditure of funds. In this event, the Parties shall agree upon the termination conditions.

c. If the Agreement is terminated before performance is completed, the Recipient shall be paid only for that work satisfactorily performed for which costs can be substantiated. Such payment, however, may not exceed the equivalent percentage of the Department's maximum financial assistance. If any portion of the Project is located on the Department's right-of-way, then all work in progress on the Department right-of-way will become the property of the Department and will be turned over promptly by the Recipient.

d. In the event the Recipient fails to perform or honor the requirements and provisions of this Agreement, the Recipient shall promptly refund in full to the Department within thirty (30) days of the termination of the Agreement any funds that were determined by the Department to have been expended in violation of the Agreement.

e. The Department reserves the right to unilaterally cancel this Agreement for failure by the Recipient to comply with the Public Records provisions of Chapter 119, Florida Statutes.

10. Contracts of the Recipient:

a. Except as otherwise authorized in writing by the Department, the Recipient shall not execute any contract or obligate itself in any manner requiring the disbursement of Department funds, including consultant or construction contracts or amendments thereto, with any third party with respect to the Project without the written approval of the Department. Failure to obtain such approval shall be sufficient cause for nonpayment by the Department. The Department specifically reserves the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of such consultant or contractor.

b. It is understood and agreed by the parties to this Agreement that participation by the Department in a project with the Recipient, where said project involves a consultant contract for engineering, architecture or surveying services, is contingent on the Recipient's complying in full with provisions of Section 287.055, Florida Statutes, Consultants' Competitive Negotiation Act, the federal Brooks Act, 23 C.F.R. 172, and 23 U.S.C. 112. At the discretion of the Department, the Recipient will involve the Department in the consultant selection process for all projects funded under this Agreement. In all cases, the Recipient shall certify to the Department that selection has been accomplished in compliance with the Consultants' Competitive Negotiation Act and the federal Brooks Act.

c. The Recipient shall comply with, and require its consultants and contractors to comply with applicable federal law pertaining to the use of Federal-aid funds. The Recipient shall comply with the provisions in the FHWA-1273 form as set forth in **Exhibit "G",** FHWA 1273 attached to and incorporated in this Agreement. The Recipient shall include FHWA-1273 in all contracts with contractors performing work on the Project.

d. The Recipient shall require its consultants and contractors to take emergency steps to close any public road whenever there is a risk to life, health and safety of the travelling public. The safety of the travelling public is the Department's first priority for the Recipient. If lane or road closures are required by the LA to ensure the life, health, and safety of the travelling public, the LA must notify the District Construction Engineer and District Traffic Operations Engineer immediately once the travelling public are not at imminent risk. The Department expects professional engineering judgment be applied in all aspects of locally delivered projects. Defect management and supervision of LAP project structures components must be

proactively managed, monitored, and inspected by department prequalified structures engineer(s). The District Construction Engineer must be notified immediately of defect monitoring that occurs in LAP project construction, whether or not the defects are considered an imminent risk to life, health, or safety of the travelling public. When defects, including but not limited to, structural cracks, are initially detected during bridge construction, the engineer of record, construction engineering inspector, design-build firm, or local agency that owns or is responsible for the bridge construction has the authority to immediately close the bridge to construction personnel and close the road underneath. The LA shall also ensure compliance with the CPAM, Section 9.1.8 regarding actions for maintenance of traffic and safety concerns.

11. Disadvantaged Business Enterprise (DBE) Policy and Obligation:

It is the policy of the Department that DBE's, as defined in 49 C.F.R. Part 26, as amended, shall have the opportunity to participate in the performance of contracts financed in whole or in part with Department funds under this Agreement. The DBE requirements of applicable federal and state laws and regulations apply to this Agreement.

The Recipient and its contractors agree to ensure that DBE's have the opportunity to participate in the performance of this Agreement. In this regard, all recipients and contractors shall take all necessary and reasonable steps in accordance with applicable federal and state laws and regulations to ensure that the DBE's have the opportunity to compete for and perform contracts. The Recipient and its contractors and subcontractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts, entered pursuant to this Agreement.

12. Compliance with Conditions and Laws:

The Recipient shall comply and require its contractors and subcontractors to comply with all terms and conditions of this Agreement and all federal, state, and local laws and regulations applicable to this Project. Execution of this Agreement constitutes a certification that the Recipient is in compliance with, and will require its contractors and subcontractors to comply with, all requirements imposed by applicable federal, state, and local laws and regulations, including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," in 49 C.F.R. Part 29, and 2 C.F.R. Part 200 when applicable.

13. Performance Evaluations:

Recipients are evaluated on a project-by-project basis. The evaluations provide information about oversight needs and provide input for the recertification process. Evaluations are submitted to the Recipient's person in responsible charge or designee as part of the Project closeout process. The Department provides the evaluation to the Recipient no more than 30 days after final acceptance.

a. Each evaluation will result in one of three ratings. A rating of Unsatisfactory Performance means the Recipient failed to develop the Project in accordance with applicable federal and state regulations, standards and procedures, required excessive District involvement/oversight, or the Project was brought in-house by the Department. A rating of Satisfactory Performance means the Recipient developed the Project in accordance with applicable federal and state regulations, standards and procedures, with minimal District involvement/oversight. A rating of Above Satisfactory Performance means the Recipient developed the Project in accordance with applicable federal and state regulations, standards and procedures, and the Department did not have to exceed the minimum oversight and monitoring requirements identified for the project.

b. The District will determine which functions can be further delegated to Recipients that continuously earn Satisfactory and Above Satisfactory evaluations.

14. Restrictions, Prohibitions, Controls, and Labor Provisions:

During the performance of this Agreement, the Recipient agrees as follows, and agrees to require its contractors and subcontractors to include in each subcontract the following provisions:

a. The Recipient will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964, the regulations of the U.S. Department of Transportation issued thereunder, and the assurance by the Recipient pursuant thereto. The Recipient shall include the attached **Exhibit "C",** Title VI Assurances in all contracts

with consultants and contractors performing work on the Project that ensure compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21, and related statutes and regulations.

b. The Recipient will comply with all the requirements as imposed by the ADA, the regulations of the Federal Government issued thereunder, and assurance by the Recipient pursuant thereto.

c. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

d. In accordance with Section 287.134, Florida Statutes, an entity or affiliate who has been placed on the Discriminatory Vendor List, kept by the Florida Department of Management Services, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity.

e. An entity or affiliate who has had its Certificate of Qualification suspended, revoked, denied or have further been determined by the Department to be a non-responsible contractor may not submit a bid or perform work for the construction or repair of a public building or public work on a contract with the Recipient.

f. Neither the Recipient nor any of its contractors or their subcontractors shall enter into any contract, subcontract or arrangement in connection with the Project or any property included or planned to be included in the Project in which any member, officer or employee of the Recipient or the locality during tenure or for 2 years thereafter has any interest, direct or indirect. If any such present or former member, officer or employee involuntarily acquires or had acquired prior to the beginning of tenure any such interest, and if such interest is immediately disclosed to the Recipient, the Recipient, with prior approval of the Department, may waive the prohibition contained in this paragraph provided that any such present member, officer or employee shall not participate in any action by the Recipient or the locality relating to such contract, subcontract or arrangement. The Recipient shall insert in all contracts entered into in connection with the Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of their subcontracts, the following provision:

"No member, officer or employee of the Recipient or of the locality during his tenure or for 2 years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof."

The provisions of this paragraph shall not be applicable to any agreement between the Recipient and its fiscal depositories or to any agreement for utility services the rates for which are fixed or controlled by a governmental agency.

g. No member or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or any benefit arising therefrom.

15. Indemnification and Insurance:

a. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof, a third-party beneficiary under this Agreement, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement. The Recipient guarantees the payment of all just claims for materials, supplies, tools, or labor and other just claims against the Recipient or any subcontractor, in connection with this Agreement.

b. To the extent provided by law, Recipient shall indemnify, defend, and hold harmless the Department against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of Recipient, or any of its officers, agents, or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by Recipient hereunder, to the extent and within the limitations of Section 768.28, Florida Statutes. The foregoing indemnification shall not constitute a waiver of the Department's or Recipient's sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by Recipient to indemnify the Department for the negligent acts or omissions of the Department, its officers, agents, or employees, or for the acts of third parties. Nothing herein shall be construed as consent by Recipient to be sued by third parties in any manner arising out of this Agreement. This indemnification shall survive the termination of this Agreement.

c. Recipient agrees to include the following indemnification in all contracts with contractors, subcontractors, consultants, or subconsultants (each referred to as "Entity" for the purposes of the below indemnification) who perform work in connection with this Agreement:

"To the extent provided by law, [ENTITY] shall indemnify, defend, and hold harmless the [RECIPIENT] and the State of Florida, Department of Transportation, including the Department's officers, agents, and employees, against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of [ENTITY], or any of its officers, agents, or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by [ENTITY].

The foregoing indemnification shall not constitute a waiver of the Department's or [RECIPIENT']'s sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28. Nor shall the same be construed to constitute agreement by [ENTITY] to indemnify [RECIPIENT] for the negligent acts or omissions of [RECIPIENT], its officers, agents, or employees, or third parties. Nor shall the same be construed to constitute agreement by [ENTITY] to indemnify the Department for the negligent acts or omissions of the Department, its officers, agents, or employees, or third parties. This indemnification shall survive the termination of this Agreement."

d. The Recipient shall, or cause its contractor or consultant to carry and keep in force, during the term of this Agreement, a general liability insurance policy or policies with a company or companies authorized to do business in Florida, affording public liability insurance with combined bodily injury limits of at least $200,000 per person and $300,000 each occurrence, and property damage insurance of at least $200,000 each occurrence, for the services to be rendered in accordance with this Agreement. The Recipient shall also, or cause its contractor or consultant to carry and keep in force Workers' Compensation Insurance as required by the State of Florida under the Workers' Compensation Law. With respect to any general liability insurance policy required pursuant to this Agreement, all such policies shall be issued by companies licensed to do business in the State of Florida. The Recipient shall provide to the Department certificates showing the required coverage to be in effect with endorsements showing the Department to be an additional insured prior to commencing any work under this Agreement. Policies that include Self Insured Retention will not be accepted. The certificates and policies shall provide that in the event of any material change in or cancellation of the policies reflecting the required coverage, thirty days advance notice shall be given to the Department or as provided in accordance with Florida law.

16. Maintenance Obligations: In the event the Project includes construction then the following provisions are incorporated into this Agreement:

a. The Recipient agrees to maintain any portion of the Project not located on the State Highway System constructed under this Agreement for its useful life. If the Recipient constructs any improvement on Department right-of-way, the Recipient

☐ shall

☐ shall not

maintain the improvements located on the Department right-of-way for their useful life. If the Recipient is required to maintain Project improvements located on the Department right-of-way beyond final acceptance, then Recipient shall, prior to any disbursement of the state funding provided under this

Agreement, also execute a Maintenance Memorandum of Agreement in a form that is acceptable to the Department. The Recipient has agreed to the foregoing by resolution, and such resolution is attached and incorporated into this Agreement as **Exhibit "D"**. This provision will survive termination of this Agreement.

17. Miscellaneous Provisions:

a. The Recipient will be solely responsible for compliance with all applicable environmental regulations, for any liability arising from non-compliance with these regulations, and will reimburse the Department for any loss incurred in connection therewith. The Recipient will be responsible for securing any applicable permits. The Recipient shall include in all contracts and subcontracts for amounts in excess of $150,000, a provision requiring compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).

b. The Department shall not be obligated or liable hereunder to any individual or entity not a party to this Agreement.

c. In no event shall the making by the Department of any payment to the Recipient constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Recipient and the making of such payment by the Department, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to the Department with respect to such breach or default.

d. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected. In such an instance, the remainder would then continue to conform to the terms and requirements of applicable law.

e. By execution of the Agreement, the Recipient represents that it has not paid and, also agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financing hereunder.

f. Nothing in the Agreement shall require the Recipient to observe or enforce compliance with any provision or perform any act or do any other thing in contravention of any applicable state law. If any of the provisions of the Agreement violate any applicable state law, the Recipient will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and the Recipient to the end that the Recipient may proceed as soon as possible with the Project.

g. In the event that this Agreement involves constructing and equipping of facilities, the Recipient shall submit to the Department for approval all appropriate plans and specifications covering the Project. The Department will review all plans and specifications and will issue to the Recipient a written approval with any approved portions of the Project and comments or recommendations covering any remainder of the Project deemed appropriate. After resolution of these comments and recommendations to the Department's satisfaction, the Department will issue to the Recipient a written approval with said remainder of the Project. Failure to obtain this written approval shall be sufficient cause of nonpayment by the Department.

h. Upon completion of right-of-way activities on the Project, the Recipient must certify compliance with all applicable federal and state requirements. Certification is required prior to authorization for advertisement for or solicitation of bids for construction of the Project, including if no right-of-way is required.

i. The Recipient will certify in writing, prior to Project closeout that the Project was completed in accordance with applicable plans and specifications, is in place on the Recipient's facility, adequate title is in the Recipient's name, and the Project is accepted by the Recipient as suitable for the intended purpose.

j. The Recipient agrees that no federally-appropriated funds have been paid, or will be paid by or on behalf of the Recipient, to any person for influencing or attempting to influence any officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the

making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement. If any funds other than federally-appropriated funds have been paid by the Recipient to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The Recipient shall require that the language of this paragraph be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. No funds received pursuant to this contract may be expended for lobbying the Legislature, the judicial branch or a state agency.

k. The Recipient may not permit the Engineer of Record to perform Construction, Engineering and Inspection services on the Project.

l. The Recipient shall comply with all applicable federal guidelines, procedures, and regulations. If at any time a review conducted by Department and or FHWA reveals that the applicable federal guidelines, procedures, and regulations were not followed by the Recipient and FHWA requires reimbursement of the funds, the Recipient will be responsible for repayment to the Department of all funds awarded under the terms of this Agreement.

m. The Recipient shall:

i. utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by Recipient during the term of the contract; and

ii. expressly require any contractor and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

n. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute the same Agreement. A facsimile or electronic transmission of this Agreement with a signature on behalf of a party will be legal and binding on such party.

o. The Parties agree to comply with s.20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with s.20.055(5), Florida Statutes.

p. If the Project is procured pursuant to Chapter 255, Florida Statutes, for construction services and the cost of the Project is to be paid from state-appropriated funds, then the Recipient must comply with the requirements of Section 255.0991, Florida Statutes.

18. Exhibits:

a. **Exhibits "A"**, **"B"**, **"C", "D"**, **"E"** and **"F"** are attached to and incorporated into this Agreement.

b. ☒ If this Project includes Phase 58 (construction) activities, then **Exhibit "G"**, FHWA FORM 1273, is attached and incorporated into this Agreement.

c. ☐ Alternative Advance Payment Financial Provisions are used on this Project. If an Alternative Pay Method is used on this Project, then **Exhibit "H"**, Alternative Advance Payment Financial Provisions, is attached and incorporated into this Agreement.

d. ☐ State funds are used on this Project. If state funds are used on this Project, then **Exhibit "I"**, State Funds Addendum, is attached and incorporated into this Agreement. **Exhibit "J"**, State Financial Assistance (Florida Single Audit Act), is attached and incorporated into this Agreement.

e. ☐ This Project utilizes Advance Project Reimbursement. If this Project utilizes Advance Project Reimbursement, then **Exhibit "K"**, Advance Project Reimbursement is attached and incorporated into this Agreement.

f. ☐ This Project includes funding for landscaping. If this Project includes funding for landscaping, then **Exhibit "L",** Landscape Maintenance, is attached and incorporated into this Agreement.

g. ☐ This Project includes funding for a roadway lighting system. If the Project includes funding for roadway lighting system, **Exhibit "M"**, Roadway Lighting Maintenance is attached and incorporated into this Agreement.

h. ☐ This Project includes funding for traffic signals and/or traffic signal systems. If this Project includes funding for traffic signals and/or traffic signals systems, **Exhibit "N"**, Traffic Signal Maintenance is attached and incorporated into this Agreement.

i. ☐ A portion or all of the Project will utilize Department right-of-way and, therefore, **Exhibit "O"**, Terms and Conditions of Construction in Department Right-of-Way, is attached and incorporated into this Agreement.

j. ☐ The following Exhibit(s) are attached and incorporated into this Agreement: _____

k. Exhibit and Attachment List

Exhibit A: Project Description and Responsibilities
Exhibit B: Schedule of Financial Assistance
Exhibit C: Title VI Assurances
Exhibit D: Recipient Resolution
Exhibit E: Federal Financial Assistance (Single Audit Act)
Exhibit F: Contract Payment Requirements
* Exhibit G: FHWA Form 1273
* Exhibit H: Alternative Advance Payment Financial Provisions
* Exhibit I: State Funds Addendum
* Exhibit J: State Financial Assistance (Florida Single Audit Act)
* Exhibit K: Advance Project Reimbursement
* Exhibit L: Landscape Maintenance
* Exhibit M: Roadway Lighting Maintenance
* Exhibit N: Traffic Signal Maintenance
* Exhibit O: Terms and Conditions of Construction in Department Right-of-Way

* Additional Exhibit(s):

*** Indicates that the Exhibit is only attached and incorporated if applicable box is selected.**

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

RECIPIENT City of St. Petersburg

By: _____

Name: Brejesh Prayman, P.E
Title: Director, Engineering & Capital Improvements

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: _____

Name: Justin Hall
Title: Director of Transportation Development

Legal Review:

_____

MEMORANDUM

City of St. Petersburg

Engineering & Capital Improvements Department

June 25, 2019

TO: Chan Srinivasa, City Clerk

FROM: Brejesh Prayman, Engineering & Capital Improvements Director

SUBJECT: Signature Authority

The following staff has designated Signature Authority within the Engineering & Capital Improvements Department per Administrative Policy #010202:

- **Brejesh Prayman, Director**
- **Janice MacKinnon, Manager**
- **Evan Birk, Manager**

Approved by:

Claude Tankersley
Public Works Administrator

Kanika Tomalin
Deputy Mayor, City Administrator

BP:sj

cc: Kanika Tomalin
Brejesh Prayman
Evan Birk
Janice MacKinnon
Department File

This signature authority delegation is in full force effective this date.

(for) Chan Srinivasa, City Clerk

Date: 6/25/19 Seal

EXHIBIT A

PROJECT DESCRIPTION AND RESPONSIBILITIES

FPN: 441215 1 58/68 01

This exhibit forms an integral part of the Agreement between the State of Florida, Department of Transportation and

he City of St. Petersburg (the Recipient)

PROJECT LOCATION:

☐ The project is on the National Highway System.

☐ The project is on the State Highway System.

PROJECT LENGTH AND MILE POST LIMITS: Total Miles: 0.523; Roadway ID: 15010003 MP 0.540 to 0.572; Roadway ID: 15900012 MP 0.000 to 0.491

PROJECT DESCRIPTION: The construction and construction engineering inspection (CEI) services of 71st St Trail Connector from Pinellas Trail to 38th Ave North multi-use trail project. This project includes an 8-foot to 10-foot shared use path along the west side of 71st Street North from the existing Pinellas Trail to 38th Avenue North, in Pinellas County. Completion of this trail will serve as a connection to the Pinellas Trail and Pinellas County's sidewalk and bicycle facilities that extends north into Pinellas Park. In addition, this facility will provide a much-needed bicycle/pedestrian facility to access nearby 74th Street Elementary School. Utilities relocation components are considered non-participating items.

SPECIAL CONSIDERATIONS BY RECIPIENT:

For projects off the State Highway System (Class D), the Agency will submit design plans for review and approval at 60%, 100% and final. For projects on the State Highway System (Class A and B), and Class C projects, the Agency will submit design plans for all project phases.

For projects on the State Highway System (Class A and B), and Class C projects, the agency must contact the Department's District Permits Engineer, Reebie Simms, to coordinate construction permit requirements. She can be reached at reebie.simms@dot.state.fl.us or (813)975-6000.

The Agency will not begin the construction phase until the Department has reviewed, approved plans and issued a Notice to Proceed. Construction related activities, including project advertisement, conducted prior to Notice to Proceed will not be reimbursed and may render the entire project ineligible for federal funding.

The Agency will submit to the Department the project Bid Package to include Specifications, updated construction estimate, draft construction contract, completed LAP Construction Checklist for Construction Contracts (Form No: 525-010-44) and the Agency's Certification Clear Package as specified in the Department approved project schedule but not later than the Final plans submittal. All above items must be reviewed, approved and a Notice to Proceed must be issued by the Department prior to any construction related activities, including project advertisement. The Certification Clear Package must include the following items completed and signed by the authorized Agency representative:

1.Type 1 Categorical Exclusion (CE) Checklist
2.Contamination Clearance Form
3.Right of Way Certification Form

4.Rail Clear Letter
5.Permits Clear Letter and SWFWMD approval letter if applicable
6.Utilities Clear/Coordinated Letter

The Agency shall implement the project using all applicable criteria and standards for the type of project classification as defined in the Local Programs Manual, Chapter 17 – Preliminary Engineering and Design.

The Agency will be responsible for documenting to the Department that the project, as designed, qualifies as one of the types of Type 1 CE project per FDOT's PD&E Manual. This documentation must be approved by the Department prior to any construction related activity, including advertisement.

The Agency shall submit the FDOT Vendor Eligibility Check Prior to Contract Award form (Form No. 375-030-91) for consultants/contractors and their subs to comply with the terms of the LAP agreement.

The Agency will submit to the Department the bid and award intent for review and concurrence prior to award of the contract. The Agency will upload a copy of the Construction Contract into the Grant Application Program (GAP) upon execution of the document.

If federally funded, CEI and material testing that will be implemented by a consultant: The Agency will submit and comply with the requirements of the LAP Checklist for Federally Funded Professional Services Contract (Form No. 525-010-49). The Department must review and concur with the process prior to award of the CEI contract. Upon execution of the contract, the agency will upload a copy of the signed document into the Grant Application Program (GAP).

Grant Application Program (GAP): GAP is a repository for all LAP project documents. Upon receipt of the Notice to Proceed on a project phase, the Local Agency will be responsible for uploading the appropriate project documents into GAP before an invoice can be paid. The efficient management of Local Agency contracts is important to GAP's main goal of improving communication between the Local Agency and FDOT.

The Agency will provide progress billing invoices with appropriate back-up documentation to the Department on a quarterly basis or sooner as of the execution date of the agreement. Progress invoice payments will be made on a pro-rata basis as a percentage of the state grant funding amount compared to the project cost. Final invoices will reimburse eligible participating items, not previously reimbursed, up to the maximum grant funding.

For projects that have participating and non-participating items, the local agency must submit invoices clearly depicting and differentiating the participating and non-participating items of expenditures that are federal or locally funded. Pay item plan sheets must also separate and distinguish between participating and non-participating items. Non-participating costs are the responsibility of the Agency.

The Agency will ensure compliance of the Contractor's proposed staging/storage area with the Endangered Species Act, Section 4(f) and Section 106 of the Code of Federal Regulations. Required Sections 7-1.4 and 7-1.8 of FDOT's Division I Standard Specification are included in FDOT's Division 1 specification package for Local Agencies.

The Agency shall be responsible for identification and remediation, including all associated costs, of any hazardous materials and contamination encountered while implementing the project.

The Agency will notify the Department of any Change Orders whether or not the Department is participating in them. Change orders will not be implemented until the Department has granted approval.

The Agency will process a Project Closeout Package at project completion in accordance with the Local Agency Program Manual for Federal Aid Projects (Department Procedure: 525-010-300). The package must include the project final invoice, the Agency's written notice of final acceptance to the contractor, the approved Final Inspection and Acceptance form, the LAP Record of Final Plans and Documentation form (52501047), and Materials Certification. Final as-built plans should be provided if applicable per the LAP Manual. If applicable, a Project Commitments Record (DOT form 700-011-35) must be provided showing all project commitments have been met. The local agency will coordinate with District Environmental Management Office to generate the form. Appropriate District 7 Documents Spreadsheet must be submitted confirming all required documents have been uploaded to GAP. This process must be completed and accepted by the Department prior to payment of the project Final Invoice.

The Recipient shall commence the project's activities subsequent to the execution of this Agreement and shall perform in accordance with the following schedule:

a) Study to be completed by N/A.
b) Design to be completed by 01/22/2024.
c) Right-of-Way requirements identified and provided to the Department by 01/22/2024.
d) Construction contract to be let by 06/14/2024.
e) Construction to be completed by 04/02/2025.

If this schedule cannot be met, the Recipient will notify the Department in writing with a revised schedule or the project is subject to the withdrawal of funding.

SPECIAL CONSIDERATIONS BY DEPARTMENT:
The Department will issue Notice to Proceed to the Agency after final design plans and the project Bid Package to include Specifications, updated construction estimate, draft construction contract, completed Construction checklist and the Agency's Certification Clear Package have been reviewed and approved.

Upon receipt of an invoice, the Department will have twenty (20) working days to review and approve the goods and services submitted for payment.

LOCAL AGENCY PROGRAM AGREEMENT

EXHIBIT B
SCHEDULE OF FINANCIAL ASSISTANCE

RECIPIENT NAME & BILLING ADDRESS:	FINANCIAL PROJECT NUMBER:
City of St. Petersburg PO Box 2842 St Petersburg, FL 33731	441215 1 58/68 01

PHASE OF WORK By Fiscal Year	MAXIMUM PARTICIPATION (1) TOTAL PROJECT FUNDS	(2) LOCAL FUNDS	(3) STATE FUNDS	(4) FEDERAL FUNDS
Design- Phase 38				
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$	$	$	$
Total Design Cost	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Right-of-Way- Phase 48				
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$	$	$	$
Total Right-of-Way Cost	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Construction- Phase 58				
FY: 2024 (Local Agency Programs)	$ 779,166.00	$ 104,320.00	$ _____	$ 674,846.00
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$	$	$	$
Total Construction Cost	$ 779,166.00	$ 104,320.00	$ 0.00	$ 674,846.00
Construction Engineering and Inspection (CEI)- Phase 68				
FY: 2024 (Local Agency Programs)	$ 62,333.00	$ 62,333.00	$ _____	$ _____
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$	$	$	$
Total CEI Cost	$ 62,333.00	$ 62,333.00	$ 0.00	$ 0.00
(Insert Phase)				
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$ _____	$ _____	$ _____	$ _____
FY: (Insert Program Name)	$	$	$	$
Total Phase Costs	$ 0.00	$ 0.00	$ 0.00	$ 0.00
TOTAL COST OF THE PROJECT	$ 841,499.00	$ 166,653.00	$ 0.00	$ 674,846.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:
I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Marcia Haines
District Grant Manager Name

Signature Date

EXHIBIT C

TITLE VI ASSURANCES

During the performance of this contract, the consultant or contractor, for itself, its assignees and successors in interest (hereinafter collectively referred to as the "contractor") agrees as follows:

(1.) **Compliance with REGULATIONS:** The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") ***Title 49, Code of Federal Regulations, Part 21,*** as they may be amended from time to time, (hereinafter referred to as the ***REGULATIONS***), which are herein incorporated by reference and made a part of this contract.

