

**ORDINANCE #71325**  
**Board Bill No. 213**  
**Committee Substitute**

An ordinance approving a blighting study and Redevelopment Plan for the N. Newstead Ave./Cottage Ave./Whittier St./Page Blvd. Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 2016, as amended ("RSMo"), (the "Statute" being Sections 99.300 to 99.715 inclusive), and is blighted as defined in Section 353.020 RSMo; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be up to twenty-five (25) year tax abatement with PILOTS for the remainder of the area); and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

**WHEREAS**, the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, inadequate or outmoded design and conditions which endanger life or property by fire or other causes, or any combination of such factors, retards the provision of housing accommodations and constitutes an economic and social liability and a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Attachment "A"; and

**WHEREAS**, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project ("Project") under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the N. Newstead Ave./Cottage Ave./Whittier St./Page Blvd.," dated December 15, 2020 consisting of a Title Page, a Table of Contents Page, and nine (9) numbered pages, attached hereto and incorporated herein as Attachment "B" ("Plan"); and

**WHEREAS**, under the provisions of the Statute it is required that this Board take such actions as may be required to approve the Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

**WHEREAS**, the Plan has been presented and recommended by LCRA to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of the Project, including those relating to prohibitions against discrimination because of race, color, familial status, national origin or ancestry, sex, marital status, age, sexual orientation, gender identity or expression, religion or disability; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 2016, as amended, and as defined in Section 353.020 of the Revised Statutes of Missouri, described in Attachment "A", attached hereto and incorporated herein, known as the N. Newstead Ave./Cottage Ave./Whittier St./Page Blvd. Area.

**SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute and Section 353.020 RSMo, as amended.

**SECTION FOUR.** The Blighting Study and Plan for the Area, dated December 15, 2020, ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

**SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire any property in the Area by the exercise of eminent domain.

**SECTION NINE.** The properties within the Area are both occupied and unoccupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of properties in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, familial status, national origin or ancestry, sex, marital status, age, sexual orientation, gender identity or expression, religion or disability in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of Ordinance Nos. 69427, 70767 and 71094, as may be amended or supplemented, pertaining to minority-owned and women-owned business participation, workforce development, and prevailing wage compliance, to the extent the provisions of those ordinances apply to the Project;
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, RSMo, as amended, upon application as provided therein. Such real estate tax abatement shall not include taxes collected for any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the tax abatement pursuant to Sections 99.700 - 99.715, RSMo, as amended, any Redeveloper(s) may seek tax abatement pursuant to Chapter 353, RSMo, as amended, upon compliance with the procedures set forth therein and in Chapter 11.06 of the City Code, as amended. The terms of the tax abatement available to the applicable real property or portion thereof will be set forth in a Redevelopment Agreement between the LCRA and the Redeveloper. The Redevelopment Agreement shall provide that tax abatement shall begin in the year during which an urban redevelopment corporation acquires title to the applicable real property or portion thereof and continue no longer than twenty-five (25) years thereafter (the "Chapter 353 Tax Abatement Period"), provided, however, that:

PILOTs will be imposed to ensure that the total revenues payable to the affected taxing jurisdictions from PILOTs and unabated ad valorem taxes (including those set forth in Section 353.110, RSMo) equals at least:

For years one through ten of the Chapter 353 Tax Abatement period, at least:

One hundred percent (100%) of the ad valorem taxes that would be imposed based on the then-current tax levy rates and the assessed value of the land and improvements included in the applicable real property or portion thereof in the year prior to the urban redevelopment corporation's acquisition thereof (subject to adjustment pursuant to Section 353.110.2, RSMo, if the land was tax exempt prior to acquisition by the urban redevelopment corporation) (the "Base Tax Value"); plus five percent (5%) of the difference between the ad valorem real estate taxes that would be due if there were no tax abatement and Base Tax Value.

For years eleven through twenty-five of the Chapter 353 Tax Abatement period, at least fifty percent (50%) of the ad valorem real estate taxes that would be due if there were no tax abatement.

Pursuant to Section 71.801, RSMo., all calculations of PILOTs and abated taxes shall exclude any ad valorem real property tax imposed by a Special Business District.

The tax abatement described above shall not apply to special assessments and shall not serve to reduce or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction with respect to the applicable real property or portion thereof, except as expressly described above. Nothing in this Redevelopment Plan shall prevent the City Assessor from increasing or decreasing the assessed value of the any real property or portion thereof that is not acquired by an urban redevelopment corporation in accordance with the Redevelopment Plan and Redevelopment Agreement.

All unabated ad valorem real estate taxes and PILOTs shall be collected by the City Collector of Revenue in the same manner as regular ad valorem real estate taxes. Each phase of the project will require LCRA Board approval and redeveloper designation when financing is secured. Up to twenty five-year tax abatement has been authorized for the Area; however, abatement of shorter duration or quantity may be granted for a particular phase if the financial proformas do not support twenty-five (25) years.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, or to the boundaries of the Area. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA in accordance with its July 24, 2018 policy governing time extensions as may be amended.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**Board Bill Number 213  
Committee Substitute  
ATTACHMENT "A"**

**N. NEWSTEAD AVE./COTTAGE AVE./WHITTIER ST./PAGE BLVD.  
PROPERTY DESCRIPTION**

All of City Blocks 3665, 3666, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3694, 3695, 3696, 3697, 3698, 3699E 3726, 3727, 3728, 3729, and a portion of City Block 3693, more specifically described as follows:

Beginning at the point of intersection of the east line of N. Newstead Ave. (60" wide) and the north line of Page Blvd. (100" wide); thence north wardly along said east line of N. Newstead across all street and alley rights-of-ways to its point of intersection with the south line of Kennerly Ave. (60" wide); thence east wardly along said south line of Kennerly Ave. to its point of intersection with the west line of a 15 foot wide north-south alley in City Block 3693; thence south wardly along said west alley line and its south wardly prolongation to its point of intersection with the south line of Cottage Ave. (50' wide); thence east wardly along said south line of Cottage Ave. to its point of intersection with the west line of Pendleton Ave. (60' wide); thence south wardly along said west line of Pendleton Ave. to its point of intersection with the south line of St. Ferdinand St. (60' wide); thence east wardly along said south line of St. Ferdinand Ave. across all intersecting alley rights-of-way to its point of intersection with the west line of Annie Malone Dr. (60' wide); thence south wardly along said west line of Annie Malone Dr. to its point of intersection with the south line of N. Market St. (50' wide); thence east wardly along said south line of N. Market St. to its point of intersection with the west line of Whittier St. (60' wide); thence south wardly along said west line of Whittier St. across all street and alley rights-of-way to its point of intersection with the north line of Page Blvd.; thence west wardly along said north line of Page Ave. across all street and alley rights-of-way to its point of intersection with the east line of N. Newstead Ave., the point of beginning.

