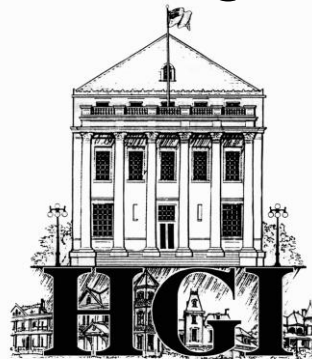


HGI Appeal of DB-11-38 SPA

City Commission Hearing August 4, 2011



Historic Gainesville, Inc

To support historic preservation in our community through education and community involvement as part of a holistic and sustainable approach to the built, cultural and natural environments, as well as an active role for historic and cultural preservation in our economic vitality.”



Historic Gainesville, Inc

Sec 30-23

Adversely affected **person** means any person who is suffering or will suffer an **adverse effect** to an interest protected or furthered by the local government **comprehensive plan**, including but not limited to: interests to related to health and safety; densities or **intensities of development**; transportation facilities; recreational facilities; educational facilities; healthcare facilities, or services; and **environmental or natural resources**. The alleged adverse affect may be shared in common with other members of the **community** at large, but must exceed in degree the general interest in community in community good shared by all persons.



Historic Gainesville, Inc

SEC 30-23

Person: “...any individual, group of persons, firm, corporation, associations, organizations...”

HGI clearly qualifies as “person”