(2.) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the basis of race, color, national origin, or sex in the selection and retention of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by ***Section 21.5*** of the ***REGULATIONS,*** including employment practices when the contract covers a program set forth in ***Appendix B*** of the ***REGULATIONS.***

(3.) **Solicitations for Sub-contractors, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the ***REGULATIONS*** relative to nondiscrimination on the basis of race, color, national origin, or sex.

(4.) **Information and Reports:** The contractor shall provide all information and reports required by the ***REGULATIONS*** or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such ***REGULATIONS,*** orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *Florida Department of Transportation,* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.

(5.) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Florida Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or

Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

a. withholding of payments to the contractor under the contract until the contractor complies, and/or
b. cancellation, termination or suspension of the contract, in whole or in part.

(6.) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (7) in every sub-contract, including procurements of materials and leases of equipment, unless exempt by the ***REGULATIONS,*** or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the *Florida Department of Transportation* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation,* and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(7.) **Compliance with Nondiscrimination Statutes and Authorities**: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

EXHIBIT D

RECIPIENT RESOLUTION

The Recipient's Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.

EXHIBIT E

FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

CFDA No.:	20.205
CFDA Title:	Highway Planning and Construction Federal-Aid Highway Program, Federal Lands Highway Program
CFDA Program Site:	**https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfda&is_active=true&page=1**
Award Amount:	**$674,846.00**
Awarding Agency:	Florida Department of Transportation
Award is for R&D:	No
Indirect Cost Rate:	N/A

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE SUBJECT TO THE FOLLOWING:

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards
http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:

Title 23 – Highways, United States Code
http://uscode.house.gov/browse/prelim@title23&edition=prelim

Title 49 – Transportation, United States Code
http://uscode.house.gov/browse/prelim@title49&edition=prelim

Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”)
https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf

Federal Highway Administration – Florida Division
http://www.fhwa.dot.gov/fldiv/

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)
https://www.fsrs.gov/

EXHIBIT F

CONTRACT PAYMENT REQUIREMENTS
Florida Department of Financial Services, Reference Guide for State Expenditures
Cost Reimbursement Contracts

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.). Supporting documentation shall be submitted for each amount for which reimbursement is being claimed indicating that the item has been paid. Documentation for each amount for which reimbursement is being claimed must indicate that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved agreement budget may be reimbursed. These expenditures must be allowable (pursuant to law) and directly related to the services being provided.

Listed below are types and examples of supporting documentation for cost reimbursement agreements:

Salaries: Timesheets that support the hours worked on the project or activity must be kept. A payroll register, or similar documentation should be maintained. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable.

Fringe benefits: Fringe benefits should be supported by invoices showing the amount paid on behalf of the employee, e.g., insurance premiums paid. If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown. Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.

Travel: Reimbursement for travel must be in accordance with s. 112.061, F.S., which includes submission of the claim on the approved state travel voucher along with supporting receipts and invoices.

Other direct costs: Reimbursement will be made based on paid invoices/receipts and proof of payment processing (cancelled/processed checks and bank statements). If nonexpendable property is purchased using state funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with DMS Rule 60A-1.017, F.A.C., regarding the requirements for contracts which include services and that provide for the contractor to purchase tangible personal property as defined in s. 273.02, F.S., for subsequent transfer to the State.

Indirect costs: If the contract stipulates that indirect costs will be paid based on a specified rate, then the calculation should be shown. Indirect costs must be in the approved agreement budget and the entity must be able to demonstrate that the costs are not duplicated elsewhere as direct costs. All indirect cost rates must be evaluated for reasonableness and for allowability and must be allocated consistently.

Contracts between state agencies may submit alternative documentation to substantiate the reimbursement request, which may be in the form of FLAIR reports or other detailed reports.

The Florida Department of Financial Services, online Reference Guide for State Expenditures can be found at this web address https://www.myfloridacfo.com/Division/AA/Manuals/documents/ReferenceGuideforStateExpenditures.pdf.

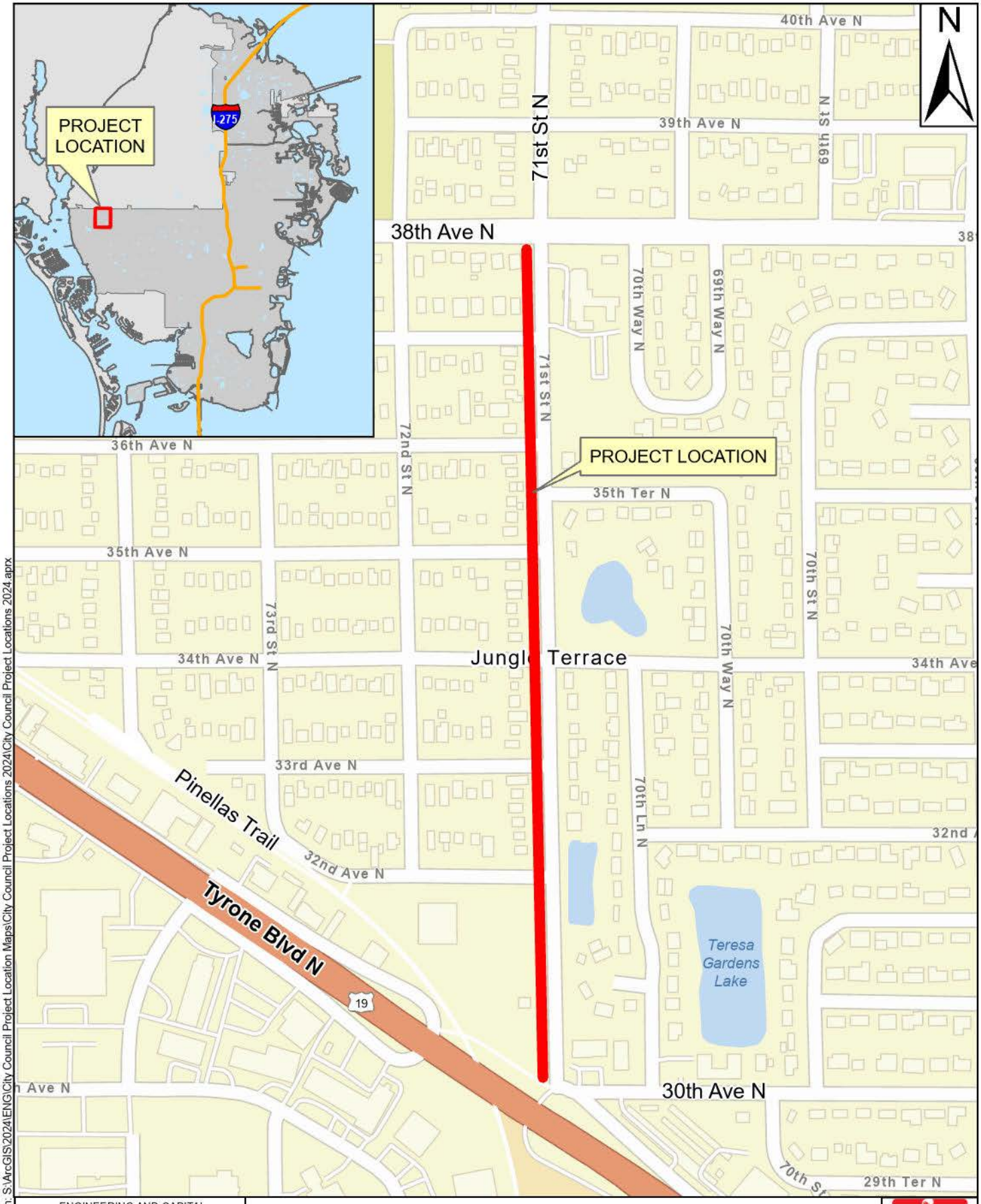
EXHIBIT G

FHWA FORM 1273
FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – COMPLIANCE WITH FHWA 1273.

The FHWA-1273 version dated October 23, 2023 is appended in its entirety to this Exhibit. FHWA-1273 may also be referenced on the Department's website at the following URL address:
http://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf

Sub-recipients of federal grants awards for Federal-Aid Highway construction shall take responsibility to obtain this information and comply with all provisions contained in FHWA-1273.



Document Path: S:\ArcGIS\2024\ENG\City Council Project Location Maps\City Council Project Locations 2024\City Council Project Locations 2024.aprx

ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT CITY of ST PETERSBURG	71st St N Connector from Pinellas Trail to 38th Ave N Project No. 22045-112
APPROVED BY:	DATE: 1/24/2024

st.petersburg
www.stpete.org

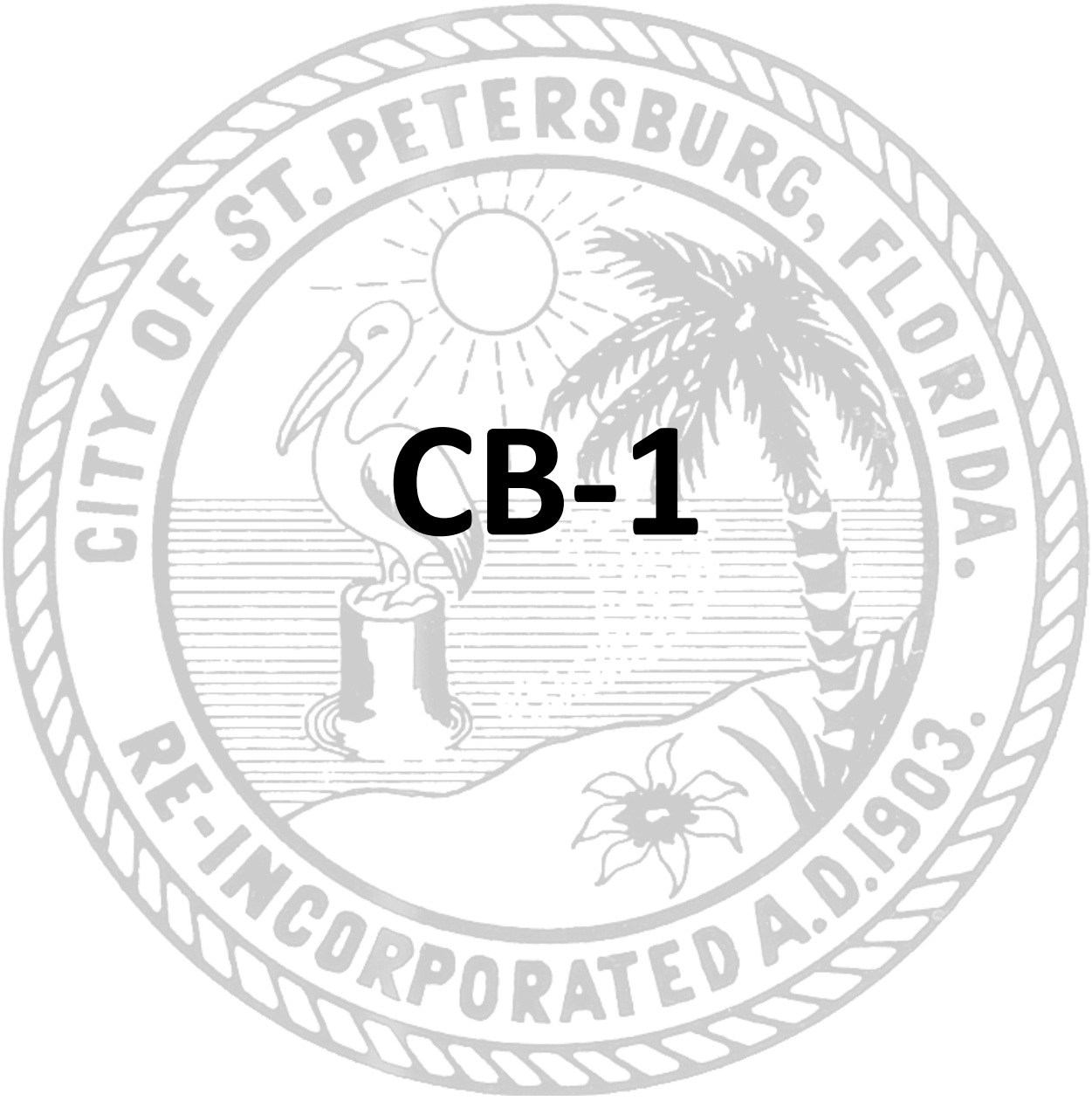
-- City of St. Petersburg Authorization Request -- **General Authorization**		**Request #** 257721

Name:	Johnson, Sarah B	Request Date:	15-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	Council Approval - 2/29
Message:	22045-112 - FDOT - 71st St Trail - LAP Agreement
Supporting Documentation:	FDOT - 71st St Trail - LAP Agreement - Final.pdf

	Approver	Completed By	Response	Response Date	Type
0	Johnson, Sarah B		SUBMITTED	15-FEB-2024	
1	Prayman, Brejesh B	Prayman, Brejesh B	APPROVE	15-FEB-2024	User Defined
2	Wahl, Margaret Brown	Wahl, Margaret Brown	APPROVE	15-FEB-2024	User Defined
3	Tankersley, Claude Duval	Tankersley, Claude Duval	APPROVE	15-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: Accepting a quote for equipment and support of a Quantum DXI9000 backup system from Insight Public Sector, Inc. an authorized reseller, for the Department of Technology Services at a total cost of $326,447.01. Please scroll down to view the backup material.



CB-1

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of February 29, 2024

To: The Honorable Deborah Figgs-Sanders, Chair, and Members of City Council

Subject: Accepting a quote for equipment and support of a Quantum DXI9000 backup system from Insight Public Sector, Inc. an authorized reseller, for the Department of Technology Services at a total cost of $326,447.01.

Explanation: The vendor is a reseller for the Quantum DXI9000 system. The City requires Quantum Corporation (the "Manufacturer") to provide a comprehensive backup solution through its Quantum DXI9000 system. This system will replace the current ExaGrid system, addressing the challenges of high expansion and maintenance costs and meeting the City's need for enhanced data backup and storage performance. Adopting the Quantum DXI9000 is a strategic move towards improving the City's data management infrastructure to ensure a secure, scalable, and cost-effective solution.

The Manufacturer and the State of Arizona, entered into Master Agreement number EQ-013120-01C (the "Master Agreement") with Equalis Group to facilitate the cooperative procurement by other governmental entities.

Insight Public Sector Inc., (the "Reseller") is an approved reseller for Equalis Group and has offered to facilitate provision of the Services by the Manufacturer pursuant to the terms of the Underlying Agreement. Equalis Group lead agency issued RFP #EQ013120-01 for Technology Software, Equipment & Services on March 12, 2020, through April 30, 2027 and subsequently entered into Contract #EQ-013120-01C with Insight Public Sector Inc. as the lowest responsive and responsible bidder.

The Procurement and Supply Management Department, in cooperation with the Department of Technology Services, recommends for award:

Insight Public Sector, Inc. (Chandler, AZ) $326,447.01

This purchase is made in accordance with Section 2-198(b) of the Procurement Code, which authorizes the Mayor, or his designee, to utilize competitively bid contracts of other governmental entities. The underlying Master Agreement was entered into by the State of Arizona pursuant to solicitation RFP #EQ013120-01. The Procurement and Supply Management Department has reviewed the applicable solicitation and determined (i) that the agreement was awarded on the basis of a competitive process substantially equivalent to the one specified in the City's Procurement Code and (ii) that it is in the best interest of the City to utilize this Master Agreement.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Technology Services Fund (5011), Department of Technology Services, Network Division (850-2565), in the General Fund (0001), Police Department, Information and Technology Services Division (140-1401), and in the Water Resources Capital Projects Fund (4003), ASM SAN Storage Project (19328).

Attachments: Resolution

RESOLUTION NO. 2024-_____

A RESOLUTION REGARDING THE PURCHASE OF A QUANTUM DXI9000 BACKUP SYSTEM ALONG WITH THE INITIAL YEAR OF SUPPORT SERVICES FROM ITS MANUFACTURER, QUANTUM CORPORATION; AUTHORIZING THE PURCHASE OF SUCH SYSTEM AND SUPPORT THROUGH AUTHORIZED RESELLER INSIGHT PUBLIC SECTOR, INC., FOR A TOTAL COST OF $326,447.01 THROUGH AN EXISTING CITY PIGGYBACK AGREEMENT BASED ON EQUALIS GROUP CONTRACT NO. EQ-013120-01C BETWEEN INSIGHT PUBLIC SECTOR, INC., AND TEXAS REGION 10 EDUCATIONAL SERVICE CENTER; AUTHORIZING EXECUTION OF ANY DOCUMENT NECESSARY TO EFFECTUATE THAT APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City requires Quantum Corporation (the "Manufacturer") to provide a comprehensive backup solution through its Quantum DXI9000 system along with the initial year of support services (collectively, the "System"); and

WHEREAS, Insight Public Sector, Inc., (the "Reseller") is an approved reseller for the Manufacturer and is authorized to facilitate the City's purchase of the System for a total cost of $326,447.01 through Equalis Group Contract #EQ-013120-01C between the Reseller and Region 10 Educational Service Center, a service organization established pursuant to Texas state law (the "Underlying Agreement"); and

WHEREAS, on April 8, 2023, the City and Reseller entered into a piggyback agreement based on the Underlying Agreement (the "Piggyback Agreement") that was used initially to purchase technology for the Police Department; and

WHEREAS, that Piggyback Agreement was established pursuant to what is now City Code section 2-198(b), which authorizes the Mayor (or designee) to utilize competitively bid contracts of other governmental entities; and

WHEREAS, the Procurement and Supply Management Department has determined (i) that the competitive solicitation used to award the Underlying Agreement remains substantially equivalent to the one currently specified in the City's Procurement Code and (ii) that is in the best interest of the City to utilize the existing Piggyback Agreement for the purchase of the System as described in the foregoing recitals; and

WHEREAS, the Procurement and Supply Management Department, in cooperation with the Department of Technology Services, recommends that City Council approve that purchase.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of St. Petersburg, Florida, hereby approves purchase of the System as described in the foregoing recitals.

BE IT FURTHER RESOLVED that the Mayor (or his designee) is authorized to execute any document necessary to effectuate the approval of City Council set forth above.

This resolution will become effective immediately upon adoption.

LEGAL: ADMINISTRATION:

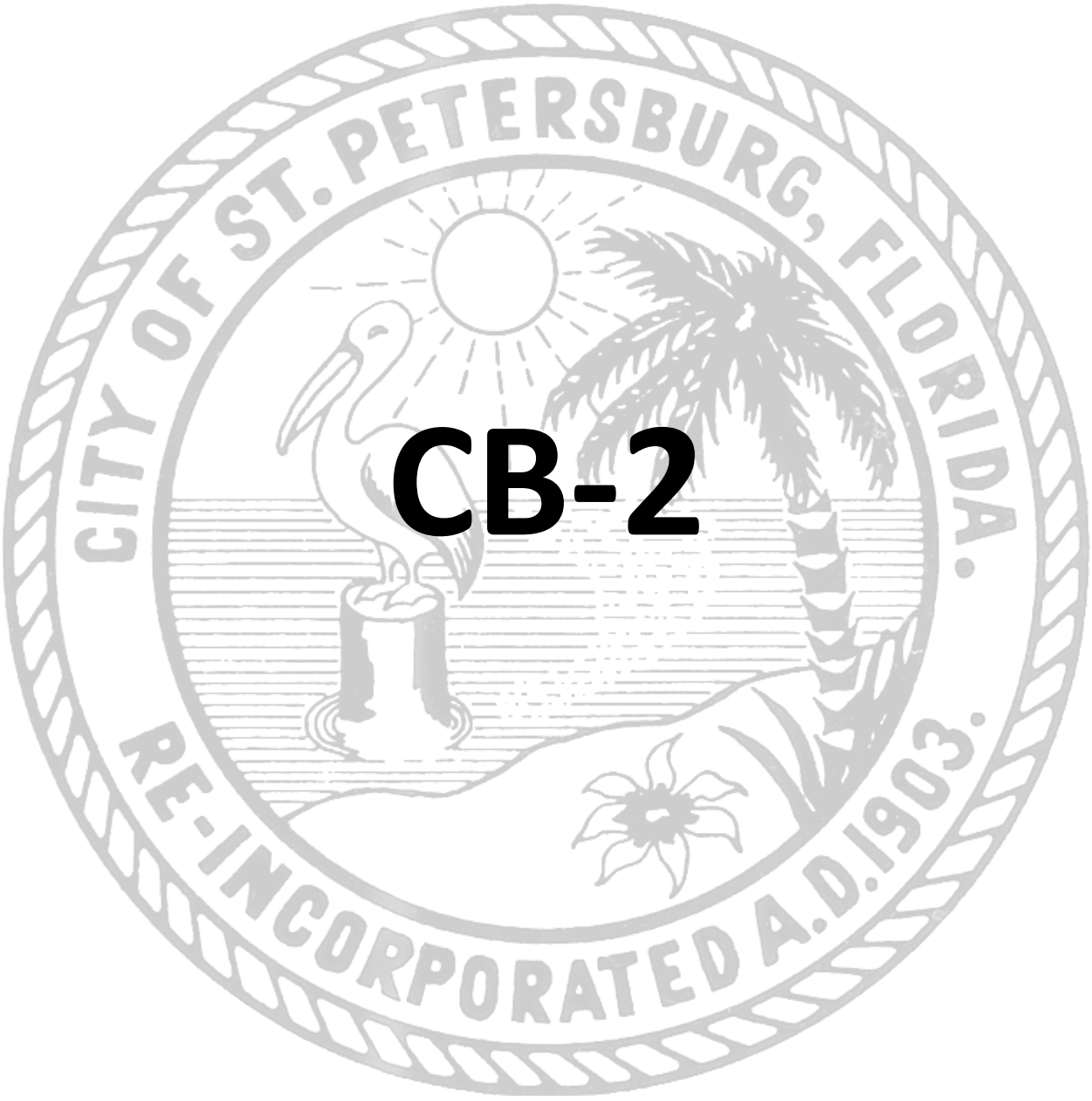
		Request #
st.petersburg www.stpete.org	-- City of St. Petersburg Authorization Request -- **General Authorization**	255701

Name:	Papadopoulos, Briell Marintina	Request Date:	05-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	204-91 Server-MicroComp, February 29, 2024
Message:	Submitted for your approval, please find attached Consent Write-up for 204-91 Server-MicroComp, February 29, scheduled to go before City Council Feb 29, 2024. Resolution currently in development and will be included on the finalized version when posted into City Clerk's Office Questys system. Should you have any questions, please contact me. Thank you.
Supporting Documentation:	204-91 Server-MicroComp, February 29, 2024-Consent Write Up.docx

	Approver	Completed By	Response	Response Date	Type
0	Papadopoulos, Briell Marintina		SUBMITTED	05-FEB-2024	
1	McKee, Stacey Pevzner	McKee, Stacey Pevzner	APPROVE	05-FEB-2024	User Defined
2	Greene, Thomas Andrew	Greene, Thomas Andrew	APPROVE	08-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: A resolution authorizing the Mayor, or his designee, to execute a License Agreement with the Police Athletic League of St. Petersburg, Inc., a Florida not-for-profit corporation, for the use of a concession/restroom building and a storage building within a portion of City-owned Wildwood Park located at 1000 – 28th Street South, St. Petersburg, for a period of thirty-six (36) months for a fee of $36.00; and waiving the reserve for replacement requirement of City Council Resolution No. 79-740A. Requires affirmative vote of at least six (6) members of City Council.
Please scroll down to view the backup material.



CB-2

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his designee, to execute a License Agreement with the Police Athletic League of St. Petersburg, Inc., a Florida not-for-profit corporation, for the use of a concession/restroom building and a storage building within a portion of City-owned Wildwood Park located at 1000 – 28th Street South, St. Petersburg, for a period of thirty-six (36) months for a fee of $36.00; and to execute all documents necessary to effectuate same; waiving the reserve for replacement requirement of City Council Resolution No. 79-740A; and providing an effective date. ***(Requires affirmative vote of at least six (6) members of City Council.)***

EXPLANATION: The Real Estate and Property Management Department received a request from the Parks and Recreation Department to proceed with entering into a new license agreement with the Police Athletic League of St. Petersburg, Inc. ("Licensee") for use of a concession/restroom building and a storage building within a portion of City-owned Wildwood Park located at 1000 – 28th Street South, St. Petersburg ("Premises"). The Premises was licensed to the Wildwood Dodgers since 2002 and Licensee seeks to continue similar operations.

The proposed License Agreement ("License") will be for a term of thirty-six (36) months, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges the previous Licensee enjoyed during preceding terms. The fee is one dollar ($1.00) per month or thirty-six dollars ($36.00) for the entire term. The Licensee is responsible for all interior and exterior maintenance of both buildings (excluding restrooms) and utilities/services including, but not limited to, water, electric, telephone, internet service, sewer, gas, cable/satellite television, trash collection and stormwater fees, in addition to any applicable taxes and insurance. Licensee is responsible for all security costs related to protecting the Premises and the personal property located therein. Additionally, the Licensee will maintain a commercial general liability insurance policy in the amount of $1,000,000 per occurrence and $2,000,000 in the aggregate, protecting the City against all claims or demands that may arise or be claimed on account of the Licensee's use of the Premises. The License may be terminated without cause by either party with ninety (90) days written notice prior to the scheduled date of termination.

City Council Resolution No. 79-740A, dated October 4, 1979, establishes policies for the sale and leasing of City-owned park and waterfront property. This resolution requires that when leasing City property to a non-profit, private organization ". . . the organization pays operating costs plus a reserve for replacement." Due to the limited financial resources of this organization, nominal rent is being charged and it is recommended that the reserve for replacement requirement be waived in an effort to minimize operating costs. These terms and conditions are consistent with prior licenses with this and other non-profit organizations. Under the terms of the License, "the City is under no obligation to provide a replacement facility under any circumstances."

Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for Park and Waterfront property for three (3) years or less on residentially-zoned property with approval by an affirmative vote of at least six (6) members of City Council. The subject property is zoned (NS-E) Neighborhood Suburban Estate.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his designee, to execute a License Agreement with the Police Athletic League of St. Petersburg, Inc., a Florida not-for-profit corporation, for the use of a concession/restroom building and a storage building within a portion of City-owned Wildwood Park located at 1000 – 28th Street South, St. Petersburg, for a period of thirty-six (36) months for a fee of $36.00; and to execute all documents necessary to effectuate same; waiving the reserve for replacement requirement of City Council Resolution No. 79-740A; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Illustration and Resolution

APPROVALS: Administration: _____ AMF

Budget: N/A

ILLUSTRATION



The Premises includes a concession/restroom building and a storage building located within Wildwood Park, approximately located at 1000 – 28th Street South, St. Petersburg, Florida. Pinellas County PIN: 26/31/16/97560/000/0970.