Board Bill Number 213  
Committee Substitute  
ATTACHMENT "B"  
Form: 5/20/20

BLIGHTING STUDY AND REDEVELOPMENT PLAN  
FOR THE  
N. Newstead Ave./Cottage Ave./Whittier St./Page Blvd.  
Redevelopment Area  
PROJECT # 2411  
December 15, 2020  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS

MAYOR  
LYDA KREWSON

BLIGHTING STUDY AND REDEVELOPMENT PLAN FOR  
N. NEWSTEAD AVE./COTTAGE AVE./WHITTIER ST./PAGE BLVD.  
REDEVELOPMENT AREA

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- "F" BLIGHTING REPORT
- "G" SUSTAINABILITY REPORT

**A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT**

1. DELINEATION OF BOUNDARIES

The N. Newstead Ave./Cottage Ave./Whittier St./Page Blvd. Redevelopment Area ("Area") encompasses approximately 156.05 acres in both The Ville and the Vandeventer Neighborhoods of the City of St. Louis ("City").

The legal description of the Area is attached and labeled **Exhibit "A"**. The boundaries of the Area are delineated on **Exhibit "B"** ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises all of City Blocks 3665, 3666, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3694, 3695, 3696, 3697, 3698, 3699E 3726, 3727, 3728, 3729, and a portion of City Block 3693. This Area includes the following addresses: 4335-78 Kennerly Ave., 4300-78 & 4335-79 Cottage Ave., 4200-4368 & 4301-69 St. Ferdinand Ave., 4200-4370 & 4201-71 N. Market St., 4200-4370 & 4201-4371 W. Garfield Ave., 4200-4370 & 4201-4369 Cote Brilliante Ave., 4200-4378 & 4201-4379 Aldine Ave., 4200-4380 & 4201-4369 Dr. Martin Luther King Drive, 4200-4380 & 4201-4379 Evans Ave., 4201-4381 Page Blvd., 1300-2522 N. Newstead Ave., 1500-2524 & 1501-2523 Pendleton Ave., 1500-1926 & 1501-2427 Annie Malone Dr. and 1301-1927 Whittier St. The Area is in fair to poor condition. The parcel by parcel physical conditions within the Area are shown on **Exhibit "B"** (Project Area Plan) and enumerated in **Exhibit "F"** (Blighting Report).

Unemployment figures, computed by the Missouri State Employment Service, indicate a 6.1% unemployment rate for the City as of October 2020. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are approximately 30 jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area includes both occupied and unoccupied residential and commercial properties and vacant lots.

The land use, including the location of public and private uses, streets, and other rights-of-way, is shown on **Exhibit "B"**.

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for both residential and commercial purposes.

Residential density for the surrounding neighborhoods is approximately 7.04 persons per acre in The Ville and 5.5 persons per acre in the Vandeventer neighborhood.

5. CURRENT ZONING

The Area is currently zoned "C" Multi-Family Residential District, "E" Multi-Family Residential District, "F" Neighborhood Commercial District and "G" Local Commercial District, by the City of St. Louis Zoning Code, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The properties within the Area are both unoccupied and occupied, in the conditions outlined in **Exhibit "F"**. The existence of deteriorated property constitutes an economic or social liability to the City and presents a hazard to the health and well-being of its citizens. The preponderance of properties in the Area has been determined to be blighted within the meaning of Section 99.300 *et seq.* of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law) and as defined in Section 353.020 of the Revised Statute (2106) as evidenced by the Blighting Report attached hereto, labeled **Exhibit "F"** and incorporated herein by this reference.

**B. PROPOSED DEVELOPMENT AND REGULATIONS**

1. DEVELOPMENT OBJECTIVES

The primary objectives of this Plan are to eliminate blight within the Area and to facilitate the redevelopment of the Area into productive residential, commercial and mixed-use property pursuant to plans by or presented to the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") (the "Project").

The City Planning Commission adopted a Sustainability Plan on January 9, 2013. As Amended this Redevelopment Plan contributes to the sustainability of the City as outlined in the Sustainability Report (**Exhibit G**).

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential and commercial uses permitted in zones designated "C" Multi-Family Residential District, "E" Multi-Family Residential District, "F" Neighborhood Commercial District and "G" Local Commercial District, by the City of St. Louis Zoning Code. Redeveloper(s) authorized by the LCRA to redevelop property in the Area (hereafter referred to as "Redeveloper(s)") shall not be permitted to use the property within the Area for all the Above uses.

This Area is in the Market Types H and I Category of the January 2019 St. Louis Market Value (MVA). This type has below average housing values, and the highest levels of vacant residential land and vacant residential buildings.

**Exhibit "C"** (Proposed Land Use) shows the proposed uses for the Area. The General Plan of the City which includes the "Strategic Land Use Plan" (as amended 2020) designates it as a Neighborhood Preservation Area (NPA), Neighborhood Development Area (NDA), Neighborhood Commercial Area (NCA) and Industrial Preservation and Development Area (IDPA).

3. PROPOSED ZONING

The zoning for the Area can remain "C" Multi-Family Residential District, "E" Multi-Family Residential District, "F" Neighborhood Commercial District and "G" Local Commercial District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Strategic Land Use Plan" (as amended 2020). Any specific proposal to the LCRA for redevelopment of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

As unoccupied commercial buildings and infill commercial buildings are developed, new jobs will be created.

6. CIRCULATION

The Proposed Land Use Plan (**Exhibit "C"**) indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Redeveloper(s) shall redevelop the Area in accordance with this Plan and the redevelopment agreement (if any) ("Agreement"), and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper(s) in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet these requirements may result in suspension of tax abatement.

8. URBAN DESIGN

**a. Urban Design Objectives**

The property shall be redeveloped such that it is an attractive asset to the surrounding neighborhood.