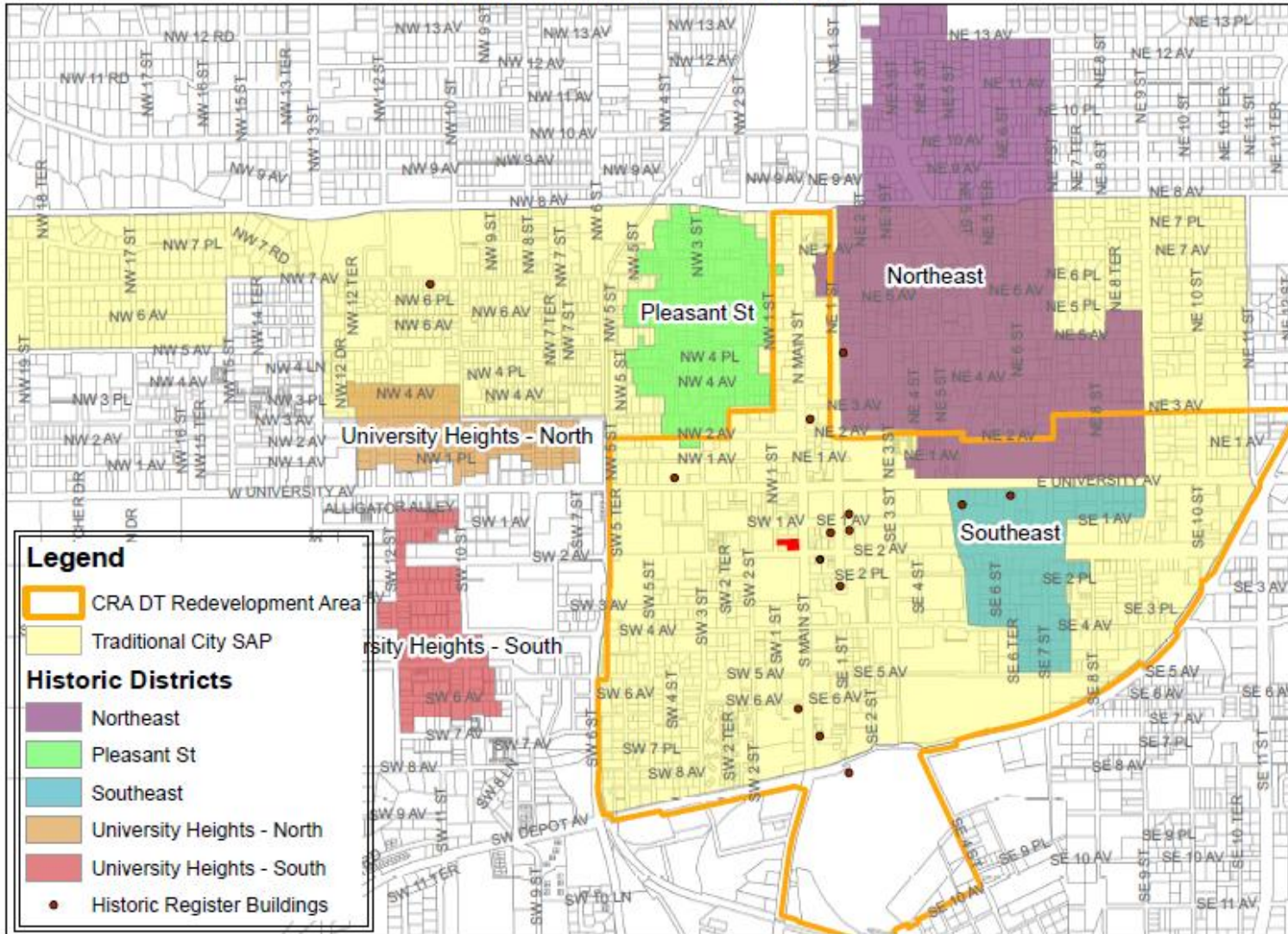
Historic Gainesville, Inc

Adverse effect to the community at large

- ❖ This project is non-compliant with the City of Gainesville Comprehensive Plan and the Land Development Code and therefore...
- ❖ Creates a disruption of the linear street rhythm along Main Street as well as creating a large void in the downtown historic urban fabric



Downtown Historic Resources



Legend

CRA DT Redevelopment Area

Traditional City SAP

Historic Districts

Northeast

Pleasant St

Southeast

University Heights - North

University Heights - South

Historic Register Buildings



Historic Gainesville, Inc

- ❖ Residents of the “Duck Pond Area” along with Historic Gainesville, Inc spearheaded the preservation movement for the City of Gainesville.
- ❖ The City of Gainesville, with the help of Historic Gainesville, Inc made the first major commitment to historic preservation in 1974 with the purchase and renovation of the Historic Hotel Thomas Center.
- ❖ In addition Historic Gainesville, Inc assisted the City staff with a city-wide historic survey in 1980.



Historic Gainesville, Inc

- ❖ HGI experiences a greater adverse affect from this development than the community at large
- ❖ HGI has historically been the leading advocate for Historic Preservation interests within Gainesville and in the surrounding areas.
- ❖ The proposed project has an adverse effect on HGI and its ability to fulfill its mission and obligations.



Historic Gainesville, Inc

- ❖ The Florida Statute 163.3215 (*Standing to enforce local comprehensive plans through development orders*)
- ❖ The City appears to uphold the narrow interpretation of this statute prior to 1985 that required a legally recognized right to be adversely affected in order for a party to have standing
 - i.e. requiring an affected party be located within 400ft of project site. This is not included in F.S. 163.3215
- ❖ FS 163.3215 is a remedial statute, which since 1985 has been broadly interpreted (and was designed) to protect the public's ability to challenge development decisions.
- ❖ **Cases where the narrow interpretation of the F.S. 163.3215 was upheld have been appealed and remanded.**



Historic Gainesville, Inc

- ❖ There are direct case law precedents that support the ability of an organization, such as HGI, to have standing as an affected party.
- ❖ We are not required to have a “unique harm” or be harmed to a greater degree- merely to have a “particularized interest” and to show that the “intensity of the interest exceed(s) that of the general public, rather than the nature or quality”
- ❖ Case law shows that an organization has a greater interest than the community when its primary mission includes protecting the particular interests to be adversely affected.