Resolution No. 2024-_____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH THE POLICE ATHLETIC LEAGUE OF ST. PETERSBURG, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR THE USE OF A CONCESSION/RESTROOM BUILDING AND A STORAGE BUILDING WITHIN A PORTION OF CITY-OWNED WILDWOOD PARK LOCATED AT 1000 – 28TH STREET SOUTH, ST. PETERSBURG, FOR A PERIOD OF THIRTY-SIX (36) MONTHS FOR A FEE OF $36.00; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; WAIVING THE RESERVE FOR REPLACEMENT REQUIREMENT OF CITY COUNCIL RESOLUTION NO. 79-740A; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Police Athletic League of St. Petersburg, Inc. (“Licensee”) desires to license a concession/restroom building and a storage building within a portion of City-owned Wildwood Park located at 1000 – 28th Street South, St. Petersburg ("Premises"); and

WHEREAS, the proposed License Agreement ("License") will be for a term of thirty-six (36) months, at an aggregate fee of $36.00, to be paid on or before the effective date of the License; and

WHEREAS, the Licensee is responsible for (i.) all interior and exterior maintenance of the Premises (excluding the restrooms); (ii.) payment of utilities including, but not limited to, electricity, telephone, internet service, water, sewer, gas, cable/satellite television, sewerage, garbage and trash collection, and stormwater fees; and (iii.) any applicable taxes and insurance; and

WHEREAS, the License is in accordance with the policies established in Resolution No. 79-740A provided; however, due to the limited financial resources of the organization, the City is charging nominal rent and recommending that the reserve for replacement requirement be waived in an effort to minimize operating costs; and

WHEREAS, these terms and conditions are consistent with other licenses with this and other non-profit organizations; and

WHEREAS, Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for Park and Waterfront property for three (3) years or less on residentially-zoned property with approval by an affirmative vote of at least six (6) members of City Council.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his designee, is hereby authorized to execute a License Agreement with the Police Athletic League of St. Petersburg, Inc., a Florida not-for-profit corporation, for the use of a concession/restroom building and a storage building within a portion of City-owned Wildwood Park located at 1000 – 28th Street South, St. Petersburg, for a period of thirty-six (36) months for a fee of $36.00; and to execute all documents necessary to effectuate same; and

BE IT FURTHER RESOLVED that the reserve for replacement requirement of City Council Resolution No. 79-740A is waived.

This Resolution shall become effective immediately upon its adoption.

Legal:

City Attorney (Designee)
00725223

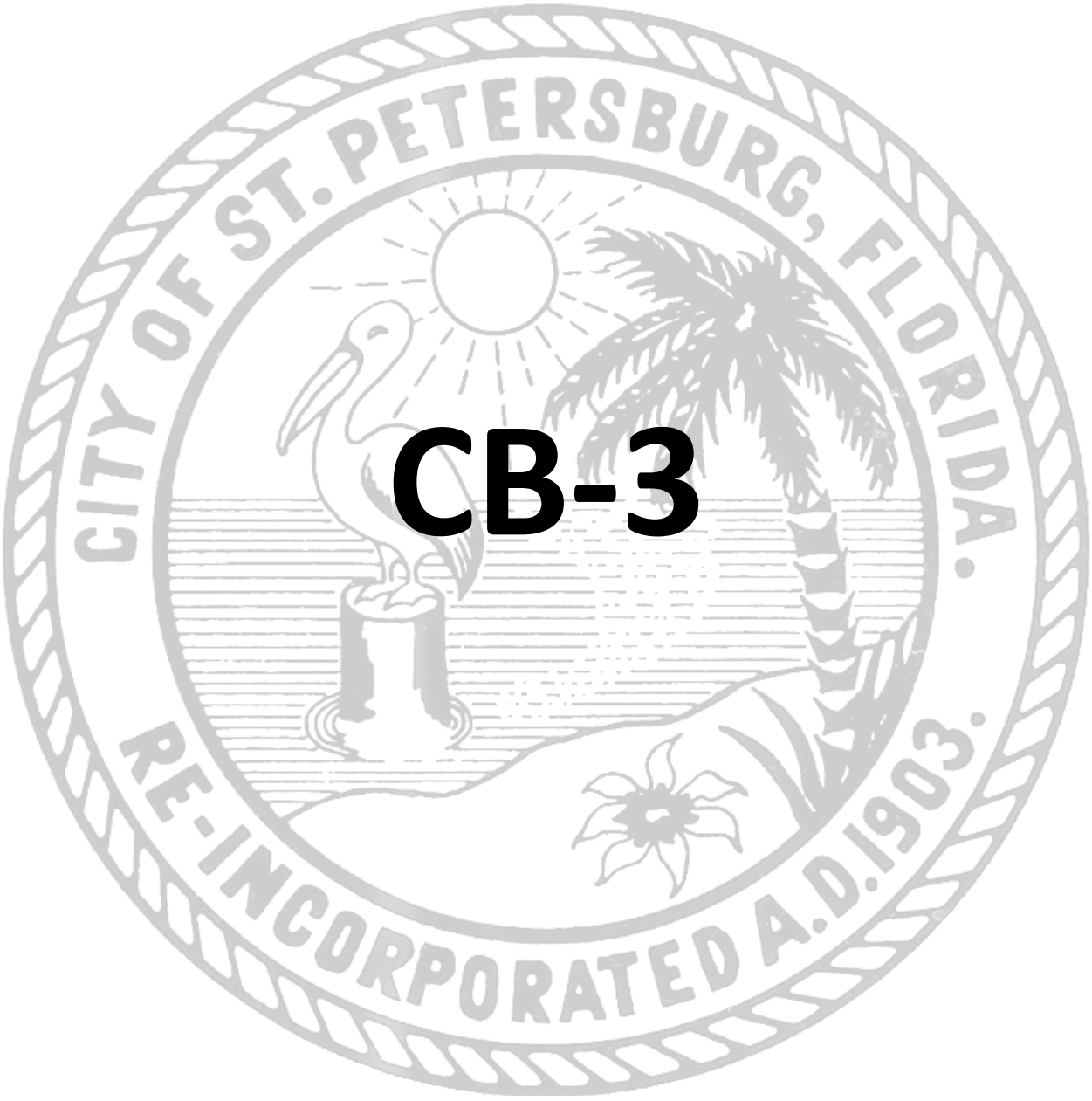
Community Enrichment Administration:

Michael J. Jefferis, Administrator

Real Estate and Property Management:

Aaron Fisch, Director

The following page(s) contain the backup material for Agenda Item: A resolution authorizing the Mayor, or his designee, to execute a License Agreement with St. Petersburg Saturday Morning Market, Inc., a Florida not-for-profit corporation, for a period of one (1) day to utilize City Hall Parking Lot No. 4 for its officer and vendor vehicular parking, for a nominal fee of $10.00 for the term.
Please scroll down to view the backup material.



CB-3

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his designee, to execute a License Agreement with St. Petersburg Saturday Morning Market, Inc., a Florida not-for-profit corporation, for a period of one (1) day to utilize City Hall Parking Lot No. 4 for its officer and vendor vehicular parking, for a nominal fee of $10.00 for the term; and to execute all documents necessary to effectuate same; and providing an effective date.

EXPLANATION: Since October 1, 2008, St. Petersburg Saturday Morning Market, Inc. ("Licensee") has been licensed to utilize the westerly portion of a parking lot situated north of Al Lang Stadium ("Parking Lot") as a marketplace for vendors to sell produce, foods, and various retail items ("Saturday Morning Market"). The Licensee's use of the Parking Lot is restricted to Saturdays during the months of October through May from 6:00 AM until 4:00 PM throughout the term of the license agreement. Pursuant to the license agreement**,** the Licensee does not have access to, or use, of the Parking Lot four (4) weeks prior to and continuing until two (2) weeks after the Grand Prix Race Event ("Race Event"). City Development Administration received a request from the Licensee for the temporary use of City Hall Parking Lot No. 4 ("Premises") to park the Licensee's officers and vendors vehicles while hosting the Saturday Morning Market on a section of 5th Street between 1st and 2nd Avenues North during this year's Race Event.

The Licensee has executed a License Agreement ("License") for a term of one (1) day only, March 2, 2024, from 6:00 AM until 4:00 PM ("Term"), to permit the Licensee's officers and vendors vehicular parking, subject to City Council approval. The Licensee shall pay a nominal license fee in the amount of $10.00 to the City for the Term.

The License provides that the Licensee shall be responsible for all applicable costs (including installation, deposits, and usage) for utilities associated with the Licensee's use of the Premises. Additionally, the Licensee shall maintain a commercial general liability insurance policy in the amount of $1,000,000 per occurrence and $2,000,000 in the aggregate. The Licensee shall maintain the Premises at its own cost and expense, remove any personal property, and deliver up the Premises in good condition clean and clear of trash and other debris upon expiration of the Term.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his designee, to execute a License Agreement with St. Petersburg Saturday Morning Market, Inc., a Florida not-for-profit corporation, for a period of one (1) day to utilize City Hall Parking Lot No. 4 for its officer and vendor vehicular parking, for a nominal fee of $10.00 for the term; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Illustration and Resolution

APPROVALS: Administration: _____ AMF CM

Budget: N/A

ILLUSTRATION

(Premises)



Resolution No. 2024 - ____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH ST. PETERSBURG SATURDAY MORNING MARKET, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR A PERIOD OF ONE (1) DAY TO UTILIZE CITY HALL PARKING LOT NO. 4 FOR ITS OFFICER AND VENDOR VEHICULAR PARKING, FOR A NOMINAL FEE OF $10.00 FOR THE TERM; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, since October 1, 2008, St. Petersburg Saturday Morning Market, Inc. ("Licensee") has been licensed to utilize the westerly portion of a parking lot situated north of Al Lang Stadium (“Parking Lot”) as a marketplace for vendors to sell produce, foods, and various retail items ("Saturday Morning Market"); and

WHEREAS, the Licensee's use of the Parking Lot is restricted to Saturdays during the months of October through May from 6:00 AM until 4:00 PM throughout the term of the license agreement; and

WHEREAS, pursuant to the license agreement**,** the Licensee does not have access to, or use, of the Parking Lot four (4) weeks prior to and continuing until two (2) weeks after the Grand Prix Race Event ("Race Event"); and

WHEREAS, City Development Administration received a request from the Licensee for a one (1) day use of City Hall Parking Lot No. 4 (“Premises”) to park the Licensee’s officers and vendors vehicles while hosting the Saturday Morning Market on a section of 5th Street between 1st and 2nd Avenues North during this year's Race Event; and

WHEREAS, the City and Licensee desire to enter into a License Agreement ("License") for a term of one (1) day only, March 2, 2024, from 6:00 AM until 4:00 PM ("Term"), to permit the Licensee's officers and vendors vehicular parking; and

WHEREAS, the Licensee is responsible for all applicable costs (including installation, deposits, and usage) for utilities and insurance coverage associated with the Licensee’s use of the Premises; and

WHEREAS, the Licensee shall pay a nominal license fee of $10.00 to the City for the Term; and

WHEREAS, the Licensee shall maintain the Premises at its own cost and expense, remove all goods and effects used during the activities, and deliver up the entire Premises in good condition clean and clear of trash and other debris upon expiration of the term.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his designee, is authorized to execute a License Agreement with St. Petersburg Saturday Morning Market, Inc., a Florida not-for-profit corporation, for a period of one (1) day to utilize City Hall Parking Lot No. 4 for its officer and vendor vehicular parking, for a nominal fee of $10.00 for the term; and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

Legal:

City Attorney (Designee)
00725224

City Development Administration:

James Corbett, Administrator

Transportation & Parking:

Evan Mory, Director

Real Estate & Property Management:

Aaron Fisch, Director

The following page(s) contain the backup material for Agenda Item: A resolution approving the recission of an unencumbered appropriation in the general capital improvement fund (3001) in the amount of $10,000 from the infrastructure tbd fy24 project (19776); approving a supplemental appropriation in the amount of $10,000 from the unappropriated balance of the general capital improvement fund (3001), resulting from the above recission, to the dwight jones storage area project (18631); and providing an effective date.
Please scroll down to view the backup material.

CB-4

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair, and Members of City Council

SUBJECT: Approving the recission of an unencumbered appropriation in the General Capital Improvement Fund (3001) in the amount of $10,000 from the Infrastructure TBD FY24 Project (19776); approving a supplemental appropriation in the amount of $10,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above recission, to the Dwight Jones Storage Area Project (18631); and providing an effective date.

EXPLANATION: The Dwight Jones Center auditorium is a mixed-use space designed for events and play. Within the auditorium are numerous fold-up tables and chairs to be deployed for various activities, performances, and audiences. During times of non-use, these tables and chairs are openly stacked against the exterior wall and pose a potential hazard to anyone using the space for activities.

The Dwight Jones Storage Area Project provides for several custom-made cabinets to be furnished and installed along the exterior wall of the auditorium which will securely house the tables and chairs. These cabinets will not only provide a safe, lockable, storage solution, they will also be much more aesthetically pleasing.

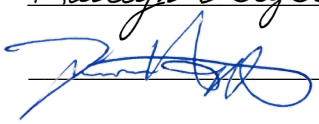
RECOMMENDATION: Administration recommends that City Council adopt the attached resolution approving the recission of an unencumbered appropriation in the General Capital Improvement Fund (3001) in the amount of $10,000 from the Infrastructure TBD FY24 Project (19776); approving a supplemental appropriation in the amount of $10,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above recission, to the Dwight Jones Storage Area Project (18631); and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: A portion of the funding ($50,000) for the project has been previously appropriated in the General Capital Improvement Fund (3001), Dwight Jones Storage Area Project (18631). Additional funding for the project will be available after approval of a recission of an unencumbered appropriation in the General Capital Improvement Fund (3001) in the amount of $10,000 from the Infrastructure TBD FY24 Project (19776) and a supplemental appropriation in the amount of $10,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above recission, to the Dwight Jones Storage Area Project (18631).

ATTACHMENTS: Resolution

APPROVALS: Administration: 

Budget: Kaitlyn Berger

Legal: 

RESOLUTION NO. _____

A RESOLUTION APPROVING THE RECISSION OF AN UNENCUMBERED APPROPRIATION IN THE GENERAL CAPITAL IMPROVEMENT FUND (3001) IN THE AMOUNT OF $10,000 FROM THE INFRASTRUCTURE TBD FY24 PROJECT (19776); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $10,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001), RESULTING FROM THE ABOVE RECISSION, TO THE DWIGHT JONES STORAGE AREA PROJECT (18631); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Dwight Jones Storage Area Project will provide for several custom-made cabinets to be furnished and installed along the Dwight Jones Center auditorium wall to create a safer and more attractive storage solution for folding tables and chairs used for various activities, performances and audiences: and

WHEREAS, a portion of the funding ($50,000) for the project has been previously appropriated in the General Capital Improvement Fund (3001), Dwight Jones Storage Area Project (18631) and additional funding will be available after approval of the recission of an unencumbered appropriation in the General Capital Improvement Fund (3001) in the amount of $10,000 from the Infrastructure TBD FY24 Project (19776).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that an unencumbered appropriation in the General Capital Improvement Fund (3001) in the amount of $10,000 from the Infrastructure TBD FY24 Project (19776); is hereby rescinded.

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above recission, the following supplemental appropriation for FY 2024:

General Capital Improvement Fund (3001)	
Dwight Jones Storage Area Project (18631)	$10,000

This resolution shall become effective immediately upon its adoption.

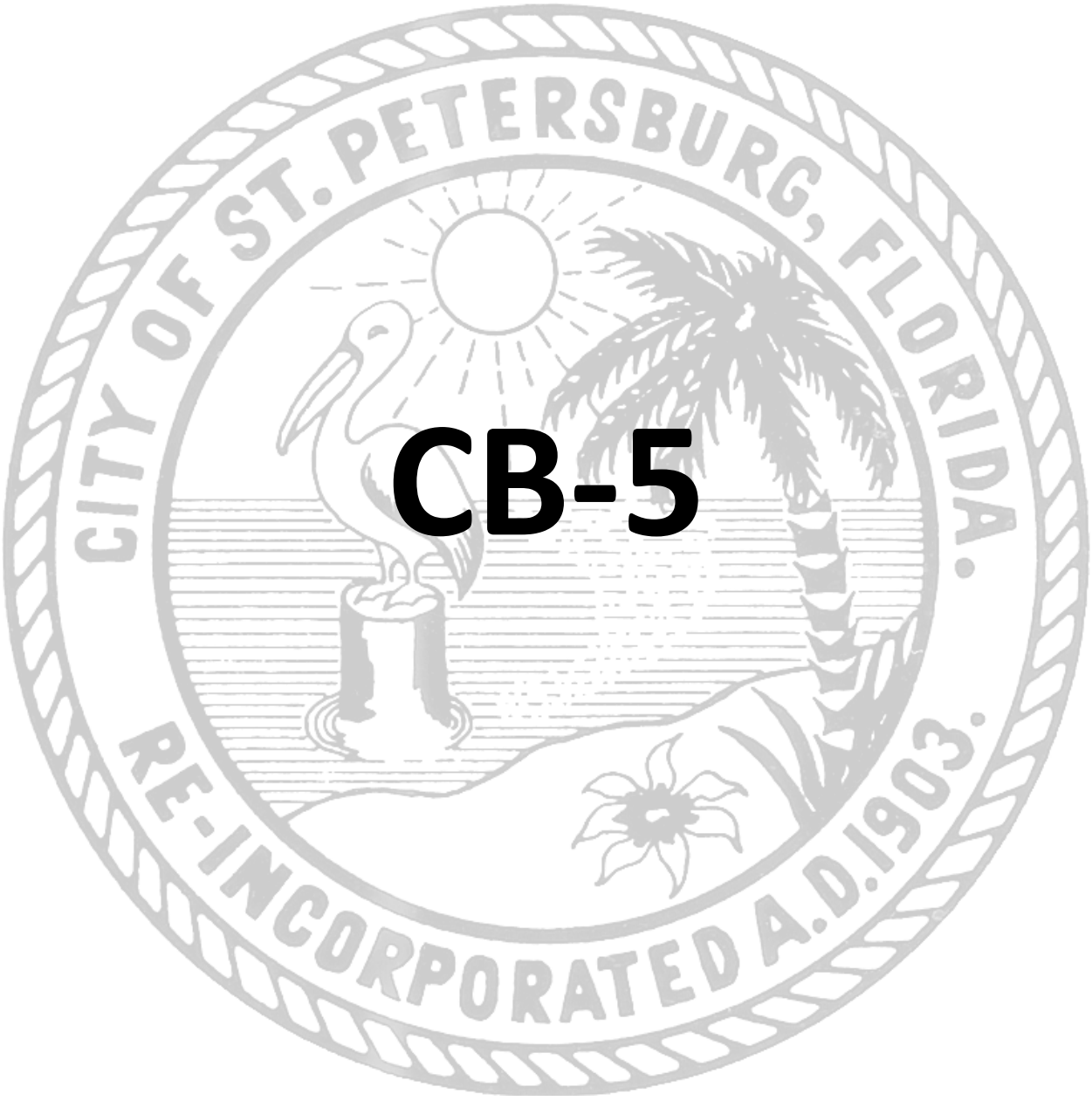
Approvals:

Legal

Administration

Budget

The following page(s) contain the backup material for Agenda Item: A Resolution authorizing the Mayor or his designee to execute Task Order No. 21-08-HDR/W(A) to the architect/engineering agreement dated August 5, 2021 between HDR Engineering, Inc. ("A/E"), and the City of St. Petersburg, Florida ("City") for A/E to provide Project Management and Coordination, Resilient Florida Award Execution and Administration and Citywide Grant Coordination related to the Resilient Florida Southwest Water Reclamation Facility Grant Support Services Project within the Water Resources Utility Capital Improvement Program in an amount not to exceed $200,997.78; (ECID Project No. 21047-111; Oracle Project Nos. 16928, 16939 and 16944); and providing an effective date.
Please scroll down to view the backup material.



CB-5

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: A Resolution authorizing the Mayor or his designee to execute Task Order No. 21-08-HDR/W(A) to the architect/engineering agreement dated August 5, 2021 between HDR Engineering, Inc. ("A/E"), and the City of St. Petersburg, Florida ("City") for A/E to provide Project Management and Coordination, Resilient Florida Award Execution and Administration and Citywide Grant Coordination related to the Resilient Florida Southwest Water Reclamation Facility Grant Support Services Project within the Water Resources Utility Capital Improvement Program in an amount not to exceed $200,997.78; (ECID Project No. 21047-111; Oracle Project Nos. 16928, 16939 and 16944); and providing an effective date.

EXPLANATION: There are multiple existing buildings at the Southwest Water Reclamation Facility ("SWWRF") which serve the purpose of operations and have been in use for approximately 50 years and do not meet the needs for operational functionality under emergency and daily situations.

During emergency operations, operational and maintenance staff are expected to shelter in place during hurricanes and other emergency events to oversee plant operations and address any challenges that arise. The buildings used for shelter are neither hurricane rated nor elevated above the floodplain and are susceptible to storm surge which presents serious safety concerns for staff during these events. Additionally, the buildings are not equipped with adequate facilities (spaces for sleeping, cooking, and personal hygiene) to support staff for prolonged periods of time.

Functionally, these buildings were designed and constructed prior to Supervisory Control and Data Acquisition ("SCADA") systems becoming a standard method of plant operations and do not have adequate space for storing and managing the computer hardware required to operate the water reclamation facility. As such, the SCADA system is spread over various locations within the SWWRF facility. The intent is the relocation of these systems into a new operations building.

The facilities, when constructed, are anticipated to have the following additional attributes:

- Achieve LEED Gold certification per City Code Section 2-245
- Incorporate site resilience recommendations (such as height requirement above base flood elevation)
- Design Operations and Maintenance combined building to Category 5 hurricane standards, elevated to handle a storm surge, and include space to house all Operational and Maintenance staff when required to shelter in place.

Construction is anticipated in fiscal year 2025.

In July of 2023, the Water Resources CIP was awarded a Florida Department of Environmental Protection ("FDEP") grant in the amount of $8.87 million to support the Southwest Water Reclamation Facility Operations and Maintenance Buildings Replacement Project.

On August 5, 2021, the City of St. Petersburg, Florida and HDR Engineering, Inc. ("A/E") entered into an architect/engineering agreement for A/E to provide miscellaneous professional services for Potable Water, Wastewater, and Reclaimed Water Projects.

Task Order No. 21-08-HDR/W(A) shall provide funding for services related to Grant Administration Support, including but not limited to consultant support in documentation and administration requirements mandated through FDEP for this program for the first twenty-one (21) months and a planned grant duration of at least fifty-four (54) months. This scope of work also includes technical advisor tasks in support of the ongoing programmatic grant administration and coordination, as requested in an amount not to exceed $200,997.78. This Task Order includes a $20,000 allowance to be authorized if any unforeseen conditions are experienced while performing the work.

Task Order No. 21-08-HDR/W(A) includes the following phases and associated not to exceed costs respectively:

Project Management & Coordination	$ 25,170.36
Resilient Florida Award Execution and Administration	$135,537.50
Citywide Grant Coordination	$ 20,289.92
Allowance	$ 20,000.00
Total	**$200,997.78**

RECOMMENDATION: Administration recommends a resolution authorizing the Mayor or his designee to execute Task Order No. 21-08-HDR/W(A) to the architect/engineering agreement dated August 5, 2021 between HDR Engineering, Inc. ("A/E"), and the City of St. Petersburg, Florida ("City") for A/E to provide Project Management and Coordination, Resilient Florida Award Execution and Administration and Citywide Grant Coordination related to the Resilient Florida Southwest Water Reclamation Facility Grant Support Services Project within the Water Resources Utility Capital Improvement Program in an amount not to exceed $200,997.78; (ECID Project No. 21047-111; Oracle Project Nos. 16928, 16939 and 16944); and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds have been previously appropriated in the Water Resources Capital Projects Fund (4003) WRF NE Operations & Lab Building Replacement FY19 Project (16928), WRF NW Operations & Lab Building Replacement Project (16939), and WRF SW Operations & Lab Building Replacement Project (16944).

ATTACHMENTS: Resolution
Task Order No. 21-08-HDR/W(A)

RESOLUTION 2024-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE TASK ORDER NO. 21-08-HDR/W(A) TO THE ARCHITECT/ENGINEERING AGREEMENT DATED AUGUST 5, 2021 BETWEEN HDR ENGINEERING, INC. ("A/E") AND THE CITY OF ST. PETERSBURG, FLORIDA ("CITY") FOR A/E TO PROVIDE PROJECT MANAGEMENT AND COORDINATION, RESILIENT FLORIDA AWARD EXECUTION AND ADMINISTRATION, AND CITYWIDE GRANT COORDINATION RELATED TO THE RESILIENT FLORIDA SOUTHWEST WATER RECLAMATION FACILITY GRANT SUPPORT SERVICES PROJECT WITHIN THE WATER RESOURCES UTILITY CAPITAL IMPROVEMENT PROGRAM IN AN AMOUNT NOT TO EXCEED $200,997.78 (ECID PROJECT NO. 21047-111); AND PROVIDING AN EFFECTIVE DATE.

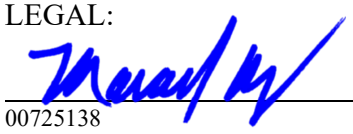
WHEREAS, the City of St. Petersburg, Florida ("City") and HDR Engineering, Inc. ("A/E") executed an architect/engineering agreement on August 5, 2021 for A/E to provide professional services on a continuing basis for work of a specified nature as outlined in the agreement related to miscellaneous Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, Administration desires to issue Task Order No. 21-08-HDR/W(A) for A/E to provide project management and coordination, Resilient Florida Award execution and administration, and citywide grant coordination related to the Resilient Florida Southwest Water Reclamation Facility Grant Support Services Project within the Water Resources Utility Capital Improvement Program in an amount not to exceed $200,997.78, which amount includes a $20,000 allowance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is hereby authorized to execute Task Order No. 21-08-HDR/W(A) to the architect/engineering agreement dated August 5, 2021 between HDR Engineering, Inc. ("A/E") and the City of St. Petersburg, Florida ("City") for A/E to provide project management and coordination, Resilient Florida Award execution and administration, and Citywide Grant Coordination related to the Resilient Florida Southwest Water Reclamation Facility Grant Support Services Project within the Water Resources Utility Capital Improvement Program in an amount not to exceed $200,997.78.

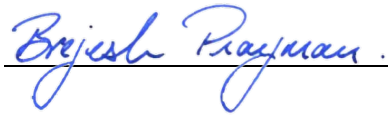
This resolution shall become effective immediately upon its adoption.