**b. Urban Design Regulations**

- 1.) **Rehabilitation** shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design
- 2.) **New construction** or alterations shall be positioned on their lot so that any existing recurrent building masses and spaces are continued as well as the pattern of setback from the street.
- 3.) **Exterior Materials** All new building materials on facades visible from the street(s) shall be compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry such as "Permastone" is not permitted. A submission of all building materials shall be required prior to approval.
- 4.) **Architectural Details** on existing structures shall be maintained in a similar size, detail and material. Where they are badly deteriorated, similar details salvaged from other buildings may be substituted. Both new and replacement window and doorframes shall be limited to wood or color finished aluminum on the street facing facades, including basement windows. Raw or unfinished aluminum and glass block are not acceptable. Awnings of canvas only are acceptable.



- 5.) **Roof Shapes.** When one roof shape is employed in a predominance of existing buildings in a block, any proposed new construction or alteration should be viewed with respect to its compatibility with the existing adjacent buildings.
- 6.) **Roof Materials** shall be slate, tile, copper or asphalt shingles where the roof is visible from the street. Brightly colored asphalt shingles are not appropriate.

**c. Landscaping and Sidewalk Maintenance**

The Area shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees shall be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible. Sidewalks shall be repaired/replaced to insure safe walkability in the city.

**d. Fencing**

Fencing in the front yards shall be limited to ornamental metal with a black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality, privacy fence provided it is not wood stockade style. Fencing facing a side street shall be ornamental metal or a good quality board fence up to six (6) feet in height provided landscaping is provided between the fence and the sidewalk.

9. **PARKING REGULATIONS**

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Where feasible, parking shall be limited to the rear of the property in the Area off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2 ½) feet high on planting and maintained at three and one-half (3 ½) feet high at maturity.

10. **SIGN REGULATIONS**

All new signs shall be limited as set out in the City Code, this Plan and agreements between the LCRA and the Redeveloper(s).

11. **BUILDING, CONDITIONAL USE AND SIGN PERMITS**

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. **PUBLIC IMPROVEMENTS**

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper(s).

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious redevelopment that promotes the health, safety, morals, order, convenience, prosperity, general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

It is estimated that the implementation of this Plan will take place in a single phase initiated within approximately one (1) year of approval of this Plan by City ordinance and completed within approximately fifteen (15) years of approval of this Plan by City ordinance.

The LCRA may alter the above schedule in accordance with its July 24, 2018 policy governing time extensions, as may be amended.

**D. EXECUTION OF PROJECT****1. ADMINISTRATION AND FINANCING**

The LCRA is empowered by Missouri law to administer redevelopment of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law.

All costs associated with the redevelopment of the Area will be borne by the Redeveloper(s).

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper(s).

**2. PROPERTY ACQUISITION**

The Project Area Plan-Acquisition Map, **Exhibit "D"** attached, identifies all the properties located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

**3. PROPERTY DISPOSITION**

If the LCRA acquires property in the Area, it may sell or lease the property to Redeveloper(s) who shall agree to redevelop such property in accordance with this Plan and the Agreement between such Redeveloper(s) and the LCRA. Any property acquired by the LCRA and sold to Redeveloper(s) will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (2016) as amended, for uses in accordance with this Plan.

**4. RELOCATION ASSISTANCE**

The properties within the Area are both occupied and unoccupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**E. COOPERATION OF THE CITY**

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the Project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

Redeveloper(s) may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, RSMo, as amended, upon application as provided therein. LCRA shall provide the Redeveloper(s) with a Certificate of Qualification of Tax Abatement as provided in Section 99.700, RSMo, and any redevelopment agreement, and the Redeveloper shall file such certificate with the City Assessor within thirty (30) days receipt thereof as required by Section 99.705, RSMo. The City Assessor shall, promptly after receipt of the certificate, provide a written certification of the current assessed value of the then-existing applicable real property or portion thereof (the "Base Assessed Value") to the Redeveloper(s).

In lieu of the tax abatement available pursuant to Sections 99.700 - 99.715, RSMo, as amended, any Redeveloper(s) may seek tax abatement pursuant to Chapter 353, RSMo, as amended, upon compliance with the procedures set forth therein and in Chapter 11.06 of the City Code, as amended. The terms of the tax abatement available to the applicable real property or portion thereof will be set forth in a Redevelopment Agreement between the LCRA and the Redeveloper. The Redevelopment Agreement shall provide that tax abatement shall begin in the year during which an urban redevelopment corporation acquires title to the applicable real property or portion thereof and continue no longer than twenty-five (25) years thereafter (the "Chapter 353 Tax Abatement Period"), provided, however, that:

- PILOTs will be imposed to ensure that the total revenues payable to the affected taxing jurisdictions from PILOTs and unabated ad valorem taxes (including those set forth in Section 353.110, RSMo) equals:
  - For years one through ten of the Chapter 353 Tax Abatement period:
    - Ninety-five percent (95%) of the ad valorem taxes that would be imposed based on the then-current tax levy rates and the assessed value of the land and improvements included in the applicable real property or portion thereof in the year prior to the urban redevelopment corporation's acquisition thereof (subject to adjustment pursuant to Section 353.110.2, RSMo, if the land was tax exempt prior to acquisition by the urban redevelopment corporation) (the "Base Tax Value"); plus
    - five percent (5%) of the difference between the ad valorem real estate taxes that would be due if there were no tax abatement and Base Tax Value.
  - For years eleven through twenty-five of the Chapter 353 Tax Abatement period, at least fifty percent (50%) of the ad valorem real estate taxes that would be due if there were no tax abatement.
- Pursuant to Section 71.801, RSMo., all calculations of PILOTs and abated taxes shall exclude any ad valorem real property tax imposed by a Special Business District.

The tax abatement described above shall not apply to special assessments and shall not serve to reduce or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction with respect to the applicable real property or portion thereof, except as expressly described above. Nothing in this Redevelopment Plan shall prevent the City Assessor from increasing or decreasing the assessed value of the any real property or portion thereof that is not acquired by an urban redevelopment corporation in accordance with the Redevelopment Plan and Redevelopment Agreement.

All unabated ad valorem real estate taxes and PILOTs shall be collected by the City Collector of Revenue in the same manner as regular ad valorem real estate taxes. Each phase of the project will require LCRA Board approval and redeveloper designation when financing is secured. Up to twenty five-year tax abatement has been authorized for the Area; however, abatement of shorter duration or quantity may be granted for a particular phase if the financial proformas do not support twenty-five (25) years.