Historic Gainesville, Inc

- ❖ Two case law precedents directly supporting our standing
- ❖ Save the Homosassa River Alliance, Inc v Citrus County, Florida (October 24, 2008)
- ❖ Nassau County v. Willis (June 3, 2010)



Historic Gainesville, Inc

Sec 30-23

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Grounds for Appeal

- ❖ Traditional City Special Area Plan Requirements
- ❖ Conflict with Central City Zoning District
 - Provisions of Special Area Plan shall prevail
- ❖ Conflict with Comprehensive Plan Elements
 - Special Area Plan is a tool to carry out comp plan



Traditional City Special Area Plan

- ❖ Character defining elements of “A” streets
- ❖ Building wall articulation
- ❖ Repetition of façade elements to maintain rhythm
- ❖ Glazing



“A” Streets:



- ❖ Characterized by: sidewalks, narrow streets, buildings pulled up close to the street, articulated buildings walls, aligned building facades...

Traditional City Special Area Plan, Chapter 30, Appendix A, Section 4(f)





Vertically Integrated Manufacturing

Made in Downtown LA

American Apparel

MOTORCYCLE
PARKING ONLY
NO TIME LIMIT

LEASING
CALL
772-2000

MADE BY BUCK BAIT
BUT WITH EXCELLENCE
INSPIRED BY BREVILLE



S. 1ST. Ave.



ART
LIVE MUSIC
GENERAL



CITY OF GAINES
NOTICE OF LAND USE
This notice is posted to inform the public of a proposed project in the City of Gaines. The project is located at [address] and is being developed by [company name]. The project consists of [description of project]. The project is scheduled to begin on [start date] and is expected to be completed by [end date]. If you have any questions or concerns about this project, please contact the City of Gaines at [phone number] or [website].



Building Wall Articulation, per Traditional City Special Area Plan:

- ❖ “Buildings without relief and interest tend to create a ‘massive scale,’ and make the public realm impersonal
- ❖ No more than 20 feet of horizontal distance of wall shall be provided without articulation or architectural relief for buildings facing the street”





80'



FREE PARKING
2 HOUR
TIME LIMIT
7:00 AM - 6:00 PM
PER DAY
ENTIRE BLOCK

NOTICE
LAND USE ACTION

NOTICE
LAND USE ACTION

Eradication of Urban Renewal Materials

- ❖ Examples of the removal of metal skin used during Urban Renewal especially on urban commercial buildings.
- ❖ Photos: Cookeville, TN Before and After



Eradication of Urban Renewal Materials

- ❖ Before and After Photos: Cookeville, TN: Metal removed from storefront windows and second story windows as well.



Building wall articulation, cont'd

- ❖ Façade: vertical surface of a building which is set along a frontage
- ❖ Rhythm: regularly recurring façade elements, features, or building masses
- ❖ Requirements for development in the SAP that the proposed project does not meet

As defined in Traditional City Special Area Plan definitions, and listed as requirements in section (n) of Traditional City SAP under Building wall articulation







DO NOT
PARK
IN THIS
ZONE
EXCEPT
FOR
EMERGENCY
VEHICLES
ONLY



Massing and Scale

Massing is the relationship of the building's various parts to each other.

Scale is the relationship of a building in terms of size, height, bulk, intensity and aesthetics to its surroundings.

Human Scale-the proportional relationship of the physical environment (trees, streets, buildings etc) to human dimensions.



Glazing



South wall does not exhibit glazing that meets the requirement

- ❖ Building is being modified and therefore any modifications cannot make the glazing more non-conforming
- ❖ Current condition creating exposed wall is result of self-imposed condition through demolition of adjacent structure



Traditional City SAP: Summary

- ❖ “A non-conforming building may be modified without requiring conformance with this overlay if the change would not increase the degree of non-conformity with the following standards: build-to line, ...building wall articulation.” Chapter 30-Appendix A-Section 4 (h) d.
- ❖ Development of vacant lot in manner proposed increases non-conformity. Code section 30-346.
- ❖ Is the wall non-conforming to the principal structure limiting project area to the existing building? No, project entails principal redevelopment of vacant lot and includes modifications to existing building as a component of the site