LEGAL:



00725138

DEPARTMENT:



MEMORANDUM

CITY OF ST. PETERSBURG

Engineering and Capital Improvements Department

DATE: February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair, and City Councilmembers

FROM: Brejesh Prayman, P.E., Director
Engineering & Capital Improvements Department

RE: Consultant Selection Information
Firm: HDR, Inc.
Task Order No. 21-08-HDR/W(A) in the amount of $200,997.78

This memorandum is to provide information pursuant to City Council Policy and Procedures Manual, Chapter 3, Section I(F.) for agenda package information.

1. Summary of Reasons for Selection

   HDR will provide consultant support in documentation and administration requirements mandated through FDEP for a grant received. This scope of service is for the first twenty-one (21) months of the grant period and a planned grant duration of at least fifty-four (54) months. This scope of work also includes technical advisor tasks in support of the ongoing programmatic grant administration and coordination, as requested.

   HDR, Inc. has satisfactorily completed similar work under pervious A/E Annual Master Agreements and is familiar with the City Standards.

   HDR, Inc. has significant experience in the management of FDEP grants.

   This is the eighth Task Order issued under the 2021 Master Agreement.

2. Transaction Report listing current work – See Attachment A

ATTACHMENT A

Transaction Report
for
HDR Engineering, Inc.
Miscellaneous Professional Services for Potable Water, Wastewater & Reclaimed Water Projects
A/E Agreement Effective - August 5, 2021
A/E Agreement Expiration - August 30, 2025

Task Order No.	Project No.	Project Title	NTP Issued	Authorized Amount
01	22056-111	Lead and Copper Rule Revision Compliance	01/26/22	366,323.13
02	N/A	Alternative Financial Strategy Tech Support	08/11/22	19,827.94
03	N/A	WR Alternative Funding Strategy Assistance	02/08/23	95,562.00
04	23088-100	San Martin Blvd Utility Relocations	06/09/23	320,697.51
05	23126-100	Treated Water Transmission, Storage and Pumping Facilities Plan - CIP Planning	06/23/23	322,793.44
06	TBD	Potable Water Hydraulic Model Update and Calibration	Pending	
07	N/A	FY24 Alternative Funding Strategies Program - Phase II	Pending	
08	**21047-111**	**Resilient Florida Southwest WRF Grant Support**	**Pending**	
			Total:	1,125,204.02

TASK ORDER NO. 21-08-HDR/W(A)
RESILIENT FLORIDA SOUTHWEST WRF GRANT SUPPORT SERVICES
MISCELLANEOUS PROFESSIONAL SERVICES FOR POTABLE WATER, WASTEWATER, AND RECLAIMED WATER PROJECTS
CITY PROJECT NO. 21047-111

This Task Order No. TBD is made and entered into this _____ day of _____, 2023, pursuant to the ARCHITECT/ENGINEERING AGREEMENT FOR MISCELLANEOUS PROFESSIONAL SERVICES FOR POTABLE WATER, WASTEWATER, AND RECLAIMED WATER PROJECTS dated August 5, 2021 ("Agreement") between HDR Engineering, Inc. ("A/E"), and the City of St. Petersburg, Florida ("City"), and upon execution shall become a part of the Agreement.

I. DESCRIPTION OF PROJECT

The City Public Works Administration (PWA) is seeking assistance with grant support services including, but not limited to, administration of the Resilient Florida (RF) Grant Award(s) which is providing funding toward the Southwest Water Reclamation Facility (SWWRF). A/E will also serve as advisor and extension of staff in support of programmatic grant administration coordination as requested.

II. SCOPE OF SERVICES

Task 1 - Project Management and Coordination

This task includes general functions required to set up management and coordination of the project, maintain the project schedule, budget, quality control, and close out. A/E shall prepare and submit monthly progress reports through a standardized template that is developed and agreed upon by the City. Progress reports will be submitted with invoices and will follow the city procedures for submitting invoices to finance AP, and/or any technical reports to ECID records when appropriate. A/E will participate in bi-weekly status meetings with the City project manager through the anticipated schedule for the project; these meetings will be hybrid with options for both in-person and virtual attendance. A/E will prepare agendas and meeting notes, as needed, for submittal to City. A/E will work with the City on how files will be uploaded into a City led filing structure through an online cloud portal.

Assumptions

- Project duration, grant fund deployment and reimbursement will be twenty-one months.
- On average, status meetings will occur bi-weekly for about one (1) hour.
- Status meetings for RF will be part of other regular project meetings as appropriate.
- Additional internal team meetings may be required and are anticipated up to one (1) hour on a bi-monthly basis.

Task 2 – Resilient Florida Award Execution and Administration

A/E will support City staff with grant agreement execution, administration and close out.

2.1 RF Award Execution

A/E will support City staff with Florida Department of Environmental Protection (FDEP) coordination, agreement development, negotiations, and finalizing agreement.

2.2 RF Grant Administration

A/E will develop a schedule of grant requirements and documentation submittal deadlines. A/E will utilize an outlined file structure that is approved and provided by the City and that may be sustained and adapted for other ongoing and future RF planning and implementation awards. A/E will participate in meetings with funding agency's staff, City staff, and contractors relevant to project work to track progress, gather required project information, complete invoices, and assemble other required documentation. The A/E will track an overview of design and construction milestones of the project in the context of the grant deadlines. The A/E will flag potential slowdowns and make recommendations for engagement with FDEP to address scheduling concerns.

Assumptions

- A/E grant execution task includes up to two (2) 1-hour coordination meetings with City staff.
- A/E grant execution task includes up to two (2) coordination meetings with FDEP and City staff agreement review/edit support up to ten (10) hours for meeting participation and preparation for two staff.
- A/E grant administration includes up to one (1) monthly virtual meeting with FDEP grant manager.
- A/E will work with City staff on approved draft template for project designers and contractors so that required records, documents, photographs, and other FDEP or City-required documentation are kept and submitted.
- A/E will assist the City with FDEP submittal documents and RF Program including attachments/exhibits, as applicable to this project.
- A/E will draft email/other requests for supporting information from City departments. City PM will deliver requests to City departments and gather information unless A/E specifically directed to do so up to two (2) hours per month.
- The A/E will track all RFIs, their status, and ensure that requested documentation from stakeholders is submitted.
- Additional support for coordination with contractors to acquire compliant documentation up to forty (40) hours each per year for two (2) staff.
- Quarterly construction site visits as needed.
- Meetings with contractors as needed (up to 2 per quarter assume 1 virtual, 1 in person-during site visit).
- RF grant was awarded in 2023. Task does not include grant application development, submittal, strategy, or supporting analyses.

Task 3 – Citywide Grant Coordination, as-requested
On request, A/E will provide additional coordination as the City develops their citywide grant strategies, processes, and protocols to increase current and future bandwidth, efficiency, and proficiency across departments.

Assumptions

- Task does not include document, template, or other detailed process development.
- Task does not include grant application development or strategy.
- Task includes coordination meeting time up to 40 hours each for two (2) staff.
- Task includes review or writing for up to 80 hours total.
- Task includes time for QA/QC and technical advisor coordination reviews.

III. SCHEDULE

Work under this Task Order shall begin no later than 10 days from Notice to Proceed, is set for a duration of twenty-one (21) months through August 2025.

	Completion Date
Task 1 – Project Management and Coordination	On-going through duration
Task 2 – Resilient Florida Award Execution and Administration	On-going through duration
Task 3 – Citywide Grant Coordination, as-requested	On-going through duration

IV. A/E'S RESPONSIBILITIES

A/E will provide staff with experience in grant administration and project management.
A/E cannot provide assurances of successful submittal and reimbursement as a support service requires collaboration from City and contractors.
A/E will not sign/seal information design and construction information for submittal if not fully developed by A/E.

V. CITY'S RESPONSIBILITIES

City PM or designee will provide RF grant application information and grant agreement language.
City PM or designee will provide legal review of grant agreement.
City PM or designee will be available for coordination calls and meetings.
City PM will be primary point of contact for City and Contractor Teams
City PM will be the primary point of contact with FDEP and is responsible for submitting documentation to FDEP.
City PM will deliver requests to City departments and gather information unless A/E specifically directed to do so up to two (2) hours per month.

VI. DELIVERABLES

Task 1 - Project Management and Coordination – Monthly invoice and standardized progress reports; agendas and meeting notes and materials, as needed.

Task 2 – Resilient Florida Award Execution and Administration - Summary memorandum of grant execution/negotiation with funder and City; list and schedule of grant requirements (electronic MS Excel file) designed for tracking; file structure that is aligned with the City's standardized templates for RF grant administration; meeting summaries with contractors, funding agency, and other coordination (email, MS Word memorandum); quarterly Progress Report Form (RF Program Exhibit A) submittal and supporting documentation. Quarterly Payment Request Form (RF Program Exhibit F) and supporting documentation; other RF Program Attachments/Exhibits, as applicable to project; the A/E will organize all grant documentation in a suitable file structure with naming conventions as directed by the City, posted to a designated SharePoint, Teams channel or similar.

Task 3 – Citywide Grant Coordination, as-requested - Email summary of coordination and touch points, as needed.

VII. A/E'S COMPENSATION

For Tasks 1 through 3, the City shall compensate the A/E not to exceed the amount of $180,997.78.

This Task Order establishes an allowance in the amount of $20,000.00 for additional services not identified in the Scope of Services. Additional services may be performed only upon receipt of prior written authorization from the City and such authorization shall set forth the additional services to be provided by the A/E. The cost for any additional services shall not exceed the amount of the allowance set forth in this Task Order.

The total Task Order amount is $200,997.78, per Appendix A.

VIII. PROJECT TEAM

HDR's key team members include the following:

- Principal in Charge: Katie Duty
- Project Manager: Sharon Wright
- Deputy Project Manager: Carlee Chaffin
- Lead Grant Advisor: Kim Colson
- QA/QC & Technical Advisor: Ryan Messer

IX. MISCELLANEOUS

In the event of a conflict between this Task Order and the Agreement, the Agreement shall prevail.

IN WITNESS WHEREOF the Parties have caused this Task Order to be executed by their duly authorized representatives on the day and date first above written.

ATTEST

By: _____
Chandrahasa Srinivasa
City Clerk

(SEAL)

CITY OF ST. PETERSBURG, FLORIDA

By: _____
Brejesh Prayman, P.E., Director
Engineering & Capital Improvements

APPROVED AS TO FORM FOR CONSISTENCY
WITH THE STANDARD TASK ORDER.
NO OPINION OR APPROVAL OF THE SCOPE
OF SERVICES IS BEING RENDERED BY
THE CITY ATTORNEY'S OFFICE

By: _____
City Attorney (Designee)

HDR Engineering, Inc.
(Company Name)

By: _____
(Authorized Signatory)

Katie E. Duty, Vice President
(Printed Name and Title)

Date: 12/28/2023

WITNESSES:

By: _____
(Signature)

Michelle J PARDO
(Printed Name)

By: _____
(Signature)

Jessica Candia
(Printed Name)

APPENDIX A
Work Task Breakdown
City of St. Petersburg
RESILIENT FLORIDA SOUTHWEST WRF GRANT SUPPORT SERVICES
MISCELLANEOUS PROFESSIONAL SERVICES FOR POTABLE WATER, WASTEWATER, AND RECLAIMED WATER PROJECTS
CITY PROJECT NO. 21047-111

I. Manpower Estimate: All Tasks

		Katie Duty	Sharon Wright	Kim Colson	Ryan Messer	Carlee Chaffin	Jessica Candia	Lapa/Fairley				
	Direct Labor Rates Classifications	Principal	Sr. Project Manager	Engineer V/ Scientist V	Engineer IV/ Scientist IV	Engineer II	Admin Assist.	Accountant	Open	Open	Total Hours	Labor Cost
	Direct Salary	$ 126.47	$ 87.98	$ 88.43	$ 72.82	$ 40.03	$ 37.63	$ 35.71				
	Multiplier 3.135	$ 396.49	$ 275.82	$ 277.23	$ 228.30	$ 125.50	$ 117.98	$ 111.96	$ -	$ -		
	Billing Rates[1]	$ 360.00	$ 275.82	$ 277.23	$ 228.30	$ 125.50	$ 100.60	$ 111.48	$ -	$ -		
	Capped	$ 360.00	$ 299.53	$ 325.00	$ 263.00	$ 162.80	$ 100.60	$ 111.48				
	Diff	$ (36.49)	$ 23.71	$ 47.77	$ 34.70	$ 37.30	$ (17.38)	$ (0.48)	$ -	$ -		
	TASK											
1	Project Management and Coordination	6	48	8	8	14	4	32			120	$ 25,170.36
2	Resilient Florida Award Execution and Administration	0	204	94	22	376	0	0			696	$ 134,537.50
2.1	*RF Award Execution*	*0*	*24*	*6*	*2*	*24*	*0*	*0*			*56*	$ 11,751.66
2.2	*RF Grant Administration*	*0*	*180*	*88*	*20*	*352*	*0*	*0*			*640*	$ 122,785.84
3	Citywide Grant Coordination, as-requested	0	32	16	0	56	0	0			104	$ 20,289.92
	Totals	6	284	118	30	446	4	32	0	0	920	$ 179,997.78

II. Fee Calculation

Task	Labor Cost	Expenses[2]	Subconsultant Services	Mark-up on Subconsultant Services[3]	Total Cost Without Allowance
1	$25,170.36	$0.00	$0.00	$0.00	$25,170.36
2	$134,537.50	$1,000.00	$0.00	$0.00	$135,537.50
3	$20,289.92	$0.00	$0.00	$0.00	$20,289.92
Total	$179,997.78	$1,000.00	$0.00	$0.00	$180,997.78

III. Fee Limit

Lump Sum Cost	$180,997.78
Allowance[4]	$20,000.00
Total:	**$200,997.78**

IV. Notes:

1. Rates (blended 2024 - 2025) and Multipier per contract.
2. Includes expenses for: printing, mileage,lunch work sessions
3. Includes 1.05 percent markup of SUBCONSULTANT (per contract).
4. Allowance to be used only upon City's written authorization.

-- City of St. Petersburg Authorization Request -- **General Authorization**		**Request #** 257274

Name:	Johnson, Sarah B	Request Date:	13-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	Council Approval 2/29
Message:	21047-111 - HDR - SWWRF Resilient FL Grant Support - Task Order
Supporting Documentation:	HDR - Resilient FL Grant Support - SWWRF - Task Order - Final.pdf

	Approver	Completed By	Response	Response Date	Type
0	Johnson, Sarah B		SUBMITTED	13-FEB-2024	
1	Prayman, Brejesh B	Prayman, Brejesh B	APPROVE	14-FEB-2024	User Defined
2	Wahl, Margaret Brown	Wahl, Margaret Brown	APPROVE	14-FEB-2024	User Defined
3	Tankersley, Claude Duval	Tankersley, Claude Duval	APPROVE	14-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: A Resolution authorizing the Mayor or his designee to execute Task Order No. 20-01-PA/M(A) to the architect/engineering agreement dated October 30, 2020 between the City of St. Petersburg, Florida and Pennoni Associates, Inc. (“A/E”) for A/E to provide (i) project management, (ii) system operations review and traffic signal equipment inventory, (iii) traffic data collection, (iv) analysis, implementation and documentation and (v) preliminary and final reports related to the Traffic Signal / Bus Rapid Transit (BRT) System Upgrades Project in an amount not to exceed $369,090.65 (ECID Project No. 23111-100; Oracle No. 17977); and providing an effective date.
Please scroll down to view the backup material.

CB-6

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: A Resolution authorizing the Mayor or his designee to execute Task Order No. 20-01-PA/M(A) to the architect/engineering agreement dated October 30, 2020 between the City of St. Petersburg, Florida and Pennoni Associates, Inc. ("A/E") for A/E to provide (i) project management, (ii) system operations review and traffic signal equipment inventory, (iii) traffic data collection, (iv) analysis, implementation and documentation and (v) preliminary and final reports related to the Traffic Signal / Bus Rapid Transit (BRT) System Upgrades Project in an amount not to exceed $369,090.65 (ECID Project No. 23111-100; Oracle No. 17977); and providing an effective date.

EXPLANATION: The SunRunner Bus Rapid Transit (BRT) project, owned and administered by Pinellas Suncoast Transit Authority (PSTA), was put into operation within the City limits in October 2022. Beyond premium transit service, the BRT project included installation of upgraded traffic signal technology and a semi-dedicated transit lane, concentrating through-motorists into two (2) general purpose lanes while providing an occasional exclusive turn lane at signalized intersections. The main objective of this project will be to improve efficiency and optimize the traffic operations along the First Avenues of the SunRunner corridor while mitigating any unintended traffic impacts along major and intersecting north-south thoroughfares. This traffic signal timing study was originally included in the five-year CIP budget several years ago as a future year effort to be implemented after the service commenced and traffic patterns stabilized. Now that service has been in operation for over a year, signal timing adjustments for optimal performance of the corridor will improve travel time reliability for both SunRunner buses and other traffic. While traffic crashes have already shown a reduction along the corridor since commencement of the SunRunner, traffic signal updates and retiming are known to improve safety, so it is reasonable to expect further crash reductions as a result of the City's investment.

This project will provide A/E services to develop a comprehensive timing plan for the SunRunner BRT corridor, primarily along 1st Avenue North and South. The plan will be based upon vehicle counts collected in the field by the A/E, software modeling, standard engineering practice, Federal and State guidance, and will consider City-adopted plans such as Complete Streets. Ultimately, the recommendations will be implemented, monitored, and adjusted by City staff in conjunction with the A/E, as necessary.

On October 30, 2020, the City of St. Petersburg, Florida and Pennoni Associates, Inc. ("A/E") entered into an architect/engineering agreement for A/E to provide miscellaneous professional services for Multimodal Studies, Evaluations and Projects.

Task Order No. 20-01-PA/M(A) in the amount of $353,090.65 shall provide professional engineering services including but not limited to project management, system operation review and traffic signal inventory, traffic data collection, analysis, implementation and documentation, and preliminary and final reporting. The Task Order includes a $16,000.00 allowance to be authorized if any unforeseen conditions are experienced while performing the work or if additional out of scope services are necessary.

Task Order No. 20-01-PA/M(A) includes the following phases and associated not to exceed costs respectively:

Project Management	$ 38,224.16
System Operation Review & Traffic Signal Equipment Inventory	$ 42,460.45
Traffic Data Collection	$ 64,606.50
Analysis, Implementation and Documentation	$151,600.52
Preliminary and Final Reports	$ 56,199.02
Allowance	$ 16,000.00
Total	**$369,090.65**

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Task Order No. 20-01-PA/M(A) to the architect/engineering agreement dated October 30, 2020 between the City of St. Petersburg, Florida and Pennoni Associates, Inc. ("A/E") for A/E to provide (i) project management, (ii) system operations review and traffic signal equipment inventory, (iii) traffic data collection, (iv) analysis, implementation and documentation and (v) preliminary and final reports related to the Traffic Signal / Bus Rapid Transit (BRT) System Upgrades Project in an amount not to exceed $369,090.65 (ECID Project No. 23111-100; Oracle No. 17977); and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds have been previously appropriated in the Citywide Infrastructure Capital Improvement Fund (3027) Traffic Signal/BRT System Upgrades FY21 Project (17977).

ATTACHMENTS: Resolution
Task Order No. 20-01-PA/M(A)
Map

RESOLUTION 2024-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE TASK ORDER NO. 20-01-PA/M(A) TO THE ARCHITECT/ENGINEERING AGREEMENT DATED OCTOBER 30, 2020 BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND PENNONI ASSOCIATES, INC. ("A/E") FOR A/E TO PROVIDE (I) PROJECT MANAGEMENT, (II) SYSTEM OPERATIONS REVIEW AND TRAFFIC SIGNAL EQUIPMENT INVENTORY, (III) TRAFFIC DATA COLLECTION, (IV) ANALYSIS, IMPLEMENTATION AND DOCUMENTATION AND (V) PRELIMINARY AND FINAL REPORTS RELATED TO THE TRAFFIC SIGNAL / BUS RAPID TRANSIT (BRT) SYSTEM UPGRADES PROJECT IN AN AMOUNT NOT TO EXCEED $369,090.65 (ECID PROJECT NO. 23111-100; ORACLE NO. 17977); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida ("City") and Pennoni Associates, Inc. ("A/E") executed an architect/engineering agreement on October 30, 2020 for A/E to provide professional services on a continuing basis for work of a specified nature as outlined in the agreement related to miscellaneous Multimodal Studies, Evaluations and Projects; and

WHEREAS, Administration desires to issue Task Order No. 20-01-PA/M(A) for A/E to provide (i) project management, (ii) system operations review and traffic signal equipment inventory, (iii) traffic data collection, (iv) analysis, implementation and documentation and (v) preliminary and final reports related to the Traffic Signal / Bus Rapid Transit (BRT) System Upgrades Project in an amount not to exceed $369,090.65, which amount includes a $16,000 allowance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is hereby authorized to execute Task Order No. 20-01-PA/M(A) to the architect/engineering agreement dated October 30, 2020 between the City of St. Petersburg, Florida and Pennoni Associates, Inc. ("A/E") for A/E to provide (i) project management, (ii) system operations review and traffic signal equipment inventory, (iii) traffic data collection, (iv) analysis, implementation and documentation and (v) preliminary and final reports related to the Traffic Signal / Bus Rapid Transit (BRT) System Upgrades Project in an amount not to exceed $369,090.65.

This resolution shall become effective immediately upon its adoption.

LEGAL:

00725150

DEPARTMENT:

MEMORANDUM

CITY OF ST. PETERSBURG

Engineering and Capital Improvements Department

DATE: February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair, and City Councilmembers

FROM: Brejesh Prayman, P.E., Director
Engineering & Capital Improvements Department

RE: Consultant Selection Information
Firm: Pennoni Associates, Inc
Task Order No. 20-01-P/M(S) in the amount of $369,090.65

This memorandum is to provide information pursuant to City Council Policy and Procedures Manual, Chapter 3, Section I(F.) for agenda package information.

1. Summary of Reasons for Selection

   The project involves data collection and development of a comprehensive signal timing plan for the SunRunner BRT corridor, primarily along 1st Avenue North and South, and coordinated intersections.

   Pennoni Associates, Inc. has significant experience in developing timing plans for transportation corridors and has satisfactorily completed similar tasks in the past with the City of St. Petersburg as well as other neighboring municipalities.

   This is the first Task Order issued under the 2020 Master Agreement for Multimodal Studies, Evaluations and projects. However, Pennoni is actively performing similar work, under three (3) separate Task Orders for the City of St. Petersburg the utilizing the 2021 Master Agreement for Transportation and Bridge Improvements.

2. Transaction Report listing current work – See Attachment A

TASK ORDER NO. 20-01-PA/M(A)
TRAFFIC SIGNAL / BUS RAPID TRANSIT (BRT) SYSTEM UPGRADES
TRAFFIC SIGNAL TIMING – BRT SYSTEM UPGRADE
MULTIMODAL STUDIES, EVALUATIONS AND PROJECTS
CITY PROJECT NO. 23111-100

This Task Order No. 20-01-PA/M(A) is made and entered into this _____ day of _____, 2024, pursuant to the ARCHITECT/ENGINEERING AGREEMENT FOR MISCELLANEOUS PROFESSIONAL SERVICES FOR MULTIMODAL STUDIES, EVALUATIONS AND PROJECTS dated October 30, 2020 ("Agreement") between Pennoni Associates, Inc. ("A/E"), and the City of St. Petersburg, Florida ("City"), and upon execution will become a part of the Agreement.

I. DESCRIPTION OF PROJECT

The purpose of this task order is to provide the City of St. Petersburg (City) with specialized professional services for conducting needed traffic signal retiming efforts along the SunRunner Bus Rapid Transit (BRT) corridor, which operates along City streets and State roads such as 1st Avenue North, 1st Avenue South, Central Avenue, 6th Avenue South, 3rd Street, 4th Street, and 66th Street. The SunRunner BRT project is operational as of October 2022. It includes installing upgraded traffic signal technology and a semi-dedicated transit lane for SunRunner buses and motorists turning left at driveways and intersections, concentrating through-motorists into two (2) general-purpose lanes while providing an occasional exclusive turn lane at signalized intersections. Further, a Traffic Signal Priority Procedure was developed and incorporated into the City's Interlocal Agreement with the Pinellas Suncoast Transit Authority (PSTA), which must be considered for an optimized signal timing plan. Additional stakeholders will be identified and coordinated with the City and A/E during the project.

The primary objective of this project will be to improve the overall reliability and efficiency of the traffic operations along the First Avenues of the SunRunner corridor while mitigating for any unintended consequences for traffic along major intersecting north-south thoroughfares. Strong consideration will be given to developing a signal timing plan that supports the Maximum Desired Operating Speed for the corridor streets identified in the adopted City of St. Petersburg Complete Streets Implementation Plan and other safety elements, such as leading pedestrian intervals along the transit corridor. Further, the signal timing plan shall provide reliable travel times for SunRunner buses during various times of the weekday, allowing the service to meet its goal for end-to-end travel time of 35 minutes.

The A/E will develop comprehensive timing plans for the SunRunner BRT corridor, signed and sealed by a Florida-registered Professional Engineer, which will be implemented by City staff. After implementation, the City will fine-tune the signal timings in conjunction with the A/E unless directed by the City's Project Manager.

II. SCOPE OF SERVICES

A/E shall perform traffic signal study as defined by the subsequent project limits, definitions and tasks:

Project Limits:

SunRunner Operations Roadways:

- 1st Ave S from west of Pasadena Ave S. to and including 1st St S.,
- 1st Ave N from 1st St N. to and including 66th St N.,
- Central Ave, at the Pasadena Ave and 66th St Intersections,
- 4th St from and including 2nd Ave S to 6th Ave S.,
- 3rd St from 6th Ave S to 2nd Ave S.,
- 6th Ave S from 4th St to 3rd St.,

Intersecting Thoroughfares:

- Intersections along Central Ave between Pasadena Ave and 1st St, and
- Arlington Ave N and MLK St N. will also be included for cross-coordination evaluation and implementation.

Acronyms and Definitions:

CADD	Computer-Aided Design & Drafting
FDOT	Florida Department of Transportation
IMSA	International Municipal Signal Association
LPI	Leading Pedestrian Interval
TMC	Turning Movement Counts
TOD	Time Of Day

"Traffic Control Timing Pattern" is a set of a section's cycle length(s), splits, and offsets.

"Section" is a portion of a traffic control system that a single set of timing parameters can control.

Task 1 - Project Management

All tasks required herein involve extensive coordination between the A/E, City Project Manager, Maintenance Agency(s), and stakeholders. In addition to monthly invoices and progress reporting, a monthly Coordination Meeting will be conducted between the A/E, City Project Manager, Maintaining Agency(s) and stakeholders. The A/E will distribute agendas before each meeting, and discussions will be documented with Meeting Minutes provided to the team by the A/E.