## **G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

### **1. LAND USE**

Redeveloper(s) shall not discriminate on the basis of race, color, familial status, national origin, sex, marital status, age, sexual orientation, gender identity or expression, religion or disability in the lease, sale or occupancy of the Area.

### **2. CONSTRUCTION AND OPERATIONS**

Redeveloper(s) shall not discriminate on the basis of race, color, familial status, national origin, sex, marital status, age, sexual orientation, gender identity or expression, religion or disability in the construction and operation of any Project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the Project, including enforcement, contracting, operating and purchasing.

### **3. LAWS AND REGULATIONS**

Redeveloper(s) shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination, affirmative action, workforce development, and prevailing wage compliance, including the City Guidelines for Minimum Utilization of Minority Enterprises, dated January 1, 1981 as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in **Exhibit "E"**, attached.

#### 4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in an Agreement between the LCRA and Redeveloper(s), which Agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against Redeveloper(s), its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

#### H. **MODIFICATIONS OF THIS PLAN**

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, or to the boundaries of the Area.

This Plan may be otherwise modified by LCRA (e.g. urban design regulations, development schedule) in accordance with its July 24, 2018 policy governing time extensions, as may be amended.

#### I. **DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the St. Louis Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

#### J. **EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

#### K. **SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby and shall remain in full force and effect.

#### **EXHIBIT "A"**

##### **N. NEWSTEAD AVE./COTTAGE AVE./WHITTIER ST./PAGE BLVD. PROPERTY DESCRIPTION**

All of City Blocks 3665, 3666, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3694, 3695, 3696, 3697, 3698, 3699E 3726, 3727, 3728, 3729, and a portion of City Block 3693, more specifically described as follows:

Beginning at the point of intersection of the east line of N. Newstead Ave. (60" wide) and the north line of Page Blvd. (100" wide); thence north wardly along said east line of N. Newstead across all street and alley rights-of-ways to its point of intersection with the south line of Kennerly Ave. (60" wide); thence east wardly along said south line of Kennerly Ave. to its point of intersection with the west line of a 15 foot wide north-south alley in City Block 3693; thence south wardly along said west alley line and its south wardly prolongation to its point of intersection with the south line of Cottage Ave. (50' wide); thence east wardly along said south line of Cottage Ave. to its point of intersection with the west line of Pendleton Ave. (60' wide); thence south wardly along said west line of Pendleton Ave. to its point of intersection with the south line of St. Ferdinand St. (60' wide); thence east wardly along said south line of St. Ferdinand Ave. across all intersecting alley rights-of-way to its point of intersection with the west line of Annie Malone Dr. (60' wide); thence south wardly along said west line of Annie Malone Dr. to its point of intersection with the south line of N. Market St. (50' wide); thence east wardly along said south line of N. Market St. to its point of intersection with the west line of Whittier St. (60' wide); thence south wardly along said west line of Whittier St. across all street and alley rights-of-way to its point of intersection with the north line of Page Blvd.; thence west wardly along said north line of Page Ave. across all street and alley rights-of-way to its point of intersection with the east line of N. Newstead Ave., the point of beginning.

See attached Exhibits B, C & D.

**EXHIBIT "E"**  
**FORM: 05/01/20**

**EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper(s) (which term shall include Redeveloper(s), any designees, successors and assigns thereof, any entity formed to implement the Project of which the Redeveloper(s) is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper(s) shall contractually require its contractors and subcontractors, and the contractors and subcontractors of its commercial tenants, to comply with such laws.

The Redeveloper(s) and its contractors will not contract or subcontract with any party known to have been found in violation of any such Laws, ordinances, regulations or these guidelines.

The Redeveloper(s) shall fully comply with Ordinance Nos. 69427, 70767 and 71094, as may be amended or supplemented, pertaining to minority-owned and women-owned business participation, workforce development, and prevailing wage compliance, to the extent the provisions of those ordinances apply to the Project.

The Redeveloper(s) agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper(s), its successors or assigns upon the basis of race, color, familial status, national origin or ancestry, sex, marital status, age, sexual orientation, gender identity or expression, religion or disability in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the Project.

The Redeveloper(s) of non-residential properties shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance No. 60275 (First Source Jobs Policy) which is codified at Chapter 3.90 of the Revised Ordinances of the City of St. Louis.

**EXHIBIT "F"**

**Blighting Report for the  
N. Newstead Ave./Cottage Ave./Whittier St./Page Blvd.**

As outlined below, the Area suffers from a multitude of physical and economic deficiencies including defective and inadequate streets, insanitary or unsafe conditions, deteriorating or inadequate site improvements, improper subdivision or obsolete platting and conditions which endanger life or property by fire or other causes.

As a result of these factors the preponderance of the property in the Area is an economic liability for the City, its residents and the taxing districts that depend upon it as a revenue source, as well as a public, health and safety liability. It, therefore, qualifies as a "blighted area" as such time is defined in Sections 99.320(3) and 353.020 (2) of the Missouri Revised Statute (2000) as amended.

**Subject Property is:**  vacant land  unoccupied residential  
  occupied/unoccupied commercial

**Subject Property is:**  secured

The subject property  has  has not a predominance of defective or inadequate streets  
If answer is yes, explain: \_\_\_\_\_

The subject property  has \_\_\_\_\_ has not insanitary or unsafe conditions  
If answer is yes, explain: The area includes both occupied and unoccupied properties and vacant lots. Portions of it are subject to illegal dumping and use by transients.

The subject property  has \_\_\_\_\_ has not deterioration of site conditions  
If answer is yes, explain: The unoccupied properties and vacant lots are in poor condition.

The subject property \_\_\_\_\_ has  has not improper subdivision or obsolete platting  
If answer is yes, explain: \_\_\_\_\_

The subject property  has \_\_\_\_\_ has not conditions which endanger life or property by fire or other cause. If answer is yes, explain: The occupied, unoccupied properties and vacant lots are consequently subject to illegal dumping and use by transients, which combine to make it a significant fire risk.