Conflict: Central City Zoning District

- ❖ Provisions of Special Area Plan shall prevail
- ❖ Design objectives of the Traditional City Special Area Plan cannot be met with the use of the vacant space as an outdoor bar
- ❖ Development application and zoning permit indicate use of site as an outdoor beer garden
- ❖ Design standards and guidelines includes general design principles such as those presented in SAP



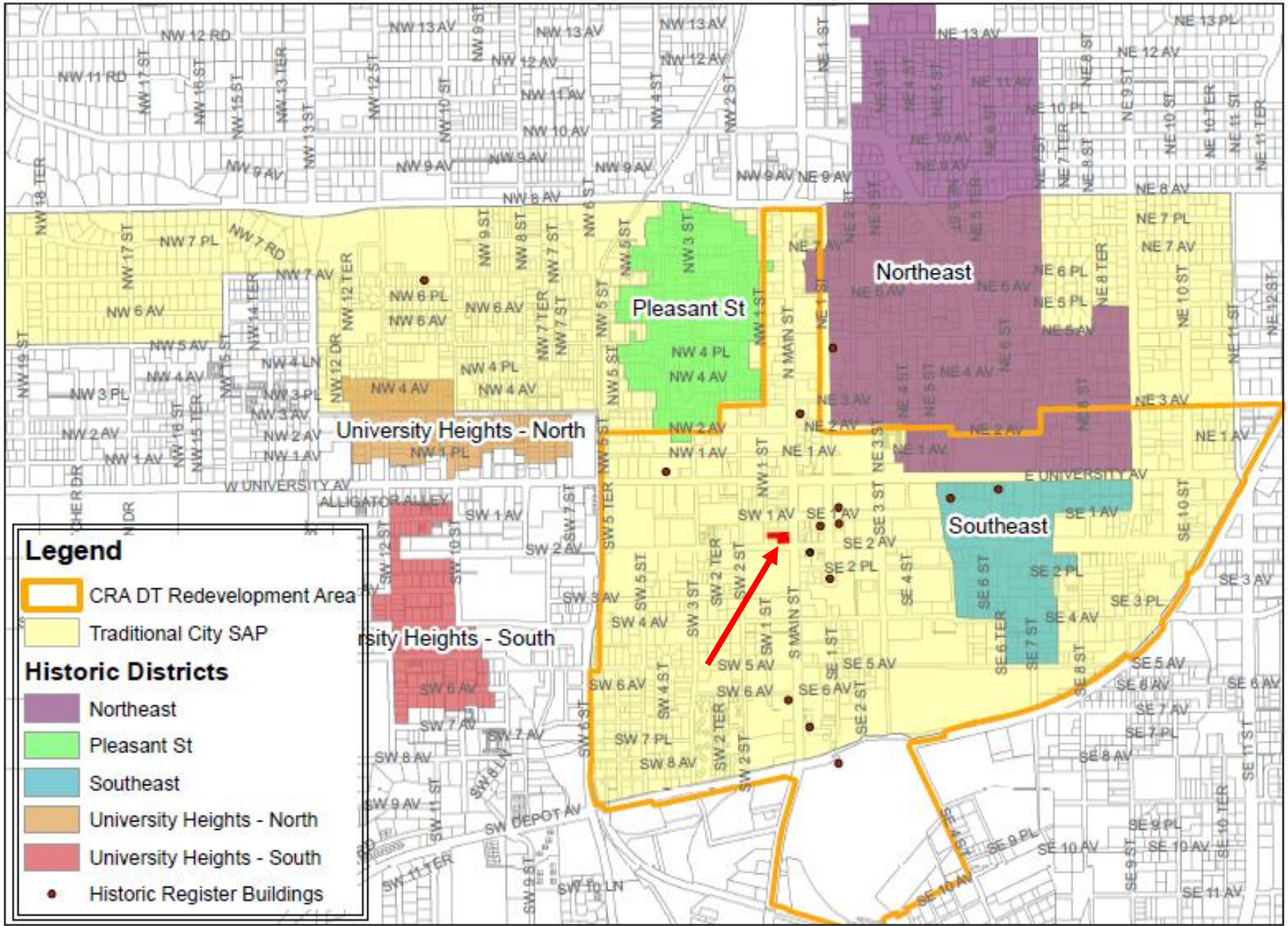
Conflict with Comprehensive Plan

❖ Urban Design Element Policy 3.5.6 states:



*The City shall encourage renovations of historic buildings downtown and **new development or redevelopment that is sensitive to the context or scale of historic buildings** near the new development or redevelopment.*








Downtown Historic Resources



Legend

-  CRA DT Redevelopment Area
-  Traditional City SAP

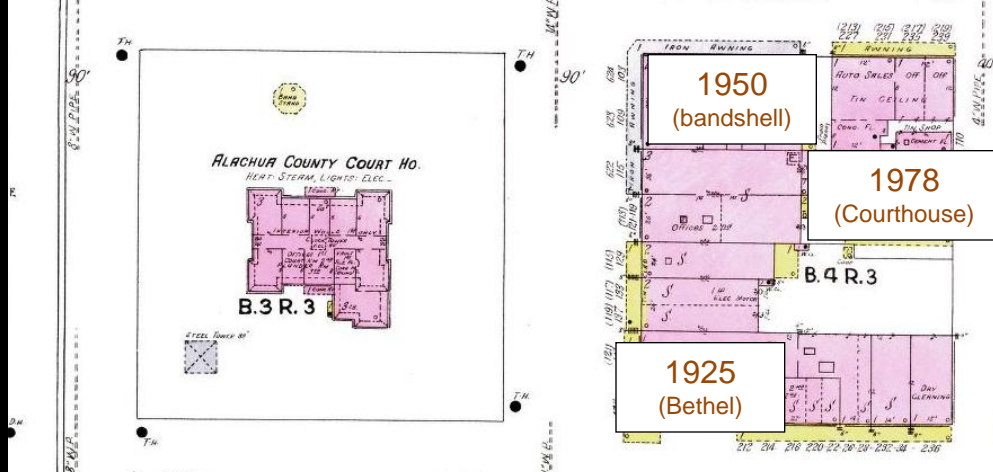
Historic Districts

-  Northeast
-  Pleasant St
-  Southeast
-  University Heights - North
-  University Heights - South