Task 2 - System Operation Review and Traffic Signal Equipment Inventory

A/E will review and confirm the equipment's type, condition, capability, speed limits, and existing timing plans at each intersection, noting the existing phasing, number of lanes, and lane assignments, utilizing a GIS-capable Traffic Signal Inventory Form. A/E will report any deficiencies noted upon discovery to the Project Manager and Maintaining Agency. IMSA Level II certification is required to complete this task

Task 3 - Traffic Data Collection

Subtask 3.1: 8-Hr Turning Movement Counts (TMC)

The A/E will conduct an 8-hour TMC for those hours encompassing the morning, midday peak and afternoon traffic periods and/or peak periods during which warranting volumes exist and an off-peak period. Seventy-two (72) intersection locations are anticipated to be collected for analysis (Table 1 on page 4). Each period will normally consist of a minimum of eight (8) consecutive 15-minute intervals (2 hours) during each period, which yields the highest total volume of vehicles entering the intersection. TMCs for vehicular traffic will be performed utilizing CCTV (cameras), and pedestrians and bicyclists will be tabulated separately.

A/E will prepare a sketch of sufficient detail to show the approach lanes, left and right turn lanes, and whether there is a median or other type of separation. The traffic signal head arrangement and pedestrian features will be shown. The sketch will show whether the intersection is a "T" or a "Plus" type intersection, any offset, and the approximate skew if one exists. North will be at the top of the page.

Table 1 - Turning Movement Count Locations

BRT Route Intersections			
Int #	BRT Route	Cross Street	Jurisdiction
1	1st Avenue N	1st Street	City/City
2	1st Avenue N	2nd Street	City/City
3	1st Avenue N	3rd Street	City/FDOT
4	1st Avenue N	4th Street	City/FDOT
5	1st Avenue N	5th Street	City/City
6	1st Avenue N	6th Street	City/City
7	1st Avenue N	8th Street	City/City
8	1st Avenue N	MLK St	City/City
9	1st Avenue N	16th Street	City/City
10	1st Avenue N	20th Street	City/City
11	1st Avenue N	22nd Street	City/City
12	1st Avenue N	28th Street	City/City
13	1st Avenue N	31st Street	City/City
14	1st Avenue N	32nd Street	City/City
15	1st Avenue N	34th Street	City/FDOT
16	1st Avenue N	37th Street	City/City
17	1st Avenue N	40th Street	City/City
18	1st Avenue N	49th Street	City/City
19	1st Avenue N	58th Street	City/City
20	1st Avenue N	66th Street	City/FDOT
21	1st Avenue S	1st Street	City/City
22	1st Avenue S	2nd Street	City/City
23	1st Avenue S	3rd Street	City/FDOT
24	1st Avenue S	4th Street	City/FDOT
25	1st Avenue S	5th Street	City/City
26	1st Avenue S	6th Street	City/City
27	1st Avenue S	8th Street	City/City
28	1st Avenue S	MLK St	City/City
29	1st Avenue S	16th Street	City/City
30	1st Avenue S	20th Street	City/City
31	1st Avenue S	22nd Street	City/City
32	1st Avenue S	28th Street	City/City
33	1st Avenue S	31st Street	City/City
34	1st Avenue S	34th Street	City/FDOT
35	1st Avenue S	37th Street	City/City
36	1st Avenue S	40th Street	City/City
37	1st Avenue S	49th Street	City/City
38	1st Avenue S	58th Street	City/City
39	1st Avenue S	64th Street	City/City
40	1st Avenue S	66th Street	City/City
41	1st Avenue S	Pasadena Avenue	City/FDOT
42	Central Avenue	Pasadena Avenue	City/FDOT
43	66th Street	Central Avenue	City/City
44	4th Street	2nd Avenue S	City/FDOT
45	4th Street	3rd Avenue S	City/FDOT
46	4th Street	4th Avenue S	City/FDOT
47	4th Street	5th Avenue S	City/FDOT
48	4th Street	6th Avenue S	City/City
49	3rd Street	6th Avenue S	City/City
50	3rd Street	5th Avenue S	City/FDOT
51	3rd Street	4th Avenue S	City/FDOT
52	3rd Street	3rd Avenue S	City/FDOT
53	3rd Street	2nd Avenue S	City/FDOT
54	1st Street	Central Avenue	City/City

Cross Coordination Intersections			
Int #	BRT adjacent Route	Cross Coordination Street	Jurisdiction
1	Central Ave	64th St	City/City
2	Central Ave	58th St	City/City
3	Central Ave	49th St	City/City
4	Central Ave	40th St	City/City
5	Central Ave	37th St	City/City
6	Central Ave	34th St	City/FDOT
7	Central Ave	32nd St	City/City
8	Central Ave	31st St	City/City
9	Central Ave	28th St	City/City
10	Central Ave	22nd St	City/City
11	Central Ave	20th St	City/City
12	Central Ave	16th St	City/City
13	Central Ave	MLK St	City/City
14	Arlington Ave N	MLK St	City/City
15	Central Ave	8th St	City/City
16	Central Ave	6th St	City/City
17	Central Ave	5th St	City/City
18	Central Ave	4th St	City/FDOT

Subtask 3.2: 24-Hour Traffic Counts

The A/E will collect traffic count data at select locations before/after major cross streets for a minimum of 24 hours during typical weekday traffic conditions. A total of fifty-five (55) locations are anticipated (Table 2).

Table 2. 24-hr Count locations

ID	Count location Roadway	Location	ID	Count location Roadway	Location
1	Pasadena Ave	South of 1st Ave S	29	Central Ave	West of Pasadena Ave
2	Pasadena Ave	North of 1st Ave N	30	Central Ave	East of Pasadena Ave
3	1st Ave S	West of Pasadena Ave	31	4th St	North of 1st Ave N
4	1st Ave S	East of Pasadena Ave	32	4th St	South of 1st Ave S
5	1st Ave S	East of 66th St	33	4th St	South of 5th Ave S
6	1st Ave S	West of 58th St	34	3rd St	North of 1st Ave N
7	1st Ave S	West of 49th St	35	3rd St	South of 1st Ave S
8	1st Ave S	West of 34th St	36	3rd St	South of 5th Ave S
9	1st Ave S	East of 34th St	37	1st St	East of Central Ave
10	1st Ave S	West of 28th St	38	66th St	North of Central Ave
11	1st Ave S	West of 16th St	39	66th St	South of central Ave
12	1st Ave S	East of 16th St	40	58th St	North of Central Ave
13	1st Ave S	West of MLK St	41	58th St	South of central Ave
14	1st Ave S	East of MLK St	42	49th St	North of Central Ave
15	1st Ave S	West of 4th St	43	49th St	South of central Ave
16	1st Ave S	West of 2nd St	44	34th St	North of Central Ave
17	1st Ave N	East of 66th St	45	34th St	South of central Ave
18	1st Ave N	East of 58th St	46	31st St	North of Central Ave
19	1st Ave N	East of 49th St	47	31st St	South of central Ave
20	1st Ave N	West of 34th St	48	28th St	North of Central Ave
21	1st Ave N	East of 34th St	49	28th St	South of central Ave
22	1st Ave N	East of 28th St	50	20th St	North of Central Ave
23	1st Ave N	West of 16th St	51	20th St	South of central Ave
24	1st Ave N	East of 16th St	52	16th St	North of Central Ave
25	1st Ave N	West of MLK St	53	16th St	South of central Ave
26	1st Ave N	East of MLK St	54	MLK St	North of Central Ave
27	1st Ave N	West of 4th St	55	MLK St	South of central Ave
28	1st Ave N	West of 2nd St			

In conducting the counts, the A/E (or its subconsultants) will utilize an automatic traffic counter and/or video cameras to produce a written record of the traffic volumes and the time of day, directly or through subsequent interconnection and processing with external electronic hardware. The count data will be presented in an acceptable tabular form showing 15-minute interval volumes and hourly summaries.

Task 4 - Analysis, Implementation and Documentation

The A/E will determine the optimum system timing pattern(s) for the optimum cycle length during various times of the day/week for all intersections. When a system analysis is performed, the necessary settings to be developed will include but not limited to the following:

- Cycle Length
- Force-offs
- Splits
- Day-of-Week Plan
- Offsets
- TOD Plan

The A/E will develop these parameters for the following timing plan periods:

- Day Plan: Inbound & Outbound Peak Hour(s) and Off-Peak Hour(s)
    - Weekday 7-9 AM, 11 AM – 2 PM, 4-7 PM
- Week Plan: Day plan to be implemented for each day of the week, M-F

An analysis will consist of at least the following steps:

- Analyze and design local intersection timings for each intersection, including consideration for the Traffic Signal Priority Procedure, cross-coordination, target speeds within segmented (section) project limits and maximized pedestrian walk times (that could include a Leading Pedestrian Interval (LPI) where appropriate).

- Perform "floating" travel car runs of existing conditions using TruTraffic.

- Include all clearance intervals (yellow, all-red, and pedestrian clearance intervals) in local timings.

- Analyze, calibrate and design coordinated intersection (system) timings with Synchro (or a similar design tool/software approved by the City and the Maintaining Agency) with Existing Phasing.

- Analyze and design coordinated intersection (system) timings with Proposed Phasing with Synchro (or a similar design tool/software approved by the City and the Maintaining Agency).

- Analyze and design coordinated intersection (system) timings with Synchro (or a similar design tool/software approved by the City and the Maintaining Agency) with post-implementation Phasing and Timing Adjustments.

- Perform "floating" travel car runs of future conditions using TruTraffic.

The A/E is responsible for selecting all input values required for the analysis with approval by the City. The A/E must use their computer for all analyses under this study (the software used must be approved by the Project Manager and Maintaining Agency). The analysis may require modeling up to twenty-four additional intersections beyond those listed in Table 1. No count data, field inventory, or updates to timing/phasing will be examined or recommended for these additional modeling-only intersections. The A/E will submit an electronic file of all input/output timing development runs and data files (i.e., initial and final runs), along with any link/node diagrams. The format of the timing charts will be approved by the City of St. Petersburg (and FDOT for their intersections) as appropriate.

The A/E will obtain the existing controller timings from the Maintaining Agency.

The A/E will provide the Project Manager and Maintaining Agency an electronic copy of the documentation for each timing pattern in an acceptable format. The report will contain, but not be limited to, the following information:

- Executive Summary
- Optimum controller and coordination timing that can be implemented on existing hardware
- Master Clock Chart (Hardwire, Time Based Coordination, Universal Coordinated Time, Clock Signal, etc.)
- Link/node diagrams
- Data files in electronic format
- Arterial analysis and documentation
- A summary of before and after Performance Measures, including Benefit / Cost Analysis.

After acceptance of the initial timings and patterns by the Project Manager and Maintaining Agency, this task includes the A/E assisting City staff in entering the intersection, system timings developed by the A/E into the controller units, coordination units and master units by an IMSA Level II signal technician. The A/E will notify the City and the Maintaining Agency, if that is an agency other than the City, before implementation and request their authorization during the implementation. The City will implement timings in conjunction with the A/E.

Also, perform fine-tuning of implemented timing(s) in conjunction with the City based on field observation of the corridor traffic operation during all developed TOD patterns. The A/E will observe the operation of the various corridor segments for each timing pattern. The City will perform a ride along with the A/E 10 days after being notified that fine-tuning is complete. The A/E will be available to investigate and fine-tune any additional adjustments for 60 days after submitting the final report.

Should an existing controller, coordination unit, or master unit be inoperative or additional hardware or cabinet modifications be required at an intersection, the A/E will notify the Project Manager and Maintaining Agency within the same day. Document in the report the nature, extent, and probable solution(s) to the problem(s) within one week.

No recommendations to existing SunRunner bus stop locations based on timing adjustments are anticipated. IMSA Level II certification is required to complete this task.

Subtask 4.1: Additional Intersections (As Needed)

Additional intersections outside the project limits for incorporation into the BRT System Timing Plan for the same route and/or study per City direction.

Subtask 4.2: Additional Time of Day Plans (As Needed)

Additional System Timing Plans for the same route and/or study on a weekend (e.g., Saturday, Sunday, or Special Event), as determined by the City Project Manager.

Task 5 - Preliminary & Final Reports

The A/E will provide the Project Manager and Maintaining Agency with an electronic copy of the final documentation for each timing pattern in an acceptable format. The report will contain, but not be limited to, the following information:

- Study Summary
- Equipment Inventory
- 24-hour counts arrayed in an acceptable format
- 8-hour turning movements count arrayed in an acceptable format
- Final Intersection and System Timings (Implemented)
    - Day Plans
    - Week Plan
- A table summarizing intersection delay (as reflected in Synchro or a similar design tool/software that is approved by the City of St. Petersburg and the Maintaining Agency)
- A table and diagram illustrating the optimal cycle lengths across the corridor
- Recommendations for other intersection/arterial improvements, where applicable (e.g., emergency pre-emption, LPIs, cross-coordination, etc.)
- Before/After Measures of Effectiveness
- Project FACT Sheet

Final reports submitted to the Project Manager and Maintaining Agency will include an electronic copy of the final report in Adobe Acrobat PDF format (not scanned), associated CADD files in DWG format, Synchro Files (or similar design tool/software files), and spreadsheets.

The A/E will provide the Project Manager and Maintaining Agency with an electronic copy of the final documentation for each timing pattern in an acceptable format. The report will contain, but not be limited to, the following information:

- Final Implemented Timings
- Day Plans (M-F)
- Week Plan (M-F)

After the study, submit to the Project Manager and Maintaining Agency an electronic copy of all study information (including Appendices) containing the following information:

- Study Summary

- Equipment Inventory
- Final Intersection and System Timings
- A table summarizing intersection delay (as reflected in Synchro or a similar design tool/software that is approved by the City of St. Petersburg and the Maintaining Agency)
- A table and diagram illustrating the optimal cycle lengths across the corridor
- Recommendations for other intersection/arterial improvements, where applicable (e.g., emergency pre-emption, LPIs, cross-coordination, etc.)
- 24-hour counts arrayed in an acceptable format
- 8-hour turning movements count arrayed in an acceptable format

Subtask 5.1: Preliminary Report

All tasks requiring a report will have a Preliminary Report submitted to the Project Manager, Maintaining Agency, and Task Force before submitting the Final Report. The Project Manager, Maintaining Agency and Task Force will review and comment upon the Preliminary Report and return comments to the A/E.

Subtask 5.2: Final Report

The Final Report will reflect responses to the comments of the Project Manager and Maintaining Agency submitted in Subtask 5.1.

All final reports (and copies) submitted to the Project Manager and Maintaining Agency will be signed, sealed, and dated by a Florida Registered Professional Engineer of the A/E (including all subcontracted work).

Subtask 5.3: PowerPoint

The A/E will prepare a PowerPoint (or approved alternative) presentation to summarize the project's scope and steps to perform the retiming effort. The presentation will summarize the improvements and show the benefits of the corridor re-timing and optimization.

IV. SCHEDULE

Work under this Task Order will begin within 3 days from the Notice to Proceed.

	Number of Workdays from NTP
Task 1 – Project Management	1
Task 2 – System Operation Review & Traffic Sig Equip Inventory	30
Task 3 – Traffic Data Collection	60
Task 4 – Analysis, Implementation and Documentation	180
Task 5 – Preliminary & Final Reports	270

V. A/E'S RESPONSIBILITIES

A/E will provide the services outlined in Section II, Scope of Services and deliverables in Section VII, Deliverables.

VI. CITY'S RESPONSIBILITIES

City to provide the following:

- Single Project Manager
- Existing traffic signal plans, including timings
- 5-Year Crash History, as available
- Coordination required with stakeholders and adjacent projects as may be required
- Plans and documents from the SunRunner BRT project to assist with Tasks 2 and 3, including the BRT Traffic Signal Priority Procedure.
- Identify 24-hr count locations for internal use (e.g., Weekend TOD Plans)

VII. DELIVERABLES

Task 1 – Monthly invoices and progress reporting, meeting agendas and minutes

Task 2 – System Operation Review and Traffic Signal Equipment Inventory

- Traffic signal equipment inventory
- Existing traffic signal timing/phasing plan(s)
- Sketch of lane configurations

Task 3 – Traffic Data Collection

- 8-hour TMC providing hourly volume summaries
- 8-hour TMC providing 15-minute volume summaries
- 8-hour truck volume summaries
- 8-hour pedestrian and bicyclist movement counts providing hourly summaries
- 24-hour approach volume counts (Weekday)
- Sketch of lane configurations

Task 4 – Analysis, Implementation and Documentation

- Proposed Traffic Signal Timings & Patterns Summary

Task 5 – Preliminary & Final Reports

- Preliminary Report
- Final Report that is signed, sealed, and dated by a professional engineer
- Final "revised/updated" Synchro files to reflect current traffic signal operations
- Summary PowerPoint Presentation

VIII. A/E'S COMPENSATION

For Tasks 1 through 5, the City will compensate the A/E per lump sum of **$353,090.65**.

This Task Order establishes an allowance in the amount of $16,000.00 for additional services not identified in the Scope of Services. Additional services may be performed only upon receipt of prior written authorization from the City, and such approval will set forth the additional services to be provided by the A/E. The cost for any additional services will not exceed the amount of the allowance outlined in this Task Order.

The total Task Order amount is **$369,090.65,** per Appendix A.

VIII. PROJECT TEAM

Prime: PENNONI
Subconsultant(s): Quality Counts, Econolite

IX. MISCELLANEOUS

In the event of a conflict between this Task Order and the Agreement, the Agreement will prevail.

IN WITNESS WHEREOF the Parties have caused this Task Order to be executed by their duly authorized representatives on the day and date first above written.

ATTEST

By: _____
Chandrahasa Srinivasa
City Clerk

(SEAL)

APPROVED AS TO FORM FOR CONSISTENCY
WITH THE STANDARD TASK ORDER.
NO OPINION OR APPROVAL OF THE SCOPE
OF SERVICES IS BEING RENDERED BY
THE CITY ATTORNEY'S OFFICE

By: _____
City Attorney (Designee)

Pennoni Associates Inc.
(Company Name)

By: Brian M. Diehl
(Authorized Signatory)

Brian M. Diehl, PE
(Printed Name and Title)

Date: January 31, 2024

CITY OF ST. PETERSBURG, FLORIDA

By: _____
Brejesh Prayman, P.E., Director
Engineering & Capital Improvements

WITNESSES:

By: Jill Riebel
(Signature)

Jill Riebel
(Printed Name)

By: Pamela R. Spidel
(Signature)

Pamela R. Spidel
(Printed Name)

APPENDIX A
Work Task Breakdown
City of St. Petersburg
TRAFFIC SIGNAL / BUS RAPID TRANSIT (BRT) SYSTEM UPGRADES
TRAFFIC SIGNAL TIMING – BRT SYSTEM UPGRADE
Project No. 23111-100

I. Manpower Estimate: All Tasks

	Direct Labor Rates Classifications	Principal Professional	Senior Professional	Project Professional	Staff Professional	Associate Professional	Graduate Professional	Survey Crew	Project Assistant	Total Hours	Labor Cost
	Direct Salary	$ 94.00	$ 64.00	$ 60.00	$ 51.84	$ 48.80	$ 40.13	$ 75.00	$ 27.00		
	Multiplier 2.99	$ 187.06	$ 127.36	$ 119.40	$ 103.17	$ 97.12	$ 79.86	$ 149.25	$ 53.79		
	Billing Rates[1]	$ 281.06	$ 191.36	$ 179.40	$ 155.01	$ 145.92	$ 119.99	$ 224.25	$ 80.73		
	TASK										
1	Project Management	136	0	0	0	0	0	0	0	136	$ 38,224.16
2	System Ops Review / Inventory	24	26	0	8	116	40	0	72	286	$ 40,499.76
3	Traffic Data Collection	0	0	0	0	0	0	0	0	0	$ -
4	Analysis, Implementation, Documentation	60	150	0	112	540	0	0	0	862	$ 141,725.52
5	Preliminary & Final Reports	65	44	0	0	147	40	0	28	324	$ 55,199.02
	Totals	285	220	0	120	803	80	0	100	1608	$ 275,648.46

II. Fee Calculation

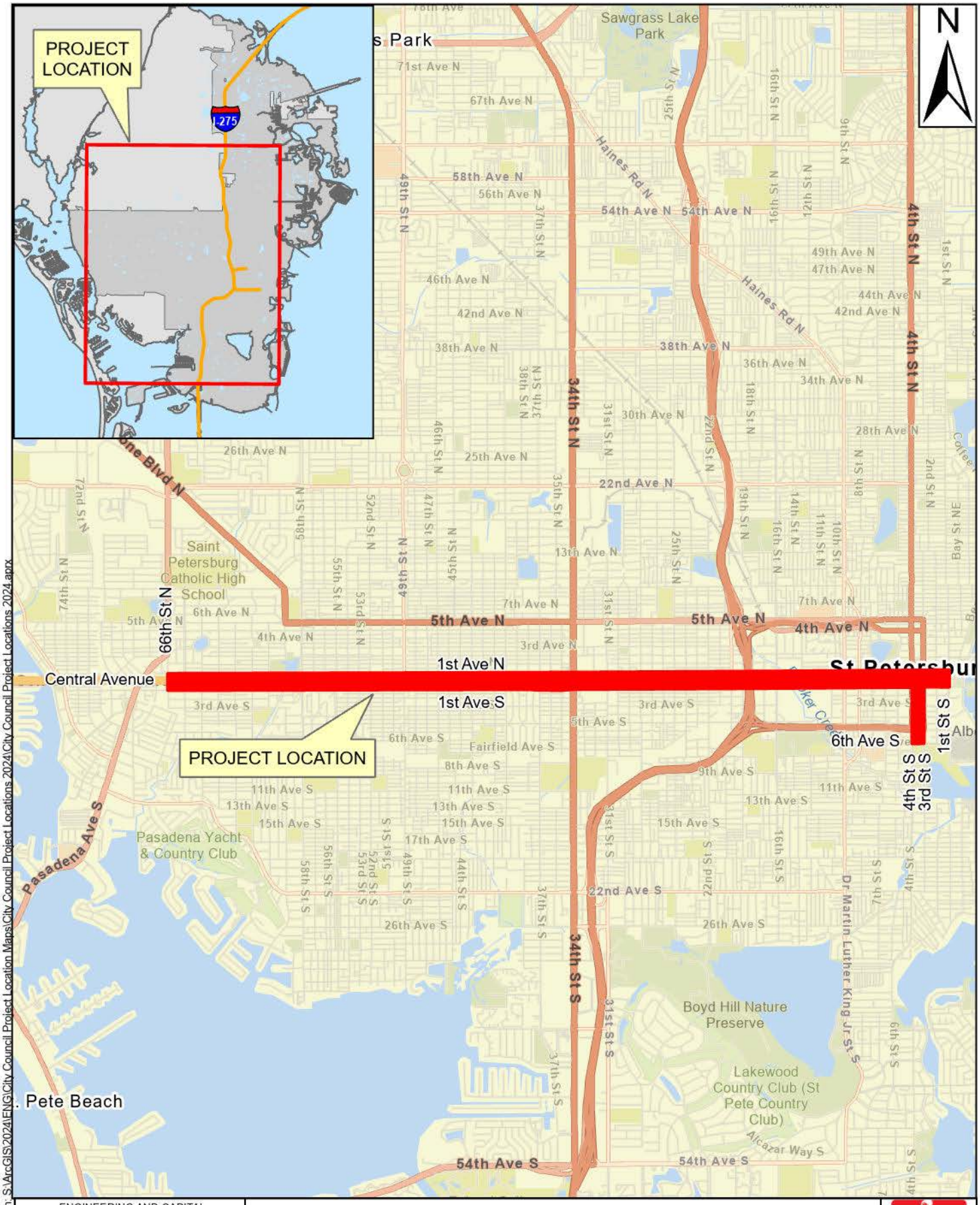
Task	Labor Cost	Expenses[2]	Subconsultant Services	Mark-up on Subconsultant Services[3]	Total Cost Without Allowance
1	$38,224.16	$0.00	$0.00	$0.00	$38,224.16
2	$40,499.76	$1,960.69	$0.00	$0.00	$42,460.45
3	$0.00	$0.00	$61,530.00	$3,076.50	$64,606.50
4	$141,725.52	$2,000.00	$7,500.00	$375.00	$151,600.52
5	$55,199.02	$1,000.00	$0.00	$0.00	$56,199.02
Total	$275,648.46	$4,960.69	$69,030.00	$3,451.50	$353,090.65

III. Fee Limit

Lump Sum Cost	$353,090.65
Allowance[4]	$15,654.53
Total:	**$368,745.18**

IV. Notes:

1. Rates and Multiplier per contract.
2. Includes expenses for: Mileage, Hotel, Sustenance
3. Includes 5 percent markup of SUBCONSULTANT (per contract).
4. Allowance to be used only upon City's written authorization.