The subject property \_\_\_\_\_ does  does not retard the provision of housing accommodations  
If answer is yes, explain: \_\_\_\_\_

The subject property  does \_\_\_\_\_ does not constitute an economic liability  
If answer is yes, explain: Many of the occupied and unoccupied properties are significantly deteriorated. This reduces the value of surrounding properties and would take significant investment to bring up to code.

The subject property \_\_\_\_\_ does  does not constitute a social liability  
If answer is yes, explain: \_\_\_\_\_

The subject property  is \_\_\_\_\_ is not a menace to the public health, safety, morals or welfare in its present condition and use. If answer is yes, explain: The unoccupied properties and vacant lots are subject to illegal dumping, rat infestation, and fire.

The subject property  is \_\_\_\_\_ is not detrimental because of dilapidation, deterioration, age or obsolescence.  
If answer is yes, explain: Many of the occupied and unoccupied properties are significantly deteriorated, with the deteriorated site conditions listed above.

The subject property \_\_\_\_\_ is  is not detrimental because of lack of air sanitation or open space. If answer is yes, explain: \_\_\_\_\_

The subject property \_\_\_\_\_ is  is not detrimental because of high density of population.  
If answer is yes, explain: \_\_\_\_\_

The subject property \_\_\_\_\_ is  is not detrimental because of overcrowding of buildings, overcrowding of land.  
If answer is yes, explain: \_\_\_\_\_

The subject property  has \_\_\_\_\_ has not a combination of factors that are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and \_\_\_\_\_. If answer is yes, explain: The occupied and unoccupied properties and vacant lots are subject to illegal dumping. It is also subject to use by transients.

EXHIBIT "G"

EXHIBIT  
"G"

**SUSTAINABILITY IMPACT STATEMENT - COMMERCIAL**

The St. Louis Planning Commission adopted a Sustainability Plan on January 9, 2013. The following chart shows how the objectives of this Redevelopment Plan relate to selected Functional Categories and development related Objectives of the City's Sustainability Plan. The Mayor has issued a Sustainable Action Agenda (SAA). The following chart also shows items that may relate to development projects.

		Applicable	Not Applicable
<b>I. URBAN CHARACTER, VITALITY AND ECOLOGY</b>			
A1	Reinforce the City's Central Corridor as the dynamic "heart" of the region		X
A3	Develop designated areas via incentives for "green" and technical industries		
A4	Increase riverfront development and provide safe public access and associated recreational activity		X
A5	Provide development incentives to encourage transit-oriented development	X	
B1	Prioritize infill development to develop thriving compact communities/vibrant mixed-use main streets		X
SAA2	Make LRA land available at no cost for smart, productive, create re-use of the land.		X
B2	Update local street design standards and implement the Complete Streets Ordinance		X
B3	Create Citywide, and multiple neighborhood-scale mobility plans		X
B4	Discourage development that reduces transit, bike and pedestrian activities		X
C1	Design public spaces and neighborhood streets as gathering spaces for people		X
C5	Maintain public spaces and neighborhood streets		X
D7*	Expand the City's urban tree canopy		X
SAA4	Increase the Number of Trees Planted by 16,000 or 15%		X
E1	Celebrate and increase activity along the Mississippi River		X
E2	Remove/change infrastructure to improve riverfront access		X
F1	Preserve and reuse buildings as a means of achieving sustainability		X
F2	Continue to integrate preservation into the planning and building approval process		X
F4	Protect historic properties vulnerable to foreclosure, tax forfeiture, or demolition	X	
F5	Promote the redevelopment of historic homes and commercial properties	X	
G1	Develop affordable homes in concert with long-range transit and development planning		X

G2	Encourage mixed-use affordable housing in high amenity neighborhoods	X	
G4	Integrate low income housing into market-rate and mixed-use development	X	
G6	Experiment with new ways to create partnerships to build sustainable and affordable housing	X	
G8	Offer housing that is energy efficient and environmentally sustainable	X	
H4	Continue to remove site contamination and promote brownfields redevelopment		X
I4	Ensure urban agriculture is a profitable, viable enterprise		
J4	Preserve neighborhood residential areas/commercial and mixed-uses on corners/major corridors	X	
J5	Increase the effectiveness of major commercial corridors		
J8	Incorporate sustainability in economic development programs		X
<b>II. ARTS, CULTURE AND INNOVATION</b>			
A4	Encourage the development of affordable artist housing, studios and ventures	X	
A5	Diversify the City's range of arts, creative and innovative industries		X
SAA6	Build Phase II of CORTEX bioscience and technology research district		
C2	Facilitate development of arts, culture and innovative TODs		
C5	Target developing arts and cultural districts for streetscape and public space improvements		
E1	Use distinctive public art, architecture, landscape to build City and neighborhood identity		X
F1	Revitalize existing and develop new arts and cultural facilities		
<b>III. EMPOWERMENT, DIVERSITY AND EQUITY</b>			
E4	Expand the capacity to create additional affordable housing units	X	
E5	Create pathways for qualified low-income families to become homeowners	X	
SAA10	Implement Board Bill 297 pertaining to workforce inclusion		X
F1	Address blighting and environmental health hazards	X	
F6	Ensure the application of universal design and accessibility codes	X	
<b>IV. HEALTH, WELL-BEING AND SAFETY</b>			
A5	Plan and design buildings, spaces and environments for safety	X	
B5	Reduce exposure of lead-paint poisoning	X	
C1	Eliminate food deserts and improve access to fresh produce		
C3	Support urban agriculture opportunities in the City		X



End chronic Homelessness		X
Design buildings to encourage physical activity		X
<b>V. INFRASTRUCTURE, FACILITIES AND TRANSPORTATION</b>		
Advance the City as a transportation hub		
Encourage transit oriented development	X	
Increase bike racks by 150%	X	
Use pilot projects to explore ways to achieve net zero storm water discharge	X	
Strive for the highest levels of energy efficiency and maximize clean energy in buildings	X	
Ensure building and site development integrated with natural site ecology	X	
Advance the use of high-efficiency building related water systems and technologies	X	
Encourage re-use of materials and divert waste from land-fills	X	
Provide healthy interior environments in commercial buildings		
<b>VI. PROSPERITY, OPPORTUNITY AND EMPLOYMENT</b>		
Require a sustainability impact statement for all new City development		
Increase the inventory and availability of business and industrial real estate through environmental clean-up and land assembly		
Encourage small scale redevelopment with economic incentives		
Leverage the Mississippi River as an inexpensive transportation, drinking water and recreational resource		
Focus on small and local businesses as a key part of the City economy		
Re-use existing buildings for inexpensive incubation of entrepreneurial ideas		
Pursue transit oriented development at MetroLink stations and major bus nodes to encourage more walking/fewer carbon emissions		X
Market and encourage living in the City to recent college graduates	X	
Promote flexible development approaches by developers, land owners and business firms		X
Direct new commercial and mixed-use development to designated corridors and districts that demonstrate market support		X
Create at least 8,500 new jobs at Ballpark Village, CORTEX, Carondelet Coke, St. Louis Army Ammunition Plant and North Riverfront		
Foster innovation		X
Remediate and prepare at least 40 vacant properties for redevelopment	X	
<i>Please comment in what ways you believe the Mayor's Sustainability Action Agenda overlaps with your successes on your project.</i>		

