

Chair Charlie Gerdes and Council Members
City Council
St. Petersburg, FL
Delivered by Email: council@stpete.org

July 30, 2019

RE: Third Party Landmark Applications

Council Members:

The third-party landmark application provision has been used sparingly in the 30+ year history of the preservation ordinance. But the provision has made a significant and positive difference to our community. Can you imagine Central Avenue without the 600 block? How about 22nd Street without Mercy Hospital? But for third-party applications, these important places would be gone.

The former owner of the 600 block of Central Avenue was not only was opposed to landmark designation but in 2008 had submitted a demolition application for the block. Only after an application for designation as a local landmark was filed did discussions with the developer ensue, leading to an agreement and withdrawal of both the landmark *and* demolition applications. In 1993, Mercy Hospital, the only hospital open to African Americans from 1923 – 1966, was bought at a public auction by an owner who viewed the vacant and decrepit building as ripe for demolition. The hospital building's landmark designation helped persuade the owner to forego demolition. The building has now been renovated and is used by the city the now Johnie Ruth Clark health center.



The Numbers

There are more than **85,000** properties in the city of St. Petersburg. Through the tools established by the historic preservation ordinance, the city has recognized just **110** of them as local historic landmarks. **That's 1/10th of one percent.**

Of those **110** buildings, only **nine** of them were designated under applications submitted by a third party, over owner-objection (that's .01 percent of the more than 85,000 properties in the city.) Those include the **Glen Oaks Cemetery**, one of the two oldest cemeteries in St. Petersburg and burial site of the city's first African-American settlers, John Donaldson and Anna Germain; **Sunken Gardens** – St. Petersburg's most notable roadside tourist attraction (and site of countless weddings today); and **the Detroit Hotel**, built by city co-founder Peter Demens upon the city's



founding in 1888 and viewed by many as the city's most historically significant building.

Sometimes property owners come to see the benefits of landmark designation and support a third-party application that they had originally opposed. An additional six properties have been designated under such circumstances, including: **Jennie Hall Pool** (the designated swimming pool for African-Americans, built in 1954), the **Shuffleboard Club**, and the stunning **Acheson Home** of Allendale.



Seven third-party applications for local historic landmark designation have been **denied**, two of which were subsequently demolished (The Soreno Hotel in 1994 and the Pheil Hotel, demolished in 2015) with another two demolitions likely soon (the Doc Webb home in Allendale and the Holiday Motel on 4th Street N.) One of the denied applications, North Ward School, was sold to a new owner who recognized the value of its historic character and renovated and reused the historic school building.



What is often lost in discussions of third party, or citizen-initiated, landmark applications, are the successful **compromises** that have resulted between property owner and third party applicant. As noted above, the Crislip Arcade, the nexus of the incredible renaissance of the 600 Block of Central Avenue, was saved through discussions generated by a third-party landmark application. The application to landmark Crescent Height's American Church of the Beatitudes generated discussions between the developer who purchased the property and the neighborhood association concerned with losing a neighborhood landmark. The discussions resulted in the developer agreeing to renovate the historic church building as a residence, a project about to get underway.

We believe these statistics (you can review those mentioned and more, in a City memo, attached here) show the system is not broken and establish how critically important the ability for citizens to submit an application for local historic landmark designation is to keeping St. Petersburg special and to the city's stated goal of preserving significant buildings from our history.

Owner-Consent Clauses

Said another way, to "do away" with third party applications would be to implement owner-consent clauses in our historic preservation ordinance – effectively giving an

owner a veto in whether or not the property they currently own is worthy of historic landmark designation. There is a strong argument, which we believe was recognized when our preservation ordinance was first adopted, that mandating owner consent that can be arbitrarily exercised as a perquisite to designation creates legal issues.

The preservation ordinance is akin to a zoning ordinance. Property owner consent statutes in zoning law have uniformly been held unconstitutional wherein such consent is left to the whim of the owner. The U.S. Supreme Court has found on more than one occasion that an ordinance providing for owner consent before a zoning action occurs and absent any standards for the owner to follow runs afoul the due process clause of the 14th Amendment.

For a detailed discussion on this subject, read: [Owner Consent Provisions in Historic Preservation Ordinances: Are They Legal?](#), attached here.

The City's Preservation Program

Our Comprehensive Plan includes a Historic Preservation Element. It sets forth a well thought-out framework, with objectives and policies addressing how to identify the City's important historic resources, how to protect those resources, and how to bring the various interest groups together to seek solutions to conflicts over preservation issues. Unfortunately, the City has failed to fully implement those goals, objectives and policies, which PTB believes has led to some of the frustrations with the preservation program. Among the policies not being fulfilled are those calling for the city to:

- Endeavor to submit annually a minimum of three landmark applications (HP 2.5),
- Annually update the eligible landmark list (HP 1.4),
- Annually request determinations of eligibility for certain properties for listing in the National Register (HP 1.6)
- Annually conduct a joint workshop, which will include input from the commission(s) designated in the LDRs, the preservation community and the development community. (HP 4.6 and 4.7).

What Next?

St. Petersburg has been discovered! Our waterfront, the climate, our city's feel and scale all are important to our city's ongoing success. The question is no longer how do we attract new development but how do we best retain our community character as redevelopment continues. A landmark program is an important piece of that equation. And PTB believes, as our community's experience has shown, that third party applications are an important piece of the landmark program.

PTB suggests before major changes are made to the landmark application process that consideration be given to whether a more complete effort at implementing Plan policies would address some of the concerns and frustrations being raised over

third-party applications. Finally, we ask to be a part of any ongoing effort to look at or potentially change the third party application process.

We thank you for your time and attention.

Sincerely,

Peter Belmont

On behalf of the Board of Directors of Preserve the 'Burg