Document Path: S:\ArcGIS\2024\ENG\City Council Project Location Maps\City Council Project Locations 2024\City Council Project Locations 2024.aprx

ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT CITY of ST PETERSBURG	TRAFFIC SIGNAL / BUS RAPID TRANSIT (BRT) SYSTEM UPGRADES Project No. 23111-100
APPROVED BY:	DATE: 1/30/2024

st.petersburg
www.stpete.org

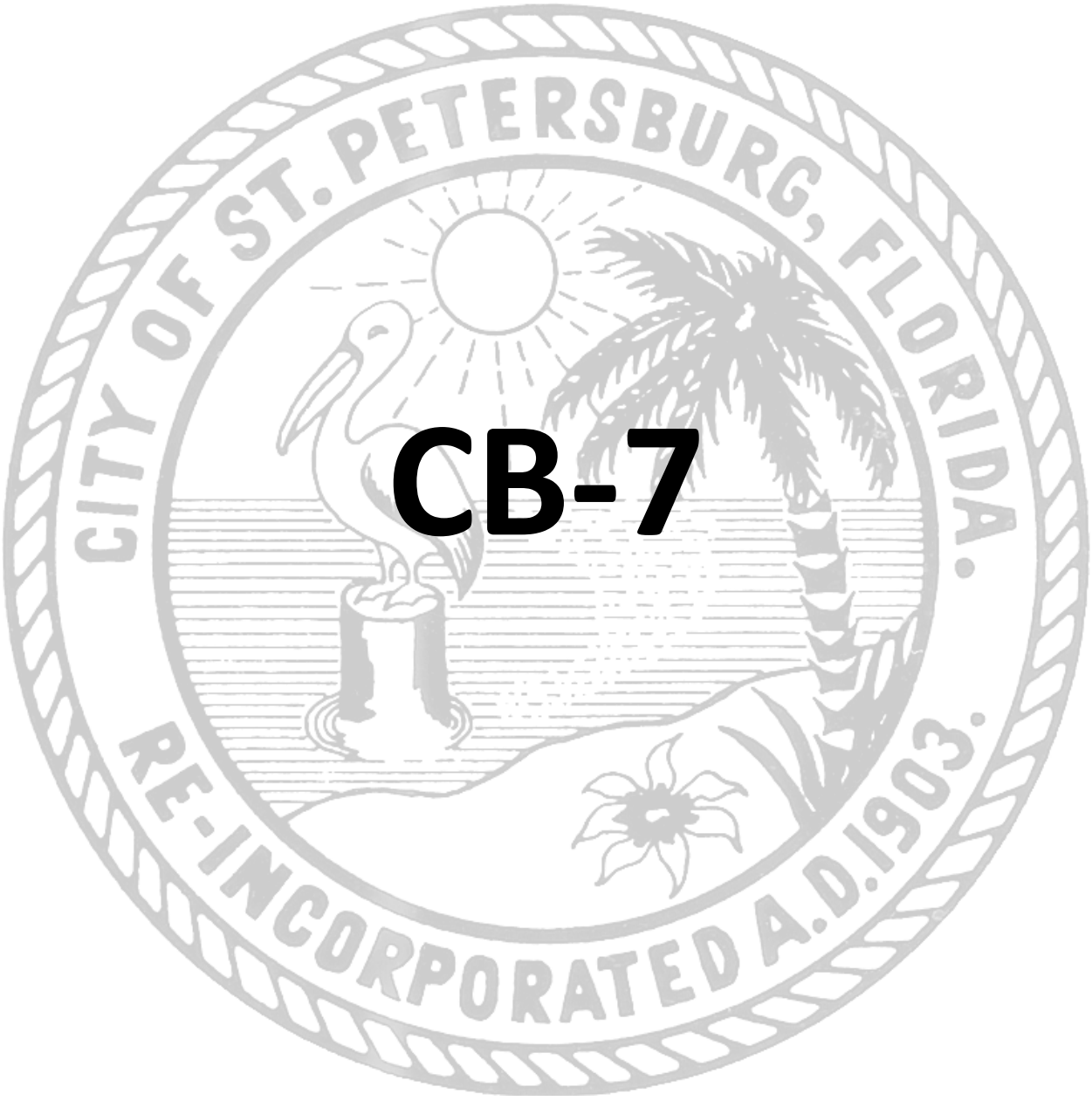
-- City of St. Petersburg Authorization Request -- **General Authorization**		**Request #** 257275

Name:	Johnson, Sarah B	Request Date:	13-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	Council Approval 2/29
Message:	23111-100 - Pennoni - Traffic BRT Upgrades - Task Order
Supporting Documentation:	Pennoni - Traffic BRT Upgrades - Task Order - Final.pdf

	Approver	Completed By	Response	Response Date	Type
0	Johnson, Sarah B		SUBMITTED	13-FEB-2024	
1	Prayman, Brejesh B	Prayman, Brejesh B	APPROVE	14-FEB-2024	User Defined
2	Wahl, Margaret Brown	Wahl, Margaret Brown	APPROVE	14-FEB-2024	User Defined
3	Tankersley, Claude Duval	Tankersley, Claude Duval	APPROVE	14-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: A Resolution authorizing the Mayor or his designee to execute Task Order No. 21-06-AECOM/W(A) to the architect/engineering agreement dated August 5, 2021 between the City of St. Petersburg, Florida and AECOM Technical Services, Inc. ("A/E") for A/E to provide (i) Project Management , (ii) a Preliminary Engineering Report, (iii) an evaluation of support structures and crossing replacement, (iv) a construction cost estimate, (v) an evaluation of permitting requirements evaluation, and (vi) a summary and recommendation related to the Lealman's Creek Crossing Replacement of 48" Transmission Main Project in an amount not to exceed $148,016.97 (ECID Project No. 23156-100; Oracle No. 19721); and providing an effective date.
Please scroll down to view the backup material.



CB-7

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

SUBJECT: A Resolution authorizing the Mayor or his designee to execute Task Order No. 21-06-AECOM/W(A) to the architect/engineering agreement dated August 5, 2021 between the City of St. Petersburg, Florida and AECOM Technical Services, Inc. ("A/E") for A/E to provide (i) Project Management , (ii) a Preliminary Engineering Report, (iii) an evaluation of support structures and crossing replacement, (iv) a construction cost estimate, (v) an evaluation of permitting requirements evaluation, and (vi) a summary and recommendation related to the Lealman's Creek Crossing Replacement of 48" Transmission Main Project in an amount not to exceed $148,016.97 (ECID Project No. 23156-100; Oracle No. 19721); and providing an effective date.

EXPLANATION: The City of St. Petersburg 48" drinking water transmission main crosses at Joe's Creek (at 66th Street North and 42nd Avenue North) and Lealman's Creek (at 66th Street North and 37th Avenue North) where it is supported by aging wooden piles that are in poor condition.

This project includes an evaluation of the support piles to determine if they can be repaired or need to be replaced. If replacement is needed, a conceptual design will be prepared using traditional trenching technique. The conceptual design will be summarized in a Preliminary Engineering Report to include alignment plan and profile, work staging area, construction cost estimate, and permitting requirements evaluation.

On August 5, 2021, the City of St. Petersburg, Florida and AECOM Technical Services, Inc. ("A/E") entered into an architect/engineering agreement for A/E to provide miscellaneous professional services for Potable Water, Wastewater and Reclaimed Water Projects.

Task Order No. 21-06-AECOM/W(A) in the amount of $148,016.97 shall provide professional engineering services including but not limited to preparing a Preliminary Engineering Report to include an evaluation of existing support structures, crossing replacement evaluation, alignment plan and profile, construction cost estimate, and permitting requirements evaluation for the Lealman's Creek Crossing Replacement of 48" Transmission Main Project (includes two creek crossings). Task Order includes a $20,000 allowance to be authorized if any unforeseen conditions are experienced while performing the work.

Task Order No. 21-06-AECOM/W(A) includes the following phases and associated not to exceed costs respectively:

Project Management	$ 9,726.60
Preliminary Engineering Report	$19,994.32
Support Structures Evaluation	$44,775.99
Crossing Replacement Evaluation	$24,854.96
Construction Cost Estimate	$10,071.40
Permitting Requirements Evaluation	$ 8,681.38
Summary and Recommendation	$ 9,912.32

Allowance	$20,000.00
Total	**$148,016.97**

A/E services during the construction phase will be provided to Council for approval as an Amendment to this Task Order. This project will be implemented as a Construction Manager at Risk (CMAR) process.

Construction Manager costs for the improvements will be provided to Council for approval as a separate Agreement.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Task Order No. 21-06-AECOM/W(A) to the architect/engineering agreement dated August 5, 2021 between the City of St. Petersburg, Florida and AECOM Technical Services, Inc. ("A/E") for A/E to provide (i) Project Management , (ii) a Preliminary Engineering Report, (iii) an evaluation of support structures and crossing replacement, (iv) a construction cost estimate, (v) an evaluation of permitting requirements evaluation, and (vi) a summary and recommendation related to the Lealman's Creek Crossing Replacement of 48" Transmission Main Project in an amount not to exceed $148,016.97 (ECID Project No. 23156-100; Oracle No. 19721); and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds have been previously appropriated in the Water Resources Capital Projects Fund (4003) DIS 48" TM Pile Replacements FY23 Project (19721).

ATTACHMENTS: Resolution
Task Order No. 21-06-AECOM/W(A)
Map

RESOLUTION 2024-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE TASK ORDER NO. 21-06-AECOM/W(A) TO THE ARCHITECT/ENGINEERING AGREEMENT DATED AUGUST 5, 2021 BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND AECOM TECHNICAL SERVICES, INC. ("A/E") FOR A/E TO PROVIDE (i) PROJECT MANAGEMENT, (ii) A PRELIMINARY ENGINEERING REPORT, (iii) AN EVALUATION OF SUPPORT STRUCTURES AND CROSSING REPLACEMENT (iv) A CONSTRUCTION COST ESTIMATE, (v) AN EVALUATION OF PERMITTING REQUIREMENTS EVALUATION, AND (vi) A SUMMARY AND RECOMMENDATION RELATED TO THE LEALMAN'S CREEK CROSSING REPLACEMENT OF 48" TRANSMISSION MAIN PROJECT IN AN AMOUNT NOT TO EXCEED $148,016.97 (ECID PROJECT NO. 23156-100; ORACLE NO. 19721); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida ("City") and AECOM Technical Services, Inc. ("A/E") executed an architect/engineering agreement on August 5, 2021 for A/E to provide professional services on a continuing basis for work of a specified nature as outlined in the agreement related to miscellaneous Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, Administration desires to issue Task Order No. 21-06-AECOM/W(A) for A/E to provide (i) project management, (ii) a preliminary engineering report, (iii) an evaluation of support structures and crossing replacement (iv) a construction cost estimate, (v) an evaluation of permitting requirements evaluation, and (vi) a summary and recommendation related to the Lealman's Creek Crossing Replacement of 48" Transmission Main Project in an amount not to exceed $148,016.97, which amount includes a $20,000 allowance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is hereby authorized to execute Task Order No. 21-06-AECOM/W(A) to the architect/engineering agreement dated August 5, 2021 between the City of St. Petersburg, Florida and AECOM Technical Services, Inc. ("A/E") for A/E to provide (i) project management, (ii) a preliminary engineering report, (iii) an evaluation of support structures and crossing replacement (iv) a construction cost estimate, (v) an evaluation of permitting requirements evaluation, and (vi) a summary and recommendation related to the Lealman's Creek Crossing Replacement of 48" Transmission Main Project in an amount not to exceed $148,016.97.

This resolution shall become effective immediately upon its adoption.

LEGAL:

00725131

DEPARTMENT:

MEMORANDUM

CITY OF ST. PETERSBURG

Engineering and Capital Improvements Department

DATE: February 29, 2024

TO: The Honorable Deborah Figgs-Sanders, Chair, and City Councilmembers

FROM: Brejesh Prayman, P.E., Director
Engineering & Capital Improvements Department

RE: Consultant Selection Information
Firm: AECOM Technical Services, Inc.
Task Order No. 21-06-AECOM/W(A) in the amount of $148,016.97

This memorandum is to provide information pursuant to City Council Policy and Procedures Manual, Chapter 3, Section I(F.) for agenda package information.

1. Summary of Reasons for Selection

   The project involves a condition assessment of the support structures at two aerial crossings located at Joe's Creek and Lellman's Creek to determine if these can be repaired. If repair is not feasible, AECOM Technical Services will prepare a conceptual design for replacement of the pipes using traditional trenching technique. The conceptual design will be summarized in a Preliminary Engineering Report to include alignment plan and profile, work staging area, construction cost estimate, and permitting requirements evaluation.

   AECOM Technical Services, Inc. has satisfactorily completed similar work under previous A/E Annual Master Agreements and is familiar with the City Standards.

   AECOM Technical Services, Inc. has significant experience in the design and construction phase activities of reclaim water transmission mains.

   This is the sixth Task Order issued under the 2021 Master Agreement.

2. Transaction Report listing current work – See Attachment A

ATTACHMENT A

Transaction Report
for
AECOM Technical Services, Inc.
Miscellaneous Professional Services for Potable Water, Wastewater & Reclaimed Water Projects
A/E Agreement Effective - August 8, 2021
A/E Agreement Expiration - August 25, 2025

Task Order No.	Project No.	Project Title	NTP Issued	Authorized Amount
01	22076-111	22nd Ave S Sidewalk Imps - 49th to 34th	03/24/22	55,196.14
		Revision No. 1	07/01/22	10,000.00
02	20028-121	Oberly Influent Tank 48-Inch Valve Replacement Tanks 2-3-4	11/03/22	18,123.81
03	23139-100	116th Circle N Reclaimed Water Main Location	06/09/23	59,064.68
04	24108-130	Yacht Club Estates Reclaim Replacement	12/27/23	159,961.99
05	TBD	71st St N Roadway Imps Utility Relocation	Pending	
06	23156-100	Lellman's Creek Crossing Replacement of 48"TM	Pending	
			Total:	302,346.62

TASK ORDER NO. 21-06-AECOM/W(A)
LEALMAN'S CREEK CROSSING REPLACEMENT OF 48" TRANSMISSION MAIN - LEALMAN'S CREEK WTM
MISCELLANEOUS PROFFESIONAL SERVICES FOR POTABLE WATER, WASTEWATER AND RECLAIMED WATER PROJECTS
CITY PROJECT NO. 23156-100

This Task Order No. 21-06-AECOM/W(A) is made and entered into this ____ day of _____, 2024, pursuant to the ARCHITECT/ENGINEERING AGREEMENT FOR MISCELLANEOUS PROFESSIONAL SERVICES FOR POTABLE WATER, WASTEWATER AND RECLAIMED WATER PROJECTS dated August 5, 2021 ("Agreement") between AECOM Technical Services, Inc. ("A/E"), and the City of St. Petersburg, Florida ("City"), and upon execution shall become a part of the Agreement.

I. DESCRIPTION OF PROJECT

The City of St. Petersburg (City) owns and operates a 48" diameter Water Transmission Main (WTM) and a 36" WTM. The WTM system provides potable water supply to the City and adjacent communities. The City continues to be proactive in its efforts to maintain and replace aging infrastructure and requires the evaluation of the 48" WTM overhead crossings support structures of Joe's and Lealman's Creeks. The crossings are supported by aging wood piles that are in poor condition. The crossing of Joe's Creek is located along 66th Street North and approximately 42nd Avenue North. The Lealman's Creek crossing is directly south also located along 66th Street North and approximately 37th Avenue North. The Joe and Lealman's Creeks crossings span a length of approximately 92 feet and 120 feet respectively.

A/E will evaluate the existing support structures at both crossings and determine if they can be repaired or require replacement. A/E will also evaluate the complete replacement of the crossings eliminating the support structures by traditional cut and cover at a conceptual level. The level of permitting effort required for each alternative will also be included in the evaluation. A/E will prepare a Preliminary Engineering Report (PER) summarizing the results of the structures condition evaluation, replacement alternative, estimated cost for each alternative as appropriate, and a recommendation.

The City provided existing information including a 2018 Kisinger Campo & Associates, Corp, report evaluating the structures in support of this evaluation. Geotechnical, Survey and SUE exploration information is not available from the City and is not included in this scope. A contractor's services will be retained to conduct required Resistograh testing of the wood piles as needed.

II. SCOPE OF SERVICES

Task 1 - Project Management

A/E will set up the project within A/E's project management and accounting system to allow work to proceed, conduct kick-off and coordination meetings, and provide the required project management activities, i.e., communication with City staff management, invoicing, progress reporting as required through the anticipated duration of the assignment.

Task 2 – Preliminary Engineering Report

During the initial stages of the project, A/E will attend the initial kick-off meeting and will review all information provided by the City.

Task 2.1 – Support Structures Evaluation

A/E will perform a structural evaluation of the pipe bridges supporting structures to determine if they can be repaired, what repairs or upgrades would be needed, or if they require a complete replacement. A/E will conduct a site visit to observe the condition of the existing structures and will perform Resistograph testing of the wood piles to complete the evaluation.

Tasks 2.2 – Crossing Replacement Evaluation

Utilizing existing information and available data for the crossings, A/E will identify potential alignments that will allow for the installation of a replacement crossing of the 48" WTM at both locations by cut and cover as opposed to rehabilitation or replacement of the existing structures. A conceptual level evaluation for the replacement by traditional cut and cover will be performed to determine the viable and economic feasibility of installing the proposed replacement versus repairing or replacing the structures.

A/E will coordinate and meet with the City's to obtain additional information as required. This evaluation will include replacing the WTM crossing within the existing easement. For the replacement alternative, A/E will provide the following:

Alignment Plan and Profile. Figures showing conceptual level alignments in both plan and profile will be provided with the available information and data provided. Conceptual alignment will strive to maintain the WTM within the existing easement. Engineering design calculations are not part of this evaluation.

Work Staging Areas. The plan view drawings will include potential construction work areas to determine if existing space is available for the work or if temporary construction easements would need to be acquired.

Task 2.3 - Construction Cost Estimate

A/E will prepare a Class 5 Opinion of Probable Construction Cost (OPCC). The OPCC will be based on typical costs and per linear foot basis for the replacements

or repair of the feasible alternatives considered. A Class 5 cost estimate has an accuracy from -20% to - 50% on the low side and +30% to +100% on the high side.

Task 2.4 - Permitting Requirements Evaluation

Environmental permits, including field surveys documenting all required aspects of environmental and wildlife conditions presented in a narrative, will be required from the FDEP and the USACE for all alternatives considered. The Joe's Creek utility crossing is in an area in which the USACE has elected to retain federal permitting authority. The Lealman's Creek utility crossing is within an area in which the FDEP will review impacts to surface waters at both the State and Federal level as it has also been delegated authority to review projects at the federal level.

It should be noted that delegation authority is due to expire in December 2025 and therefore may not be available for use for the Lealman's Creek utility project. If the delegation of authority is not extended to the State, review of the project will revert back to the USACE.

Task 2.5 – Summary and Recommendation

A/E will summarize the work performed in previous tasks resulting in a comparison of the possible options for repairing or replacing the support structures of the aerial crossings or eliminating the support structures by replacing the crossings. The recommended approach for each crossing will be identified based on costs, constructability and permitting requirements. A Draft report will be submitted to the City for review and a review meeting will be conducted to discuss City comments. Based on the results of the meeting, the report will be finalized.

III. SCHEDULE

Work under this Task Order shall begin no later than 10 days from Notice to Proceed. The below schedule incorporates one week for review of each submittal as directed by the City. Longer review periods may require a schedule revision.

		Days from NTP
Task 1	Project Management	Duration of the Project
Task 2	Preliminary Engineering Report	
	Draft PER	150
	Draft PER Review Meeting	170
	DRAFT Final PER	200
	Draft Final PER Review Meeting	220
	Final PER	250

IV. A/E'S RESPONSIBILITIES

The A/E will assign a project manager, along with all other required personnel to assure the proper execution of the project and timely delivery of services in accordance with the requirements of Section II, Scope of Services.

V. CITY'S RESPONSIBILITIES

- The City will provide the A/E copies of all available record drawings, utility atlas maps, utility GIS data and existing reports.
- The City will administrate the project and assign a Project Manager.

VI. DELIVERABLES

Task 1 - Project Management	Meeting minutes for the Kick-off, progress, Draft, final review, and coordination meetings
Task 2 - PER	Electronic copies of Draft and Final signed and sealed PER including an opinion of probable construction cost in pdf

VII. A/E'S COMPENSATION

For Tasks 1 through 2, the City shall compensate the A/E the Lump Sum amount of $112,266.97. In addition, this Task Order also includes $15,750 to be use in a T&M basis for subcontractor services.

This Task Order establishes an allowance in the amount of $20,000 for additional services not identified in the Scope of Services. Additional services may be performed only upon receipt of prior written authorization from the City and such authorization shall set forth the additional services to be provided by the A/E. The cost for any additional services shall not exceed the amount of the allowance set forth in this Task Order.

The total Task Order amount is $148,016.97 per Appendix A.

VIII. PROJECT TEAM

Prime Consultant - AECOM Technical Services, Inc.:
David Wilcox, PE Associate Principal QA/QC

Francisco Bohorquez, PE	Project Manager/Senior
Engineer Mike Coughlin	Project Engineer/Structural
Ramon Mendieta	Scientist III/Environmental
Terry Sonnenberg	Senior Designer
Barbara Larente	Administrative Assistant

Subconsultant:
A structural subconsultant will perform Resistograph tests on an as-needed basis. Geotechnical and survey services not required at this time.

IX. MISCELLANOUS

In the event of a conflict between this Task Order and the Agreement, the Agreement shall prevail.

IN WITNESS WHEREOF the Parties have caused this Task Order to be executed by their duly authorized representatives on the day and date first above written.

AECOM
(Company Name)

By: _____
(Signature)

David Wilcox, AVP
(Printed Name and Title)

Date: 2-7-2024

CITY OF ST. PETERSBURG, FLORIDA

By: _____
Brejesh Prayman, P.E., Director
Engineering & Capital Improvements

DATE: _____

ATTEST

By: _____
Chandrahasa Srinivasa, City Clerk

(SEAL)

APPROVED AS TO FORM FOR CONSISTENCY
WITH THE STANDARD TASK ORDER.
NO OPINION OR APPROVAL OF THE SCOPE
OF SERVICES IS BEING RENDERED BY
THE CITY ATTORNEY'S OFFICE

By: _____
City Attorney (Designee)

APPENDIX A
Work Task Breakdown
City of St. Petersburg
Lealman's Creek Crossing Replacement of 48 Transmission Main
Project No. 23156-100

I. Manpower Estimate: All Tasks

Direct Labor Rates Classifications		VP/Principal (QA/QC)	Project Manager	Engineer Discipline Lead	Engineer III	Senior Designer	Administrative Assistant	Total Hours	Labor Cost
Direct Salary		$ 98.00	$ 75.00	$ 83.00	$ 52.00	$ 50.00	$ 32.00		
Multiplier 2.65		$ 162.01	$ 123.99	$ 137.21	$ 85.97	$ 82.66	$ 52.90		
Billing Rates[1]		$ 260.01	$ 198.99	$ 220.21	$ 137.97	$ 132.66	$ 84.90		
TASK									
1	Project Management	2	42	0	0	0	10	54	$ 9,726.60
2	Preliminary Engineering Report	4	32	40	16	8	6	106	$ 19,994.32
2.1	Support Structures Evaluation	4	16	48	75	28	2	173	$ 29,025.99
2.2	Crossing Replacement Evaluation	4	16	56	32	28	2	138	$ 24,854.96
2.3	Construction Cost Estimate	4	8	28	8	0	2	50	$ 10,071.40
2.4	Permitting Requirements Evaluation	2	8	4	40	0	2	56	$ 8,681.38
2.5	Summary and Recommendation	4	24	8	8	8	2	54	$ 9,912.32
Totals		24	146	184	179	72	26	631	$ 112,266.97

II. Fee Calculation

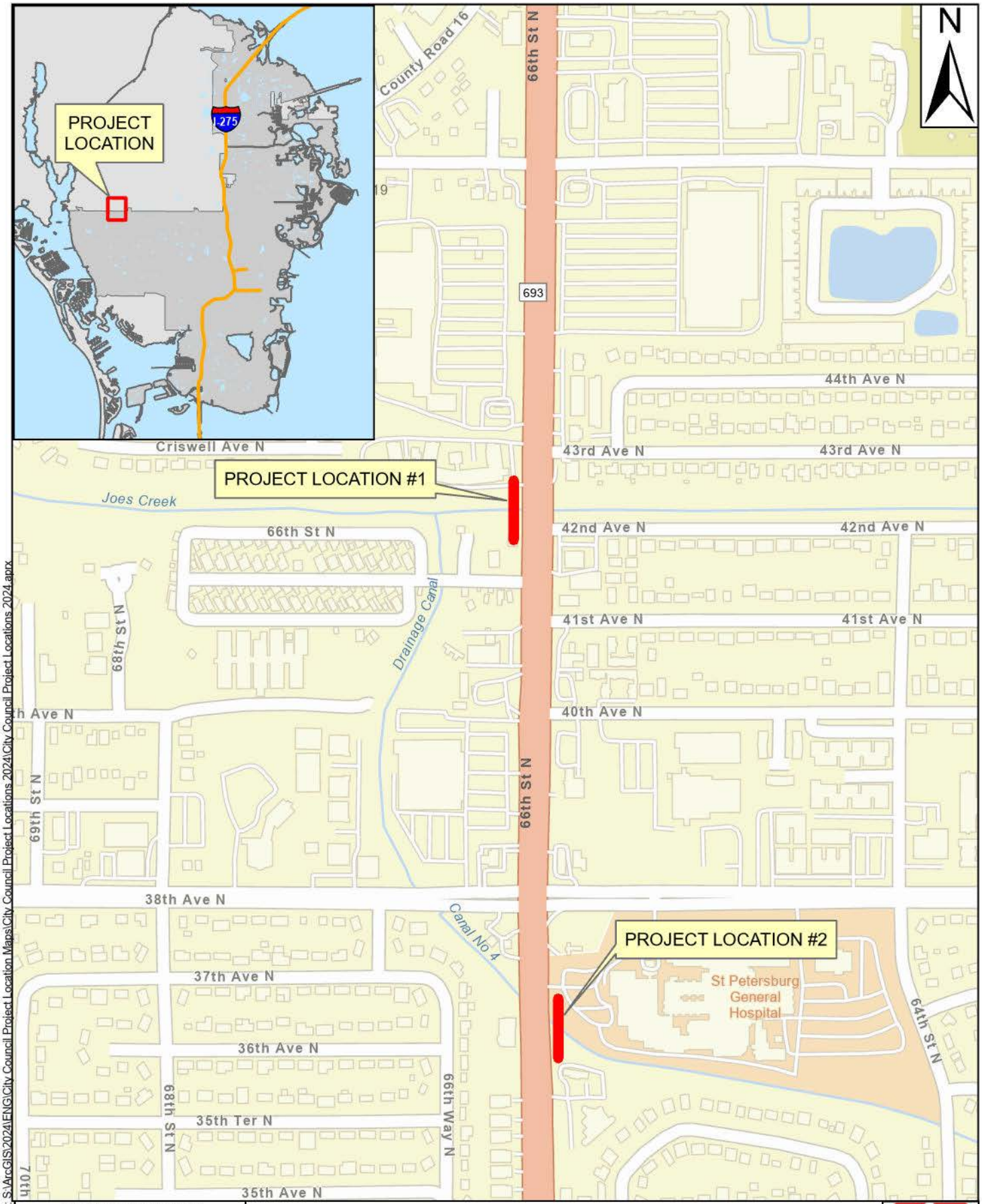
Task	Labor Cost	Expenses[2]	Subconsultant Services	Mark-up on Subconsultant Services[3]	Total Cost Without Allowance
1	$9,726.60	$0.00	$0.00	$0.00	$9,726.60
2	$19,994.32	$0.00	$0.00	$0.00	$19,994.32
2.1	$29,025.99	$0.00	$15,000.00	$750.00	$44,775.99
2.2	$24,854.96	$0.00	$0.00	$0.00	$24,854.96
2.3	$10,071.40	$0.00	$0.00	$0.00	$10,071.40
2.4	$8,681.38	$0.00	$0.00	$0.00	$8,681.38
2.5	$9,912.32	$0.00	$0.00	$0.00	$9,912.32
Total	$112,266.97	$0.00	$15,000.00	$750.00	$128,016.97

III. Fee Limit

Lump Sum Cost	$112,266.97
T&M	$15,750.00
Allowance[4]	$20,000.00
Total:	**$148,016.97**

IV. Notes:

1. Multiplier (per contract).
2. Includes expenses for:
3. Includes 5.0% percent markup of SUBCONSULTANT (per contract).
4. Allowance to be used only upon City's written authorization.