ORDINANCE NO. 71325 - EXHIBITS B, C & D

Exhibit B  
Project Area Plan-  
Existing Uses & Conditions  
N. Newstead Ave./Cottage Ave.  
/Whittier St./Page Blvd.

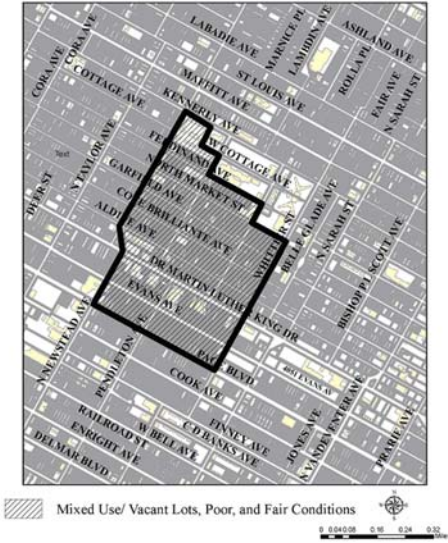


Exhibit C  
Project Area Plan-  
Proposed Land Use  
N. Newstead Ave./Cottage Ave.  
/Whittier St./Page Blvd.

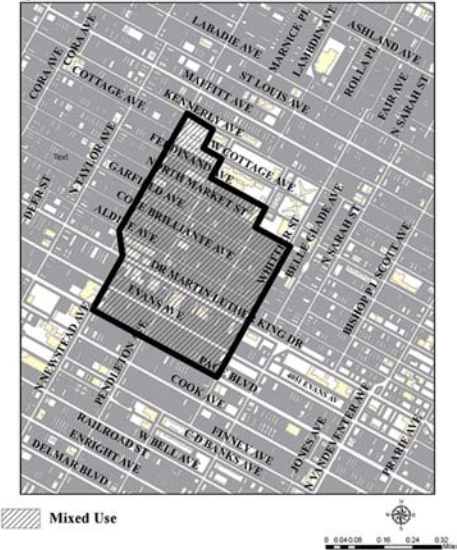
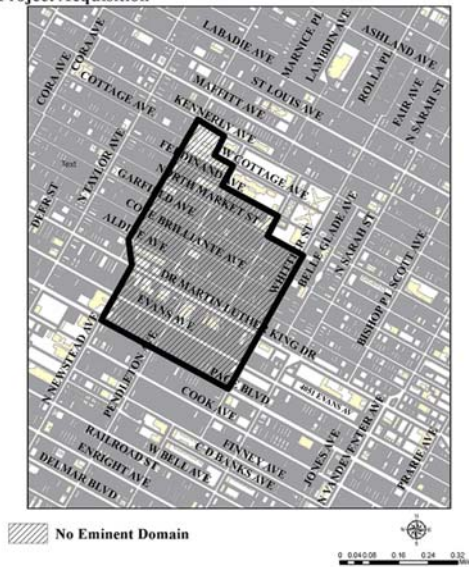


Exhibit D  
Project Area Plan-  
Project Acquisition  
N. Newstead Ave./Cottage Ave.  
/Whittier St./Page Blvd.



Approved: February 23, 2021

**ORDINANCE #71326**  
**Board Bill No. 214**  
**Committee Substitute**

An Ordinance designating a portion of The City of St. Louis, Missouri as a redevelopment area known as the Kingsway Commercial Redevelopment Area pursuant to the Real Property Tax Increment Allocation Redevelopment Act; adopting and approving a redevelopment plan, adopting and approving a redevelopment project with respect thereto; adopting tax increment financing within the redevelopment area; making findings with respect thereto; establishing the Kingsway Commercial TIF Special Allocation Fund; authorizing certain actions by City officials; and containing a severability clause.

**WHEREAS**, The City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis, Missouri (the "TIF Commission"); and

**WHEREAS**, the TIF Commission is duly constituted pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (2016), as amended (the "TIF Act"), and is authorized to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

**WHEREAS**, staff and consultants of the City and Kingsway Development, LLC, a Missouri limited liability company (the "Developer"), prepared a plan for redevelopment titled the "Kingsway Commercial Redevelopment Area TIF Redevelopment Plan" dated December 11, 2020 (the "Redevelopment Plan"), for an area consisting of approximately 28.34 acres located on parts of city blocks 3760, 3762-S, 3763-S, 3764-S, 3765-S, 3879-N, 4556 ad 4575 (the "Redevelopment Area"), which Redevelopment Area is more fully described in the Redevelopment Plan, attached hereto and incorporated herein as **Exhibit A**; and

**WHEREAS**, the Redevelopment Plan proposes the new construction and rehabilitation and renovation of the existing buildings in the Redevelopment Area containing a mix of office, commercial and residential uses, as further set forth in the Redevelopment Plan (the "Redevelopment Project"), including five Sub-Projects as further described in the Redevelopment Plan; and

**WHEREAS**, on December 9, 2020, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act and received comments from all interested persons and taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the Redevelopment Project; and

**WHEREAS**, on December 9, 2020, the TIF Commission found that completion of the Redevelopment Project will provide a substantial and significant public benefit through the creation of new jobs, the elimination of blight, the strengthening of the employment and economic base of the City, increased property values and tax revenues, stabilization of the Redevelopment Area, and facilitation of economic stability for the City as a whole, and further, found that without the assistance of tax increment financing in accordance with the TIF Act, the Redevelopment Project is not feasible and would not otherwise be completed; and