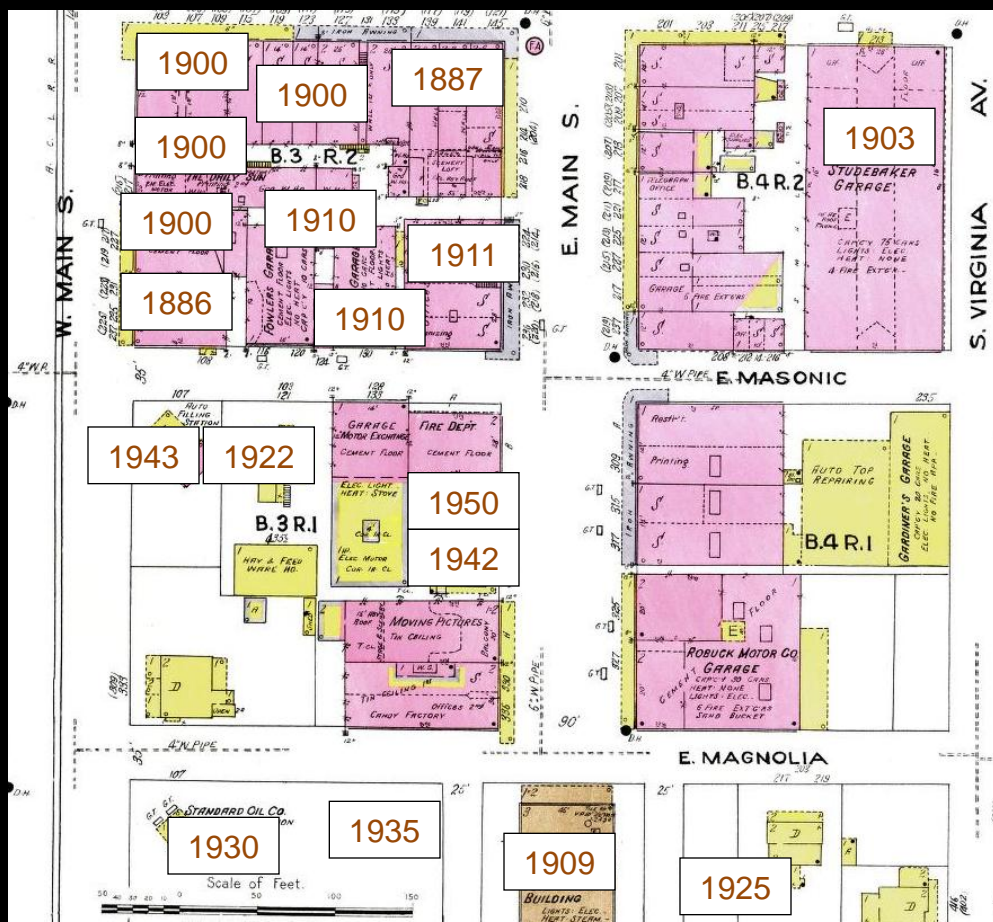
● Historic Register Buildings

HISTORIC CONTEXT: 1922 SANBORN MAP WITH EXISTING BUILDING DATES





HISTORIC CONTEXT: 1922 SANBORN MAP WITH EXISTING BUILDING DATES



Historic Context Sensitivity

- ❖ Tools that are nationally recognized to help communities develop or redevelop property that is sensitive to context of historic buildings
 - Secretary of the Interior's Standards for the Treatment of Historic Properties
 - National Park Service Preservation Briefs



- ❖ Preservation Brief #11 Guidelines for Designing Replacement Storefronts
- ❖ Preservation Brief #17 Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character
- ❖ Design Guidelines for the City of Gainesville establishes a historic context for the Central Business District
- ❖ Design Guidelines for the City of Gainesville proclaim that Secretary of the Interior Standards for Rehabilitation Standards 2, 3, and 9 “apply to new construction in historic districts and near individual landmarks,” page 165
#9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- ❖ *A Tour Guide to the Past*, by Ben Pickard outlines historic streetscape and buildings in downtown Gainesville
- ❖ **Proposed project is insensitive to historic downtown area because it discontinues the historic street front patterns on both Main St and SW 1st Ave, it does not contribute to the existing massing of surrounding historic buildings, the materials are not in keeping with nature of existing historic fabric, and the rhythm of openings is not in character with the surrounding historic buildings**



Appeal Summary

- ❖ Traditional City Special Area Plan Requirements
 - ❖ Character defining elements of “A” streets
 - ❖ Building wall articulation
 - ❖ Repetition of façade elements to maintain rhythm
 - ❖ Glazing
- ❖ Conflict with Central City Zoning District
 - ❖ Provisions of Special Area Plan shall prevail
- ❖ Conflict with Comprehensive Plan Elements
 - ❖ Special Area Plan is a tool to carry out comp plan
 - ❖ Development is not sensitive to historic urban fabric



Conclusion

- ❖ Protect Historic Structures from “demolition by neglect” by enacting a strong ordinance that prevents the unnecessary loss of our historic urban fabric
- ❖ Institute Design Guidelines for City Core and Downtown Urban Core
- ❖ Establish a Main Street Program to advocate for the protection of the downtown as a resource.