Document Path: S:\ArcGIS\2024\ENG\City Council Project Location Maps\City Council Project Locations 2024\City Council Project Locations 2024.aprx

ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT CITY of ST PETERSBURG	LELLMAN'S CREEK CROSSING REPLACEMENT OF 48' WATER TRANSMISSION MAIN Project No. 23156-100
APPROVED BY: / DATE: 1/29/2024	st.petersburg www.stpete.org

-- City of St. Petersburg Authorization Request -- **General Authorization**		**Request #** 257271

Name:	Johnson, Sarah B	Request Date:	13-FEB-2024	Status:	APPROVED

Authorization Request	
Subject:	Council Approval 2/29
Message:	23156-100 - AECOM - Lealman's Creek WM - Task Order
Supporting Documentation:	AECOM - Lellman's Creek WM - Task Order - Final.pdf

	Approver	Completed By	Response	Response Date	Type
0	Johnson, Sarah B		SUBMITTED	13-FEB-2024	
1	Prayman, Brejesh B	Prayman, Brejesh B	APPROVE	14-FEB-2024	User Defined
2	Wahl, Margaret Brown	Wahl, Margaret Brown	APPROVE	14-FEB-2024	User Defined
3	Tankersley, Claude Duval	Tankersley, Claude Duval	APPROVE	14-FEB-2024	User Defined

The following page(s) contain the backup material for Agenda Item: A resolution of the City Council of St. Petersburg, Florida confirming the appointment of Isabella Sobel as Assistant City Attorney; and providing for an effective date.
Please scroll down to view the backup material.

CB-8

MEMORANDUM

TO: The Honorable Deborah Figgs-Sanders, Chair and Members of City Council

FROM: Jacqueline M. Kovilaritch, City Attorney

DATE: February 15, 2024

RE: Vacant Assistant City Attorney Position

Since the departure of Brad Tennant in December 2023, the Legal Department has been one attorney short of its normal strength. I have recommended, and the Mayor has appointed, an individual whom we feel is highly qualified for this open position.

Isabella Sobel graduated with honors from Stetson University College of Law in 2014 and was admitted to The Florida Bar in 2015. Isabella has over six years of experience representing local governments in a wide variety of matters, including significant transactional work.

Your February 29, 2024 City Council meeting agenda will include a Consent Agenda item requesting that you confirm Isabella Sobel as an Assistant City Attorney. Subject to your approval, Isabella will begin employment on Monday, March 11, 2024.

If you have any questions, please feel free to contact me.

Attachment

cc: Kenneth T. Welch, Mayor
Robert Gerdes, City Administrator

00726007.docx

A RESOLUTION OF THE CITY COUNCIL OF ST. PETERSBURG, FLORIDA CONFIRMING THE APPOINTMENT OF ISABELLA SOBEL AS ASSISTANT CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that this Council confirms the appointment by the Mayor, made upon the recommendation of the City Attorney, of Isabella Sobel as Assistant City Attorney.

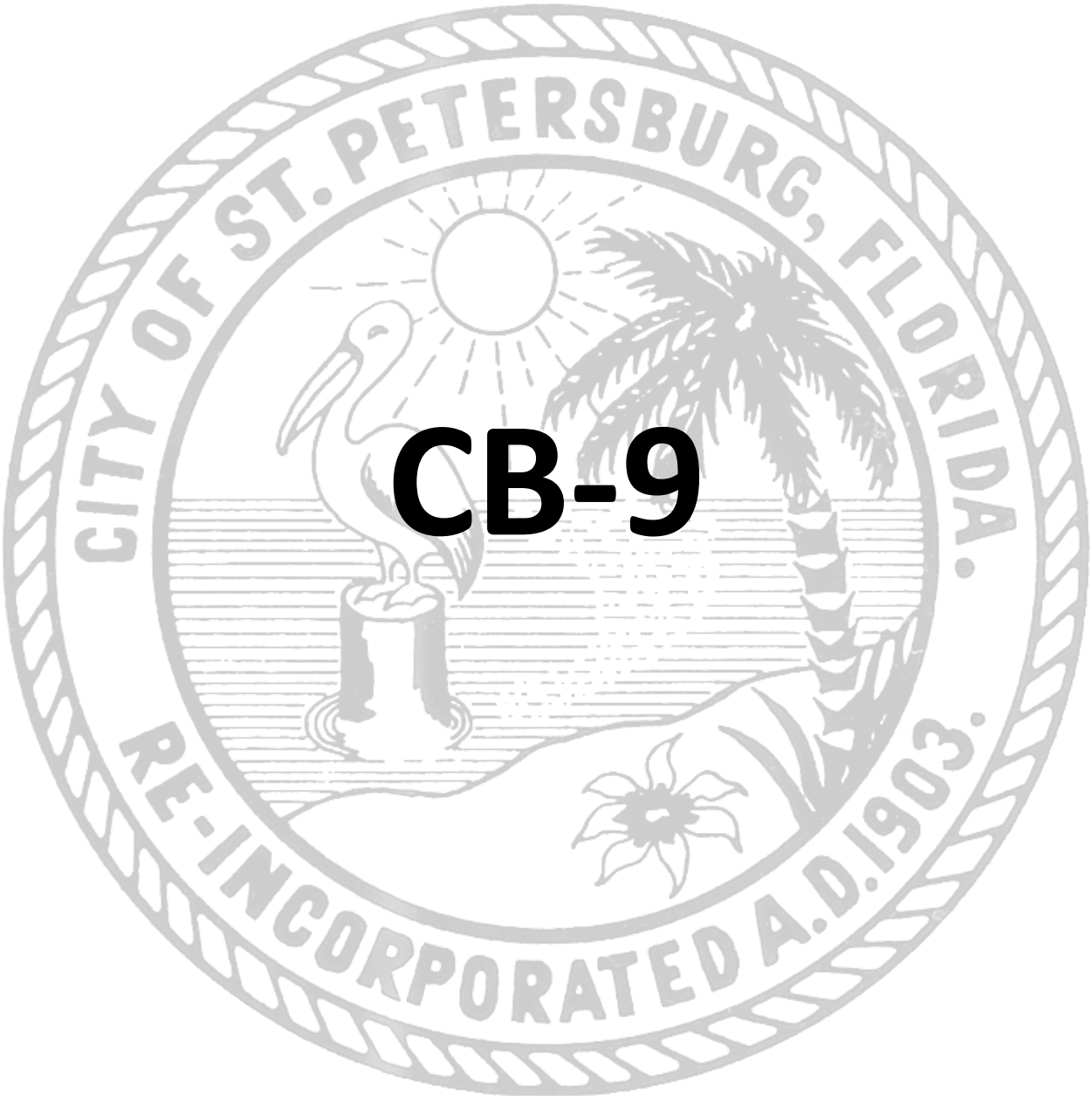
This resolution shall take effect immediately upon its adoption.

Approved as to form and content:

City Attorney (designee)

00725580.docx

The following page(s) contain the backup material for Agenda Item: Housing, Land Use & Transportation Committee Meeting Minutes (11/9/2023)
Please scroll down to view the backup material.



CB-9

City of St. Petersburg
Housing, Land Use, & Transportation Committee
November 9, 2023 – 8:00AM
Minutes

Members: Chair Richie Floyd, Vice Chair Gina Driscoll, Council Member Brandi Gabbard, Council Member John Muhammad

Alternate: Council Member Copley Gerdes

City Staff: City Administrator Robert Gerdes and Assistant City Attorney Brad Tennant.

Others present: Director of the Pinellas County Office of Human Rights (PCOHR) Jeffrey Lorick.

Support Staff: Bryan Casañas-Scarsella– City Council Legislative Aide

1) Call to Order

2) Approval of Agenda—CM Muhammad moved approval; all voted in favor.

3) Approval of the October 12, 2023 Minutes—CM Driscoll moved approval; all voted in favor.

4) New Business – November 9, 2023
Discrimination City-wide, including in housing (Assistant City Attorney Bradley Tennant and Director of the Pinellas County Office of Human Rights, Jeffery Lorick)

Mr. Tennant gave an overview of the laws regarding discrimination and fair housing, from federal, to state, county, and city. He also provided an overview of the types of discrimination as well as how the enforcement of and penalties for these anti-discrimination laws works. After that, he provided a summary of various preemptions related to discrimination. He explained that the City refers housing discrimination complaints to the Pinellas County Office of Human Rights (PCOHR) and that the City can only enforce through City code though the City can also act as a plaintiff in certain federal/state actions. The PCOHR helps to enforce federal discrimination laws as the local arm of the U.S. Department of Housing and Urban Development (HUD), state anti-discrimination laws via statute, county code via ordinance and St. Petersburg City Code via agreement, he explained.

Mr. Tennant explained that while state preemption prevents the county from passing certain laws, the PCOHR, as an arm of HUD, can enforce certain federal laws based on federal interpretations (federal preemption). For example, HUD provides that discrimination based on "sex" includes LGBTQ discrimination while the State of Florida generally does not. Source of income discrimination is not specifically recognized by HUD at the time, Mr. Tennant explained, but has been recognized as potentially actionable by federal courts and that HUD's rule regarding LGBTQ discrimination was based on similar circumstances and that HUD rule or ruling could allow source of income protections locally.

Committee Chair Floyd said that the conversation began around source of income discrimination and asked how the process for some other anti-discrimination laws played out. Mr. Tennant said those occurred via federal legislation, executive order by the president, court rulings, or administration rulemaking. On the federal level, anyone can apply for administrative rulemaking but said he was not able to comment on the likelihood of success on rulemaking requests. Mr. Lorick noted that disparate impact violations typically occur with felons and Section 8 vouchers, explaining that HUD now considers it unlawful to discriminate against people who have felonies,

for example. Mr. Lorick also said that he recently asked HUD if there were any changes forthcoming related to source of income and that they replied that there are not at this time.

Committee Chair Floyd asked about other localities in Florida protecting source of income discrimination since the state preemption occurred and how that is being done. Mr. Tennant said Orange County is the main example of this and that he has been trying to contact them and that he believes that they are doing it through the Fair Housing Act, which means it does not just apply to tenants but to everyone acting in the housing space—buyers, sellers, lenders, managers, developers, landlords and tenants. Committee Chair Floyd asked if it has anything to do with them being a county that they can do it via the Fair Housing Act and Mr. Tennant said it does potentially and that the county is enforcing it as an ordinance. Committee Chair Floyd asked Mr. Lorick about this and he replied that federal law does not get adjusted in any one jurisdiction. Mr. Tennant said the City Attorney's office could lay out what a petition for rulemaking would look like. Committee Chair Floyd replied that he would be interested in knowing what that would like and then asked Mr. Lorick more about his office's work. Mr. Lorick replied that their number one complaint is about disabilities, followed by race and disparate impact as it relates to felons being denied housing as well. They do approximately 80 housing investigations per year. He then explained that if an ordinance were passed at the county level that any change would need to be approved by HUD as well. He also said that there have been more calls in the last year related to the Fair Housing Act than in the last five years combined. Committee Chair Floyd asked how the City could support the PCOHR's efforts and Mr. Lorick replied that the City could support an extra investigator being added to the staff. Committee Chair Floyd then asked about marketing and Mr. Lorick said his office does outreach through social media and public service announcements. He said that in other municipalities in which he has worked, he has seen municipalities buying billboard space for Fair Housing Month in April, for example.

CM Muhammad then asked if there are studies that show the disparate impact as it relates to source of income discrimination. Mr. Lorick replied that he is not aware of that as it relates to source of income discrimination. CM Muhammad asked how it would be proved and Mr. Tennant replied that an official study and statistical analysis would need to occur.

CM Driscoll asked how many cases were found to be in violation. He said they did 68 fair housing investigations last year and eight of them were cause. So, it can be very difficult to prove, Mr. Lorick said. CM Driscoll then asked about stationing a position in St. Petersburg. As far as advocating on the federal level for administrative rulemaking changes, CM Driscoll suggested looking at any advocacy around this that is being done by the Florida League of Cities, the National League of Cities or even independent organizations that focus on these types of issues. Rob Gerdes then asked Joe Waugh to present the new renter's guide, which he did. Council Chair Gabbard asked about a plan for how to get the new guides into the hands of property management groups. Mr. Waugh said they have the community support specialist bringing them into the community and then also they envision putting them in recreation centers, libraries, where people go to pay their utility bills, and reaching out to the Bay Area Apartment Association.

The meeting adjourned at 9:02AM.

The following page(s) contain the backup material for Agenda Item: Housing, Land Use & Transportation Committee Meeting Minutes (1/11/2024)
Please scroll down to view the backup material.

CB-10

City of St. Petersburg
Housing, Land Use, & Transportation Committee
January 11, 2024 – 9:15AM
Minutes

Members: Chair Richie Floyd, Vice Chair Gina Driscoll, Council Member Brandi Gabbard, Council Member John Muhammad

Alternate: Council Member Copley Gerdes

Also present: Rob Gerdes, City Administrator, Amy Foster, Housing and Neighborhood Services Administrator, Beatriz Zafra, Special Projects Coordinator, Joe Waugh, Codes Compliance Assistance Director, Michael Dema, Assistant City Attorney, Aaron Fisch, Real Estate and Property Management Director, and Stephanie Lampe, Senior Housing Development Coordinator.

Support Staff: Bryan Casañas-Scarsella– City Council Legislative Aide

1) Call to Order

2) Approval of Agenda—CM Gabbard moved approval; all voted in favor.

3) Approval of the November 9, 2023 Minutes—CM Gabbard moved approval; all voted in favor.

4) New Business – January 11, 2024
Potential changes to the Affordable Housing Lot Disposition Program

Ms. Zafra provided background and overview of the Affordable Housing Lot Disposition Program. She explained that it has been amended twice since its creation. She also went over the current process for the program as well as program results and project timelines and challenges, which were outlined in the backup. She outlined the proposal for a change to the request for qualifications (RFQ) process, which would allow staff to prequalify the developers upfront and offer available lots to the approved list with a quicker turnaround time, thus eliminating the need for committee meetings. The RFQ process would provide for a more detailed review of a developer's qualifications and experience with new residential construction, in lieu of the current self-attestation application process for qualifying developers. These changes would streamline process, reduce staff resources, and increase production of affordable homes. Additionally, another change being proposed was to allow for multi-unit construction due to changes in zoning since program's inception, which could allow for additional density (e.g., ADU, duplex), as well as allowing for one upfront flat fee instead of monthly rent payments, and finally changes to the closing process to allow the City to sell to developer, who then sells to the buyer. This, Ms. Zafra explained, will streamline the City's involvement in the sale by limiting the City's involvement to just the sale of the lot.

CM Driscoll asked about multi-family affordability for renters. Ms. Zafra responded that there could be a limit on the income of the potential renters but they wanted feedback from the Committee. CM Driscoll said that the affordability standards should be applied even in the case of units being rented. CM Driscoll then asked if any current lots are in the NTM-1 and Mr. Waugh said that there are three lots that would be coming over from the Neighborhood Stabilization Program (NSP) that would fall into that category. CM Driscoll expressed her support for these changes. She then asked how often they envisioned issuing the RFQ. Ms. Foster replied that they would likely have a library of developers and then update it annually and said that they envisioned 10 lots or so being released at a

time. CM Driscoll about changing the closing process if there is anything to be concerned about. Mr. Fisch then it allows the City to separate itself from the liability of the actual improvements that need to be made to a property and he explained that with the declaration of restrictions that the City would be protected.

CM Gabbard asked about the frequency that the City is giving extensions on the seven days to respond. Ms. Zafra said they are not tracking that. Ms. Foster said it was previously managed by the Housing Department and that they have since found discrepancies. The delay, Ms. Foster clarified, often comes in funding or permitting, not in the application process. CM Gabbard asked if the City is looking to have a more solid basis around those funds in the new process and Ms. Foster replied that is a part of what they would look at in the RFQ process. CM Gabbard then asked about the seven-year affordability standard and if they have seen any homeowners tried to resell the properties and Mr. Waugh then replied that they did not have that information. CM Gabbard then highlighted the concern that people could purchase the properties and then turn around and sell them but also said people are on average are staying in their properties longer. CM Gabbard then asked about monitoring once the properties are sold and what recourse the City has if the affordability standards are not met. Mr. Fisch responded that the recourse is in title so the declaration of restrictions would come up every time, including liquidated damages, which would be owed to the City. CM Gabbard emphasized the monitoring of these properties over time. CM Gabbard also echoed CM Driscoll's support for utilizing NTM-1 and expressed concern for the rental units meeting affordability standards.

CM Muhammad asked a question about the RFQ process and how many of the current parties would not make the cut. Mr. Waugh said that might be difficult to say at this point. CM Muhammad then asked about issues and disputes on the properties. Mr. Fisch said each property in the program is reviewed for encumbrances and some issues do come up from time to time that need to be remedied before these properties are conveyed, such as anything that prevents a clear title, or any easements required.

CM Gerdes asked how many homes on average are coming into the program and Ms. Foster said they have not had any come into the program in quite some time. He then asked how many partners the City actually used for the program. Ms. Zafra said the number was in the 20s and one partner completed 16 out of the 48 properties. CM Gerdes then asked how many applications are being received per lot. Ms. Zafra replied that it is about 10 to 15 each time. CM Gerdes echoed previous Council Members' sentiments about NTM-1 and renter affordability and voiced his support for using the NSP program and releasing the properties in waves and would encourage dividing them up as much as possible, which could be helpful due to constantly changing market conditions.

Council Chair Figgs-Sanders asked how many of the 79 developers are local. Ms. Zafra said she can get her that information. Council Chair Figgs-Sanders what happens if the developer is not successful and possibly incentivize a larger developer to assist the smaller developers. Ms. Foster replied that some of those referrals are in fact currently made and that is one of the great things about the program. She then asked if the lots can be awarded in bundles and Mr. Waugh replied that that is currently up to the committee and is not sure if that has occurred, but he will investigate that. Council Chair Figgs-Sanders then asked about the threshold for being removed as developer if a project is not completed. Mr. Waugh said in the current process it would be considered by the committee and they would still be able to submit an application for another lot.

Committee Chair Floyd then highlighted the higher average timeline of building homes locally compared to the national average. Committee Chair Floyd asked about any developers coming in and getting better over time. Mr. Waugh said some of it is hard to speak to since they just started managing the program recently but they could get back to him with more information. Committee Chair Floyd then asked if apprenticeships play a role in this program. Ms. Zafra said they do not but partners do get additional points on the scoring matrix if they commit to hiring contractors, subcontractors or other laborers located in the South St. Pete CRA. He then asked about the NSP. Ms. Lampe then provided background on the NSP, which she explained began during the housing crash and that there were two different rounds of it which helped the City to purchase properties and demolish those that could not be renovated and allowed for the construction of new homes. Some of the funding was used for nonprofits to acquire foreclosed rental developments, renovate those, and add an affordability period, and finally created a land bank system and those are being closed out.

Committee Chair Floyd then asked about increasing density when building affordable projects in single-family zoning. Mr. Dema said the ADU is about as much as can be done in single-family zoning. He then stated that he likes the changes of the program despite wishing that the City would not dispose of its land. He also asked about next steps. Mr. Waugh said they were wanting to bring the item to full Council after receiving the Committee's feedback, which Committee Members agreed to as well.

The meeting adjourned at 10:18AM.

The following page(s) contain the backup material for Agenda Item: Health, Energy, Resilience & Sustainability Committee Meeting Minutes (9/21/2023)
Please scroll down to view the backup material.

CB-11

City of St. Petersburg
Health, Energy, Resilience & Sustainability Committee
Minutes
September 21, 2023 at 9:00 a.m.
City Hall, Room 100

Present: Chair Gina Driscoll, Richie Floyd, John Muhammad Council, Council Chair Brandi Gabbard

Absent:

Also Present: City Administrator Rob Gerdes, Community and Neighborhood Affairs Administrator Amy Foster, Assistant City Attorney Michael Dema, Sustainability and Resilience Director Allison Mihalich, Assistant Sanitation Director Robert Turner, Senior Sustainability Coordinator Whitney Blair, Sierra Club Florida Political Chair David Harbeitner, Deputy City Clerk Jordan Wilson

Support Staff: Cortney Phillips – Legislative Aide

1. **Call to Order – 9:00 AM**

2. **Approval of Agenda –** Councilmember Gabbard motioned for approval. All voted in favor.

3. **Approval of May 18, 2023 Minutes –** Councilmember Muhammad motioned for approval. All voted in favor.

4. **New Business –** Potential restrictions on the use and distribution of certain rodenticides by the City of St. Petersburg

In connection with the new business, Assistant Sanitation Director Robert Turner provided a quick update on the rodenticide program. Sanitation has made a complete shift to a new rodent control product with sodium chloride as an active ingredient, replacing the former anticoagulant product to one that provides no risk to children, pets, and wildlife. Since the product replacement on June 5th, there have been 776 requests for service which is consistent with previous service calls in past years.

Chair Driscoll asked about marketing initiatives for the change in product and suggested a video with St. Pete TV that can be shared on social media for maximum outreach. Mr. Turner responded that the Good Neighbor Guide has been updated with information about rodenticides, as well as a sanitation guide provided throughout the city.

Chair Driscoll introduced Sierra Club Florida Political Chair David Harbeitner, who noted Sierra Club's partnership with municipalities such as Safety Harbor and their efforts to reduce harm to wildlife through rodenticides. Mr. Harbeitner recommended outreach at points of sale, neighborhood associations, and use of solid marketing materials to help educate the public.

New Business – Continued or planned investments in the context of the American Cities Climate Challenge commitments and Integrated Sustainability Action Plan (ISAP) implementation (Update)

In connection with the new business, Sustainability and Resilience Director Allison Mihalich provided a PowerPoint presentation update on the Bloomberg American Cities Climate Challenge (ACCC), and how it helped advance the implementation of the ISAP. With regard to solar panels, Councilmember Muhammad asked if our solar panels produce a surplus of energy, and if we consume all of the energy we produce. Ms. Mihalich explained that it gets sent back to the electrical grid, and rather than the energy resulting in savings on our electric bills, it's a cost avoidance.

Councilmember Gabbard thanked Ms. Mihalich for her work on our Electric Vehicle (EV) code, and added that she will look forward to working further when recent State legislation lifts in October of 2024.

Chair Driscoll inquired if there has been an evaluation on City buildings to see the potential for future solar opportunities. Ms. Mihalich replied that she does not think there has been a comprehensive evaluation to date of all municipal owned buildings, but that she will consult with Engineering and Capital Improvements, and it could possibly be wrapped into discussions with Councilmember Floyd's new business item regarding the electrical grid.

New Business – Implementation of a community food forest program. In addition, the discussion should focus on recurring funding from the general fund and with the initial seed funding coming from BP funds or other one-time funding sources (Update)

In connection with the new business, Senior Sustainability Coordinator Whitney Blair provided a PowerPoint presentation update on the community food forest program. Updates included:

- An overview of the current urban agriculture efforts in the city, including the St. Pete Youth Farm
- Proposal of the use of a portion of remaining BP settlement funds to pilot a community garden mini grant and a food forest program

Councilmember Gabbard asked what marketing might look like for this program. Ms. Mihalich responded that staff will be consulting the Marketing Department to develop what the grant application and communications plan will look like, but we'd like to leverage existing neighborhood associations, community organizations, churches, and social media to get the word out.

Councilmember Floyd inquired if we know what the FY25 budget request for food forests will look like. Ms. Mihalich replied that we first wanted to evaluate the pilot, which would not exceed $100,000, then we can have a budget request conversation further down the line.

Councilmember Gabbard noted that USF that is working on a regional food systems mapping tool that will show regional connectivity of all food systems and current community gardens, food forests, and places that organize food banking.

Chair Driscoll asked if staff was working with Healthy St. Pete to tie in nutrition and food security with food forests. Ms. Blair answered that Healthy St. Pete is in the process of hiring a Food Systems Coordinator, and we'll work with them in the future on those initiatives. Chair Driscoll asked that this item stay on the referral list to get updates in the future.

New Business – Resilience Hub Concepts and an update on the Pilot funded by Foundation for a Healthy St. Petersburg: Childs Park Neighborhood Resilience Collective (NRC) (Update)

In connection with the new business, Ms. Mihalich provided a PowerPoint presentation regarding the Childs Park Neighborhood Resilience Collective, which included a breakdown of the functions of the ARPA funded Community Support Hubs, tie-ins to the food forest pilot program, and possible workforce training and development opportunities. Ms. Blair provided an update on air quality sensors in Child's Park and connecting residents with air quality reporting tools.

Chair Driscoll asked if there will be opportunities for the NRC to join forces with the ARPA related hubs that are being established. Ms. Mihalich responded that yes, we are having ongoing conversations so that we can provide our findings as questions arise through the community hub model.

New Business – Removal of "Herbicide/pesticide use & the potential adoption of restrictions on those containing harmful chemicals" item from referral list

In connection with the new business, Chair Driscoll discussed that the county has created the Integrated Vegetation Management Program which has taken care of the issue and restricted the use of glyphosates.

Councilmember Gabbard moved to remove the "Herbicide/pesticide use & the potential adoption of restrictions on those containing harmful chemicals" item from referral list. All were in favor of the motion.