**WHEREAS**, on December 9, 2020, the TIF Commission voted to recommend that the Board of Aldermen adopt an ordinance in the form required by the Act (i) adopting tax increment financing within the Redevelopment Area, (ii) approving the Redevelopment Plan, (iii) approving and designating the Redevelopment Area as a "redevelopment area" as provided in the Act, (iv) approving the Redevelopment Project as described within the Redevelopment Plan, and (v) approving the issuance of one or more tax increment financing revenue notes in the amount as specified in the Redevelopment Plan; and

**WHEREAS**, the Board of Aldermen hereby recognizes that redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is of economic significance to the City, and will (i) assist in the elimination of the conditions that cause the Redevelopment Area to be blighted, (ii) assist in the physical, economic, and social development of the community, and (iii) encourage a sense of community identity, safety and civic pride, and therefore, the Redevelopment Project, through tax increment financing, will serve to benefit the general welfare of the City; and

**WHEREAS**, the Developer has demonstrated that the Redevelopment Project would not reasonably be anticipated to be developed without the adoption of tax increment financing and, therefore, redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not feasible and would not otherwise be completed; and

**WHEREAS**, the Board of Aldermen has received the recommendations of the TIF Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is desirable and in the best interests of the City to designate the Redevelopment Area as a "redevelopment area" as provided in the TIF Act and to adopt and approve the Redevelopment Plan and the Redevelopment Project in order to encourage and facilitate the redevelopment of the Redevelopment Area; and

**WHEREAS**, it is necessary and desirable and in the best interest of the City to adopt tax increment allocation financing within the Redevelopment Area and to establish a special allocation fund for the Redevelopment Area in order to provide for the promotion of the general welfare through redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen hereby adopts the foregoing recitals as findings and makes the following additional findings:

A. The Redevelopment Area on the whole is a "blighted area", as defined in Section 99.805 of the TIF Act, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. This finding includes, the Redevelopment Plan sets forth, and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the factors that qualify the Redevelopment Area as a "blighted area" and (ii) an affidavit, signed by the Developer and submitted with the Redevelopment Plan, attesting that the provisions of Section 99.810.1(1) of the TIF Act have been met, which description and affidavit are incorporated herein as if set forth herein.

B. The Redevelopment Plan conforms to the comprehensive plan for the development of the City as a whole.

C. In accordance with the TIF Act, the Redevelopment Plan states the estimated dates of completion of the Redevelopment Project and retirement of the financial obligations issued to pay for certain redevelopment project costs and these dates are twenty three (23) years or less from the effective date of this ordinance approving the Redevelopment Project.

D. A plan has been developed for relocation assistance for businesses and residences as set forth in Ordinance No. 62481 adopted December 20, 1991.

E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district that is at least partially within the boundaries of the Redevelopment Area is on file with the St. Louis Development Corporation, which cost-benefit analysis shows the impact on the economy if the Redevelopment Project is not built, and if the Redevelopment Project is built pursuant to the Redevelopment Plan as well as a fiscal impact study on every affected political subdivision and sufficient information for the TIF Commission to evaluate whether the Redevelopment Project is financially feasible.

F. Redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not financially feasible without the assistance of tax increment financing and would not otherwise be completed.

G. The Redevelopment Plan does not include the initial development or redevelopment of any "gambling establishment" as that term is defined in Section 99.805(6) of the TIF Act.

H. The Redevelopment Area includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed Redevelopment Project.

**SECTION TWO.** The Redevelopment Area described in the Redevelopment Plan is hereby designated as a "redevelopment area" as defined in Section 99.805 of the TIF Act.

**SECTION THREE.** The Redevelopment Plan and the Redevelopment Project described in the Redevelopment Plan are hereby adopted and approved.

**SECTION FOUR.** There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the "Kingsway Commercial TIF Special Allocation Fund." To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the City hereby pledges funds in the Kingsway Commercial TIF Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof.

**SECTION FIVE.** Tax increment allocation financing is hereby adopted within the Redevelopment Area. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of taxes, if

any, arising from the levies upon taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until redevelopment costs have been paid shall be divided as follows:

A. That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the Redevelopment Project shall be allocated to and, when collected, shall be paid by the City Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the Redevelopment Project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the Redevelopment Project shall be allocated to and, when collected, shall be paid to the City Treasurer, who shall deposit such payments in lieu of taxes into the Kingsway Commercial TIF Special Allocation Fund for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the Redevelopment Project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable

**SECTION SIX.** In addition to the payments in lieu of taxes described in Section Five of this Ordinance, fifty percent (50%) of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within the area of the Redevelopment Project over the amount of such taxes generated by economic activities within the area of the Redevelopment Project in the calendar year prior to the adoption of the Redevelopment Project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri as amended, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, and any other taxes excluded from tax increment financing by Missouri law, shall be allocated to, and paid by the collecting officer to the City Treasurer or other designated financial officer of the City, who shall deposit such funds in a separate segregated account within the Kingsway Commercial TIF Special Allocation Fund.

**SECTION SEVEN.** The Comptroller of the City is hereby authorized to enter into agreements or contracts with other taxing districts as necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Sections Five and Six of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Kingsway Commercial TIF Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

**SECTION EIGHT.** The City Register is hereby directed to submit a certified copy of this Ordinance to the City Assessor, who is directed to determine the total equalized assessed value of all taxable real property within the Redevelopment Area as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Redevelopment Area, and shall certify such amount as the total initial equalized assessed value of the taxable real property within the Redevelopment Area.

**SECTION NINE.** The Mayor and Comptroller of the City or their designated representatives are hereby authorized and directed to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Board of Aldermen necessary to authorize such action by the Mayor and the Comptroller or their designated representatives.

**SECTION TEN.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. If any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**SECTION ELEVEN.** After adoption of this Ordinance by the Board of Aldermen, this Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption over her veto; provided that if, within ninety (90) days after the effective date of the Ordinance, the Developer has not (i) executed a redevelopment agreement pertaining to the Redevelopment Plan (the "Redevelopment Agreement") and (ii) paid all fees due to the City and the St. Louis Development Corporation in accordance with the terms of the Redevelopment Agreement, the Board of Estimate and Apportionment may declare this Ordinance null and void and

of no effect and all rights conferred by this Ordinance on the Developer shall terminate, provided further, however, that prior to any such termination, the Developer may seek an extension of time in which to execute the Redevelopment Agreement from the Board of Estimate and Apportionment, which extension may be granted in the sole discretion of the Board of Estimate and Apportionment.