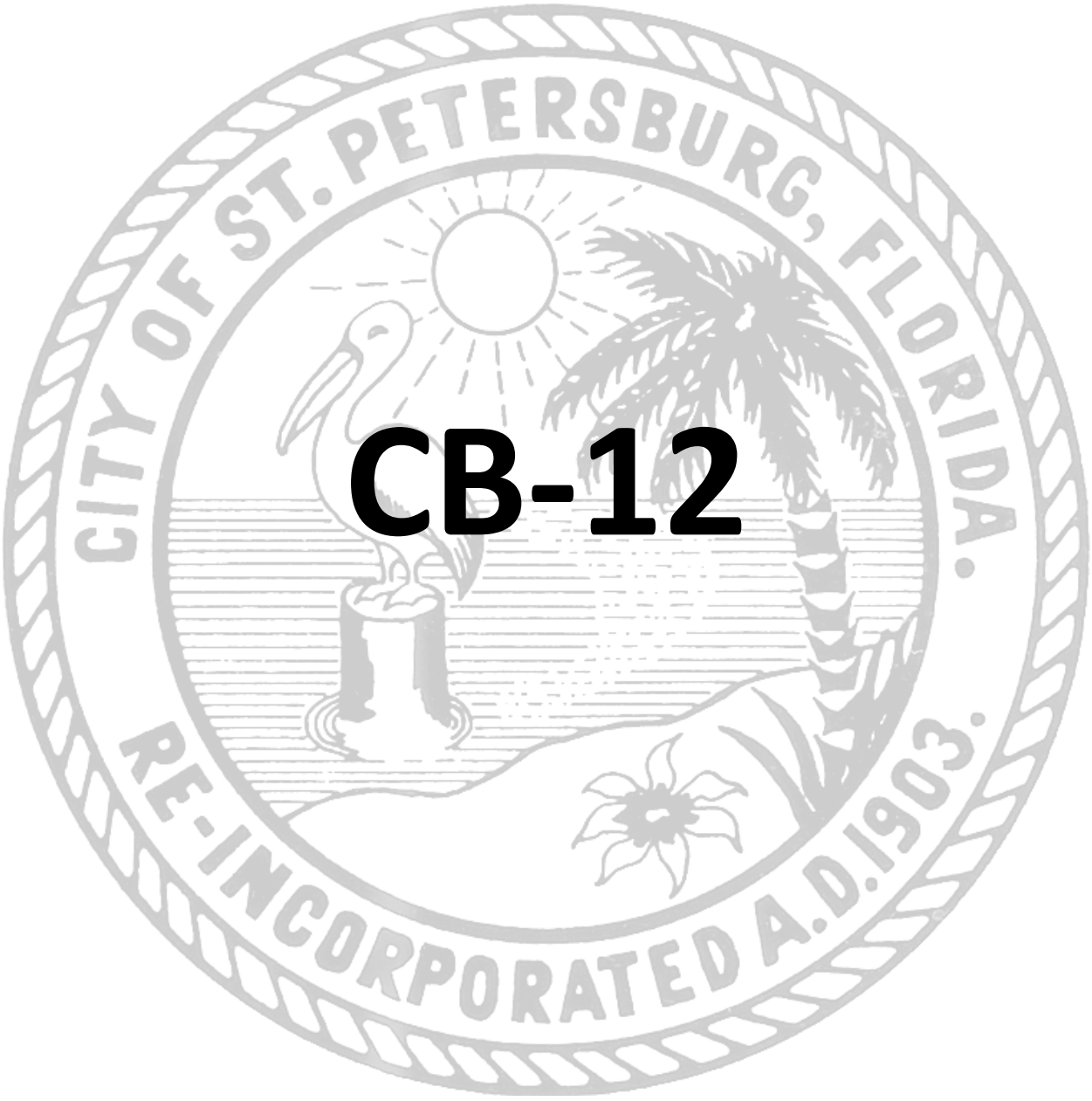
Chair Driscoll noted that with the switch from anticoagulant rodenticides and the progress in educating the community, the rodenticides item can also be removed from the referral list.

Councilmember Floyd moved to remove the "Potential restrictions on the use and distribution of certain rodenticides by the City of St. Petersburg" item from the referral list. All were in favor of the motion.

There being no further business, the meeting was adjourned at 9:59 AM.

The next meeting is scheduled for November 27, 2023.

The following page(s) contain the backup material for Agenda Item: Legislative Affairs & Intergovernmental Relations Committee Minutes (12/14/2023)
Please scroll down to view the backup material.



CB-12

City of St. Petersburg
Legislative Affairs and Intergovernmental Relations Committee
December 14, 2023 Meeting Minutes
City Hall, Room 100

Present: Committee Chair Lisset Hanewicz, Committee Vice-Chair Ed Montanari, Council Member Gina Driscoll, and Council Chair Brandi Gabbard,

Absent: None

Also Present: Council Vice-Chair Deborah Figgs-Sanders, Assistant City Attorney Jane Wallace, Mayor's Chief of Staff Doyle Walsh, Government Affairs Director David Thompson, Capitol Counsel Partner Robert Diamond (via ZOOM), The Southern Group Partner Laura Boehmer, and Deputy City Clerk Jordan Wilson

Support Staff: Tricia Terry – City Council Legislative Aide

1. **Call to Order** – 8:31AM
2. **Approval of Agenda –** CM Montanari motioned for approval. All voted in favor.
3. **Approval of October 26, 2023 Minutes –** CM Montanari motioned for approval. All voted in favor.
4. **New Business – December 14, 2023**

Current Status in Washington – *Rob Diamond, Capitol Counsel*

Rob Diamond updated the Committee on Congress, stating that Congress will finish up most of its work for 2023 this week. They passed a clean continuing resolution to push the spending deadlines into next year. Most appropriations bills will be due on January 19, with the remaining due on February 2. Mr. Diamond commented that there has been no significant progress since November 16 on the spending negotiations. He then explained that the NDAA is about to be passed, with the Senate already passing their version and the House to take it up within the next few days.[1] Mr. Diamond does not believe there will be any action on the $100 billion supplemental requested by the Biden Administration. Additionally, Mr. Diamond expects a flood of regulations out of the Treasury Department related to the Inflation Reduction Act before the end of the year.

Current Status in Tallahassee – *Laura Boehmer, The Southern Group*

Laura Boehmer started her status update with the final interim committee week. She confirmed that there have not been a lot of bills filed yet, but she is expecting a very active start to the 2024 Session. Ms. Boehmer indicated that the Governor's budget recommendations came out this week. She then mentioned two bills, Senator DiCeglie's Vacation Rental Bill, and Senate President Passidomo's priority Deregulation package.[2] Ms. Boehmer indicated that The Southern Group would be sending out

[1] NDAA – National Defense Authorization Act https://www.congress.gov/bill/118th-congress/house-bill/2670/all-actions?overview=closed&s=2&r=1&q=%7B%22search%22%3A%22canada%22%7D#tabs
[2] Vacation Rentals, SB 280, 2024 Regular Session, https://www.flsenate.gov/Session/Bill/2024/280
Special Districts, PCB LFS 24-02, 2024 Regular Session

weekly updates to bills that they are tracking. Chair Hanewicz asked to confirm that the Vacation Rental bill makes it onto our own bill tracker.

2024 City of St. Petersburg State Legislative Agenda – *David Thompson, Government Affairs Director*

David Thompson gave a brief overview of some changes made to the State Legislative Agenda since the Council Member one-on-ones. He also indicated that appropriation requests do not have specific amounts due to constant funding changes often made during session.

Chair Hanewicz asked to remove language identifying certain bodies of water under the clean water section, and instead leaving it broad enough to encompass any body of water that may require attention.

Council Chair (CC) Gabbard asked if this committee report, approving the 2024 City of St. Petersburg State Legislative Agenda, can be added to the January 4th City Council meeting. Chair Hanewicz confirmed that January 4th is the date we had planned to vote at full Council.

CM Montanari asked if there are any proposed changes with the Live Local Act. David Thompson confirmed that the language in our draft legislative agenda comes from our Housing staff team. He added that the focus will be on expanding affordable housing to include those making 100%, 80% or 50% of AMI.[3] He briefly discussed extending certain affordable housing tax abatements in the bill. CM Montanari expressed the desire to emphasize homeownership in addition to rental properties. Ms. Boehmer stated that if we have any specific asks, she can take that up to the Senate President.

CM Montanari asked if the improvements to the Mahaffey Theater can be added to the appropriations list. Doyle Walsh indicated that Administration would have a meeting on the Mahaffey request. As the request may carry a matching component, they will need more time to discuss.

CM Driscoll inquired about natural disasters and the restrictions on development within 100 miles of the point of disaster. Mr. Thompson briefly stated that the radius of SB 250 was reduced and no longer includes Pinellas County.[4] Mr. Walsh confirmed that change with HB 1-C having recently been approved.[5] CM Driscoll asked for Administration to review any changes that we may have made to our codes and ordinances that were to align the City with the State on that item.

CC Gabbard requested a meeting with the Senate President to discuss sunsetting on the Live Local Act during her upcoming trip to Tallahassee. CC Gabbard asked to have the EV Bill move forward since it was only on hold due to the radius of SB 250.[6] In addition, CM Driscoll asked for Administration to review any other items that were put on hold for the same reason, and for a list of those items to be shared with full Council.

CC Gabbard moved approval of the draft legislative agenda with changes. All voted in favor.

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[3] AMI – Area Median Income

[4] Natural Emergencies, SB 250, 2023 Regular Session, https://www.flsenate.gov/Session/Bill/2023/250

[5] Disaster Relief, HB 1-C, 2023 Regular Session, https://www.flsenate.gov/Session/Bill/2023C/1C

[6] EV Bill – an initiative to change our local ordinance to have electric vehicle capability/readiness in new construction and/or affordable housing.

PSTA Charter Amendment – *Brad Miller, PSTA*

CM Driscoll discussed the origin of this discussion, being forwarded to committee after a PSTA report in full Council. Additionally, she covered some of the backup material included in the packet, specifically the draft resolution opposing the bill. CM Driscoll explained that Largo, Dunedin and Clearwater have all passed similar resolutions regarding this bill.

Ms. Boehmer discussed how a local bill moves forward, stressing that they are only valid in the House. For this local bill, Rep. Chaney must put out an advertisement. It must then successfully move through three committees. Once in the Senate, it only takes one senator to pull the bill and it dies. CM Driscoll pointed out the many opportunities for this bill to die.

Brad Miller gave a brief overview of the 2 main proposed changes in Representative Chaney's bill: (1) reducing the membership of the PSTA Board from 15 to 12 and (2) requiring a supermajority of the PSTA Board in favor of the use of eminent domain. He expanded that the reduction in the board size would specifically affect St. Petersburg representation. On the second item, he clarified that PSTA has never used eminent domain in its 40-year history. Mr. Miller also discussed language in the bill that prohibits non-paid advertising on the buses.

Council Vice-Chair (VC) Figgs-Sanders commented that this bill does not aim to make changes for reasons like ridership or what is in the best interest of the organization. She highlighted the language restricting bus advertisements that give homage to activities and events in the City of St. Petersburg. VC Figgs-Sanders ended by thanking all who voiced their concerns with the bill and her support for approving the draft resolution.

CM Montanari asked Mr. Miller about annual ridership and significant decrease in 2016. Mr. Miller explained the origin of PSTA in 1984 and the ridership numbers presented in the backup. In 2008-2010, the recession caused major cuts in service for PSTA due to severe loss of ad valorem revenue. A small service cut in 2016 and fare increase caused the decrease. Mr. Miller added that used car sales increased significantly out of the recession affecting ridership. The recent pandemic obviously caused record-setting lows, that PSTA is still rebounding from. He then pointed out that ridership increases have continued this year as well.

CM Montanari asked about the advertisements, the advertising company's contract, and PSTA's percentage of revenue from those ads. Mr. Miller explained that PSTA uses five-year contracts with the advertising company who sells the ads that go on the side of buses. PSTA then received 3% of those revenues.

CM Montanari asked about amendments to local bills. Ms. Boehmer stated that any amendments would call for an emergency delegation meeting to vote on changes to the bill. She expanded that amendments are rare, if at all, for local bills. CM Montanari voiced his concern about the decrease in St. Petersburg's representation, and his support of the language about lane reduction/elimination. He then stated he would be voting against the proposed resolution and asked for a recorded vote on this item.

CC Gabbard stated that she would like both this resolution and the state legislative agenda to go up to full council today. Chair Hanewicz asked Administration to confirm if the minor changes to the legislative agenda could be done in time. Mr. Walsh confirmed that they could accommodate that request.

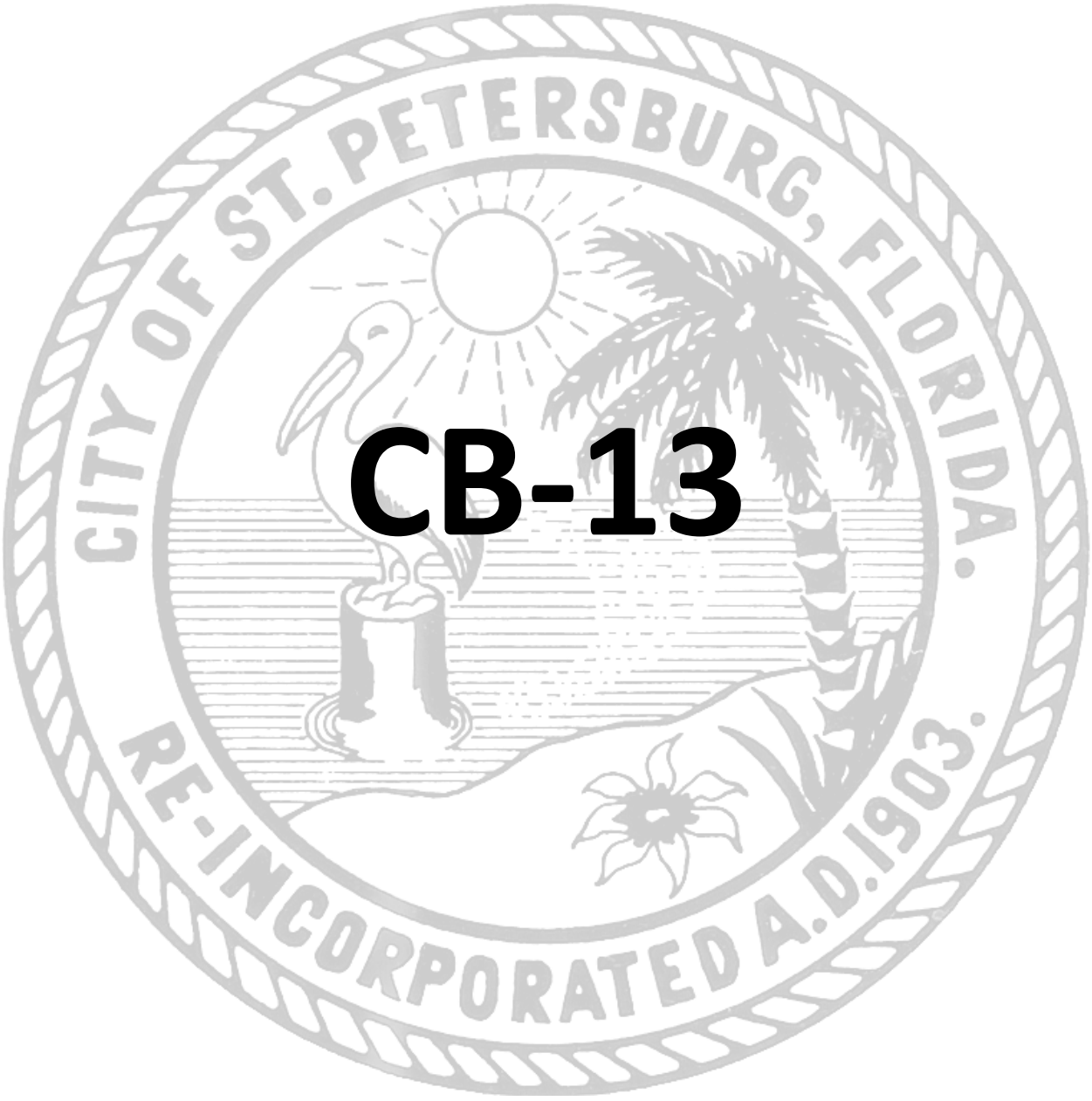
CM Driscoll asked if there were any changes to the PSTA resolution that CM Montanari could suggest that would change his vote. She then asked if in-kind advertisement counted as paid advertising. Mr. Miller stated that it does. CM Driscoll discussed potential partnerships for advertising, like with the Tampa Bay Rays. CM Driscoll pointed out the annual financial audits that are reported to the PSTA Board, making the organization accountable and transparent. She then asked to clarify that lane elimination is decided by cities, counties and states. Mr. Miller specified that the bill language only related to non-municipal, non-DOT roadways in Pinellas County.

CM Driscoll motioned for approval of the PSTA Resolution and for it to move to full Council today. Motion passed with CC Gabbard, CM Driscoll and CM Hanewicz voting yes, and CM Montanari voting no.

CC Gabbard asked to monitor the potential preemption regarding urban fertilizer ordinances. Mr. Thompson confirmed that it would be added to the bill tracker. CM Driscoll asked for the local bill to be tracked, and if Administration is in support of the proposed PSTA resolution. Mr. Walsh confirmed Administration's support for the resolution.

With no further business, Committee Chair Hanewicz adjourned the meeting at 9:35AM.

The following page(s) contain the backup material for Agenda Item: Budget, Finance & Taxation Committee Minutes (2/8/2024)
Please scroll down to view the backup material.



CB-13

City of St. Petersburg
Budget, Finance and Taxation Committee
February 8, 2024 Meeting Minutes
City Hall, Room 100

Present: Committee Chair Copley Gerdes, Committee Vice-Chair Ed Montanari, Council Chair Deborah Figgs-Sanders, and Council Member Lisset Hanewicz.

Absent: None

Also Present: Assistant City Administrator Tom Greene, Chief Assistant City Attorney Jeannine Williams, Budget and Management Director Liz Makofske, Budget Manager Jim Chism, City Treasurer Tom Hoffman, Financial Audit Manager David Goddu, and Deputy City Clerk Paul Traci.

Support Staff: Jayne Ohlman – Senior Legislative Aide

1. Call to Order – 10:50 AM
2. Approval of Agenda – CM Figgs-Sanders motioned for approval. All voted in favor.
3. Approval of January 25, 2024 Minutes – CM Montanari motioned for approval. All voted in favor.
4. New Business – February 8, 2024

First Quarter Budgetary Analysis & Fund Balance Reports – *Liz Makofske, Budget & Management Director*

Budget and Management Director Liz Makofske detailed the Fiscal Year 2024 first quarter budgetary analysis, fund balance report, and stoplight report.[1] For the first quarter, 35 of the 41 selected funds are operating within an acceptable variance of plus or minus 2%. The remaining two funds are projected to have year-end fund balances of 5% or more below target.

Next, Ms. Makofske explained that based on actual revenue collected as of December 31, 2023, and projections for FY 24, the general fund would collect an estimated $372.062 million in revenue, exceeding both the adopted and amended revenue budget. In contrast, the total estimated expenditures are $379.907 million, of which $6.070 million were encumbrances in FY 23 but are set to become actuals in FY 24. As a result, an estimated $1.775 million of fund balance will be used to cover current year obligations. Ms. Makofske noted that the beginning fund balance of the general fund includes $1,792,645 of unspent or unencumbered BP resources. As of December 31, 2023, all $6,477,796 of the initial BP resources have been appropriated, and any unspent funds will be rolled over to FY 24.[2]

Ms. Makofske provided an overview of the fund balance targets established by the City's fiscal policies. The first target states that the unappropriated fund balance of the general fund will be 12% of the annual appropriation in the fund, excluding any transfer to the Economic Stability Fund.[3] For FY 24, the City's 12% target equals approximately $43.178 million. Based on first-quarter estimates, the year-

[1] The stoplight report provides a snapshot of quarterly performance with selected operating funds' revenue and expense projections. The stoplight report separates the BP-funded investments and the revenues/expenditures associated with the CARES Act from the true operating revenue and expenses within the general fund.
[2] During the first quarter of FY 22, the City received $1,063,567 in additional BP proceeds. The stoplight reports show the additional revenues received by the City but will not show in the expenditure estimate until a plan to spend the proceeds is approved.
[3] Increased from 10% as part of the FY 24 Fiscal Policy changes.

end projection is about $69.556 million in unappropriated fund balance, exceeding the 12% target by $26.378 million.

The other target that applies to the general fund group of funds is to have an unappropriated fund balance in the group of funds equal to 20% of the collective appropriation. For FY 24, the 20% target equates to $72.305 million, and the projected year-end unappropriated fund balance is $102.174 million, exceeding the 20% target by $29.869 million.

Ms. Makofske continued with updates on the Water, Stormwater, and Sanitation Operating Funds. The Water Resources Operating Fund is performing better than budget expectations as of the first quarter, with an estimated increase in fund balance of $6.382 million, and it is expected to meet or exceed its fund balance target at the end of FY 24. The Stormwater Utility Operating Fund is performing below budget expectations, with an estimated use of fund balance of $1.83 million; however, the fund is still expected to meet its fund balance target at the end of FY 24. The Sanitation Operating Fund is performing better than budget expectations, with an estimated increase in fund balance of $828,000, and it is expected to meet or exceed its fund balance target at the end of FY 24.

Ms. Makofske concluded with the American Rescue Plan Act (ARPA) Fund status update. Ms. Makofske reminded the committee that the City received $45,413,870, and as of the first quarter of FY 24, only $1,250,365 remains unappropriated.

In referencing the Economic Stability Fund Balance in the Stoplight Report, Committee Vice-Chair Montanari asked for an update on all outstanding interfund loans from the stability fund. CM Montanari asked if the recent $6 million interfund loan transfer for the Deuces Rising Townhome project is included in the stability fund's year-end estimate. Ms. Makofske responded that it is included.

In reference to the Stormwater Utility Operating Fund, Council Member Hanewicz asked Ms. Makofske to expand on why the fund is performing below budget expectations compared to the Water and Sanitation Operating Funds. Ms. Makofske explained that there are several reasons that the fund is using more of its fund balance than other utility funds, such as the anticipated rate increases when the budget is built or due to CIP projects that require more transferred funds than expected.

Committee Chair Gerdes asked if the City can better predict the net revenue increases from various sources such as sales, utility, and franchise taxes. Assistant City Administrator Tom Greene explained that they periodically review revenue sources, especially charges for services controlled internally. However, sales and utility tax revenue are more challenging to predict due to the tendency to fluctuate based on external factors; unlike budgeting for ad valorem revenue, which is driven by the statutory requirement to budget at least 95% of ad valorem taxes, the City budgets at 96%.[4]

First Quarter Financial & Investment Reports – *Tom Hoffman, City Treasurer, and David Goddu, Financial Audit Manager*

City Treasurer Tom Hoffman provided an overview of the City's financial results for the first quarter and the three months preceding December 31, 2023. Beginning with the investment report, Mr. Hoffman stated that the current amortized book value of all holdings governed by the City's General Investment Policy is $1.195 billion with a corresponding market value of $1.18 billion, resulting in an unrealized loss of $15.3 million. Included in the calculation for total unrealized loss is the market value

[4] Florida Statutes Section 200.065(2)(a)1.

loss of $113,965 for the BlackRock holdings. Therefore, excluding the BlackRock holdings, the City-managed portfolio reports a $15.2 million unrealized loss.[5]

Combining all sources of interest income earnings for the twelve months preceding December 31, 2023, the City's investment earnings were $37.10 million, for an average return of 3.41%. The average return for the first quarter was 3.73%. During the first quarter, maturities were held for the face amount of $124.3 million. Instruments purchased during the first quarter totaled $205.5 million, and $6.5 million were called.

Next, Mr. Hoffman stated that the current amortized book value of the Alternative Investment Portfolios is $33.1 million, with a corresponding market value of $48.1 million and a total unrealized gain of $15 million. The total amortized book value of the General and Alternative Investment Policies combined is $1.228 billion, and the market value is $1.228 billion, with a total unrealized loss of $300,000.[6]

In referencing the liquidity disclosure compliance requirements, CM Montanari asked for a reminder on how the $125 million minimum liquidity amount was decided. Mr. Hoffman responded that the $125 million equals approximately two months of average city expenditures and noted that the figure may need to be revisited to account for increased costs. CM Gerdes stated that the Investment Oversight Committee (IOC) plans to review a number of minimum standards soon, including the minimum liquidity figure.

Next, CM Montanari asked if there were plans to acquire more long-term holdings, as the portfolio report shows significantly more short-term holdings than long-term. CM Gerdes and Mr. Hoffman responded that the IOC explored lengthening holding durations last year; however, due to market volatility, they held off. CM Gerdes stated that the IOC is revisiting a plan to lengthen holdings during this fiscal year.

Next, Financial Auditor Manager David Goddu provided an overview of the outstanding governmental and enterprise debt as of December 31, 2023. Enterprise debt includes the following funds: Water Resources, Stormwater, Sanitation, Marina, and Equipment Replacement. The total General Governmental Debt (principal and interest) as of December 31, 2023, is $68,337,714, a decrease from the FY 23 fourth quarter debt amount of $79,141,262. Fiscal year-to-date principal and interest payments, $9.8 million and $796,019 (net of interest subsidy), respectively, are excluded from the outstanding debt summary in the quarterly report.

Mr. Goddu continued with a summary of the City's Employee Retirement Fund, Fire Pension Fund, and Police Pension Fund ("the Plans") as of December 31, 2023. Mr. Goddu noted that during the first three months of FY 24, the Plans experienced aggregate interest and dividend income earnings of approximately $8.7 million, with realized and unrealized investment gains of $90.3 million. In comparison, during the first three months of FY 22, the Plans experienced aggregate interest and dividend income earnings of approximately $8 million and realized and unrealized investment gains of $70.9 million.

CM Gerdes asked if the City is anticipating a large pension fund contribution this year and how much the return on investments will be able to help offset the City's overall contribution. Mr. Greene

[5] The change in market value of the City's investments fluctuates daily and the change in market value will not be realized unless the instrument is sold or impaired.

[6] The deposit and investment of all city monies is governed to the extent permitted by Section 2-102 and 2-104 of City Code, as well as the Investment Policy for Municipal Funds and the Alternate Investment Policy (Preservation Reserve Fund, Weeki Wachee Fund, Environmental Preservation Fund, Water Cost Stabilization Fund). The policies were prepared in accordance with Chapter 218.415, Florida Statutes, which governs the city's investment activities.

responded that it is difficult to predict due to market fluctuations; however, the City will have a more specific contribution amount in the coming months once the necessary actuary data is available.[7]

Next, Mr. Hoffman provided an update on the Parks Preservation (Weeki Wachee) Fund, noting that the portfolio's first-quarter book value is $15.27 million, with a corresponding market value of $18.05 million and an unrealized gain of $2.78 million. In addition, Mr. Hoffman explained that during the reporting period, the fund received interest and dividend income earnings totaling $124,531 and an unrealized investment gain of about $1.40 million.

CM Montanari requested an update on the St. Pete Science Center property, specifically the approximately $2 million transferred during FY 21.[8] Mr. Greene responded that if a private entity acquires the center, the funds could stay in the Weeki Wachee project fund for use on another project. Alternatively, the funds could go back into the Weeki Wachee fund, but the City would need to liquidate securities again to pull from the fund.

Mr. Hoffman concluded with a review of the budget versus actual reporting, which includes summarized financial information for each fund, fund balance reconciliation, detailed general fund group budget versus actual data, and budget versus actual statements for all operating funds.

CM Gerdes adjourned the meeting at 11:46 AM.

[7] The City receives two actuarial valuation reports annually. The first actuarial report utilized fulfills the financial reporting and disclosures required by accounting standards to be included in the City's Annual Comprehensive Financial Report. Accounting standards have specific requirements for the actuarial valuation to assist in comparability of pension liabilities across governmental entities in their annual financial reporting. The second actuarial report for funding status is requested by the pension boards to determine funded status and determine recommended City contributions for the fiscal year October 1, 2023 through September 30, 2024. The actuarial assumptions for financial reporting differ from the assumptions utilized by the pension boards in the funding related actuarial report, resulting in a variance of the pension actuarial liability.

[8] City Council Resolution 21-472 (September 30, 2021) approved funding for the Science Center Project from the Weeki Wachee Funds in an amount not to exceed $2,300,000.