**EXHIBIT A  
KINGSWAY COMMERCIAL REDEVELOPMENT AREA TIF REDEVELOPMENT PLAN  
[See attached.]**

**ORDINANCE #71326  
Board Bill No. 214  
Committee Substitute**

**EXHIBIT A  
KINGSWAY COMMERCIAL REDEVELOPMENT AREA TIF REDEVELOPMENT PLAN  
(Is on file in the Register's Office.)**

**BOARD BILL NUMBER 214  
COMMITTEE SUBSTITUTE  
FISCAL NOTE**

Preparer's Name: David Sweeney

Contact Information: David Sweeney 600 Washington, #2500 STL MO 63101 314-444-7769

Bill Sponsor: Alderman Jesse Todd

<b>Bill Synopsis:</b>	Board Bills 214 and 215 (1) approve the Kingsway Commercial Redevelopment Area TIF Redevelopment Plan and the Redevelopment Project described therein, (2) approve a Redevelopment Agreement in connection with the Redevelopment Plan, and (3) authorize the issuance of TIF Notes in the maximum principal amount of \$6,900,000 plus costs of issuance. The purpose of these bills is to approve tax increment financing assistance for the redevelopment of blighted property into a mixed-use (residential, office and commercial) development.
<b>Type of Impact:</b>	Tax increment financing allows for new, incremental revenues generated from a redevelopment project to be used to reimburse a developer for a portion of the costs associated with constructing redevelopment project. Taxing districts will forgo a portion of the new taxes generated by the Redevelopment Project for up to 23 years.
<b>Agencies Affected:</b>	Redevelopment of the Redevelopment Area will require building inspections and permits, as provided by the City Code. While tax increment financing is in effect, a portion of the tax revenues generated from the redevelopment area will be diverted to reimburse the developer for redevelopment project costs.

**SECTION A  
Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? \_\_\_ Yes  No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? \_\_\_ Yes  No.
- A commitment of city funding in the future under certain specified conditions? \_\_\_ Yes  No.

*Subject to the terms of the Redevelopment Agreement, the Developer will advance all costs of constructing the Redevelopment Project, but will be reimbursed for a portion of those costs through the issuance of a TIF Note payable from TIF revenues and CID Revenues (no general City revenues will be used to repay the TIF Note).*

- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget \_\_\_ Yes  No.

Subject to the terms of the Redevelopment Agreement, the City will need to appropriate the revenues described above to the repayment of the TIF Notes. Please note that, to the extent those revenues are not generated as expected (i.e., if the Redevelopment Project underperforms expectations, the City will have no obligation to use other revenues to make up any shortfall).

- An execution or initiation of an activity as a result of federal or state mandates or requirements?    \_\_\_ Yes \_\_\_X\_\_\_ No.
- A capital improvement project that increases operating costs over the current adopted city budget?    \_\_\_ Yes \_\_\_X\_\_\_ No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years?    \_\_\_ Yes \_\_\_X\_\_\_ No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.**

**SECTION B**

- Does the bill require the construction of any new physical facilities?    \_\_\_ Yes \_\_\_X\_\_\_ No.
  - If yes, describe the facilities and provide the estimated cost:  
\_\_\_\_\_

- Is the bill estimated to have a direct fiscal impact on any city department or office?    \_\_\_ Yes \_\_\_X\_\_\_ No.
  - If yes, explain the impact and the estimated cost:

*The Comptroller's office and St. Louis Development Corporation (including the Minority Business Development and Compliance Office) will incur costs associated with administering the Redevelopment Project and the Redevelopment Agreement. However, the Redevelopment Agreement provides a source of funding for those costs, including (1) direct payments by the Developer and (2) use of a portion of the TIF revenues. Neither the Comptroller's office nor the St. Louis Development Corporation anticipate needing any further funding to cover the costs of administering the Redevelopment Project and Redevelopment Agreement.*

*The City's Building Division will also have costs associated with various inspections and permits. However, those costs should be covered by the City's permit fees.*

*Additionally, the Redevelopment Project's overall impact on the City's expected tax revenues has been studied. A report from the St. Louis Development Corporation is attached.*

- Does the bill create a program or administrative subdivision?    \_\_\_ Yes \_\_\_X\_\_\_ No.
  - If yes, then is there a similar existing program or administrative subdivision?    \_\_\_ Yes \_\_\_X\_\_\_ No.
  - If yes, explain the how the proposed programs or administrative subdivisions may overlap:  
\_\_\_\_\_

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

*As noted above, the Comptroller's office and the St. Louis Development Corporation will have various administrative costs associated with the Redevelopment Project and the Redevelopment Agreement, which will be paid by the Developer or with TIF revenues, as provided in the Redevelopment Agreement. The City's Building Division will also have costs associated with providing inspections and permits. Similar to any other construction project in the City, these costs should be covered by permit fees.*

*In lieu of the chart below, a copy of a report by St. Louis Development Corporation analyzing the financial impact of the Redevelopment Project is attached (i.e., the "Scorecard").*



Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

\*\*\*SEE ATTACHED REPORT\*\*\*

Financial Estimate of Impact on General Fund			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures			
Additional Revenue			
Net			
Financial Estimate of Impact on Special Funds			
Fiscal Impact	Year 1 (current)	Year 2	Year 3
Additional Expenditures			
Additional Revenue			
Net			

- Describe any assumptions used in preparing this fiscal note:

*Certain financial assumptions were made by St. Louis Development Corporation staff were made when preparing the attached report, including, without limitation, estimated tax revenues generated by the Redevelopment Project, future tax rates, appropriate capitalization rates, and the amount of taxable sales diverted from existing development to the Redevelopment Project (i.e., the "substitution effect").*

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

*St. Louis Development Corporation relied on published market data and materials submitted by the Developer to develop the attached report. Review of the Redevelopment Agreement was provided by attorneys in the City Counselor's office (who are assigned to the St. Louis Development Corporation), outside counsel to St. Louis Development Corporation (Gilmore & Bell, P.C.) and outside counsel to the Comptroller's office (Armstrong Teasdale LLP).*

- Have the financial estimates of this bill been verified by the City Budget Division?  Yes  No.

- If yes, by whom? \_\_\_\_\_.

